

[Shri Bhupesh Gupta.]
Junction" which is being shown in Calcutta and other places. As you know, this book came in for very serious criticism on the part of Members of this House and I do not know why the Government is allowing this film now to be shown in the various cinema houses in India. I would request the Government, through you, to look into this matter and ban the display of this film in any part of India.

THE TERRITORIAL COUNCILS BILL, 1956

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

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

Sir, this Bill has been brought forward with a view to implementing the assurances that were given first to the Joint Select Committee as also to Members of Parliament when the States Reorganisation Bill was under consideration. Then it was suggested to Government that certain democratic institutions should be introduced in these territories. So far as Himachal Pradesh is concerned, it had a Legislature and a popular Government and that disappeared, or it was to disappear after the passage of the States Reorganisation Act. Then the Government suggested that so far as certain matters of a local nature were concerned, the Government would have a Municipal Corporation for the Delhi area and would have Territorial Councils so far as the three other territories, namely, Himachal Pradesh, Manipur and Tripura were concerned. So in accordance with the promise or assurance given at that time, this Bill has been brought forward.

The object of this Bill is to introduce in these three Union territories of Himachal Pradesh, Manipur and Tripura Territorial Councils. So far as these Territorial Councils are concerned, they can generally be compar-

ed to what are called the District Boards that we have in various parts of India as a part of local self-government schemes. Most of the functions that are ordinarily entrusted to the District Boards have been entrusted to these proposed Territorial Councils. In addition, as we shall find, certain other functions also are assigned to these Councils. Immediately after 1st January, 1957 which is the date which has now been accepted as the date for the coming into force of this Act after it has been passed by this hon. House, these Councils will come into being according to the procedure that has been laid down.

Now, in Himachal Pradesh we had a Legislative Assembly consisting of 41 members. Now the original idea was to have 40 members on this Council but out of regard for the views expressed in the other House that the number should not be reduced, it has been amended to make it 41. So the Territorial Council for Himachal Pradesh will have 41 elected members and in addition there would be two nominated members who would not be from the official side. The original idea was to have four nominated members with a particular object. The object was that in the case of Himachal Pradesh there would be reservation in respect of certain seats for the Scheduled Caste population and also there was a small population of Scheduled Tribes. There are Scheduled Castes in the two territories of Manipur and Tripura. So far as these communities are concerned, they are scattered over the whole area. The Scheduled Tribes, for instance, in Himachal Pradesh are scattered over the whole territory. So far as the other two territories are concerned, the Scheduled Tribes are fairly well concentrated in certain areas and their number can ensure that they will have adequate representation without any reservation even but so far as Scheduled Caste people are concerned in these two territories they are scattered and it may not be possible to reserve a seat in a particular constituency for these people. For

these and other reasons where the Government find that we have interests which have not been properly represented, the Government have reserved under this Bill two seats to be filled by nomination. This nominated element has been introduced only for the purpose of securing proper or adequate representation of certain unrepresented communities. It should also be noted that so far as the ordinary membership of Himachal Pradesh is concerned, it would be 41 elected plus two nominated; in the other cases it would be 30 elected element plus two for each territory.

Now, the original idea was that all these members of the Territorial Councils would constitute an electoral college for representation in this hon. House. Then, Sir, in the other House a complaint was made that so far as the nominated members are concerned they should not be considered as members of an electoral college for the purpose of representation, and therefore, Sir that desire of the hon. Members in the other House has also been taken into account, and so far as these nominated members are concerned, they would not be considered as members of the electoral college for the purpose of sending out representatives of these areas to the Rajya Sabha.

Then, Sir, as I have stated already so far as the formation of the Territorial Councils is concerned, we generally follow the model of District Boards, and so far as the surrounding areas are concerned, we take into account a number of Acts dealing with Local Self-Government institutions for example in Punjab, in U.P. and in Bengal as also Assam. And in particular, we draw very largely upon the provisions of the Bombay Municipal Corporation Act. Naturally you will find, Sir, that the Bombay Municipal Corporation Act deals with a highly urbanised area. Therefore, certain changes had to be made, and that is the reason why, after taking all these things into account, we came to the conclusion that there ought to be a Territorial Council generally on the model of the

Bombay Municipal Corporation, though certain changes had to be made in view of the rural character of the areas to be served by the Territorial Councils. So, that is one of the points which we have made so far as this is concerned.

