

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

16.45 hrs.

DEMANDS FOR GRANTS—*contd.*

MINISTRY OF HOME AFFAIRS—*contd.*

Mr. Speaker: The House will now take up further discussion and voting on the Demands for Grants under the control of the Ministry of Home Affairs. I hope no hon. Member was in possession of the House. Shri Datar.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Mr. Speaker, Sir, as it was pointed out yesterday by a number of hon. Members, the Home Ministry has been dealing with a number of States and activities, and that is the reason why I am intervening in this debate to answer a number of important points raised by the hon. Members. Before I do so, I should like to point out some of the striking features of this year's debate.

We are having this debate for a number of years, naturally, after the Constitution and generally, as the House is aware, we are treated to strong adverse criticism specially on a number of matters. There are certain hardy annuals which are usually referred to. One is the criticism of our officers. Secondly, we are also told what we ought to do about the Scheduled Castes and Scheduled Tribes. Lastly, the question of corruption was often brought in. I am very happy that this time all these usual items of criticism are more or less left in the background though certain hon. Members have referred to them to a certain extent.

I might also point out that during the last six years the Home Ministry had the advantage of the guidance of one of the outstanding personalities in India, the late Shri Pant. Ever since his advent in this Ministry early in 1955, we were having his guidance continuously. Not only so far as the

Ministry's affairs were concerned, but, may I say, generally his advice was of inestimable value to the Government of India. He introduced in the Home Ministry in particular a number of new items. He gave a fillip to the need for improving the lot of our people, namely, the Scheduled Castes and Scheduled Tribes. He also placed very high emphasis on the need to maintain the efficiency of the services and to root out corruption to the fullest extent possible. It is his work during the last six years that had been responsible for bringing in a number of improvements and a number of items of progress so far as the Home Ministry is concerned. Therefore it was a matter of gratification to me that hon. Members from all sides of the House were prompt in paying their tribute to the great service that was rendered to the nation by the late Pantji.

I am also happy to see that all the sections of this House have joined in giving their good wishes and blessings to the new Home Minister who has taken his place. It is not for me to refer to the silent but earnest manner and not ostentatious but still impressive manner in which our new Home Minister has been carrying on his work. I am confident that your good wishes and the good wishes and the greetings of all sides of the House will be a source of great strength and of great inspiration to the hon. Home Minister in particular and to all of us in the Home Ministry in general.

Before I deal with the various items, naturally I have to take the question of the services first. So far as the services are concerned, my hon. friend, Shri Mathur, raised a number of important points. With some of them I agree; with others it is rather difficult to do so because the suggestions that he has made are more or less of a new character if not somewhat odd in the context of India's administrative set-up. He said that the best officers have to be available at the district level. It is true that our administration has to be carried on to

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the largest possible extent by the head of the district, namely, the District Magistrate, the Collector or the Deputy Commissioner as he is called in certain States. May I assure him that fairly senior officers are in charge of our districts.

Shri P. R. Patel (Mehsana): Some happen to be junior.

Shri Datar: May I also point out that our officers at the district level also have been imbued with the new spirit of service and dedication to the cause of India's administration. Therefore, on the whole, except for some exceptions here and there as my hon. friend points out, we have a good set of fairly experienced and competent officers who are at the helm of affairs in our districts.

The second point that my hon. friend Shri Harish Chandra Mathur made was that apart from the experience that they gather they should also pass through, what he called, a refresher training course. I agree with him, because I shall be pointing out that we are now having what is known as a National Academy of Administration. Formerly, as you are aware, we had in Delhi proper a school for the training of IAS probationers. We had another refresher training school at Simla. It was considered that both these schools should be brought together and that we should also extend the scope of the training at this National Academy of Administration. And for this reason all this training is at one place and not only the IAS officers but also the Central Services officers of the higher levels are all trained at Mussourie where we have purchased, as the House knows, a large estate for the purpose of locating this great Academy. We have also taken steps to see that officers go there for passing through a refresher course, say, once in eight or ten years. That is a suggestion which is in the right direction, and I am happy to point out to Shri Harish Chandra Mathur in particular and to the honourable House in gene-

ral that we are aware of this aspect of the question, namely, that oftentimes it is advantageous to have our officers, even of some experience, to go through this refresher course. May I also point out that the Police Training College at Mount Abu has also refresher classes, and oftentimes fairly senior officers like Deputy Superintendents of Police and District Superintendents of Police are also sent there by the State Governments for purposes of improving the quality of their work, because when they pass through such a course it has certain definite advantages? That is the reason. So, may I point out that we have already implemented these suggestions?

Now, the third suggestion and, as I stated, a very novel suggestion that my hon. friend has made is that the top offices should be occupied by political persons drawn from the party in power. That is certainly an odd suggestion, though there are certain countries in the world, like, the U.S.A., where certain offices have, what you can call, a political bearing. That is, when the new President comes into office a number of officers also are appointed by him, and they naturally have a particular view that the President has. But may I point out to my hon. friend that here in India we are following the model of the British Constitution—unwritten Constitution it might be, but the British administrative system we are following to the largest extent. Yesterday, after I heard my hon. friend I looked into one of the best books on Administration by one who had been the Home Minister or a Minister in the United Kingdom for twelve years—he had recently visited India also—namely Mr. Herbert Morrison. His book is named, I believe, *People and Parliament*, and there he has pointed out how the permanent civilians of the United Kingdom always behave. Naturally, they have to carry on their work efficiently, but even if one party goes out of power and the other party comes into power the next day, the officers have to follow the new

policy, whatever Government is in power, Mr. Morrison, I believe, is Lord Morrison now.

Shri Harish Chandra Mathur (Pali): I have read that book very carefully. It is not a new book. It was published long back.

Shri Datar: It is not a new book, but whatever it is, it is a good book.

Shri Tangamani (Madurai): Formerly, he was Mr. Herbert Morrison.

