

(b) what is the financial allotment for each scheme in 1956-57 ?

Tun MINISTER FOR NATURAL RESOURCES (SHRI K. D. MALA-VIYA): (a) and (b). A statement giving the required information is attached. [See Appendix XV, Annexure No. 27.]

44. [Postponed to the 21th November, 1956.]

PAPERS LAID ON THE TABLE

NOTIFICATIONS PUBLISHING MODIFICATIONS IN THE REPRESENTATION OF THE PEOPLE (PREPARATION OF ELECTORAL ROLLS) RULES, 1956.

THE MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): Sir, on behalf of Shri H. V. Pataskar, I beg to lay on the Table a copy of the Ministry of Law Notification S. R. O. No. 2317, dated the 9th October, 1956, publishing the modifications which Parliament made during the Fourteenth Session of the Rajya Sabha in the Representation of the People (Preparation of Electoral Rolls) Rules, 1956 [Placed in Library, See No. S-469-56.]

Sir, on behalf of Shri H. V. Pataskar, I beg to lay on the Table, under sub-section (3) of section 28 of the Representation of the People Act, 1950, a copy of the Ministry of Law Notification S. R. O. No. 2373, dated the 17th October, 1956, publishing further amendments in the Representation of the People (Preparation of Electoral Rolls) Rules 1956. [Placed in Library. See No. S-470-56.]

NOTIFICATION PUBLISHING THE LIFE INSURANCE CORPORATION RULES, 1956

THE MINISTER FOR REVENUE AND CIVIL EXPENDITURE (SHRI M. C. SHAH): Sir, I beg to lay on the Table, under sub-section (3) of section 48 of the Life Insurance Corporation Act, 1956, a copy of the Ministry of Finance Notification yR. O. No. 1889A, dated the 28th August,

1956, publishing the Life Insurance Corporation Rules, 1956. [Placed in Library. See No. S-360/56.]

MESSAGE FROM THE LOK SABHA

THE TERMINAL TAX ON RAILWAYS PASSENGERS BILL, 1956.

SECRETARY : Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary of the Lok Sabha: —

"In accordance with the provisions of Rule 133 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Terminal Tax on Railway Passengers Bill, 1956, as passed by Lok Sabha at its sitting held on the 21st November, 1956.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

I lay the Bill on the Table.

THE MANIPUR (VILLAGE AUTHORITIES IN HILL AREAS) BILL, 1956.

THE MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. 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 Union Territory of Manipur, as passed by the Lok Sabha, be taken into consideration."

The object of this Bill is to introduce, in the first place, an elective element in the formation of Village Authorities in Manipur State; and, secondly, also to create certain judicial authorities at the lowest stage, namely, the village courts. So far as this question is concerned, before the integration or merger of this State

[Shri B. N. Datar.] we had a law under the Maharaja's rule in Manipur State, a regulation known as the Manipur State Courts Act, 1947 and the Manipur State Hill Peoples (Administration) Regulation, 1947. So far as the first Act was concerned, it was felt that the judicial machinery in the then Part C State of Manipur ought to be brought in line with the rest of India subject to certain modifications and for that purpose, as the House is aware, the Manipur Courts Act was passed by Parliament and that is now in force. A gradation of various courts from the sub-court up to the Judicial Commissioner's court have been created there and the Codes of Civil and Criminal Procedure were to be introduced. And there is another Bill today according to which the present Codes of Civil and Criminal Procedure will be introduced in the State of Manipur. Now, this Regulation was found to be entirely outmoded in a number of matters. In fact, there were certain provisions in the Manipur State Hill Peoples (Administration) Regulation which were cast in a mould which is entirely out of times. For example, there is a provision enforced according to which there is a reference to ordeal. If, for example, the parties do not agree about certain circumstances, then under the Act in India there is a reference to the taking of an oath and we have got the Indian Oaths Act. That is perfectly understandable. But in addition to oath, there is also resort to ordeals. Ordeals might be of various kinds, some of them highly objectionable also. Therefore, you will find that it was considered necessary that this Regulation also ought to be brought up-to-date. Secondly, there was a provision so far as village authorities were concerned. There are as many as 1300 villages. The House will kindly note that in Manipur State most of them are very small villages. In each of these villages there is a village chief who holds certain powers and who carries out certain functions and the post is a hereditary one. And secondly according to this Regulation, he could also nominate the members of the Village Authority.

Now, it was considered that in view of the change in the political set-up of India some elective element ought to be introduced so far as the formation of the Village Authorities was concerned. What we have to take into account is the peculiar conditions obtaining there. So far as the people, especially in the hilly parts are concerned it would be found that they are very simple and unsophisticated and generally honest people. But on the other hand we have also to understand that they are highly ignorant and superstitious people and always subject to the entertainment of all suspicions about new things introduced. And, therefore, when the question of introducing an elective element was considered we had the advice that it would be better to introduce the elective system after the local people had agreed thereto. So, we had to take a cautious step so far as this question was concerned and you will find in clause 3 a reference is made to ascertaining the wishes of the people and in the interests of the administration of the people there, it would be open to the Chief Commissioner there to have elections held so far as the ordinary membership of a new Village Authority is concerned. We have maintained again on the same grounds dictated by caution that the chairmanship should be allowed to remain for the time being as it is. The chairman would not be elected, but the other members would be elected and the number and the composition depend upon the number of the tax-giving houses. If, for example, the tax-giving houses are only twenty, this number might be three and the highest number would be about twelve. That is how it has been regulated. The House will find the exact numbers given in the Bill. And naturally when elections have to be held they would be on the basis of adult franchise, as that principle has now been accepted and is acted upon also. So, wherever it is considered necessary, wherever there is public opinion that they ought to have an 'elected Village Authority, which is something like a panchayat, then the whole Government machinery would

be set in motion. We shall have the electoral rolls and elections will be held in respect of the members, except that of the chairman. And this law has been made as self-sufficient as possible so far as the holding of these elections is concerned. So far as the qualifications for vote are concerned, it is adult franchise. But the persons 'who are qualified to be members of the Village Authority and also the disqualifications, etc., have to be provided for. All these have been provided for.

Then thereafter "you will find, Sir, that in Chapter II the functions of the Village Authorities have also been described in clause 16. After this the more important portion is with regard to the judicial courts at the lowest level. Now it has been laid down that in addition to the usual hierarchy of the judicial machinery which has already been introduced in the State of Manipur under the provisions of the Manipur Courts Act, it was considered necessary that in respect of the villages there ought to be what are known as village courts. They are re-squired for two purposes. One is that even now in other parts of India we have what are known as judicial panchayats. These judicial panchayats have been introduced in a very large number of States and it was considered that similar village courts ought to be established in the hilly areas also. So far as the hilly area is concerned, the House will kindly note that a very large portion of this State is hilly. The total area of the whole State in terms of square miles is 5,638. The population is 5,77,000. As against this the hilly area is about 7,938 square miles and the population is less than half, viz. 1,94,000. There are small villages, as I have said, the total number being 1,300. For this purpose, Sir, it was considered necessary that there ought to be village courts, carrying on civil as also criminal functions. Therefore, Sir, in the next paragraph the whole question has been provided for. and we have the establishment of village courts consisting of two or three persons from

out of those who have been elected to a Village Authority. Now they will have certain powers. The procedure that they have to follow and the monetary extent—not the territorial extent which is not very material but the monetary extent is—have also been provided for. In respect of petty suits or in respect of complaints under the criminal laws it would be open to them to hold enquiries, to hear the parties and then to come to a conclusion. Thereafter a provision has been made so far as the decrees that are passed by these village civil courts are concerned that they will be duly executed. Therefore, Sir, you will see that in respect of this detailed provisions have been made not only in regard to the formation of these courts but also their functions, their jurisdiction and the manner in which they are to hold the trials and how their judgments are to be executed. A provision has also been made for the exercise of extraordinary or revisional powers either by the District Judge or by the Judicial Commissioner who is the highest authority. In certain cases appeals also have been provided for. Therefore, Sir, it will be found that so far as these courts are concerned, one object that the Government had in view and which it is necessary to keep before us is to have a simplification of procedure, because far in the interior of the hilly areas it may not be possible to have the same very complex judicial machinery that we can have, say, on the plains. But here a simple procedure has been provided for. That is the reason why the important principles of the Codes of Civil and Criminal Procedure as also certain rules regarding the manner in which they have to record evidence, all these things have been duly provided for.

One point that may be noted in this connection is that in respect of any complaint or any civil suit it is open to a party, instead of filing a complaint or a suit in writing, to make

[Shri B. N. Datar.] an oral complaint or to place before the village courts certain contentions which are ordinarily included in the plaint so far as the ordinary suits are concerned. That is because in many cases they may not find it possible to get writers, they may not find it possible to put things in a proper way. Therefore, it will be the duty of the village courts to hear the parties immediately even at the commencement and then go through the evidence, follow the broad rules based on natural justice, and then come to conclusions. In a number of cases it is found. Sir, that such judicial panchayats have been working well in certain parts of India, though in other parts sometimes some complaints are received, but on the whole this is an experiment which is worth trying. It has to be traced to the original panchayats that we had in India, executive panchayats as also judicial panchayats. Therefore, Sir, a cautious experiment is going to be made so far as these village panchayats are concerned.

Then, Sir, in clause 57 it has been pointed out how rules can be made in respect of certain matters purely of a procedural nature or in respect of details which need not form part of this law.

So these are the various provisions that have been included in this Bill and I am quite confident that this Bill will be supported by this House.

MR. CHAIRMAN: Motion moved :

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" That the Bill to consolidate and amend the law relating to the constitution and functions of Village Authorities in the hill areas of the Union Territory of Manipur, as passed by the Lok Sabha, be taken into consideration."

SHRI S. N. MAZUMDAR (West Bengal): Sir I want to seek a clarification, and that will help the discussion. I want to know whether the

Manipur Regulations are being repealed in their entirety or only portions are being repealed.

SHRI B. N. DATAR: A portion was repealed when the Manipur Courts-Act was passed. Then a very large portion is being repealed so far as the relevant provisions in this Bill are concerned.