Then, Sir, while dealing with the question of functions of these bodies, as you will see, Sir, there are also other bodies so far as the Local Self-Government institutions are concerned. We have a very large number of Panchayats, and I believe there are about 200 Panchayats in the Himachal Pradesh. Then we have got municipalities also in certain areas, and we have what are known as 'Small Town Municipalities' also. Now the whole scheme has been so devised as not to allow the functions of these lower Local Self-Government institutions to interfere with or to overlap with the powers of the Territorial Council, and *vice versa*. One of the important departures that has been introduced in this measure from the Acts generally dealing with District Boards is that these Territorial Councils have been invested with powers of supervision, so far as the Panchayats are concerned.

Then, Sir, I would very briefly point out the numerous functions that have been assigned to these Territorial Councils. They deal with all the subjects with which the people in these areas are generally concerned, and therefore, Sir, you will find that these affairs with which the people are concerned most will now be carried on by their own representatives through the Territorial Councils.

Sir, I need not go to the various provisions that have been laid down for the purpose of holding elections or for the purpose of having election disputes settled through the district courts. That is the machinery which has generally been followed in U.P. and in other places. I may tell the hon. Members that all the ordinary provisions or the normal provisions, so far as the holding of elections or so far as the consideration of disqualifications and other matters bearing on this question is concerned, have

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 been put together so as to make this measure a self-sufficient one in respect of the Territorial Councils of these three areas.

Then, Sir, passing further on, as I have stated, we have also to make other provisions so far as the conduct of business of these bodies is concerned. Now the question is as to how a Chairman should be elected or will be elected, though the first Chairman will be appointed by Government. There was also a provision in the original Bill as it was introduced that the first Chairman who will be nominated by Government will hold office for three years. Then in the other House, also an objection was raised that this period of three years for a nominated Chairman was very large and was incompatible with the position of the Territorial Council as an elected body. Now that period has also been brought down.

Then, Sir, in respect of these Territorial Councils certain provisions have been made. I shall make a mention of only two of them. So far as the ordinary conduct of the business is concerned, that has been fully provided, but occasions might arise—and unfortunately sometimes, these occasions do arise—when it becomes necessary for the Government to supersede these Councils. Now that is a power which would be found in almost all the State Acts dealing with the question of these Local Self-Government institutions like the Panchayats or the District Boards. Here also that power has been taken by the Central Government. Now, Sir, an objection was raised in the other House that before a body was sought to be superseded, the views of that body, namely, the Territorial Council should be heard. In other words, an opportunity should be given to the Territorial Council to show cause why the proposed order of supersession should not be made. That suggestion also has been incorporated and is now included in this measure, according to which, Sir, wherever it is found that there has been no proper administration, or rather wherever there is

maladministration, then naturally, in the interests of the people of the areas concerned and for the purpose of having a good administration there, Government will have to take over the administration. But the period of such supersession will not exceed one year at the latest, and before the year is out after supersession, the voters or the electorates will be called upon to elect new members of these Territorial Councils. And even here also so far as these supersessions are concerned, it is hoped that they will only be a matter, not of ordinary occurrence, but only when it becomes absolutely necessary.

Then, Sir, there are also certain provisions which have been laid down for the Administrators to give instructions or directives in certain cases. As the hon. Members will see, amongst the numerous functions that have been assigned to this body, there is one which deals with the question of running primary schools or secondary schools. In such cases, Sir, it was considered necessary that it should be open to an Administrator, in a proper case, to give directives, so far as the courses of study are concerned or so far as the prescribed texts are concerned, because, Sir, after all, the question of education is one of great and vital interests to the people, and education has got to be imparted as efficiently as possible, and the subject of education should be above all considerations and in particular, above all party considerations. And, therefore, if an occasion arises where proper courses of study have not been fixed up or where the books prescribed are not the proper ones, then the Administrator will have to issue certain directives for the purpose of seeing to it that proper education is imparted to the youths or to the children of these various areas.

Then, Sir, another point is with regard to finances. So far as the question of finances is concerned, naturally, that is a very important matter, and unless proper resources are placed at the disposal of the Territorial Councils, it might be difficult for them to carry on their administration.