Shri Datar: Therein, he has pointed out the instance of certain officers who had been working under Mr. Churchill; then, Mr. Attlee came on the field as Prime Minister, and he found to his complete satisfaction that these officers were not only efficient in a general way but were dependable for the purpose of carrying out the policies of the Labour Government of the United Kingdom.

Shri Harish Chandra Mathur: May I respectfully submit .

Shri Datar: May I continue, Sir? Thus, we are following the policy of having permanent officials. So far as the general policies are concerned, it is their duty to follow up or to adjust themselves to the policies of the Government in power. Subject to this, I do not like personally that our officers should have any further political bearing or any further political connections, because the officers have to carry on a very important work.

Shri D. C. Sharma (Gurdaspur): The hon. Minister is utterly mistaken. Everyone of those officers has his political affiliations.

Shri Harish Chandra Mathur: Everyone has his political outlook. The Prime Minister said just the opposite of it.

Mr. Speaker: Order, order, Shall I ask the hon. Minister to sit down, so that hon. Members may go on? There is no meaning in this.

Shri Harish Chandra Mathur: Can I seek a clarification? . . .

Mr. Speaker: The hon. Member had his chance earlier. There is no meaning in going on interrogating in this manner.

Shri Datar: I may point out to my hon. friend Shri D. C. Sharma that if our officers indulge in politics, then, naturally, they are subject to the disciplinary proceedings under the Government Servants' Conduct Rules; whenever it is found that they take a political view, then, naturally, they are subject or they are liable to punishment under the Government Servants' Conduct Rules. There is a very clear rule made in this regard, and, therefore, let us try to follow this system that has worked well even after the Constitution has come into force, and it might not be proper at this stage to change over to a new system which perhaps has certain hazards in its own course. Therefore, it is very difficult to accept this suggestion. Let my hon. friend consider the conditions in India, and I am confident that he himself will find it better and more advisable to have the present system of officials keeping aloof from politics. May I point out also that the duty of the officers is to carry on the administration in an objective manner, to tender proper advice etc.? Especially, so far as the higher officers are concerned, after they give their advice, it is the Minister or the Government that has to take the decision and this decision, whatever it is—it may or may not be to the liking of the officers—has to be loyally implemented by our officers. This is the present set-up and I believe that it is a correct set-up.

In this regard, my hon. friend raised one more question. He stated that the officers who go to the secretariat either at the State level or at the Central level remain there, and they do not go back to the districts. That is not the correct position at all. Here, I may point out that we have what is known as a tenure system of three years or four years or five years, as the case may be, and officers are called from the Centre. Even so far as

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the IAS and the IPS officers are concerned, we are not having any cadre in the Central Government, but we borrow officers from the State Governments on what is known as the tenure system, and after the period is over, except in the case of a small number, whom we retain with the consent of the State Governments themselves, we return the officers. Fortunately, in this respect, a question had been asked by an hon. Member, namely Shri Datar, a few days ago. He wanted to know how many officers had come to the Centre and how many had been sent back. I gave the answer on the 12th December, 1960. The number of officers retained is 15. 15 of these officers have been retained here in our own pool. We have made certain arrangements with the concurrence of the State Governments according to which they have allowed these officers to remain here. This is what I bring to the notice of hon. Members. 245 officers whom we had borrowed from State Governments, who were here on a tenure system, have been returned during the last 11 years.

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Now, to give specific figures, in 1959, 22 officers were returned to State Governments and in 1960, 58 officers were so returned. Therefore, it is not only a one-way road; it is a two-way road. Secondly, on certain occasions, even the officers in the Central Secretariat Service are being sent down to districts for the purpose of enabling them to get acquainted with actual experience at the district level—what is known as field experience. Therefore, in addition to following the tenure system as fully as possible, we also send down our officers to the States for the purpose of getting what is known as field experience. That, I hope, will satisfy hon. Members.

It was further stated—Shri Surendranath Dwivedy from Orissa said it—that we were not fair to what he called the promoted officers in the IAS. You are aware that in respect of the IAS, we have got officers who

are direct recruits, after they pass what is known as the all-India competitive examination held by the UPSC. They are taken in the service; naturally, they have to pass through certain administrative courses. After they receive training at all levels, they go up to the higher posts. In other cases, whenever there are officers of State Governments, this is what we do under our rules; these officers are promoted to the IAS or are appointed to the IAS through what is known as the promotion quota. So far as this quota is concerned, naturally we have to take fairly senior officers, officers with 8 years experience, as Deputy Collectors or in posts which are equivalent in character and duties. They are eligible for consideration in appointment to the IAS through the promotion quota.

In this case, I may point out that there is a Selection Committee presided over by a member of the UPSC. The recommendations of that Committee go before the UPSC and after their approval, these officers are appointed to the I.A.S.

Thus, we have two categories of officers: one is under the category of direct recruits and the other are the promotees. May I assure my hon. friend, Shri Surendranath Dwivedy, who is not here, that after they are taken together, all these officers are treated on the same footing, both in respect of seniority and confirmation? Naturally they have to pass through certain stages. In respect of the fixation of their pay, it is done after taking into account the amount of experience they have. Then they enter the IAS cadre. They are then entitled to further increment in the pay scale. There is no discrimination, there is no differentiation made. My hon. friend Shri Dwivedy was not right in saying that there is anything done by way of causing unfairness or discrimination to one set of officers against the other. What is required is that their service must be proper, and they are entitled—all are entitled—to equal treatment either in respect of further promotions or in respect of seniority or in respect of con-

firmations. This misapprehension that my hon. friend has has absolutely no basis at all. In the circumstances, you will agree, Sir, that what has been done is a proper one, even in respect of the fixation of pay. He stated that it was highly disadvantageous to these promotees. May I point out that it is not disadvantageous at all? Certain powers have been reserved according to which it is always seen that they get something more here than what they were getting under the State Governments, and never less. All these principles are duly followed, and, therefore, no discrimination is made. All are treated alike as members of the I.A.S.