SHRI T. BODRA (Bihar): Sir, I am thankful to you for giving me this opportunity to express my opinion on this small Bill. What strikes me most is the overhasty activities of the Government of India in the internal administration of the tribal people. As the hon. Minister has just said, their population is a little over 5 lakhs and the area is about 8,638 square miles. In respect of these tribal people who are very simple, unsophisticated on the admission of the hon. Minister himself, and who are not used, up till now, to the peculiar modern system of administration that we here on the plains are having, I could have very much wished the Government of India first of all to show them the light of education and understanding instead of interfering, with their internal administration. Taking into consideration the peculiar condition and the simplicity of nature of these tribal people. I think the Government of India is acting a bit unwisely to introduce the modern system of administration into these remote parts of India. The tribal people like most to be administered by their tribal chiefs. Although the population is less, although the places are full of rocks, hills and dales, yet they have a very strong sentiment which only a tribal can have and feel. This intermixture of modern feelings of good administration as well as their ancient civilisation and their peculiar feelings, and sentiments could have been taken into consideration only if we were convinced of the fact that the tribal people living in Manipur would be able to appreciate all these factors of modern life.

But, taking the population as a whole, when 99 per cent, of them are illiterate, when they are not able to read or write their names or even to put their signatures, I do not think that this change will do them any good. Rather, in my humble opinion, these hilly people, these tribal people, would have another shock in their simple minds that perhaps the Government of India is trying to interfere with their daily life and their peculiar customs.

Now I would deal with one small item, that is, election. Formerly, it was hereditary. The tribal people in (heir forests were used to be governed—and they like to be governed—by the hereditary chiefs, by the peculiar tribal chiefs, who were never elected. The grandfather was there as a tribal chief and after his death, his son succeeded him and then the grandson become the chief and these people never had any grudge against it. Now that we are having this election on the basis of adult franchise what will happen? There is no provision of law here which the hon. Minister has brought forward to exclude the non-tribals. And the non-tribals who will go there, will throw out money, will give these people liquor, make them tipsy and obtain votes. Now village authority will mean village administration. And I am convinced of the fact that the Home Minister has brought this Bill forward to give them better villi administration in the name or in the shape of village authority. What will be the result? If a non-tribal wants the election on the basis of adult franchise, a Marwari, a Beganlee or a plainsman can very well go and settle down there, can throw out money, give them liquor, make them tipsy and obtain votes. 99 per cent, of the electorate will be tribals. But what will be the result? In course of time, these tribal people will find that this Marwari or the Bengalee or the non-tribal is not giving them the best administration but malaministering them, twisting the Land Tenure Acts, twisting many of the established customs and rights, not in favour of

the tribals, but in favour of the non-tribals who, with increased facilities of communications—road, rail and air—may like to go there and settle down and may try to rob them of i their small holdings. Therefore, this interference would be there. But if the Government of India had come out with a legislation just like the one before, these tribals in the hilly areas would be administered not by the elected system but by their elders. If they do not interfere with the hereditary system of village chiefs, I think that would be much better.

Secondly, what do we find in this Bill? We find that the Chief Commissioner of Manipur is more or less a dictator. He will be a dictator in the sense that, if a certain chief or a village authority is not acting in accordance with his liking, he has got powers to remove him from his office. The Chief Commissioner is responsible for the administration of Manipur State. But here, under this Bill, you are giving him more and more powers—rather absolute powers—for the administration of Manipur State. The Chief Commissioner will never be a tribal of Manipur. Because of the handicaps—illiteracy and other kidns of backwardness—that are there, the Chief Commissioner will always be hailing from the Punjab, or Delhi or Madras or Travancore-Cochin or from any other part of India, who will have less sympathy, less understanding and less humanitarian outlook so far as the welfare of these tribals is concerned. He will have his own will everyway to see that these village authorities do not act in a way Conducive to the welfare of these tribal people. If they do not act according to his wishes, he has got the power to remove them from office. Therefore, this legislation, instead of helping these tribal people of Manipur, is, in my opinion, more or less meant to give an absolute power to the Chief Commissioner of Manipur and to make him a dictator.

Thirdly, these village authorities are supposed to cater justice not only in respect of civil matters, but also in respect of criminal and revenue mat-

[Shri T. Bodra.] ters. Sir, I am speaking from whatever little experience I have had from my Own part of the country, especially the Kolhan Government State. During the British regime it was a part of the Singhbhum District and the customs of the people there were more or less the same as those of Mani pur. But today, by changing the law, by bringing in this legislation on the floor of this House, I feel that you are making an unwarranted interference with the tribal life. Government will not lose anything if they wait for another five or ten years and allow the tribal people to live in their own way.

Thank you.

SHRI MAHESH SARAN (Bihar): Mr. Chairman, in order to form a correct opinion about any legislation it is necessary that one should have some knowledge of the people for whom that particular legislation is being enacted. Fortunately, Sir, I have had the opportunity of visiting Mani-pur four or five times and I have seen the valley and I have also seen the hill people. Because of new roads and easy communication, the hill people have now been able to mix with the people of the valley, who are far advanced. They have their own charkha to weave cloth; they have produced fine things and they are, in certain ways, much advanced. The people of the hill area also are now anxious that reforms should be made so far as their administration is concerned. And therefore, this piece of legislation is extremely welcome because it is the desire of the people that (here should be a change and the change should be simple and such as can be easily adopted by the people there. But, I have to make certain suggestions and I hope the Home Minister would give a little heed to them

First of all, the Bill says that for every village having twenty or more tax-paying houses, there shall be a village authority consisting of the following. But, Sir anyone, who has been to Manipur and knows Manipur

well, will realise that we will not have twenty or more tax-paying houses in a village at many places. Therefore, in such cases we should combine two or more villages together and form a unit. So far as this number of tax-paying houses is concerned, it is for every village. So, this piece of legislation will not be of much help to those places where the tax-paying houses are less than twenty. Therefore, my suggestion is that there should be a change so far as this question is concerned—two or three villages together, so that there may be the proper quota of tax-paying houses and then the village authority should be constituted

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Now, Sir, there is one other point to which I would like to draw the attention of the Home Minister. That is with regard to clause 3 (2) which reads as follows :

"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, by notification in the Official Gazette, that the village shall have an elected Village Authority....."

This shows that the discretion lies with the Chief Commissioner. Now, Sir, this is a dangerous precedent. If you give certain rights to certain individuals by one hand and take them away by the other, there will be a lot of discontentment. Therefore my submission would be that if you really want to have Village Authorities, you can have them where the people want them, and there should be no qualifying clause, so far as that is concerned.

SHRI KISHEN CHAND (Andhra Pradesh): You kindly read sub-clause (1) which says that "For every village having twenty or more tax-paying houses there shall be a Village Authority.....". The word 'shall' has been used. Sub-clause (2) does not take away the word 'shall'.

SHRI MAHESH SARAN: In any way, Sir, my suspicion is fortified by sub-clause (3) which says that "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." Now, Sir, my submission would be that if you elect the Village Authority at one place and nominate it at another place, there will be bad blood among the different villages. That is a thing which will not help in making this provision really acceptable to the people. Therefore, Sir, this anomaly has got to be removed because the villagers in the hill areas cannot very much understand the fineness that we are trying to introduce.

Now, Sir, there is another point which I think is worthy of being considered. In sub-clause (4) of clause 3, it has been stated as follows :

"Where there is a Chief or Khullakpa in a village he shall be the *ex-officio* chairman of the Village Authority of that village; and where there is no such Chief or Khullakpa in the village, the chairman of the Village Authority of that village shall be elected by the members of the Village Authority from among themselves."

I have on several occasions heard complaints regarding those Chiefs. If you allow the people to be elected and then if you say that the Chief shall be the *ex-officio* chairman, you are perpetuating the system which exists even now. I may inform the hon. Minister that there is a feeling, and a very strong feeling, among certain sections of the people that this system should not prevail. Therefore my suggestion is that we should not mix up elections and nominations together. If there is an election, there should be no nomination. Let the chairman be elected. If a person is very popular, he will certainly be elected. But if he is not, then let the people have the right to elect whomsoever they like.

Now, Sir, there is just another point to which I would like to draw the attention of the hon. Minister. I come to clause 11 which runs as follows :

"No election of a member of a Village Authority shall be called in question in any court, and no court shall grant an injunction,-

fa) to postpone the election of a member of a -Village Authority; or

lb) to prohibit a person, declared to have been duly elected under this Act from taking part in the proceedings of a Village Authority of which he has been elected a member; or

(c) to prohibit members nominated or elected for a Village Authority from entering upon their duties."

Now, Sir, if we read this along with clause 12 which runs as follows:

"(1) If a dispute arises as to the election of any member of a Village Authority, the matter shall be referred to the Deputy Commissioner who shall decide the same after giving notice to the parties concerned and after taking such evidence as may be produced.

(2) The order of the Deputy Commissioner may, within thirty days from the date thereof, be revised by the Chief Commissioner whose decision shall be final and shall not be questioned in any court."

We shall find that it creates a feeling among the people that it is really the Chief Commissioner who is everything. Why should not the dispute be taken to a court? There is no reason why the Chief Commissioner should be the final authority to decide this question. I would, therefore, very humbly beg of the Government that this aspect of the question should be looked into carefully.

These are the few points which struck me as necessary to be pointed out to the hon. Minister. Otherwise

[Shri Mahesh Saran.] this is a Bill which I am sure will be very warmly welcomed by the people of Manipur. Thank you, Sir.

SHRI S. N. MAZUMDAR: Mr. Chairman, this Bill has a history behind it. It was introduced in this House in 1954 and was rushed through, as it is done with all important Bills by the Government in the Rajya Sabha. And then when it was on the Table of the Lok Sabha, the Government suddenly found that the Bill was defective. So, a motion for the withdrawal of the Bill was moved and later on it was passed on to this House. When we protested, Sir, you yourself will remember that you had remarked that it would have been better and proper if the motion for its withdrawal had been introduced in the Rajya Sabha. Now this Bill has come from the Lok Sabha. But this could have been introduced in the Rajya Sabha. I want to say that particularly for this reason that when we met for this session, on the first day itself we had to adjourn early because there was no business, and if this Bill had been introduced here, it could have provided us with some business. So, in passing, I might say that it seems that the Government attaches importance to the Rajya Sabha only as a place through which Ministers' incumbents can be brought in conveniently, and not as a place where legislation can be discussed patiently, seriously and with considerable attention.