Therefore, Sir, you will find that in clause 33 a provision has been made according to which they would have various sources for the purpose of getting taxes. They can, for example, impose taxes on professions, trades and callings. They can have tolls on bridges where the amount spent is more than Rs. 5 lakhs. They can also have fees in respect of the benefits extended otherwise to them. In addition to these things, they would also be entitled to the proceeds of the entertainment tax, and up to 10 per cent. of the land revenue and the net proceeds of taxes levied on motor vehicles or on passengers and goods freight etc., and the Terminal Tax. And so far as the other important subjects are concerned, there is a general provision enabling the Central Government to make grants. These are the various resources that have been placed at the disposal of these Territorial Councils, and it is expected that they would have sufficient money to deal with the various functions which have been assigned to them. There would be no difficulty so far as their carrying on the administration in accordance with the allotment of functions is concerned. Now, in all these cases care will be taken to see that the powers do not overlap, and generally as I have stated, we have seen to it that the Panchayats or the small town municipalities or the municipalities will ordinarily have their own resources or sources of money, and there would be no conflict or overlapping, so far as the Territorial Councils and all these bodies are concerned. In case any difficulty arises, either in respect of financial resources or in respect of functions, provision has been made for making certain restrictions so far as financial resources or others are concerned. That also has been provided for.

Then there are certain other whole-some provisions to which I should like to make only a passing reference. When a person has been elected to a Territorial Council, it has been stated that he should not also aspire to become a Member of Parliament, because so far as the Lok Sabha is

concerned, there would be direct elections in all these areas as in others—so far as the Rajya Sabha is concerned, provision has also been made—and in case a Member of a Territorial Council becomes a Member of Parliament as well, then he will have to resign either. He cannot continue to be both a Member of a Territorial Council and a Member of Parliament, and unless he elects to be one or the other, naturally he will cease to be a Member of a Territorial Council. Therefore, a period has been fixed during which it is for him to elect, so far as these two bodies are concerned. If he elects to be a Member of Parliament, then he ceases to be a Member of a Territorial Council and *vice versa*. The object is that such elective offices should not be held by the same person.

These are some of the main features of this measure, and I would point out to this House that, when this Bill was taken up in the other House, as many as 9 amendments which were suggested by the Members of the Lok Sabha were accepted by Government. I have made reference to some of them and I would now point out the others. So far as the original Bill was concerned, it was stated that the Bill would come into effect on such date as the Central Government may direct. The Members of the Lok Sabha desired that the date should be almost immediately, and so 1st January 1957 has been fixed as the date on which this Bill, after it is passed by this House, would come to effect.

Then the number of seats has also been increased from 40 to 41 so far as the Territorial Council for Himachal Pradesh is concerned. Then, there is another provision on how from these constituencies Members would be elected to the Territorial Councils, and Parliamentary constituencies have been kept as they are. Then, the number of nominated Members have been reduced from 4 to 2 and as I have said, the nominated Chairman would function for only one year, and then for the removal of Chairman, the

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 procedure has been fixed, and three-fourths majority was necessary. It has been reduced, on the desire of the Members of the Lok Sabha, to two thirds. Then, about meetings, the question was how many days' notice should be given. We had fixed certain days. Now, the Lok Sabha desired that the number of days ought to be larger, viz., 12 days instead of 7, and 6 days instead of 3. Provision has also been made for removal in a proper case of the Executive Officers of these Territorial Councils, and there also the majority for the passage of such resolution has been reduced to two-thirds in place of three-fourths. Then, so far as supersession is concerned, I have already explained to this House that an opportunity would be granted to the Council to show cause against supersessions. Then, nominated Members would not be included in the panel for election to the Rajya Sabha.

These are some of the provisions that have been included in this Bill, and Government are anxious that this should be brought into force immediately so that at the time of the general elections, the members or the electors will have an opportunity of electing Members to the Lok Sabha as also to the Territorial Councils, so that these elections would be held simultaneously. Before doing so, informally the wishes of the Members from these areas were ascertained and they were anxious that this measure should be speeded up as early as possible. That is the reason why it was taken up only two or three days ago in the Lok Sabha, and I am hoping that, with the approval of this hon. House, this Bill would come into force on 1st January 1957 and we shall have simultaneous elections as I have already said.

SHRI PERATH NARAYANAN NAIR (Kerala) : On a point of information, in regard to the Union Territories of Laccadive and Minicoy Islands, may I know if the Government has any proposal under consideration to associate people with the administration somewhere in the form of Advisory Councils at least ?

SHRI B. N. DATAR : This Bill deals only with three territories Himachal Pradesh, Manipur and Tripura. It does not deal with Delhi for example. I would point out to the hon. Member that so far as the Laccadive and Minicoy Islands are concerned, as I have stated already in this House they are still in a highly undeveloped condition. Therefore, they have first to be brought up to a normal state of development when it would be possible to consider further questions on the lines we deal with similar questions. So far as these territories are concerned, therefore, Government are extremely anxious to develop these small islands and then to consider these questions.