Then, before I deal with the question of the Central Government employees strike—I shall be giving some were added to the Government Ser- to which certain hon Members made a reference—I should like to refer to the new rules, the two rules that were added to the Government Servants Conduct Rules. They are 4(a) and 4(b). So far as 4(a) is concerned, under it, it is not open to a Government servant to take part in any demonstrations. This rule 4(a) has been found to be perfectly *intra vires* by the High Courts. This point also should be noted. So far as 4(b) is concerned, that was regarding their joining certain associations which were not recognised by the Central Government. In respect of this, it is true that recently there was a judgement of the Bombay High Court, where it was stated that this particular rule 4(b) hit the fundamental rights under the Constitution. A copy of that judgment has not yet been received here. Government are examining that position, and Government would consider whether any appeal is necessary, or what action or policy the Government should follow so far as 4(b) is concerned. If this is taken into account, it would not be correct to say that Government are by-passing the judgment of a High Court. That is not the correct position.

Shri Tangamani: The point is: if the rule is not going to be deleted,

what is to happen to those employees against whom there is action taken under 4(b)? That is the point raised by Shri Prabhat Kar.

Shri Datar: I shall then deal with one question to which reference was made by a number of hon. Members. They contended that in respect of the Central Government employees' strike, Government was rather unfair. May I, in the first place, point out that the Central Government employees' strike was an absolutely unwise and misguided affair? Within a few days, the persons who were responsible for this unfortunate strike had to come down, and the strike was called off. Then naturally, the question arose as to how the Government should deal with those who took part in the strike, or who carried out the orders of the so-called leaders of the Government employees' associations. Government laid down certain principles for following in this respect. One was that Government made a distinction between those who actively abetted the strike, who took an active part in carrying on the strike—and the active part, may I point out to hon. Members, consisted in even intimidating other Government servants to join the strike—and the ordinary Government servants who did not actively take part. They form a class by themselves. You would agree that in the interest of discipline the conduct of these officers was far from satisfactory. In fact, they were guilty of what you may call gross misconduct as government employees. This category was kept aside.

The largest category was that of ordinary government servants who did not take part in it in the way in which active participation was sought for by these so-called leaders. What they did was this. They were misguided into absenting themselves from duty for some time. In other words, they were not actual participants to the fullest degree. So far as these were concerned, Government naturally took a more or less lenient attitude. You would agree that when government servants enter service

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they are bound by restrictions or by the Government Servants Conduct Rules. Therefore, in the interest of maintaining discipline certain action has to be taken against this class of persons whose conduct was highly unsatisfactory or whose conduct amounted almost to gross misconduct.

I would be giving figures to show how in respect of the former class Government have been not merely indulgent but over-indulgent. So far as the other classes are concerned, there also, after considering all the matters Government came to the conclusion that even in their case something should be done without affecting the dictates of discipline.

I would give very interesting figures. Some of them I placed before this House when there was a half-an-hour discussion a few days ago. These figures are tell-tale figures. I shall first take the case of suspensions. The total number of persons who were suspended was 27,098. Out of them, after considering all the circumstances and the gravity or otherwise of the misconduct—whether it was technical or substantial, whether it was gross, all that was taken into account—26,837 have been reinstated in service. So, at present the order of suspension remains only against 261 out of 27,098 who were placed under suspension. That order operates today only in the case of those whose conduct was grossly unfair as government servants; and that is 261.

Shri Braj Raj Singh (Ferozabad): Does it mean that their cases are not now under consideration?

Shri Datar: To the extent that is necessary, they would be considered. I am now pointing out to my friend the extremely low figure of the retention of the order of suspension. That may kindly be noted.

In respect of dismissals or removals. Dismissal or removal is the next stage. 2,065 persons had been either dismissed from service or removed from service. Out of them,

I may tell the House that 1,836 have been reinstated; and at present only 229 are under orders of dismissal or removal. Then, let me mention the figures about temporary employees. In the case of temporary employees, the order would be one of discharge. 2137 Government servants had been discharged. Out of them 2011 have been reinstated in the temporary service that they were holding and the order of removal and discharge remains only as against 126, and departmental proceedings are pending at present against 321 persons. My hon. friend wanted to know the number of such cases. In respect of cases that went to court, you are aware that disciplinary proceedings are started. When the facts are of a very grave nature, naturally they have to be placed before the courts of law. In that respect also, without tiring the House with numerous figures, I shall point out that 11876 persons had been prosecuted either under the Ordinance or under the other Acts for intimidation, coercion or for similar offences or even sabotage also, in certain cases. The House would be interested to know that some Government servants unfortunately were guilty of sabotage and, therefore, action had to be taken against them. They were in different stages of actual prosecution or trial. Ultimately, conviction was round the number of 1500. Out of them, sentences have been remitted in the case of 994. The House will find that the sentences of a large number of Government servants were remitted and the cases that are pending at present are only 23.

Apart from this, may I point out how this action was not merely unwise but also highly harmful to the interests of the Government? Ultimately, the interest of the Government and the interest of the people are the same and the House will view with horror the great loss that the Government has sustained by this unwise strike. In terms of loss of production and traffic revenue and the cost of emergency arrangements, the financial loss to the Government on

account of strike amounts to Rs. 4.50 crores. The man-hours lost is 112 lakhs and the cost in terms of wage alone for these men is Rs. 70 lakhs. Damage to Government property was Rs. 49,000. Out of it Rs. 23,000 worth property was lost on account of damage.

Shri Braj Raj Singh: This morning we lost Rs. 127 lakhs!