Now, Sir, coming to the Bill itself. I sought some clarification from Mr. Datar whether the Manipur Hill Regulations had been repealed in their entirety, and he gave some clarification which did not make things very clear, because, Sir, in 1954, when we were discussing that Bill, it was pointed out that there were some very obsolete and also very obnoxious provisions in those Regulations, for example, if a man went on a hunt and came with an animal, he had to part

with the leg of that animal and he had to give it to the Chief. Then the Chief or the Government authority could force villagers to work without any payment for constructing roads and such other works through which the people could be subjected to forced labour. It is particularly that point which I raised on that occasion, and I wanted that when those Regulations were going to be amended or repealed, that particular provision should also be repealed. Then, Sir, one of the important criticisms against the Bill was that the Government was coming forward with a piece of legislation which, so far as it went was certainly welcome, but that particular matter had been completely out of the attention of the Government. I do not know whether Mr. Datar's statement that a large portion of those Regulations have been repealed also includes that matter. If that matter is included, I shall be very glad, but if it is not so, then I shall impress upon Mr. Datar that the Government should waste no further time and repeal those obnoxious provisions immediately.

Now, coming to the other provisions of the Bill itself, I must say that I was sorry to hear the speech of Mr. Bodra today, because he has taken this Bill as an interference with the life of the tribal people. Nobody wants to interfere with the life of the tribal people, but at the same time I cannot agree with certain of the observations made by Mr. Bodra. It is not a fact that all the tribals in India are ruled by tribal chiefs, or that they like to be ruled by tribal chiefs. There are different systems among the different tribes. Some tribes have hereditary chiefs, but in some tribes like the Garos and the Kasis, the chiefs have to go through a process of election, it was only very recently that there was a case when the Synteng of the Kasis, who was elected by them, was removed by the Governor of Assam or the Chief Commissioner, and there was a protest by the Kasis. Secondly, in many cases, the hereditary chiefs also in earlier times were elected from among the people. The history of even those tribes whom Mr.

Bodra knows so much—the Oraons, the Mundas and the Santhals—their first king had to be elected.

SHRI T. BODRA: No.

SHRI S. N. MAZUMDAR: Later he had to receive some support from the chiefs of the different villages. The Oraons, the Mundas and the Santhals have their village councils. The tribal people may be ignorant, may be backward, but it is not correct to say that they are backward in all respects. In one sense, the tribal people are more forward than we are, because they have a sort of tribal democracy—may be it is primitive. It persists among many of the tribes.

SHRI T. BODRA: Nono-imposed by the Government.

SHRI S. N. MAZUMDAR: I fully appreciate the suspicion which the tribal people have about their more civilised neighbours, because in the past and even now they are being exploited by the exploiting sections from among the so-called civilised people, but that suspicion should not lead them astray and it should not reverse the process of history and obstruct progress. The people of Manipur want these reforms. The elected representatives of Manipur in the Lok Sabha had demanded more advanced reforms. That is a fact.

Now, coming to Manipur, in Manipur, there are different tribes. There are Kukis, Chins, Garos, and Lushais and even Nagas in some parts. The system among the tribes is not the same. All of them do not have hereditary chiefs. Even where there are hereditary chiefs, their hereditary character is only recent. They were originally elected chiefs but they usurped these powers, and they are not loved by the common people. They are oppressing them in many respects. They would prefer complete elective element there. Now, it is true that there should not be Government imposition or interference with the life of the tribal people, but this Bill provides that where the village so

prefers, the village authority will be elected. It is not right for us to assume that the tribal people of the hills of Manipur are backward and ignorant and know nothing about democracy. It should be our endeavour to make all efforts to raise their standard of living and also their educational standards, but we should not proceed with a patronising attitude or wrong conception. I say we should not proceed with a patronising attitude because Mr. Datar in his speech said that they are ignorant people. It is true that they are ignorant, that they are superstitious. Still I think that Mr. Datar has been given very wrong advice by his advisers, because, as I said, they may be ignorant in some respects, but they have a sense of democracy. They have a system of democracy among them. Democracy functions amongst them. I have found that even among the tribal people working in the plantations, where they have mixed and mingled with the so-called civilised people, there are elements of tribal democracy. They have not been completely eliminated. Rather, this is the factor which helps them to preserve their tribal solidarity and feeling. Therefore, we should not proceed with that attitude. Mr. Datar said that, after considering all these things, the Government was proceeding in a very cautious manner. I would like to tell him that his caution here is ill-advised, and this caution in some cases would actually retard the progress of the set-up which he wants to establish there. The Bill has sufficient restrictions, but the village authorities should be elected. The chiefs also should be elected. It may be that in some villages, the tribal people may want the village chief to continue. In that case, provision can be made. It is not barred. It should be our endeavour to see that the elective element is not introduced there in this halting manner, and to give them democratic rights by one hand and take away those rights by the other hand.

[MR. DEPUTY CHAIRMAN in the Chair.]

[S. N. Majundar.]

Mr. Bodra expressed the apprehension that non-tribals may go there and exploit the people there. That apprehension, I say, is not unjustified. To guard against such a contingency it may be provided that non-tribals are not eligible for election to these village councils in the tribal territories, but I think there is a provision here which sufficiently prevents any non-tribal from coming to the fore. Mr. Bodra has said and Mr. Mahesh Saran has also said correctly that some of the provisions contained here give the idea that the Chief Commissioner will have dictatorial powers. I agree also that the chief Commissioner will have powers to interfere with the activities of the village authorities. In this connection I would like to say another thing.

Manipur is a Union territory. So is Tripura. Government promised while passing the States Reorganisation Bill that as early as possible an Advisory Council will be set up for this State and that the Advisory Council at the Centre for this territory will consist, among others, of the Members elected from the territory. Such a Council has been set up for Delhi, and I do not understand why, when the Government has come forward with this Bill—I am speaking about introducing the elective element in Manipur—they are so lacking in their efforts to establish an Advisory Council which is so very necessary. They have not done it in the case of Manipur. Tripura has the same Advisory Council which was rejectee!. The same members who were rejected have been continued there. This is not a proper attitude. Along with this, as I said, these changes should be made. There should not be any *ex-officio* Chairman. There should be a provision that, where a village wants an elected authority, there should not be an *ex-officio* Chairman. The Manipur Hill Regulations should be repealed in their entirety, and if the Government takes time to examine which of them should be repealed, at least

those portions to which I have referred should be repealed immediately, and then the powers of the Chief Commissioner should be curtailed, and an Advisory Council for Manipur should be established.

There are some other small points and I shall see during the second stage of discussion whether I can make any observation.

SHM H. C. DASAPPA (Mysore): Sir, I very warmly welcome this Bill, more as an earnest of what is to come than even as one which confers some benefit on the people of Manipur. Some idea may have got abroad among those who do not know Manipur that it is all a tribal area and an extremely backward one in the ordinary sense.

SHRI S. N. MAZUMDAR: This Bill is meant for tribal areas.

SHRI H. C. DASAPPA: This is for the hilly areas, I understand it.

SHRI S. N. MAZUMDAR: Manipur as a whole is not tribal.

SHRI H. C. DASAPPA: But it is a community of artists. There is real culture among the Manipur people.

SHRI MAHESH SARAN : Not the hill areas.

SHRI H. C. DASAPPA: I have seen Manipur also.

SHRI BHUPESH GUPTA: (West Bengal): When?

SHRI H. C. DASAPPA: You want proofs of my having gone to Manipur? It is very extraordinary that an hon. colleague of mine questions me when I say that I have gone there.

SHRI BHUPESH GUPTA: It is the time that I wanted.

SHRI G. RANGA (Andhra Pradesh): He was a member of

(Interruptions.)

SHRI H. C. DASAPPA I wish to say that it is not only Imphal that I have seen. It is quite likely that people may say that they visit Manipur but they will only drop by aeroplane at Imphal and then get back. I stayed over after my business was over—as Mr. Ranga refers to it as a Member of the Textile Committee—and I purposely went round some of the villages as far as I could go with the conveniences provided to me. It was a most extraordinary sight that I witnessed. We talk of Charkha or hand-spinning, hand carding and all that kind of things. That is the only place, for instance, in India where I found in the village markets charkhas and carding units being sold in every "hat" as they call it. It was a most encouraging sight for me. I went to some villages. These villages can compare fairly with other normal villages in the matter of cleanliness, tidiness and so on. So, as one of my friends said, it is wrong to say that they are not after all progressive or sufficiently advanced.

SHRI MAHESH SARAN: I am afraid the hon. Member is referring to the valley villages, not the hills.

SHRI H. C. DASAPPA: I can say that the hilly people also were coming down with these headloads of short staple cotton etc. I met a number of them in these "hats". It is also a fact that the hill people take to these reforms if properly introduced. I am not referring to the tribal areas but to hill areas. I have my experience—may not be in such details regarding Manipur but of the hilly areas in my own part and we have a large area covered by hills. Take Coorg for instance. It is a small little gem set in the midst of a big hilly area, a very small area. You find there a lot more of culture penetrating the place than in most other places. The general education is far higher in Coorg. The idea of cleanliness and 3—38 R. S. 56.

tidiness—discipline and punctuality—are great and you, Sir, hail from Malnad yourself and you know that in your area there are certain very very backward classes but by and large they take to progress much more readily than the other people. All that background I am giving merely because nobody need be under the apprehension that an introduction of this fine reform is going to create any problem in Manipur. In fact the idea today mostly is that this village authority should have also the power to administer criminal and civil law up to certain limits. That is one of the most wholesome reforms which my hon. friend Shri Datar has introduced. I would even beg of him to think of introducing similar reforms throughout the length and breadth of India. The other day our hon. Speaker of the Lok Sabha, Shri Ananthasaya-nam Ayyangar, was giving his experiences of China in the Central Hall. A fairly large number of Members of Parliament attended it. He was saying how in China there have been judicial reforms brought about, which make justice readily available, which is very cheap for the poor people. If we don't have these village pancha-yats to deal with civil or criminal matters, just imagine what it would cost these people to go to these urban areas, engage lawyers and have these protracted litigations.

Therefore, I say that this is one of the very welcome reforms that the hon. Shri Datar has brought before us.

Coming to some of the particular provisions some hon. Members have questioned the advisability of entrusting the Chairmanship of these village authorities to the Chiefs and at the same time providing also for elected Chiefs for these village authorities and my friend Shri Mahesh Saran has been pleased to say that we should not have anomalies of this nature. After all we are making a beginning.....

SHRI G. RANGA: Nci.

SHRI H. C. DASAPPA: We know for a fact that there is a strong instinct and a natural instinct among the villagers to have their hereditary chiefs.

SHRI G. RANGA: No. They have been the bane of their lives just like your money-lenders and "sahukars".