SHRI H. C. DASAPPA (Mysore) : What about the Andamans and Nicobars ?

SHRI B. N. DATAR : He asked only about the Laccadive and Minicoy Islands.

SHRI H. C. DASAPPA : I thought he asked about the Andamans and Nicobars. If he had not, I would like

MR. DEPUTY CHAIRMAN. Anyway, the present Bill does not deal with them.

SHRI B. N. DATAR : So far as the Andamans and Nicobars are concerned, there is a small population only in the Andamans and that too in and around Port Blair. So far as that area is concerned, Government are going to have a Municipality at a very early date. Proposals have already been published and they are being finalised.

MR. DEPUTY CHAIRMAN : Motion moved :

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

SHAH MOHAMAD UMAIR (Bihar) : May I know from the hon. Minister when there is no restriction on the Members of any Local Bodies

like the Municipalities or District Boards becoming Members of the Lok Sabha or the Rajya Sabha, specific provision has been made in this Bill that Members of the Territorial Councils cannot be Members of the Lok Sabha or the Rajya Sabha.

MR. DEPUTY CHAIRMAN:
That will be answered later on.

श्री अब्दुल लतीफ (त्रिपुरा) : जनाब डिप्टी चैयरमैन साहब, मणिपुर, त्रिपुरा और हिमाचल प्रदेश के लिये टैरीटोरियल काउंसिलें कायम करने के लिए यह टैरीटोरियल बिल हाउस के सामने पेश हुआ है, इसलिए मैं इसका खुशामदीद और स्वागत करता हूँ। सरकार ने जल्द से जल्द यह बिल पास करने के लिए हाउस के सामने रखा है, इसलिए मैं त्रिपुरा के लोगों की तरफ से होम मिनिस्टर साहब को मुबारकबाद देता हूँ। इस बिल में बहुत सारी चीजें हैं, और साथ ही साथ बहुत कुछ खामियाँ और त्रुटियाँ भी हैं। हाउस को चाहिये कि ये सब खामियाँ जिस तरह से दूर हो सकें उसके लिए कोशिश करे। इस बिल में काउंसिल को बजट पर राय देने का कोई अख्तियार नहीं दिया गया है। जिस तरह से मुंबई में और मद्रास में असम्बली के सदस्यों को बजट में राय देने का हक है उसी तरह से इस बिल में भी उनके वास्ते कोई बन्दोबस्त जरूर होना चाहिये था। मैं यह कहता हूँ कि जो त्रुटियाँ इस बिल में हैं, वे जिस तरह से दूर हो जायें, उसके लिए यह हाउस कोशिश करे। मैं इस बिल की तारीफ करता हूँ।

श्री चरनजीलाल वर्मा (हिमाचल प्रदेश) : उपसभापति महोदय, पिछले मेशन में जिस वक्त स्टेट्स रिआर्गनाइजेशन बिल पर यहाँ बहस हो रही थी, उस वक्त मैंने माननीय मिनिस्टर से अपील की थी कि जो भी इन यूनियन टैरीटरीज के लिए नया सेट अप बनने वाला है वह बहुत जल्दी आ जाना चाहिये ताकि दूसरे प्रदेशों के साथ साथ इन यूनियन टैरीटरीज का भी चुनाव हो सके। मैं माननीय होम मिनिस्टर का बहुत मशकूर हूँ कि उन्होंने यह बिल पेश कर दिया।

जहाँ तक इस बिल का सवाल मणिपुर और त्रिपुरा के वास्ते है, चूँकि वहाँ आज तक कोई कचारायत वगैरह नहीं है, मैं इसका स्वागत करता हूँ।