Shri Datar: After taking all these figures into account, I would appeal to the hon. friends to consider whether the Government's conduct was at all revengeful or whether it was generous or almost over-generous. There are two considerations that we have to take into account. One is that all our Government servants have to be subject to discipline; their conduct must always show absolute maintenance of discipline on the one hand and secondly, when they commit certain offences of misconduct of different or varying types, naturally, the punishment also should be varying. That is the reason why, even after they were punished in certain cases the sentences were reversed or remitted. In other cases of departmental proceedings, the largest possible number of Government servants have been reinstated in service. In these circumstances, I would appeal to this House to take into account to remember certain things while pleading for reinstatement or other benefits to these erring officers. There is no dispute about this. I am putting it at the lowest. These officers were erring officers. In respect of the erring officers, for instance, will it be proper to condone all their errors? Then no government can be carried on. It would install a sense of what you can call demoralisation so far as government service is concerned. That is the reason why we took into account the minimum requirements or the needs of discipline. We have been, as I stated, over-lenient or over-generous so far as these officers are concerned.

I now pass on to the next question which was pointed out during the debate on these Demands as well as dur-

ing the debate on the Demands of the Law Ministry. It was said that the arrears in High Courts were rising. They are not rising to the extent that hon. Members have pointed out to us. May I, in this connection, point out that the arrears are not so large as hon. Members want us to believe? I have got here the figures for all the High Courts taken together for the three years 1958, 1959 and 1960. I may point out that the total number of High Court Judges—permanent High Court Judges—was 151 and 28 were additional Judges in 1958. In 1959 the number of additional Judges rose from 28 to 33. In 1960 we had 157 permanent Judges and 43 additional Judges. A question was asked sometime ago as to whether the Government were averse to increasing the number of additional Judges in proper cases. We have increased the number of additional Judges and to a small extent the number of permanent Judges also. You will find that the appointment of High Court Judges creates a large financial liability to be borne by the State Government. That is the reason why all the circumstances have to be taken into account.

In respect of institution of cases, in 1958 the number was 1,66,777. In 1959 it rose to 1,78,847 and in 1960 it was 1,83,677. That means, as you will find, from 66,000 it rose to 83,000, one lakh being constant. This is not a very alarming state of arrears in the High Courts. Disposals also have been fairly satisfactory on the whole. The number was 1,72,245 in 1958. It was 1,72,230 in 1959 and 1,80,939 in 1960. The pendency also, Sir, is not very large. It was 1,77,799 in 1958, 1,84,595 in 1959 and 1,90,444 in 1960.

Shri Braj Raj Singh: Is it not increasing?

Shri Datar: It has slightly increased but it is not an alarming increase.

Shri Braj Raj Singh: It is a matter of opinion.

Shri Datar: Such increase is inevitable.

Shri Harish Chandra Mathur: The figure of arrears itself was alarming.

Shri Datar: Sometimes the increase is inevitable because a number of people go to courts and hon. Members are aware that there are writ petitions also.

Mr. Speaker: What is the percentage of cases that are pending for over one year?

Shri Datar: I was coming to that. So far as pendency is concerned, the total pendency increased from 1.78 lakhs at the end of 1958 to 1.85 lakhs, that means an increase of 7,000. It is interesting to note that the number of cases over two years old at the end of 1960 was 62,738 of which only 138 were criminal cases. In fact, the High Courts have done well in giving full importance to criminal cases. The criminal cases have to be disposed of as early as possible. As the House is aware, the Law Ministers' Conference decided two years ago that the civil cases, especially the big civil suits and appeals, etc., should be disposed of roughly within two years at the latest and the criminal cases in high courts ought to be disposed of within six months. This rule has generally been followed.

Shri Braj Raj Singh: Even then, 130 cases are pending for more than two years.

Shri Datar: The hon. Member made a reference to the Orissa high court. The number there is not very large. In that case, one permanent incumbent retired only a few months ago. Before he retired we requested the Chief Justice and the Chief Minister to send us their nomination. They have not yet done so. That is the reason why no appointment has been made. But even here, the period is hardly two or three months and not more. Therefore, I am pointing out that the arrears are not so large. After all, so far as these arrears are concerned, it is a matter under the jurisdiction of the high court, and we

can make certain changes in the law, if it is desired, and certain changes are under consideration as to whether the work before the high court should be reduced by increasing the jurisdiction of the district courts. That also is a matter which can be considered and which is being considered.

An hon. Member suggested that the Law Commission's recommendations were not given effect to. I only pointed out in a general way that a large number of their recommendations have been either given effect to by us or the Chief Justices, through the State Governments, have been informed that it is perfectly open to them to take necessary steps for reducing the volume of arrears that is found in the various courts. That is a matter which has to be left naturally to the courts, and it would not be proper, nor desirable, for Government to interfere in such matters. As hon. Members pointed out, we are anxious to maintain the independence of the judiciary and therefore this question has to be left to them. I am satisfied that the Chief Justices of the various high courts are fully aware of the problem of arrears, and whatever is necessary by way of other help like the appointment of additional judges or making amendments to the law, the Government are always prepared to render help so far as this question is concerned.

The next question that I shall deal with would be the question of prohibition. In respect of prohibition, a number of hon. Members have stated that the Government's policy was hesitant. In fact, my hon. friend, Shri Harish Chandra Mathur, who attended the meeting of the Central Advisory Committee also, yesterday gave expression to his feeling that the Government was not sincere about prohibition. May I point out here that we are bound by the directive principles of the Constitution? That is one thing. Secondly, even before the inauguration of the new Constitution, fortunately, in States like Bombay and

Madras, they had prohibition, when we had the first Congress Ministry between 1937 and 1939, and sometime thereafter. So, we had got the experience of these two States. And then, what did the Government do after the Constitution? They appointed a Planning Commission, and they appointed a committee for the purpose of assessing the whole position so far as prohibition is concerned. That committee, under the chairmanship of Shri Shri-man Narayan, who is now a Member of the Planning Commission, went round the country and made certain recommendations. These recommendations have been before the Government. Government are taking steps to see that the policy of prohibition is followed to the fullest extent possible consistently with the difficulties that have arisen in this case. The present position is that Maharashtra and Gujarat are now completely dry areas. So far as Andhra Pradesh is concerned the former Andhra State is completely dry. Telangana has not yet been made dry. In respect of Mysore, I believe except on or two districts, the other area is dry or going to be made dry very soon. So far as certain other States are concerned, there are two categories. One is they have introduced prohibition in some districts. U.P., for example, has introduced prohibition in 11 districts. Punjab has introduced it in 1 district. The other States are either considering the whole matter or are finding it difficult to implement prohibition even to a partial extent on account of certain difficulties.