SHRI H. C. DASAPPA: Mr. Ranga's experience—I can very well sympathise with him—has been unfortunate in this respect. I don't want to quarrel with his experience in his own State but let him not think that the malady his State suffers from is a universal malady.

SHRI G. RANGA: Not only in my State, I was there in Orissa and other places.....

SHRI H. C. DASAPPA: Here the Deputy Chairman knows that for instance in the villages the headman of the village in many places is a hereditary office and it has served the country well for so long.

SHRI MAHESH SARAN: Experience in Manipur is different. It is not a general proposition.

SHRI G. RANGA: May I remind him—he should have known it—that in Madras and other States these village headmen are prevented from standing as candidates for local boards ?

SHRI H. C. DASAPPA: As I said, his experience has been very unfortunate. I am only glad that it does not apply to all places. If they are treated as offices of profit, because they get a certain payment, then it is a different thing because it comes under the general law, but normally speaking, these hereditary village chieftains or headmen do serve a good purpose, and they command a certain amount of loyalty, I could agree that if he is an unpopular man or unwanted by the people, one who does not enjoy the confidence of the people of the village, there should be no question of having him as the head of the village authority.

SHRI MAHESH SARAN: If he is popular, he will be elected. Why don't you leave it like that ?

MR. DEPUTY CHAIRMAN: Order, order.

SHRI H. C. DASAPPA: There is a way of looking at these things. You should not ask a senior man, for instance, who generally commands the confidence of the people to go through the process of an ordinary election on the basis of adult franchise. It may not after all be the best means of securing the best kind of men for the village authority. It is a good thing that this measure has got a provision to the effect that where a village chief is there who commands the confidence of the villagers, he may be the chairman of the village authority and that it should not be made universal and obligatory in the case of every village authority to have an elected chairman. I do not think that that is at all an unhealthy proposition.

Next is the question of having these election matters agitated in regular courts. There has been a criticism that it should not be the Deputy Commissioner or the Chief Commissioner who should be the final authority to dispose of all election disputes. Even in our parts, in the good old days, election disputes regarding the local boards, the district boards, etc., used to be decided on the revenue side by the Deputy Commissioners. It was not the civil courts that dealt with this matter. It is only a latter day idea that these disputes have got to be decided by special tribunals and soon. Even here it will be quite proper for these disputes to be decided by the Deputy Commissioner and the Chief Commissioner. For ought I know, there would be much more expeditious disposal of these disputes than otherwise.

There is then the idea that the non-tribal people may settle down in these villages and get into local bodies and

become more a nuisance than help. I am afraid this idea is a very far fetched one.

There is clause 34 which reads as follows :

"If at any time the village court is of opinion that the suit is barred by limitation, the court shall, by order in writing, dismiss the suit".

I wish very much that this clause was not there at all. Let us not import this, I should say not too healthy a principle, to these, as he said, simple, unsophisticated people. What does it matter if the law of limitation does not come into operation in these parts, among these poor villagers ? So long as it is admitted that there is a liability on the part of a party. He should not be encouraged to take cover and advantage on the ground of limitation. This may be all right for urban areas and other areas but in this case, I wish those people were not introduced into this kind of an advance.

I am glad, Sir, that these decisions either on the criminal side or on the civil side are treated as final and that the only power would be to order a retrial if there is any real injustice to the parties.

Sir, in clause 51, the discretion to direct that a certain sum of money must be deposited in order to secure the presence of a witness is left to the court. I think this is a matter which must be governed by rules and there ought to be a rule-making power in this provision and it may be on the basis of a certain mileage and things like that. It should not merely be left to the discretion of the court. I am sure the hon. Minister will appreciate this point.

I have nothing very much more to say. I commend this measure.

SHRI R. THANHLIRA (Assam): Mr. Deputy Chairman, I stand to support this Bill so far as it goes, I, however, have no hesitation to say that it has not come up to my expectation and

I do not believe that this measure will achieve all the expectations of the people inhabiting the hill areas of Manipur. I have got some knowledge of Manipur myself like some other Members and I have had the opportunity of attending their political conferences also. As some Members have said, these hill areas of Manipur though not classified as a tribal area, are inhabited by the tribes which come under the Scheduled Tribes as per order of the President. So, I think, we can call this area a tribal area. The hill areas of Manipur contain many different hill tribes and the main tribes are the Nagas, the Kukis and the Mizos. These principal tribes speak different dialects and they have their own customs, cultures and other things which are largely distinct from each other. The hill people are much advanced though they are not so much advanced as the Manipuris who inhabit the valleys of the Manipur State. As far as my knowledge goes, these people who inhabit the hill areas of the State have been crying for some form of reform in the administrative set up of their areas. It is true that most of the villages have their chiefs and it is true that these chiefs were exercising a sort of autocratic authority. There had never been any democratic system of administration. The chief used to have his own chosen elders and with the help of his elders the village administration was being carried on. Since 1946, the hill people of Manipur have been crying for reformation in respect of their judicial administration as well as civil administration. By the passing of some Bills and some other measures of reforms in 1947, they have realised their dreams to some extent. Regarding the retention of the chief, as far as my knowledge goes, the majority of the people of these tribes are not in favour of continuing the chieftainship because the spirit of democracy has gone into their hearts.

Now, coming to this Bill, I would like to make some observations. First of all. I would like to mention about the provision in clause 3 (2) which

[Shri R. Thanhkira.]

has been also referred to by some of the previous speakers. I am very much against the provision of this subclause (2), that is about the Chief Commissioner having the authority "to order the election of a village authority. As already pointed out by the previous speakers, I think it is quite irregular to have in the same area, a nominated village authority and an elected village authority. These tribes who inhabit the hill areas of Manipur are much, so to say, on the same level in respect of advancement and educational achievement and so, I think, it is better that they are treated on the same level throughout.

And as far as my knowledge goes, the demand of these hill people of Manipur is always for an elected village authority. This kind of elected village authority has been experimented in other areas of Assam also. In my own district this experiment has been tried and it is very successful. My area is adjacent to these hill areas of Manipur and in my district we used to have these village chiefs but now they have been abolished about three years back and since then the elected village authority—we do not call it village authority; we call it village council—has been functioning very well and very smoothly. Before we did away with the chiefs, the argument that we used to receive from the Government was that the abolition of the institution of the chiefs will disrupt the society but we knew that it would not. Now we have abolished these chiefs and there has been no disruption of society and I think it will also be true of the tribes who inhabit the hill areas of Manipur. So my opinion is that in every village in these hill areas of Manipur, elected village authorities should be introduced. As envisaged here, there will be an elected village authority the chairman of which will also be elected from among the elected members. I have of course no dispute with the composition of Village Authorities as envisaged in clause 3 of the Bill

but I feel that there is something missing. While there is provision for a chairman of the Village Authority, there is no mention of a Village Writer. I think in every Village Authority there should be a Village Writer because the Village Authority, as it is called here, is going to try cases and it will be entrusted with some other responsibilities also and for discharging those duties I think they will need somebody to record the proceedings. That is quite necessary and I think it is important that a provision for a Village Writer should be inserted in this Bill itself, as for every Village Authority a Village Writer is a necessity.

Coming to clause 6, the term of office of members of the Village Authority shall be three years. That, I think, is too short. In my own district the Village Council which we are having now has been given a term of three years and within these three years, we have found, these Village Councils cannot do much. They cannot fulfil any of their promises. So if the term of this Village Authority is to be three years, then I am afraid that those members will simply run a race of pleasing their constituents, so to say and they will not think much of their functions. On the basis of experience I am in favour of at least having five years as the term of the Village Authorities. As for their composition, I am at the moment in favour of having some of the members nominated by the Chief Commissioner. That I think is good in the first stages. But later on if it is found on experience that we can do away with nominated members, then it is good and it should be done away with altogether, but only later on.

From clause 16, I find that the function of the Village Authorities is only to maintain law and order. Of course, that is a very big function and it is also a very responsible one but besides maintaining law and order, I am of the opinion that they should be entrusted with some other responsibilities also. Now that we are going to have Village Authorities elected b/

the people, in whom the electorate have confidence, it is best that we should give them as much responsibility as possible in respect of local matters. They should be entrusted not only with the maintenance of law and order but also with civil administration which affects the locality, such as sanitation, regulation and distribution of jhumlands, *i.e.*, rice cultivation, preservation of village forests and so on. There are many such things that can be entrusted safely in the hands of these elected Village Authorities. If they are entrusted only with the maintenance of law and order, I am afraid their position will be something like a police force and the people will look upon them rather with fear than with love. Therefore, they might rather be given some opportunity of service, of doing some good work to their people than to arrest their own fellowmen. If we give them these civil functions I think not only the Village Authorities but the villagers themselves also will be happier.

Now I come to clause 21. Here it is provided that a case before a village court may be instituted by a complaint made orally or in writing. I do not think that a complaint made orally should be recognised because it might bring about disputes even between the complainants and the members of the Village Authorities themselves. A man may come and say something to a member of the Village Authority and if that member then and there does not take down his complaint on the spot, I think some misunderstanding is liable to crop up. So it should be provided that complaints should be made in writing. If the man who has got to make a complaint cannot himself write, there are persons in every village who can read and write very well. The complainant can go to any such man and ask him to write out the complaint for him. At the end, if he can put his signature he may do so; otherwise he may give his thumb impression. I think that will be a better practice than allowing them to make oral complaints.

So, I think we should do away with this provision to allow oral complaints.

In clause 26 (1) big power has been given to these village courts to impose fine or to award compensation. It has gone so far as to authorise the village courts to impose a fine not exceeding two hundred rupees. I think this is too much for the village court. In a village court in these hill areas of Manipur, I think most of the cases will arise out of the customary laws and their customary practices. And these things generally are not high offences and when they are considered in the light of the customary practice, the fines and penalties can always be very much reduced. So, I think they should not be allowed to impose a fine of more than Rs. 50. If there is any big offence or any serious offence that is fit for the imposition of a fine of more than Rs. 50, those cases can be sent by these village courts to the sub-divisional magistrate.

The introduction of court fees as provided in clause 45, should not be allowed. It goes without saying that in these hill areas the people are very poor financially and they are just self-sufficient in clothes and other things. So, among these poor people court fees, specially in the village courts, should not be introduced.

In clause 53 it is said: —

"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."

I think this clause can be deleted very safely. Among the tribals in Assam as well as in Manipur, there is not much distinction made between man and woman. They are taken almost on the same level and there is no purdah system. Whatever is demanded of a man can be demanded also of a woman. I do not find any reason why this exemption should be granted to them. I think it is not necessary.