जहाँ तक हिमाचल प्रदेश का सवाल है, मैं समझता हूँ कि इस बिल में बहुत सी तब्दीलियाँ होनी लाजमी हैं। यह बात बिल्कुल साफ है और इसमें कोई शक नहीं है कि जब हमने एडमिनिस्ट्रेटिव यूनिट का कंसेप्ट एक्सेप्ट कर लिया है तो यूनियन टैरीटरीज में कभी भी असम्बलीज या मिनिस्ट्रीज नहीं होगी। मगर यह भी साफ है कि बहुत सी चीजें ऐसी हैं जो कि इन काउंसिलों को आसानी से दी जा सकती हैं। इन इलाकों को अलग रखने की और वजूहात के बावजूद सबसे बड़ी एक वजह यह भी है कि ये इलाके बहुत बैकवर्ड हैं। सेंट्रल गवर्नमेंट स्पेशल ग्रांट दे करके यह चाहती है कि इन इलाकों को दूसरे इलाकों के मुकाबिले में उठाया जाय और यहाँ के लोगों की इकोनामिक, पोलिटिकल और सोशल हालत सुधारी जाय। मगर जब तक ये चीजें इस काउंसिल के सामने आयेगी नहीं, तब तक वे होगी किस तरह से? इसलिए मेरा एक तो सुझाव है कि जहाँ तक जनरल मफाद की बातें हैं, उनको डिमकस करने और बहस करने की इजाजत इन काउंसिलों को होनी चाहिये। ऐसी बहुत सी बातें हैं। जैसे आपने यहाँ से कुछ रुपया मंजूर कर दिया, तो वह रुपया तो वहाँ के एडमिनिस्ट्रेटर को मिल जायगा, मगर किस तरह से वह खर्च हुआ, वहाँ की जरूरत के मुताबिक खर्च हुआ या नहीं, इसका कौन जवाब देगा? जैसा कि इस बिल में एक प्रोविजन है, यह कहा जा सकता है कि पार्लियामेंट के सदस्यों की एक एडवाइजरी कमेटी होम मिनिस्ट्री के साथ होगी और वह होम मिनिस्ट्री को इस बारे में एडवाइज करेगी, मगर यह जरूरी नहीं है कि वे पार्लियामेंट के सदस्यों यूनियन टैरीटरी के ही हों, वे किसी और जगह के भी हो सकते हैं। ऐसी हालत में जब कि उनको लोकल हालात का तजुर्बा नहीं होगा, तो इन टैरीटरीज के लोकल हालात गवर्नमेंट के सामने नहीं आ पायेंगे। मिसाल के तौर पर मैं एक बात बतलाना चाहता हूँ। हिमाचल प्रदेश में एक्सटेंशन ट्रेनिंग सेंटर है, मगर उसमें छः महीने से एक भी लड़का नहीं है। बताया यह जाता है कि जितने ग्राम सेवक ट्रेन्ड करने थे, वे ट्रेन्ड कर दिये गये हैं। अब वहाँ का स्टाफ बेकार बैठ रहा है और उस पर तनख्वाह खर्च हो रही है। सेंट्रल गवर्नमेंट यह समझती है कि हमने इन यूनियन टैरीटरीज को रुपया दे दिया है और वहाँ के लोगों की बहबूदी हो रही है, मगर वहाँ हो जो कुछ रहा है, वह उसके बिलकुल बरअक्स है। इसी तरह से वहाँ पुलिस

[श्री चरनजीलाल वर्मा]

ट्रेनिंग स्कूल है। क्या वहां के लोगों में क्राइम ज्यादा हो गये हैं, जिसकी वजह से यह स्कूल खोलने की जरूरत हुई है? इसका इन्तजाम बहुत आसानी से हो सकता था। हिमाचल प्रदेश की कुछ सीटें दूसरे प्रदेशों के ट्रेनिंग स्कूलों में रिजर्व कर दी जाती और वहां उनको ट्रेनिंग दे दी जाती। इस तरह जो बहुत सा रुपया खर्च हो रहा है, वह बच जाता। तो मैं यह चाहता हूं कि इस किस्म की जितनी बातें हैं, वे कौंसिल के सामने आ जायें ताकि उन पर डिसकसन हो सके और गवर्नमेंट आफ इंडिया को असल हालात का पता लग सके कि वहां क्या हो रहा है।

इसी तरह से जो कानून या लेजिस्लेशन का काम है वह पार्लियामेंट में हो रहा है, इसमें कोई शक नहीं है, लेकिन मैं एक सुझाव देना चाहता हूं कि अगर ऐसे कानून पहले कौंसिल के सामने आ जायें तो वहां के लोग लोकल हालात के मुताबिक ज्यादा रोशनी डाल सकते हैं और उससे गवर्नमेंट आफ इंडिया को काफी गाइडेंस मिल सकती है और उसके बाद वे कानून आसानी से पार्लियामेंट में पास हो सकते हैं क्योंकि पार्लियामेंट के पास न इतना वक्त होता है और न पार्लियामेंट के मेम्बरों को इतनी बाकफियत उन इलाकों से हो सकती है कि सब बातों पर अच्छी तरह से गौर हो सके।