Naturally, one of the greatest difficulties is that of finance. But still we want that something has got to be done as early as possible so as to see that prohibition becomes a complete success. May I point out in this connection that a great experiment was made in USA by introducing an amendment to their Constitution and they introduced prohibition in about 1920. But the conditions there were quite different from those obtaining in India. After 13 years, they scrapped prohibition altogether. I am giving some broad figures. Generally 47

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per cent of the population take to drinking in USA or other countries; I am speaking subject to correction.

So far as India is concerned, there are two points in our favour. One is the natural or almost religious disinclination of our people to take to drinking. Even now the population of drunkards is 7 per cent in the whole of India. India is a country where, on account of long culture, long religious disinclination to take to drinking, the experiment of prohibition can certainly be made and may I add, successfully made? Often times, we hear complaints especially from those quarters who themselves perhaps take to drinking, that prohibition should be scrapped. There is opposition in other parties also and they say, prohibition should be scrapped. But may I point out categorically that we are not going to scrap prohibition at all? To the extent that the Central Government is concerned, we are going to advise the State Governments to see to it that complete prohibition is introduced as early as possible. I may say that this express 'as early as possible' is not a non-committal expression at all. In fact, I am anxious we should have complete prohibition in the whole of India as early as possible.

This question was discussed in the Central Advisory Committee's meeting the other day and certain difficulties were pointed out. One of the difficulties which was very strongly placed before the committee was—Shri Mathur also laid stress on it—that prohibition will not succeed unless we have prohibition in the whole of India. If we have got partial prohibition, naturally it leaves the door open for dishonesty and for disingenuousness also. People from one part go to the other part. I know a certain train has been named as wine train or liquor train because it goes from the dry area into the wet area. All those things have to be removed. We are suffering from this particular difficulty on account of the fact that the area round about Delhi territory is almost wholly wet area. Now we

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have taken up the question with the State Governments. We have other difficulties also. Delhi is the capital. So, we have got certain other things to be considered. Therefore, progress in Delhi is not to the extent satisfactory to which I should be very happy to have it. But all these difficulties have got to be got over as early as possible. Secondly, we are now trying to see what can be done in this respect, and very heroic effort will have to be made to introduce prohibition.

I know that some hon. Members have pointed out that to the extent that we lay emphasis on prohibition, to that extent there is illicit distillation, which certain hon. Members magnified by carrying it a cottage industry. It is true that there is some illicit distillation and that has got to be curbed. Lastly, in spite of this, my hope lies in the fact that the next generation would be absolutely pure from drinking. If, for example, we scrap prohibition at this stage, then it is only God that can protect India. I know, if drinking is removed, if prohibition is completely established, there would be happiness in the family. The economic position of the families will also improve, and that has to be taken into account. That is the reason why women in particular are anxious that the policy of prohibition is followed to the fullest extent. Our greatest supporters, may I point out, are the womenfolk, because then their financial condition would be far better and they would be saved from certain other types of mal-treatment, to which I need not make a reference. Therefore, I would assure my hon. friend, Shri Mathur, as well as the House, that the Government are keen on having prohibition to the fullest extent and as early as possible. We are actually carrying on a war with the difficulties. The difficulties appear to be insurmountable but we are trying to see, in as heroic a manner as possible, how these difficulties can be got over and in the world our country can be named as one where prohibition is completely successful and it

has added to the welfare and happiness of the population as a whole. That should also be considered.

Shri Braj Raj Singh: What about the Union Territories? They are under his direct jurisdiction. Why should he not apply it to the Union Territories?

Shri Datar: I have pointed out the difficulties in Delhi and other places also.

Shri Braj Raj Singh: You are not yourself doing anything.

Shri Datar: I have pointed out certain difficulties.

Then, Union Territories is the next question to which I shall make a short reference. My colleague yesterday made a reference to the developmental projects and I am not dealing with them today. Now, often times, we are having representations, we are having agitations also, for what they call responsible government, as if there is no responsible government in these territories.

Shri Braj Raj Singh: There is none.

Shri Datar: As I pointed out to this House, they are under the direct control of Parliament, which is the sovereign body of India.

Shri Braj Raj Singh: Oh!

Shri Datar: And we are answerable to the Parliament. Therefore, we are trying our best to see that these areas are developed as early as possible. Now, Sir, you are aware there was the States Reorganisation Act. Before that, we had a Commission. That Commission went into these questions and suggested that these areas, namely, Himachal Pradesh, Tripura and Manipur, they were not developed at all, to a large extent they were undeveloped and because a large number of them were only States—let not the hon. Member amaze me

Shri Braj Raj Singh: He is misleading the House.

Shri Datar: I am not misleading the House.

Shri Braj Raj Singh: Before they were taken over by the Centre, they had Assembly and Government.

Mr. Speaker: Order, order. Is there no end to this kind of interruption? The hon. Minister was saying that Tripura, Manipur and Himachal Pradesh, they were all native States. They were called Part B States. Some of them were small and some of them big. Later on, some of them were merged with other States. In the case of small States, the Government felt that those people are not able to directly manage their affairs and, therefore, the Centre is doing so through their representatives.

The only thing that could be said is that there should be a larger proportion. That is all that can be said. Local legislative assemblies consist of a larger number of representatives whereas Parliament has only a few representatives. In Parliament also there are representatives from those States. There are a number of people in this country who advocate a unitary form of State and scrapping of the federation. I do not know how many of our hon. friends share that view. But there are here and there unitary states—why here and there, there are so many. This is a unitary State so far as the Union Territories are concerned. That is what the hon. Minister says.