[Shri R. Thanhkira.]

And finally, I want to make an observation on clause 56 which says that all proceedings before a village court shall be in Manipuri. Manipuri is a language spoken by the Manipuris who inhabit the valleys of Manipur, that is, Imphal and around it. And in the hill areas all the inhabitants, as I have mentioned, are tribals. They have got their own languages and they have their own customs. Some speak Miza language; some speak Kuki language; and some speak Naga language. Of course, Manipuri language also is known to several persons, but to conduct all these proceedings in Manipuri or for those who appear before the courts to make all speeches in Manipuri, I think, is too difficult. You will find thousands of them who are quite ignorant of Manipuri. In such village courts everybody should be allowed to speak in the language universally spoken in that village and I do not think it will be good or it will find favour with the tribals themselves to have this particular clause here. And I think if they are given a chance to speak on this point, all the members of the hill areas of Manipur will be against this very clause. Thank you.

SHRI P. N. SAPRU (Uttar Pradesh): Mr. Deputy Chairman, I welcome this Bill and in doing so I should like to ask what our ultimate objective in regard to these hill people is. I take it that the ultimate objective is, while preserving their culture, to bring them into line with the other people of India. There can be no two citizenships in this country. They must either be fully brought into line with the people of India or they must remain in their tribal stage somewhat different from the people of India. I think the correct objective is to bring them into line with the people of India. This does not mean that they should not be helped to retain their distinctive culture, because we have distinctive cultures in this country and Indian culture is itself a synthesis of all the cultures that we have in this land. Now, keeping that objective in view, I should have liked

some light to be thrown on the nature of the Advisory Council which will assist the Chief Commissioner in the administration of Manipur. On that no light has been thrown in this Bill. Indeed, this Bill was not intended for this purpose. But I hope that Mr. Datar will indicate to us the lines on which he proposes that the Advisory Council should be constituted and should function hereafter under the Chief Commissioner in Manipur.

Coming to the Bill itself, I would say that while I am not familiar with the conditions prevailing in Manipur, the general principle accepted by us should have been this, that there should be elections, that elections will be the rule in Manipur. Now, I find that authority has been given to the Chief Commissioner to have elections in certain villages and not to have elections in certain other villages. This is the relevant clause which reads : —

"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, by notification in the Official Gazette, that the village shall have an elected Village Authority"

Now, I would have preferred the assumption that the village people do want to have an elected authority and I should, therefore, have proceeded on the basis that the villagers in Manipur shall have some sort of an elected Village Authority. Otherwise there is this discrimination between one village and another village, and discrimination always leads to heartburning.

MR. DEPUTY CHAIRMAN: The hon. Member may continue his speech after lunch. The House stands adjourned till 2 • 3 p. M.

The House adjourned for lunch at one of the clock.

The House reassembled after lunch at half past two of the clock. MR. DEPUTY CHAIRMAN in the Chair.

SHRI P. N. SAPRU: Mr. Deputy Chairman, I was dealing with the constitution and functions of the Village Authorities, and I made a point that the Village Authority should normally be an elected body. I would have preferred in clause 3 (2) some such language as this: "The Chief Commissioner shall"—I would have omitted those words "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"—and put the following words "save in cases where the public interest, for reasons to be recorded by him, otherwise demands, declare by notification in the Official Gazette that the village shall have an elected Village Authority." Therefore the normal thing for a village would be to have a Village Authority. The onus would be upon the Chief Commissioner to show by reasons recorded by him in writing that the conditions were not such that elections were possible.

Then, Mr. Deputy Chairman, I find that where there is a Chief or Khul-lakpa, he is to be the Chairman of the Village Authority. But where there is no Chief the Chairman shall be elected by the members of the Village Authority among themselves. Now, why should we not have adopted a more simple practice, a more uniform practice? Why should the Chairman not be selected in all cases from a panel supplied by the Village Authority? The Village Authority might have been given the power of nominating or recommending three persons, and out of those three persons the Chairman might have been selected.

Then, coming to clause 5, I find that leprosy is not to be one of the disqualifications of a member. I know that many people look upon leprosy as a curable disease now, but I have a great deal of sympathy with people

who have to have dealings with lepers. I think more people would say that normally leprosy too should be regarded as a disease which disqualifies a person from acting as a member of the Village Authority. But that is not my attitude.

Then I come to a more vital point that is raised by clause 8 of the Bill. Clause 8 of the Bill authorises the Deputy Commissioner to remove any member of the Village Authority from his office who is convicted of any non-bailable offence. I would like to emphasise that this wording of the clause vests, in the context in which it is used, a discretion in the Deputy Commissioner. Now, as far as I have been able to understand the implications of the Articles, of the Constitution which declare discrimination to be against the Constitution, I cannot understand how this clause will not come within the mischief of Article 14 or Article 15 of the Constitution. The point is this. This power will be exercised by an executive authority and it will be for him to decide whether he shall remove the disqualification in any particular case or not. That decision will be *per se* of an arbitrary character. It will have to be of a subjective character. Therefore, I venture to say with some confidence that I am extremely doubtful as to the constitutionality of this provision. Apart from that there is another and more vital ground why this clause in my opinion should be regarded as opposed to principles of justice as we know them. One of the fundamental principles of justice is that punishment wipes off the offence. Why should a man who has suffered for his misdeeds be branded as unfit for civic offices all his life and why should his future be dependent upon the pleasure of the executive authority? Mr. Deputy Chairman, this is a somewhat vital question which needs to be considered from the point of view of fundamental jurisprudence.

I now come to the clause about the functions of the Village Authority. I know that this Village Authority shall have police functions, and it

[Shri P. N. Sapru.] shall also have a court which will be nominated by the Chief Commissioner. In other words, police functions, the functions of a civil court, the functions of a criminal court, all these three functions will be exercised by this Authority. Now it may be that this simplifies the administration of justice in a backward area, but simplification is not the only thing that we should care for. However, I am not disposed to quarrel with this combination of functions in the context of the conditions as they exist in Manipur. I hope that sooner or later this combination of functions in Manipur will have to go. But I have not been able to understand why under clause 18 what may be called revisional powers have been vested in the Chief Commissioner who is an administrative authority and not in the Judicial Commissioner. I am speaking subject to correction, I suppose there will be a Judicial Commissioner in Manipur—and I should have thought that the proper revisional authority was the Judicial Commissioner and not the Chief Commissioner.

Then, Mr. Deputy Chairman, I will come to the constitution of the village court. I am not, in the context of Manipur State, disposed to quarrel with Shri Datar about the court being a completely nominated one. I am not very much in love with elected tribunals or elected courts though I know that in some countries a system of elected tribunals works very well. In the United States, for example, even the judges of the Supreme Court are appointed by the President subject to ratification by the Senate. But here conditions differ and I am not disposed to quarrel with him so far as appointment of the village court by the Chief Commissioner is concerned. It may be that some time or other—sooner perhaps than later—we shall have to change this section in the introduction of some elected element in it. But I am not keen on that—But what I want to say is this. My experience of village panchayat in my province has on the

whole been a good one. I think they do their work with moderate satisfaction. I use the word 'moderate satisfaction' deliberately because in my experience, I came across some shocking cases. I shall give you one case which just comes to my mind. A case was taken up on the 6th of November. The accused, person was told that he would be required to put in appearance on the 28th November. On the 16th November when the Panchayat met, it found that it was without work. It was suggested by one of the members that they should take up the case which had been fixed for the 28th November. They took up that case. They convicted the accused in his absence. When the accused appeared on the 28th November, he was told that the case had been decided in his absence on the 16th November. "Well, how can it be decided on the 16th November? I have got summons here. It was fixed for the 28th November." "You have been fined and this is the fine that you have to pay." Thereafter he went to an officer who was the revising authority under the Panchayat Act. This officer—some Sub-Divisional Officer—wrote a magnificent judgment in these words; "I see no reason to interfere with the judgment of the Panchayat Court." Well, when the case came up before us, we were very much annoyed. As a Court, the view taken by us was that this was a monstrous judgment for the Sub-Divisional Officer to write. Therefore, what I would like Shri Datar to do is somehow to impress upon these Sub-Divisional Officers to take the work of revising these decisions and revisional powers that have been given to them, by this Act, seriously. My point is that, if our Sub-Divisional Officers or the Revising Officers will take some pains over their judgments, if they will point out in their judgments where a panchayat has gone wrong, they would be helping this institution of Panchayat.

SHRI B. B. SHARMA (Uttar Pradesh): Many cases of that monstrosity do not even go before the revising officers.

SHRI P. N. SAPRU: After all, we can only judge from the cases that come before us. There must be many cases which do not go to the revising authority also. But there are cases like this. But on the whole, I think that the panchayats work fairly satisfactorily.

SHRI B. B. SHARMA: I differ from you there.

SHRI P. N. SAPRU: The Panchayat is the substitute which the Indian genius in days of old discovered for the jury system of today. It has to be brought into harmony with some basic conceptions which underlie the modern system of jurisprudence. The improvement of these panchayats can be helped very much by the adoption of a system which is known in court martials as that of Judge Advocates. There should be inspectors who are acquainted with the law to help these panchayats so far as the legal aspects of a case are concerned. They should be able to put both sides of a case before the panchayat; they should be employed to help the panchayat in regard to legal matters. Take, for example, a clause which even the most experienced judges would find it difficult to interpret. Here I am referring to clause 48. "... The Indian Evidence Act, 1872 shall not apply in the trial of any case or suit by a village court but the village court shall observe as far as possible the principles underlying that Act." Now, does Shri Datar realise that it is the most difficult thing for any lawyer to state what are the principles of the Indian Evidence Act? You must not only know the Indian Evidence Act; you must not only be familiar with that Act, but you should be familiar also with the classics on the Evidence Act. You must know Berton's Evidence, Taylor's Evidence and Weg-more's Evidence. I am really amazed at the draftsmanship of this clause. It will really play havoc with our courts. What are the principles underlying the Indian Evidence Act? If I am asked this question, with all the experience and the legal training I have, I could not state them. Is it to be expected, is it natural to

expect, that these poor laymen would know what the principles of the Evidence Act are? If I were to frame a question like this for the LL. M. Examination, I should be able to play havoc with students' answer papers; I shall give most of them only five or ten marks out of thirty or forty marks. Therefore, I am rather surprised that this clause should have found a place here. Either you should have said nothing about the Indian Evidence Act or you should have used other words.