तीसरी बात मैं बजट के मुताल्लिक कहना चाहता हूं। अभी मेरे माननीय दोस्त ने भी यह कहा कि बजट पर कौंसिल की राय जानने के लिए कुछ न कुछ होना चाहिये। मैं समझता हूं कि जिस वक्त हिमाचल प्रदेश बना था, उस वक्त भी वहां के चीफ कमिश्नर और एडवाइजरी कमेटी के सामने यहां से बजट जाता था और वे उस पर अपनी राय देते थे जोकि आखिरकार पार्लियामेंट ही बजट पास करती थी। उसी तरह से अब भी अगर गवर्नमेंट आफ इंडिया को उनके कुछ व्यूज मालूम हो जायें, तो मैं नहीं समझता कि इसमें कोई खास बात हो जायगी। इस तरह इन तीन चीजों की तरफ मैं माननीय होम मिनिस्टर का ध्यान दिलाना चाहता हूं कि यह तब्दीलियां इसमें हो जायें ताकि कौंसिल को इन चीजों पर बहस करने की इजाजत हो जाय।

जहां तक बिल का सवाल है, माननीय मिनिस्टर ने अभी कहा कि कुछ खास खास वजूहात की बिना पर कुछ मेंबर नामिनेट किये

जायेंगे। अब्बल तो नामिनेशन अच्छी चीज नहीं है। लेकिन अगर नामिनेशन करना जरूरी है तो मैं समझता हूं कि नामिनेशन शेड्यूलड ट्राइव्स के आर्दामियों में से किया जाय या वह आदमी नामिनेट किया जाय जो सोशल वर्कर हो, कंस्ट्रक्टिव वर्कर हो और जिसने खास तौर से अनटचबल्स में काम किया हो या कर रहा हो। शेड्यूलड कास्ट के सिलसिले में जहां तक हिमाचल प्रदेश का सवाल है, वहां उनकी कांस्टिट्यूंसीज रिजर्व हैं। लेकिन मैं नहीं समझता कि मणिपुर और त्रिपुरा में ऐसा क्यों नहीं है। होम मिनिस्टर साहब ने बतलाया कि वहां तितर बितर होकर वे लोग रहते हैं, इसलिए उनके लिए कांस्टिट्यूंसी रिजर्व नहीं हो सकती। हिमाचल प्रदेश में डबल मेंबर कांस्टिट्यूंसीज १२ हैं। और बाकी सिंगल मेम्बर कांस्टिट्यूंसीज हैं, और उनमें भी हरिजन हैं। तो मैं समझता हूं कि यही प्राविजन मणिपुर और त्रिपुरा के वास्ते भी हो जाना चाहिये ताकि वहां भी जो उनके नुमाइंदे हैं वे बाकायदा इलेक्ट हो सकें। नामिनेशन में महज वही आयेगा जो कि ऐडमिनिस्ट्रेटर को पसंद हो, ऐडमिनिस्ट्रेटर की खुशामद करे और ऐडमिनिस्ट्रेटर के कहने पर चल सके। शेड्यूलड कास्ट का जो ऐक्चुअल वर्कर हो वह शायद ना आ सके।

चुनाव के झगड़े के सिलसिले में इसमें यह जिक्र है कि ऐसे झगड़ों को डिस्ट्रक्ट जज के हवाले किया जाये। मैं समझता हूं कि यूनियन टेरीटरीज में ऐसे झगड़े जुडीशियल के हवाले किये जायें, जो उनका फैसला करें।

“Grounds on which an election may be called in question”. मैं समझता हूं कि इसमें एक बात बिलकुल नहीं आई: “Corrupt practice and undue influence” जितनी भी यूनियन टेरीटरीज हैं वे बहुत ही बैकवर्ड हैं। उनमें जो अमीर हैं वे बहुत ही अमीर हैं और जो गरीब हैं वे बहुत ही गरीब हैं। रूलर्स के अलावा भी ऐसे आदमी हैं जो बहुत ही अमीर हैं और जो “Corrupt practice and undue influence” आसानी से इस्तेमाल कर सकते हैं। मैं समझता हूं कि this should be one of the causes.