Shri Datar: Before integration with the Indian Union all these three areas consisted of Indian States. Himachal Pradesh consisted of about 22 States and they were in varying degree of backwardness with no improvement at all. Tripura and Manipur also were Indian States. They were highly neglected areas. Transport in particular was so negligible that greater attention has to be given. I would point out to the hon. House that the Fazl Ali Commission's report stated that Himachal Pradesh should be kept under the Centre for some years, for about ten years or so, until it was developed and brought to the same

stage of development and enlightenment as the other areas. We accepted these recommendations. Therefore we are trying our best to spend more money over these areas.

I just counted yesterday the figures so far as these three areas are concerned. Their revenue is very small. It is Rs. 40 lakhs or Rs. 50 lakhs. Actually Government has been spending more and more. During the last four years over these three areas in particular we have spent more than Rs. 85 crores in addition to what little they got by way of receipts. So that would show the measure of great interest or the measure of special care that the Government of India have for these territories. It would not be proper to say that these territories are not being developed or that there is no popular rule at all. In fact, the democratic set-up under the Parliament's guidance is working far better and these areas are being developed to a larger extent than what would have been had they either become parts of some other States or otherwise.

I was amazed at an hon. Member from Manipur, Shri Achaw Singh, again leading an unwise movement. Ultimately, the movement died down. It should be noted that in 1952 Shri Achaw Singh, our hon. Member of Parliament, was in favour of merging Manipur with Assam State.

Shri Braj Raj Singh: What of that?

Shri Datar: Are these people in favour of merger with other States? I know that just as there is an agitation for what they call responsible rule there, they are not prepared to join the other States also.

Taking all these circumstances into account, may I point out that the first and the most prominent task is a complete development of these areas so as to bring them on a par with the surrounding areas of the Indian Union. Then the question has to be considered and surely it can be considered. The late Home Minister was

[Shri Datar]

approached by certain deputations and all that he promised was to give more powers, if desired, to the Territorial Councils in these areas. There are Territorial Councils. It is hardly four years since the new set-up has started working. We have rationalised the administration. In these circumstances I should appeal to the hon. Members to consider the question of development first and then the question of enlarging the powers. When so much money is being spent under the directions of Parliament, it is a factor which much weigh more with them than, what they call, a popular government. If they want a popular government, they will have to be subjected to the same restrictions and conditions as the other States are having. Are they prepared for that?

Shri Braj Raj Singh: Why not?

Shri Datar: This question also should be taken into account. We are pouring money over this area. If it goes into some other area, then, naturally, the flow cannot be so great as it is at present, because Government are anxious that no part in India remains backward or undeveloped or under-developed.

Shri Thimmaiah (Kolar-Reserved—Sch. Castes): Is there no time limit for the Minister?

Shri Braj Raj Singh: Is that the final decision?

Shri Datar: So far as Manipur is concerned, I would not like to go into the agitation. The hon. Member stated that they were not treated well. That was the burden of his song. May I point out to him that that agitation was entirely wrong? Legislative Assembly agitation or something like that—that was the name that they had given to it. And may I point out what was done? My hon. friend Shri L. Achaw Singh insisted that it was a completely non-violent movement.

Shri Braj Raj Singh: It was.

Shri Datar: It was far from non-violent; it was absolutely violent. And I am giving the details here. I am giving one instance. You know at Imphal there is an aerodrome. The agitation was intensified on 11th April, 1960 when the agitators, including a few women, blocked all the roads leading to Imphal, including bridges in the town proper. The road leading to the airport was blocked at three places. The further thing is important. About 150 heads of cattle, Mr. Speaker, you may kindly note, were drawn to the airport, so that on that particular day no aircraft carrying passengers or goods will land there. The Chief Commissioner had to advise the plane to go back. Can this be called non-violent?

Shri Braj Raj Singh: That is the only violence?

Mr. Speaker: Order, order. Is there no end to the interruptions?

Shri Datar: 150 heads of cattle were drawn there. Can it be an instance of non-violence?

Shri Braj Raj Singh: You don't know what non-violence is.

Mr. Speaker: It is obstruction.

Shri Datar: Thousands of persons squatted before the Chief Commissioner's house and practically coerced him to transmit a wireless message recommending the contents of their memorandum to the Government of India. Intensive picketing of government offices was carried on. Offices virtually ceased to function. And lastly, there was calculated violence aimed at destroying the Inter-State police wireless station. Let the hon. Member hear this. They pelted and hurled through sling stones at the station which resulted in the breakage of the window panes.

Shri Braj Raj Singh: They might be some of your agents?

Shri Datar: Lastly, may I say this? At present, out of only six persons in custody, one is actually in jail and five persons have been on bail. Even there you will find that great violence

was used and a number of police personnel received injuries. Their number was sixty-six.

Under these circumstances I am extremely sorry that an hon. Member of this House had resort to methods which were absolutely doubtful in propriety and which either were violent in themselves or led to violence. It is for the honourable Parliament to amend the Constitution and to do whatever it pleases. How can an agitation be carried on at the other end of India, for coercing Government into doing something against what Parliament itself has done?

Shri Braj Raj Singh: It is perfectly constitutional.

Shri Datar: Sir, I would finish in one minute, because I know that there is a half-an-hour discussion after this.

So far as Zonal Councils are concerned. (*Interruptions*).

Mr. Speaker: Order, order. Shall I ask the Minister to stop? What is this kind of interference? I am afraid hon. Members are unnecessarily going out of the way. They must allow the Minister to go on. They must wait for their turn. I do not want to be harsh, but hon. Members are forcing me to that. This morning also I observed it, all of them jointly rising together. They are making this practically a place where there is not even ordinary discipline. Hon. Members will kindly keep quiet, and wait for their turn. This kind of interruption does not do them any good. After all, people are watching, and this is the biggest Assembly in the whole country.

Shri Datar: So far as the zonal councils are concerned, the House is aware that when the States Reorganisation Bill had been placed before the House, we had no provision for zonal councils as such. The hon. Prime Minister then intervened, and it was he who pointed out that there ought to be some machinery for what he called co-operative working. That

proposal was unanimously accepted by all sections of the House, and that was the reason why, as advised by the Prime Minister, we introduced in the Constitution zonal councils, which, as the Constitution has pointed out, have to be of an advisory character. Secondly, the zonal councils are not zonal States. That also should be taken into account.