! SHRI R. C. GUPTA (UWar Pradesh): What Shri Datar means is the principle of natural justice only.

SHRI P. N. SAPRU. I am just coming to that. I was going to use those very words. I would have said that the principles of natural justice and good conscience and equity will apply—this is something which could have been understandable by or intelligible to these poor hill people. Well, Sir, I am sorry if I have introduced a little heat, but I thought I owed it to myself to say what I felt about some clauses which might create so many difficulties.

Then, Mr. Deputy Chairman, I come to clause 53 which I find it very difficult to support as a believer in the feminist movement. That clause states as follows :

"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."

Now, Sir, a male person can be compelled against, his will to appear as an accused or as a witness in a court of law. Why should a woman be placed on a different footing from a man? Women can't have it both ways. They can't have equality and at the same time chivalry. They must choose between the old order and the new order.....

SHRIMATI LAKSHMI MENON
(Bihar): They are now given a chance.

DR. R. P. DUBE (Madhya Pradesh): There are certain things that they cannot do.

SHRI P. N. SAPRU: I think they can do anything in the world. I am a full supporter of their rights. But when I talk of equality, I mean equality. I do not mean chivalry. Chivalry has no place in my scheme of life, and therefore I personally think that there is no justification at all for bringing in this clause.

Then I find that there will be, in civil cases, a revision to the District Judge. This is all right. I have got no objection to that. The High Court in the case of Manipur will, of course, be the Judicial Commissioner's court.

Well, Mr. Deputy Chairman, these are all the remarks that I have got to make with regard to this Bill. I think that as a first step it is to be welcomed, and I give my general support to it. Thank you.

SHRI B. N. DATAR: Mr. Deputy Chairman, I am obliged to the hon. Members of this House, who took part in the debate, for the general support that they have extended to its provisions, except my lion, friend, Shri Bodra, who took quite a different and naturally a surprising line. Now I shall deal with the various points that have been raised by my hon. friends.

First of all, I would like to answer my friend Shri Bodra, for what I can call the highly unsatisfactory attitude that he took. Now, Sir, the attitude that he has taken may in one word be stated to be "Hands off the tribals". We are not prepared to accept this position, because the tribal people are Indians and they are citizens of India, and therefore they are entitled to the same rights under a democratic Constitution as others. I can understand his suggesting that whatever is the best in their culture ought to be preserved, and that is always the attitude. But subject to the advisability of preserving their culture, I would submit to my hon. friend that it is always

advisable, to the extent to which it is possible, to extend the principles of a democratic Government to these areas as well. Therefore, Sir, I would not accept his dictum at all. "Hands off the tribals". What is done in their interest by way of a progressive set up of democratic institutions is un-warrantedly dubbed by him as interference. That is not interference at all. Therefore, I would not accept his contention that we are introducing certain measures which constitute interference. They do not constitute any interference at all. I would point out something to him, as also to the other hon. Members who suggested that we might go the other way, and we should go to the fullest extent so far as this democratic experiment is concerned.

Then, Sir, Mr. Sapru also made some observations. I always value his observations because they always show a great and earnest study. But sometimes, Sir, there are certain elements that he brings in which make it difficult to follow him completely, because to a certain extent they are either academic or they are impracticable. Subject to this, I always value his points and his observations because they arise out of a vast study of the problems" with which that particular question is concerned.

Now, Sir, I might point out to those who have made a suggestion that we should go to the fullest extent, so far as these areas are concerned in allowing these people to have democratic institutions as we are having in the other parts of India, that sometimes it is difficult to go the whole hog, especially with those people who have been long isolated from the other sections of the Indian population. On account of this isolation, as I stated in my opening remarks, they are a people who have to be gradually told what is in their interest. They are more susceptible to a feeling of suspicion and misgiving than the other sections. We have just opened up new avenues so far as the democratic life is concerned, and that is the reason why I suggested that we propose to hasten, but slowly. And

therefore certain provisions have been incorporated in this Bill. Well, Sir, in the light of the peculiar conditions that obtain there, we have to be a bit careful. That was the reason why we could not straightway elect the Village Authorities, in spite of our desire to go to the fullest extent possible. Therefore, Sir, I would submit to the hon. Members of this House that this is an experiment which we hope will be fully successful, and in the course of the next few years we might come before this House for introducing further amendments on the lines that the hon. Members have pointed out.

So far as the Chiefs are concerned, Sir, they constitute a very important part in the general village governance. Therefore, some dignity is associated with them, and if, for example, all of a sudden we remove these Chiefs from the position of Chieftainship, so far as that area is concerned, it is likely to create certain misgivings, which we desire to
3PM P^{oss}ible. What we have done is that we shall have a notification by the Chief Commissioner under clause 3 (2), and I would inform this House that Government are anxious to introduce or to have elected village authorities as far as possible and that the words of caution that have been used, *viz.*,—

"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"

will not be used in a restrictive manner, because it is our desire that there ought to be elected village authorities to a larger extent so far as the hill people are concerned.

The next question that arose was as to whether the Chief Commissioner of the State should be believed or should not be believed. I would point out as one of my hon. friends has stated during the course of the debate, that it is the Central Government or

rather it is the Parliament that is supreme over all these officers and therefore these officers, the Chief Commissioner for example, will not be acting in an entirely unreasonable manner or in an arbitrary manner. I would point out that there is an Advisory Council which has already been appointed with effect from the 1st November 1956. Some hon. Member on the other side wanted to know whether a Council of Advisers has or has not been appointed. I would point out to him that it has already been appointed by the orders of the Government issued on the 1st November 1956, according to which there is a Council consisting of five advisers, and therefore it is not an arbitrary administration by a Chief Commissioner who is not accountable to any person at all. So, we have to approach the question of interference or otherwise so far as these officers are concerned from that particular point of view, *viz.*, that ultimately whatever is done in Manipur is subject to the control and supervision of this hon. House, and therefore I would request that no misgivings should be entertained or no fear felt so far as the exercise of these powers by the Chief Commissioner or the Deputy Commissioner is concerned.

Then, certain other points were raised by certain other friends. It is contended that if, for example, these elections are held in these villages, non-tribal people will go there and ultimately influence the people and that these non-tribals will have an upper hand so far as these tribals are concerned. I would point out that this fear is entirely misplaced. These are very small villages. You can imagine a large number of villages, *viz.* 1300, in a very small area with a small population. Therefore, so far as that area is concerned, it is not so attractive for the money-lenders or Mar-waris as my hon. friend pointed out. It is not possible to introduce any restrictions because the citizenship of India is common. I would submit that there is no chance of a money-lender or a Marwari going to any one of those villages, settling there and

[Shri B. N. Datar.]

influencing the elections to the village authorities in those petty villagers. I would point out to this House that the number of houses in "a village varies: the least is about five and the highest number in the case of a few villages does not exceed 209. So, you will find that ordinarily these are extremely small or petty villages and we should not carry to them from the plains our ideas of villages and village life. The peculiar conditions there have to be taken into account and there is no scope to entertain any misgivings of non-tribals swarming the tribals and affecting their interests.

The next point that was raised was that it might be possible to combine a number of villages for having a common village authority. So far as these people are concerned, they have been accustomed to an isolated life for centuries together. If any such request comes, that will be duly considered and if necessary, we might amend this Act also in due course. But as we see the things there at present, they have a sort of community life and that community life is generally based on their villages, and therefore the village as a unit should for the time being remain for the formation of a village authority. Then, as I have already stated, the Chief Commissioner will not be exercising his discretion in any arbitrary manner at all.

My friend Mr. Mazumdar, contended and wanted to know to what extent the provisions of this Regulation would remain in use or whether that whole Regulation has been repealed. So far as that is concerned, I would invite his attention to clause 58 of this Bill. In that clause it has been made clear that—

"The Manipur State Hill People (Administration) Regulation, 1947, in so far as it relates to the constitution and functions of Village Authorities and the administration of justice, both civil and criminal, by court of Village Authorities, is hereby repealed."

SHRI S. N. MAZUMDAR: My point was whether the provisions which I referred to are covered by that clause or not.

SHRI B. N. DATAR: That is what I was pointing out. I would point out that there is a common administration and the general administrative machinery has been introduced in the hilly areas as a whole. We might, for example, take it that under the general provisions of the Constitution, the provisions of what are known as Part C States Act, the provisions of the States Reorganisation Act and the Constitution (Amendment) Acts, certain provisions have already been introduced and are working there. Therefore, we have this particular repeal clause in clause 58. I would point out to my hon. friend that almost the whole of these Regulations are repealed except a small portion in Chapter IV E. That alone, I am advised, remains unrepealed. That deals with cases relating to land and village settlements. All other provisions have been repealed. Therefore, so far as the question of land is concerned, that has to be considered separately and, if it becomes necessary, we might either repeal them altogether or bring in a new Bill or we might take the necessary steps so as to bring them into line with modern progressive views. Therefore, he need not be afraid that any outmoded provisions in these Regulations would remain unrepealed.

Then, a friend pointed out that in so far as these persons are concerned, they have their customs and manners and that these customs and manners to the extent that they have authority under the law should always be maintained. I would point out to my hon. friend that similar provisions were accepted when we amended the Manipur (Courts) Act. There it has been laid down in section 42:

"Where in any suit or proceeding, it is necessary for any court

under this Act to decide any question regarding succession, inheritance, marriage or case or any religious usage or institution, any custom (if such there be) having the force of law, or any personal law, governing the parties, or the property of the parties to such suit or proceeding, shall form the rule of decision . . ."

Therefore, I would point out that we have in the other case also respected the customary laws of these people and they would continue to have operative force even before judicial courts.

My friend Shri Dasappa made a very surprising suggestion. He stated that the law of limitation should not be made applicable *co* proceedings before the village courts at all. That is rather surprising. Now so far as the law of the land is concerned, the law of limitation is one of the principal laws of the land; and the law of limitation as you are aware, is based upon certain very good principles, namely, that the suitor must always be vigilant to see to it that he files a suit or takes necessary action as early as possible. That is the reason why we have a law of limitation and I don't know whether we could, even if we desire, repeal such provision so far as the judicial courts of the villages are concerned. Therefore this provision has to be maintained and I am afraid it would not be open to any judicial court to disregard the provisions of the Limitation Act to the extent that it applies to those cases.