“Procedure in case of equality of votes. अगर दो मेम्बरों के वोट ईक्वल हो जायें, तो इसमें यह प्राविजन है कि बाद में लाटरी डाल दी जाये। अगर लाट से फैसला होना है तो मैं

बेहतर यह समझता हूँ कि फ्रेश इलेक्शन हो जाये। फ्रेश इलेक्शन होने से लाट का लम्बा चौड़ा सवाल पैदा नहीं होता।

इसमें एक यह प्राविजन है कि इलेक्शन पेटिशन पर फाइनल फैसला डिस्ट्रिक्ट जज का होगा। इसके लिये भी मेरा यह सुझाव है कि जूडिशियल कमिश्नर के हवाले यह चीज की जाये।

इलेक्शन रूलम के सिल सिले में मैं यह चाहता हूँ कि जब वे बन जाये तो उनकी काफी दोनो हाउसेज की मेज पर जरूर रखी जाये ताकि पार्लियामेंट को पता लग जाये कि क्या रूलस बनाये गये हैं।

“चेयरमैन ऐंड वाइस चेयरमैन” इस सिलमिले में श्री मिनिस्टर साहब ने यह कहा कि पहले एक साल के लिए गवर्नमेंट उनको नामिनेट करेगी। मैं यह समझता हूँ कि जब इलेक्शन हो जायगा तो इलेक्शन हो जाने के बाद इसमें कोई दिक्कत नहीं होगी अगर टेरीटोरियल कौंसिल पहली मीटिंग करने के बाद अपने में से किसी को चेयरमैन एलेक्ट कर ले। इस तरह अगर चेयरमैन एलेक्ट हो जाये तो नामिनेशन की कोई खास जरूरत पैदा नहीं होती।

जहाँ तक चेयरमैन के रिमूवल का सवाल है, इसमें प्राविजन है कि दो तिहाई मेजॉरिटी से चेयरमैन रिमूव किया जा सकता है, मगर इसमें जितने “डफ्ट” एंड “बट्स” लगे हुए हैं उनकी वजह से मैं यह समझता हूँ कि चेयरमैन किसी भी हालत में कभी भी रिमूव नहीं किया जा सकेगा।

चेयरमैन की तनखाह और एलाउंस के बारे में सेंट्रल गवर्नमेंट को पावर दी गई है। मैं समझता हूँ कि इस मिलसिले में कौंसिल आसानी से डिसाइड कर सकती है कि चेयरमैन को क्या तनखाह और एलाउंस मिलना चाहिये और सेंट्रल गवर्नमेंट को यह पावर नहीं होनी चाहिये।

जहाँ तक कि “The functions of the Territorial Councils” का सवाल है उसके बारे में महज एक दो सुझाव मैं देना चाहता हूँ।

क्लाज २८ के आइटम नं० १८ में “fairs and agricultural and industrial exhibition” का जिक्र है कि ये फंक्शंस टेरीटोरियल कौंसिलों के होंगे, मगर उनके पास एग्रीकल्चर नहीं है। अगर

फर्ज कीजिये कि कौंसिल कही फेयर लगाना चाहती है लेकिन डाइरेक्टर आफ एग्रीकल्चर यह कह देते हैं कि हमारे पास न तो चीजें हैं और न स्टाफ है तो ऐसा मालूम होता है कि उस हालत में कौंसिल वह फेयर नहीं लगा सकेगी। इसलिये अगर एग्रीकल्चर और हार्टीकल्चर ये दोनों चीजें कौंसिल के हवाले हो जायें तो ज्यादा अच्छा होगा।

आइटम नं० २१ में “the superintendence the control of panchayats and making of grants to them”, का जिक्र है। पंचायत तो कौंसिल को दे दिया गया है लेकिन कोऑपरेटिव्स उसको नहीं दी गई हैं। उसको कोऑपरेटिव्स क्यों नहीं दी गई? कोऑपरेटिव्स का उतना ही दखल पब्लिक के साथ है जितना कि पंचायत का है और मैं नहीं समझता कि इसमें कोई खास मुश्किल है कि कोऑपरेटिव्स और पंचायत दोनों ही चीजें कौंसिल के हवाले कर दी जायें।

आइटम नं० ८ में लिखा है: “The establishment, maintenance and management of hospitals and dispensaries, asylums and poorhouses, other than those managed by the Central Government.”

क्या कुछ हास्पिटल्स या स्कूल वगैरह सेंट्रल गवर्नमेंट के भी होंगे? या ये जो सब के सब हैं वे टेरीटोरियल कौंसिल के पास ही होंगे।

चैप्टर ४ क्लाज २९ सबक्लाज (iii) में यह लिखा है: “every meeting shall be open to the public.” मैं यह समझता हूँ कि जब आपने मीटिंग को पब्लिक के लिये ओपन किया है तो फिर वह प्रेस के लिये भी ओपन होनी चाहिये ताकि जो असल प्रोसीडिंग्स वगैरह हैं वह प्रेस में आ सकें और लोगों को असल हालत का पता चल सके वरना कई किस्म के प्रोपोगेंड वगैरह हो सकेंगे कि वहाँ यह हो गया या वह हो गया। मैं समझता हूँ कि प्रेस को इसमें शामिल होना जरूरी है।