Some hon. Members suggested that there ought to be non-official members on the zonal councils. The type of zonal councils, which have been conceived of in the Constitution, is only for such cooperative working or co-ordination at Government level.

I would point out that due to the five zonal councils that we are having, considerable improvement has taken place in each of these zones. I shall mention only one instance, so far as the common policy is concerned. There are a number of other matters where by meeting together and by discussing common difficulties and common aspirations, it is possible to come to conclusions rather than through the Central Government or through other ways. So, it is only for this purpose that the zonal councils have been conceived of, and on the whole, they have been doing fairly well in the sense that at the Government level, the representatives of the State Governments meet and think over all the points. And in respect of irrigation, in respect of power, in respect of communications and in respect of a number of matters, they are trying their best to solve those problems in as amicable a manner as possible and in as co-operative a spirit as possible, as has been pointed out by the Prime Minister. Therefore, it would not be proper to think of these zonal councils, as I stated earlier, as zonal States in that sense that between the States on the one hand and the Central Government on the other, there should be interposed a new or intermediate State. That is not the idea at all. That would affect or impinge on the autonomy of the State Governments. That

[Shri Datar]

is the reason why it has been purposely kept as advisory in character, and on the whole, it has been doing fairly well.

So far as the linguistic minorities are concerned, I would not enter into the larger questions, but I would point out one circumstance, namely that the Commissioner for Linguistic Minorities was appointed about three years ago. One report was submitted, and one report was also duly debated upon by Parliament. A number of very constructive suggestions were made both in this House and in the other House. The second report also has been received, and if I mistake not, it has been placed on the Table of both Houses of Parliament. We have received the third report recently, and the matter can be considered when these reports are debated upon by Parliament. A number of very valuable suggestions have been made, and the Commissioner for Linguistic Minorities has gone and visited places, wherever it was necessary to do so. In this connection, I may point out that on account of his efforts and initiative,—he had gone to the south, and—all the four southern States have appointed a committee at the Ministerial level. They have evolved certain safeguards which can be carried out for the interests of these linguistic minorities. That is a great step and I am confident that what has been agreed upon by the Ministers of these four States will be of great help to the linguistic minorities. I therefore hope that what has been done uptill now will be considered fairly satisfactory.

The last point I would touch upon is about the separation of the judiciary from the executive.

Mr. Speaker: Is the hon. Minister also going to speak?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): Yes.

Shri Datar: I am finishing in five minutes.

Dr. Krishnaswami (Chingleput): I would like to make a submission. Out of the eight hours allotted for discussion of the Demands for Grants to the Ministry of Home Affairs, nearly two hours have been taken by two Ministers and according to the official spokesman another hour will be taken by the Home Minister. I think we should take the hours spent by Ministers into account. I submit that you use your discretion to extend the time for debate.

Shri Datar: When so many questions are raised, I have to reply to them.

Mr. Speaker: They do not object to the hon. Minister taking time. They want more time.

Shri Datar: This is my last point. I am finishing in five minutes.

Shri J. B. S. Bist (Almora): One hour has been taken by the Minister. I submit that more time should be given for the discussion.

Shri Datar: So many questions were raised.

Mr. Speaker: How does the hon. Minister hold himself responsible for this? I am willing to give him time. The only point is, not that they object to the hon. Minister taking time, but they want more time.

Dr. Krishnaswami: Yes, Sir.

Shri Datar: So far as separation of the judiciary from the executive is concerned, I have got certain information which will be of great value to hon. Members. In 7 States, there is complete separation of the judiciary from the executive already in force. They are Andhra Pradesh, Maharashtra, Gujarat, Kerala, Madras, Mysore and West Bengal. In Assam, they are taking some preliminary steps in this matter. In Bihar,

in 12 out of 17 districts, it has been already in operation. In Madhya Pradesh, the scheme is already in force throughout the State except the Mahakoshal region. In Orissa, in 3 out of 13 districts, it has been in operation. In Punjab, 10 out of 19 districts have it. There is complete separation so far as the former PEPSU area is concerned. In Rajasthan, a Committee has been appointed on this question. In UP, the scheme is at present in operation in 34 districts.

Therefore, this is a matter for the State Governments. But we are anxious that as early as possible by co-ordinated effort, complete separation of the judiciary from the executive is effected. The House will agree that to a large extent this is done, with complete separation in 7 States and fairly good advance in other States also towards complete separation.

I am obliged to you, Sir, and to hon. Members for the opportunity they gave to me. A number of points had been raised and it was my duty, in fairness to the House, to place the other side before them, as briefly as possible.

Shri J. B. S. Bist: Mr. Speaker, Sir, it is with a heavy heart that I rise to speak on the Demands for Grants of this Ministry. My mind is full of thoughts for Pandit Pant who presided over this Ministry. Under his stewardship, the country had made great progress. For us, the hill people, he had a special affection. Being a hillman himself, he understood our problems and tried to help us as far as possible. He realised that as a result of the Chinese aggression from the north, those areas had become vulnerable both militarily and politically. He also realised that unless these areas were developed and the people living there were made to feel their stake in the country, it would be very difficult to stem ideological penetration by the Chinese Communists. It was Pantji's sagacity that created a special Division of the UP border area for accelerating the pace of economic development. Similar separate divisions were formed for

Even during the current Budget, as and Kinnaur in Himachal Pradesh. Even during the current Budget, an allotment of Rs. 2 crores for their development has been provided. All this is commendable.

18 hrs.

There is, however, one aspect to which I would like to invite the attention of the new Home Minister, whom I welcome to this new portfolio and wish all success. One of the major problems facing these areas . . .

Mr. Speaker: The hon. Member may kindly continue tomorrow. We have the half-hour discussion.