Then my friend Dr. Sapru wanted to know what was the ultimate objective and I believe he put it fairly correctly. Our ultimate objective is that such elective elements or democratic institutions should be introduced throughout the length and breadth of India. Now the second objective is that we should maintain to the extent that it is possible, the customs, the manners as also the good traditions so far as these tribal people are concerned but in this case I

would also like to point out to him that we have to proceed somewhat cautiously with a view that the objective that we have may not be frustrated by a wrong understanding on the part of these ancient but poor and ignorant people. That is the reason why we are proceeding a bit slowly though the ultimate objective that we have will be attained as early as possible when conditions are fairly advanced.

He desired that there ought to be a presumption that every village should have an elected village authority and as he stated, the burden ought to be on the Chief Commissioner or the Government to show in a particular village that it is not so. I would like him to read this clause 3 in the same spirit. We are anxious, I would assure him, to extend this elective element or this democratic institution as largely as possible and therefore the words that have been put in need not be understood, as I have stated, as incorporating any restrictions or any principles behind which we desire to take shelter. But in view of the difficulties that I have pointed out, it has been so phrased; but all the same, the Chief Commissioner will take care to see that an elected Panchayat is introduced by a notification in every village where there is a genuine desire unless there are certain circumstances that lead us to a contrary conclusion and all these things will surely be taken into account. As I have already answered the question, it is ordinarily true that as far as possible, the village authorities ought to be elected but in view of the difficulties that I have pointed out, we proceed slowly though the general objective is to have elected authorities everywhere subject to the ripening of conditions in these various parts.

Then I am glad to know that he has appreciated our present stand, that leprosy should not be considered as a disqualification.

Then in clause 8 he took objection to certain provisions and he contended that possibly article 14 or 15 may

[Shri B. N. Datar.] have the effect of invalidating these provisions. I would point out to my hon. friend that so far as article 15 of the Constitution is concerned, all discrimination is not ruled out at all. It says:

"The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them."

But there might be other grounds, for example, the commission of a heinous offence or a misbehaviour or conviction in a court of law. There may be a number of other very valid grounds which have not been touched by the Constitution and therefore it is not proper to say that there should be no discrimination in any case but what is provided for is that there ought to be no discrimination on any of these grounds. Therefore grounds and discrimination ought always to be read together and therefore I would submit to my esteemed friend that the provision that we have will not come within the mischief of either article 14 or 15 of the Constitution.

So far as the revising powers that have been given to the Chief Commissioner or the Deputy Commissioner are concerned, my hon. friend will find that they occur in a chapter which does not deal with judicial functions. It deals with executive functions. For example, certain police powers have been given to them. They have to exercise certain powers. In such a case naturally the Chief Commissioner, as the Executive Head of the territory, should have such powers and as he has rightly pointed out, in respect of judicial proceedings carried on before the village authorities, the District Judge has been given the power of revision. Therefore I would submit to him that he need not be afraid in any way.

Then he pointed out that the principles of Evidence Act have to be followed. I would, in all humility, point

out to him that it says: 'the principles of the Evidence Act'—the word 'principle'—has been purposely used. After all, what is the Evidence Act or what are the various Acts. They are, in the last analysis, based upon common experience. If that is so, then naturally even the principles of the Evidence Act, to the extent that they are applicable and as far as possible, will have to be followed. So the question of natural justice arises not only in respect of substantive rights but also in respect of procedural law and therefore it is quite easy even to an ordinary man with some amount of commonsense to understand what is relevant and what may not be relevant. The technical side should be given up and therefore the word that has been used is 'the spirit or principles of the Evidence Act'. They are not so difficult as my hon. friend points out and I would again point out the common experience. The people in the villages and everywhere may be illiterate but still they have a lot of commonsense and they know how the world is going. They know how to decide these cases and we have similar principles in the Panchayats Act also in India. Therefore this should not be considered as any objection.

So far as the court fees are concerned, I would invite the hon. Member's attention to clause 45 where a very small and a formal amount of court fee has been made applicable. It says:

"In all suits instituted in a village court a fee of one anna in the rupee shall be payable in advance by the plaintiff on the amount of the claim up to fifty rupees, and of half anna for every rupee of the claim above fifty rupees, and such fees shall not be paid to either party."

This is a very small amount and that is the reason why in a subsequent clause we have stated that the Court Fees Act, the Code of Criminal Procedure and the Code of Civil Procedure shall not apply to any trial or any criminal case or civil suit

before a village court. So far as the powers of the High Court under the Constitution are concerned, naturally those powers, I presume, will always be there and they cannot be taken away unless the Constitution is amended and regard may be had also to the manner in which the High Court exercises the general powers of revision under the High Court pointed out by my friend.

One point remains. That question was as to why certain other functions were not entrusted to these village authorities. Now so far as other functions like sanitation, forests, public works, education, agriculture, etc., are concerned, there are Government Departments in respect of all of them.

Secondly, these are very small units and they are not like the village pan-chayats in the plains. Therefore, it has been purposely decided to go on experimenting with this democratic institution so far as the general powers dealing with the maintenance of law and order, etc., are concerned; and as the villages are very small, it was considered that it would be better to have these amenities extended to these villages by the Government working directly through its own departments. Let us see how this experiment works and if it becomes necessary and also advisable and practicable. Government will consider the whole question and then bring in a Bill. In the present very simple conditions, we have to proceed slowly. Therefore, we are trying to develop this institution by confining its functions only to certain aspects and not bringing them in line with what the panchayats or what the local boards are doing in the plains. These are the various reasons why Government have brought forward this Bill in a cautious manner though ultimately Government are anxious that as early as possible, similar democratic institutions with all the necessary powers be developed or be evolved even in these areas as well.

MR. DEPUTY 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 Union Territory of Manipur, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now we shall take up clause by clause consideration of the Bill.

Clauses 2 to 58 and the Schedule were added to the Bill.

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

SHRI B. N. DATAR: Sir, I beg to move:

"That the Bill be passed."

There are two very small mistakes. One is a printing mistake and the other is a spelling mistake. So far as the printing mistake is concerned, it occurs in clause 27. For "section 26", "sub-section 26" has been printed. That may be corrected. The spelling mistake relates to the word "Khalla-kpa". The correct spelling is "Khulla-kpa". This may be corrected.

MR. DEPUTY CHAIRMAN: That will be corrected. Motion moved :

"That the Bill be passed".

SHRI T. BODRA: Mr. Deputy Chairman, I ask very simple question. I do not know the objective of the Bill but my very simple question to you is, do you want to take away the peace that is prevailing here for centuries from these 5,57,000 people. The introduction of election in each and every village will bring nothing but feuds amongst these twenty, thirty or fifty—whatever the number is—tax paying people in each and every village which they have never known so far. I come from a part of the Singbhum district of Bihar which is known as the Kolhan Government State. In 1908, during the British period, the

[Shri T. Bodra.]

British people thought it better to allow these tribals to continue to have their own democratic institutions which they have been having all along. These villagers had a "Monki" and a "Munda" and these people were vested with the powers of the police. That means, they court arrest a man without any warrant. They could arrest any murderer, any thief, any scoundrel or a man who was a deserter from the Army, Navy or the Air Force and they used to bring him straight to the bungalow of the Deputy Commissioner at Chaibasa. In addition to that, these "Monki" and the "Mundas" used to collect the land revenue and deposit it into the Government Treasury and Government had not to pay or appoint any tehsil-dar or anybody. In addition to that, each and every village, under the guardianship of the chiefs, locally known as the "Monki" and the "Mundas", used to decide civil disputes. They used to decide criminal disputes and perhaps the hon. Minister will be surprised to hear that there was no man in the Kolhan Government State who ever had filed any civil or criminal suit till the year 1945. See what happened after Independence. These new democratic institutions have been introduced in that part of the country and the "Monki" and the "Mundas" have been done away with. Police sub-inspectors have been posted all over at a distance of 20 miles; excise sub-inspectors have been posted and forest rangers have been posted all over with the result that the forest is being cut down. Contractors are coming and going and there is bribery and corruption and what not and every day at least ten or fifteen criminal cases are filed in the court of the S.D.O. five cases are filed before the Munsifi's court and they have all come to know how to alienate their lands and they are coming with the deeds of registration before the officers. In addition to that, after Independence, gram panchayats have been introduced and these bodies are supposed to be based on the elective system. The Deputy Commissioner,

when he found out that these tribal people are not in a mood to have elections, nominated them and with that bitter experience of mine, when the peace and order has been removed from these villages of Kolhan Government State, I do not know how this system is going to work here. I have got genuine difficulties and I have got a right to give expression to my grievances, may be you may not agree with me but I am giving expression to my feelings genuinely and honestly.

Coming to clause 3 (2), what do we find? It is said that the Chief Commissioner may order an election to be held after declaring it in the official gazette. The Chief Commissioner will certainly declare in the gazette which the tribal people have not got the time and the money to read with the result that after the issue of the notification, after two or three or even six months or a year, the Chief Commissioner will have to nominate the village authority. This means that he will nominate only special persons, persons who are bold enough to go down to the Chief Commissioner's bungalow or to go about quarrelling or talking about this or that and such people will get elected. This means that such people will serve the interest of the Chief Commissioner only and not the interests of the people. This will be frustrating the honest efforts of the Government, of India towards the welfare of these tribal people.

Similarly, Sir, there is a provision in sub-clause (3) regarding nomination. The Chief Commissioner has got to nominate persons because the tribal people will not be coming forward in response to his notification. They will not come out saying that they would like to be elected to the village authority and if these people are not coming forth, the Chief Commissioner will have to nominate persons. He is bound under the law to nominate them and he cannot nominate such persons as are good tribal people because the people of those areas are very shy; they would never come forward and say, "we are the best persons

to get elected to the village authority, to do justice to the village people and to look after the welfare of the villages". The good people, the people who have been respected and who are respected by the villagers will never come forward for being elected. They would always be back-benchers unless they are put into the chair and the result will be just the contrary to the good intentions of the Government of India.

Under clause 4, nothing prevents any non-tribal from being elected to a village authority. Any citizen of India may get elected, be he a Bengali, a Maharashtrian or any non-tribal, provided he owns land there and has been a resident for a period of 120 days. Such a person can contest that election.

MR. DEPUTY CHAIRMAN: He must be registered in the electoral roll as a voter.

SHRI T. BODRA: He cannot be registered unless he is a permanent resident of that locality and he can become a resident of that locality by buying a house. If he has a dwelling house, it is not very difficult to get enrolled in the voters' list.

MR. DEPUTY CHAIRMAN: So a Bengali cannot come there.