Shri Pahadia (Sawai Madhopur—Reserved—Sch. Castes): What about the time, Sir?

Mr. Speaker: When I have said I will call him tomorrow, what is the meaning of pursuing it? When I have adjourned it to tomorrow, tomorrow we will think of it.

Shri Thimmalah: We have not had a chance. You kindly extend the time by three hours.

Mr. Speaker: I have no objection to extend the time even by three days. The only thing is, when it comes to the end, hon. Members are anxious to go away to their homes. In the evening, they are anxious to get back home. On Saturday they would like to be at home, and at the end of the session, they want to go home. Then, how do I find time to extend the time? I have no objection. There are six of us. The Panel of Chairmen are very kind to me. They are assisting me. The hon. Deputy-Speaker is here ready to work from morning to evening. I am myself able to sit for some time. With all this, if hon. Members are not here, what am I to do? I have the least objection. I will think of ways and means of giving more time, I have no objection, but once an hon. Member speaks, he runs away. He does not even care to stay. Why should there not be an *esprit de corps* to prevent the hon. Member from going out,

[Mr. Speaker]

catch hold of him and keep him here? If the House is full, everybody will be enthused. If it is only for the purpose of giving opportunity to one individual Member at the end of the debate, without any quorum, I do not know whom we are satisfying. I will consider. The hon. Ministers have taken so much time. I must give some more time to the hon. Members. Yes, I shall try.

Shri D. C. Sharma rose—

Mr. Speaker: Order, order There cannot be one rule for this hon. Member.

I want to make an announcement.

There are 149 cut motions to these Demands that were moved by hon. Members on the 27th March, 1961. In addition to this, cut motions, Nos. 1103, 1104, 1105 and 1110 standing in the name of Shri P. K. Deo may also be moved.

I will try to extend the time. It is an important subject. I shall see how we can make up the time on other Demands, or extend the time.

Desirability of introducing the system of elected Governors in the States.

Shri P. K. Deo (Kalahandi): I beg to move:

"That the Demand under the head Ministry of Home Affairs be reduced by Rs. 100." (1103).

Desirability of transferring the administration of NEFA and NAGALAND to the Ministry of Home Affairs.

Shri P. K. Deo (Kalahandi): I beg to move:

"That the Demand under the head Ministry of Home Affairs be reduced by Rs. 100." (1104).

Need to introduced the system of Legislative Assemblies in Manipur, Tripura and Himachal Pradesh

Shri P. K. Deo (Kalahandi): I beg to move:

"That the Demand under the head Ministry of Home Affairs be reduced by Rs. 100." (1105).

Defect in conducting census operation in the outlying Oriya tracts in Bihar

Shri P. K. Deo (Kalahandi): I beg to move:

"That the Demand under the head Census be reduced by Rs. 100." (1110).

Mr. Speaker: These along with the other cut motions are before the House.

Shri D. C. Sharma: The half-hour discussion may be postponed, and the time may be given to some hon. Members.

Mr. Speaker: There is no meaning in this. We have adjourned this. There is no meaning in postponing it. People will not have any interest. Shri Panigrahi.

Shri D. C. Sharma: The other matter also refers to the Home Ministry's Demands. I think this half-hour may be allocated to the Home Ministry Demands.

Shri Pahadia: The time may also be extended.

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): Shri Panigrahi agrees with it.

Dr. Krishnaswami: No, he does not agree.

Shri Chintamani Panigrahi (Puri): There are some specific points which I wish to raise.

Mr. Speaker: Anyhow, hon. Members who want to speak may speak on this.

Shri Datar: It is also a coincidence that these Zonal Councils also relate to the Home Ministry.

Shri Chintamoni Panigrahi: I am speaking about the Eastern Zonal Council, not the Home Ministry.

Shri Datar: With which we are administratively concerned.

Shri Chintamoni Panigrahi: This refers to a particular zone.

Mr. Speaker: Whatever it is, this half-hour discussion will go on. Shri Panigrahi.

18.04 hrs.

[MR. DEPUTY-SPEAKER *in the chair*].

*EASTERN ZONAL COUNCIL

Shri Chintamoni Panigrahi (Puri): I am grateful to you for allowing this discussion today. It refers to the working of the Eastern Zonal Council. There is a growing feeling among the Members of the Eastern Zonal Council that the Council is not functioning as an effective agency.

Mr. Deputy-Speaker: Order, order. There are regular proceedings in the House going on yet.

Shri Braj Raj Singh (Ferozabad): Not for Shri Datar. He is too non-violent!

Mr. Deputy-Speaker: Others also have to be non-violent.

Shri Chintamoni Panigrahi: There is a growing feeling among the members of the Eastern Zonal Council that it is not functioning as an effective agency to thrash out the outstanding differences between the different States who are members of the Zonal Council. It is being felt that the Central Government is becoming hesitant to persuade the different States for settling their inter-State differences and more especially the border adjustments between the member States. To that the hon. Minister answered that the Zonal Councils are

intended to be advisory in character and there is no proposal before Government to amend the States Reorganisation Act to vary the scheme.

But I was looking at the relevant provisions of the States Reorganisation Act. In section 21, while defining the functions of the Zonal Council it has been stated, in sub-section (2):

"In particular, and without prejudice to the generality of the provisions of sub-section (1), a Zonal Council may discuss, and make recommendations with regard to,—

- (a) any matter of common interest in the field of economic and social planning;
- (b) any matter concerning border disputes, linguistic minorities or inter-State transport; and
- (c) any matter connected with, or arising out of, the reorganisation of the States under this Act."

Therefore, my submission is that the position of the hon. Minister that the Zonal Councils are intended to be only advisory in character does not hold good. It has been definitely stated in the Act that—

"any matter of common interest in the field of economic and social planning;

any matter concerning border disputes, linguistic minorities or inter-State transport".

can also be initiated in the Zonal Councils.

Therefore the power of the Zonal Council is little more than purely advisory. It is not purely of an advisory nature.