SHRI T. BODRA: My fear is that taking advantage of the shyness, taking advantage of the simplicity of the village people, some of the ultra modern people will get themselves enrolled in these village authorities and in these bodies there will be undesirable people who will be entrusted with the village authority under the auspices of the Government and under the auspices of the Parliament.

In the past the village people—I am speaking absolutely in the interests of the tribals; I must make myself very very clear—these tribal people had democratic institutions but they 4—38 R.S. 56.

could never dream of having a non-tribal as their chief. Now under this clause, under this Act, a non-tribal is as good as a tribal to get the leadership and to become the village authority. And the village authority is invested with great powers. They can give contracts of forests; they can give contracts of waste lands; they can sell movable and immovable properties. These are great powers and they are going to have still greater powers henceforth. The village authority has got so much powers that it can sell movable as well as immovable properties, that it can give forest contracts and other things. So in 1300 villages, roughly speaking, if there are 1300 undesirable people who somehow or other manage to become the village authorities, where is the peace? Where is the happiness that the village people have been enjoying for so many thousands of years? Sir, these are my genuine fears and with the bitter experience that I have in my own State of Bihar, in the district of Singhbhum, I think I shall not be far wrong when I say that the hon. Minister will hear about all these in course of time because this Bill is going to be passed; perhaps mine is the only solitary voice objecting to its being passed.

MR. DEPUTY CHAIRMAN: We are in the third reading stage. Please do not repeat the arguments.

SHRI T. BODRA: Now, Sir the Deputy Commissioner has got powers to remove any person whom he wants to remove. No doubt they are I.A.S. officers but they are also human beings. Many of the Deputy Commissioners are very good people but many of them are also bad people. If some member of the village authority does not comply with his wishes, then he is liable to be removed. That means this election has no validity whatsoever. That is an elected body and certainly the people should have been invested with the power of removal of anybody from office but here the power of removal is entirely in the hands of the Deputy Commissioner and not in the hands of the people who elected them.

[Shri T. Bodra.]

Similarly under clause 17 it is only.....

MR. DEPUTY CHAIRMAN: All the clauses have been passed. We are in the third reading stage. You are again committing the mistake. If you are opposing the Bill, just say a few words. We have already passed the clauses.

SHRI T. BODRA: All right, Sir. In conclusion I would submit with due respect to the Home Minister that Heavens would not have fallen down if he had waited for another ten years. Bring these people up to the level of the people of the plains of U. P., Bihar, Bengal and other places and then introduce all these things. That is the suggestion that I would make to him.

SHRI H. P. SAKSENA (Uttar Pradesh): Sir, I feel it my solemn duty not to allow the speech that has been delivered just now to go unchallenged. This is a very sad state of affairs that has been expounded by my friend, Mr. Bodra. His only regret is that the British Government is not here to look after the tribal people and the scheduled castes. I am sorry that this regret of his is not going to be removed eternally. It is gone for ever and ever and no British Government will be here to look after with parental love the interests of the tribal people. My friend must not forget that it is only after the year 1947 that he has got an opportunity to sit here in this sovereign House as a representative of the tribal people. Sir, for a member of this House to say that the peace of the territory will be disturbed and the happiness of the people will vanish if a Bill of this nature intended in all good conscience and with the best of faith for their improvement and progress is passed is simply preposterous. It is monstrous to make a suggestion like that. Sir, I do not know how this piece of legislation, this Manipur (Village Authorities in Hill Areas) Bill, can disturb the peace and happiness of the

people of that area. It is more than difficult for me to understand the logic which impels my friend to make a statement like that. Sir, all that this Bill does is to bring the hill people of Manipur territory in line with the rest of India; it is done with the best of intentions and yet the whole Bill is looked upon with an eye of suspicion as if the greatest calamity is going to be thrust upon their heads, as if their peace, prosperity and happiness will be ruined by the passage of this Bill. Sir, God save us from all such representatives. This is all that I can say at the present moment. If I were to represent my people in the way in which the hill people are being represented by my friend, Mr. Bodra, well, save me from such representation. I hope that in future the present Government will see to it that such representatives are kept far far away from the people whom they claim to represent. With these words I commend the Bill to the House for its approval.

KAZI KARIMUDDIN (Bombay): Mr. Deputy Chairman, I am really amazed to hear the speech of my friend on the other side who said that the peace of that area will be disturbed. The peace in the past was the peace of the grave for the people. There was no consciousness of the obligations and rights of the people but it was based on the law of the jungle. Does my learned friend want that the law of the Jungle should prevail? Does he want that the *panchs* who are arbitrarily selected should enforce that sort of peace of the grave? My submission is that with the introduction of democratic institutions in that area people will realise that it is not by arbitrary methods that peace will be established or disputes will be decided. He has argued that in the past there has been no civil and criminal disputes and that after 1947 several criminal cases have been filed. It is bound to be so. In *m-past* there was neither the application of the Criminal Procedure Code nor of the civil laws. The word of the *panch* was final. Now, even a poor man or any member of the society

who would not have dared to go to the *panchs* or to the chief *panch* can go to the court for the redress of his grievances either on the criminal or on the civil side. I do not really see how my learned friend says that the filing of the complaints in a criminal court is bad. If a man is subjected to any oppression he has to go to a court. If his claim has been ruled out by anybody or any property is snatched away, he is bound to go to a civil court. I really do not see what objection he has to lodging complaints and civil disputes.

His other objection was that they are very good people and what is the test of those good people ? They are very shy and they would not stand for the elections; and it was also stated by him that they would not come forward to contest the elections and the people would be nominated by the administrator or the Chief Commissioner or any other party. I must tell my learned friend that the Chief Commissioner will be interested in the welfare of the people. He will be appointed by the National Government and the Chief Commissioner will certainly nominate those people who are shy, who are respectable and who are popular in that area. He need have no apprehensions on this point. As I have said it is really amazing that a Member of this House goes to the extent of saying that the introduction of the democratic institution would be to the detriment of the people. I must tell my learned friend that in the democratic state of affairs even he is allowed to make a speech of this sort in the twentieth century and this is the benefit of democracy. Therefore, my submission is that the points raised by my learned friend on the other side are not tenable in the twentieth century, they are anti-democratic and he wants arbitrary methods of the old to prevail and he does not want the people to have progress. When he says that this democratic institution should have been introduced ten years hence, why not today ? By saying that indirectly he admits that it would be a necessity ten years hence. The House thinks that it is

a great necessity to train the people who are following laws of the jungle, who do not know civil law, who do not know criminal law. They go by custom and arbitrary methods. This institution will give them a training in democratic methods. I support this Bill.

SHRI B. N. DATAR: Sir. I would be very brief. My friend put a straight question as to whether we desire to have peace. And that question has been very eloquently answered by my two hon. friends just now. Now. I should like to point out to my hon. friend that all those people have to be duly civilised and there ought to be an enlightened society therein as well and the people ought to understand their rights as also their obligations. Therefore, the question of peace need not be considered as being incompatible with a state of enlightenment. I know, unfortunately, for centuries together these people had been neglected. They were living in isolation for centuries together. Even in the very State to which he has made reference, from which he comes, in Bihar, I had gone and I found that those people were entirely nervous or afraid of the people of the plains. I myself wanted to see the life that they lead and, therefore, I went up to the hills. And the moment they saw that we were coming they began to run away. That is unfortunately the state of affairs. Some of these people are leading what might be called a subhuman existence. Therefore, it is essential that this static condition, this condition of inaction or non-development, this condition of sub-human existence has got to be removed at any cost and I am quite confident that peace would be maintained there unless there are certain agitators who are interested in keeping them as a close preserve or who are interested in backwardness and vested interests. I find often times that backwardness itself is treated as a vested interest. Let us get over all such feelings and if those who are interested in such matters keep away I am quite confident that we shall have peace of an enlightened -society.

[Shri B. N. Datar.]

Then, Sir, I forgot to answer one point raised by my hon. friend. Dr. Sapru. He made a reference to clause 53 and he stated that so far as the law is concerned there is no question of any chivaky at all. I should like to point out that we have not given any special rights to women at all. what has been done is no woman shall, against her will, be compelled to appear in person before a village court. Now, that does not in any way give them any right at all. It is a question of pure volition. It is a question of pure desire or reluctance on the part of the woman concerned if she is a suitor or if she is an accused.

DR. R. P. DUBE: That is a relief.

• SHRI B. N. DATAR: This is, in fact, a relief as my hon. friend points out. I would like in this connection to point out an analogy from a recent amendment of the Code of Criminal Procedure. Section 160 of the Code of Criminal Procedure deals with police officer's powers to require the attendance of witnesses. Now, certain complaints were received that women were called for interrogation and that they were not treated properly. That is the reason why Parliament has introduced a proviso to section 160, viz., provided that no male person under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides. Therefore, there is no question of chivalry and here in this case we have left it entirely to her choice and if a woman desires to appear before a court then naturally there is no objection at all. That is the reason why the word that has been used is "compelled" and we have added the expression "against her will". Therefore, it is entirely a matter of choice for her.

MR. DEPUTY CHACRMAN: The question is :

"That the Bill be passed." The motion was adopted.

THE UNION T E R R I T O R I E S (LAWS) AMENDMENT BILL, 1956

THE MINISTER IN THE MINISTRY OF HOME AFFAIRS, (SHRI B. N. DATAR) : Sir, I beg to move:

"That the Bill further to amend the Union Territories (Laws) Act, 1950, for the purpose of extending certain Acts to the Union Territory of Manipur, as passed by the Lok Sabha, be taken into consideration."

This is a very simple Bill. After the integration of certain former States of India certain new territories were, added to the other portion of India, popularly then known as British India. Now, in 1949 an Act was passed by the then Parliament or Legislative Assembly known as the Merged States (Laws) Act, 1949. This Act gave power to the Central Government to extend certain laws to the merged areas and subsequently the Part C States (Laws) Act was passed. According to these Acts a number of Acts were introduced in various parts of India including what were formerly known as Part C States. At that time a large number of Acts were introduced in Manipur, but the question with regard to ten Acts was left open because it was considered that a further examination was necessary in view of the peculiar conditions obtaining in Manipur. And, therefore, when this Act was passed, ten Acts were not made applicable at all to Manipur. The question was examined and now it is found that six of these Acts ought to be made applicable to the Union Territory of Manipur. Now, so far as these six Acts are concerned

KAZI KARIMUDDIN (Bombay): May I know why they were not applied ?