इस बिल में मीटिंग बुलाने के वास्ते १२ दिन का नोटिस रखा गया है। मैं समझता हूँ कि हिमाचल प्रदेश के केस में यह १२ दिन का नोटिस काफी नहीं होगा। माननीय होम मिनिस्टर साहब वहाँ की हालत को खुद देख आये हैं। बाज वक्त इतने दिन के अन्दर पहुंचना बड़ा मुश्किल हो जायेगा। जिस वक्त कि पैदल आना पड़ेगा उस वक्त तो यह १२ दिन का नोटिस बहुत ही कम होगा। तो इसको भी कुछ बढ़ाया जाना चाहिये।

[श्री चरनजीलाल वर्मा]

क्लाज २६ के सब-क्लाज (vi) में लिखा गया है "no business shall be transacted at any meeting other than the business specified in the notice or supplementary notice," में यह समझता हूँ कि जब चेयरमैन वहाँ है और अगर वह यह समझता है कि पब्लिक के मफाद के लिये पब्लिक की बहुवृद्धी के लिये, कोई आ टम जरूरी है और अगर वह इसकी इजाजत दे दे तो फिर हम यहाँ से क्यों चेयरमैन के हाथ बांधें कि महज वही बातें डिसकस की जा सकती हैं जो कि नोटिस में आई हो। मेरा अपना सुझाव यह है कि चेयरमैन को इसमें फुल पावर्स होनी चाहिये।

इस बिल में यह प्राविजन है कि जिस वक्त एडमिनिस्ट्रेटर किसी मीटिंग को एड्रेस करना चाहेगा तो उस वक्त वह मीटिंग में प्रिंसाइड करेगा। मेरी समझ में नहीं आता कि जब कौंसिल का चेयरमैन है जो कि एडल्ट फ्रैंचाइज से एलेक्ट किया गया है तब एडमिनिस्ट्रेटर क्यों प्रिंसाइड करे। बेशक एडमिनिस्ट्रेटर को मीटिंग को एड्रेस करना चाहिये लेकिन जो चेयरमैन है उसी को चेयरमैन होना चाहिये, उसको क्यों वहाँ से रिमूव किया जाये?

दूसरे हाउस में भी एग्जीक्यूटिव आफिसर के बारे में बहुत कुछ कहा गया है और मैं भी समझता हूँ कि जहाँ तक एग्जीक्यूटिव आफिसर के अप्वाइंटमेंट का सवाल है वह भी क्यों न कौंसिल के हाथ में हो। जब उसका रिमूवल कौंसिल के हाथ में है तो फिर अप्वाइंटमेंट भी उसी के हाथ में होना चाहिये लेकिन इस बिल में उसका अप्वाइंटमेंट एडमिनिस्ट्रेटर के हाथ में रखा गया है। जो इसकी टर्म है, it should be specified. तीन साल से ज्यादा एग्जीक्यूटिव आफिसर नहीं रहना चाहिये, उसके बाद अगर कौंसिल की मर्जी हो तो चाहे उसी को कांटीन्यू करे या किसी दूसरे को अप्वाइंट करे।

जो चैप्टर ५ है वह सबसे जरूरी चैप्टर है। यह "powers of taxation and financial aspects" के बारे में है। जो सबसे बड़ा खतरा हिमाचल प्रदेश के लोगो की तरफ से मैं आपके सामने पेश करना चाहता हूँ वह यह है कि इस कौंसिल को फक्कस तो बहुत मिल गये हैं, जैसे कि प्राइमरी एजुकेशन, सेकेंडरी एजुकेशन, हास्पिटल्स, रोड्स, डिस्ट्रिक्ट बोर्ड्स वगैरह बहुत सी चीजें इसको मिल गई हैं लेकिन इसके अभी जो फंड्स हैं वे तो बहुत थोड़े हैं। मालूम नहीं जो फंड्स कहा से प्रायेंगे। कहीं ऐसा न हो जैसा कि पंजाब

में डिस्ट्रिक्ट बोर्ड के टीचर्स की हालत है, शिमले के टीचर्स की हालत है कि बाज बाज वक्त छूट छूट महीने तक तनख्वाह नहीं मिलती है। अगर यही होता रहे कि स्कूल के और हास्पिटलो के स्टाफ को तनख्वाहें नहीं मिलें तो फिर जो आज मौजूदा हालत है उससे भी हालत खराब हो जायेगी। जो मौजूदा हालत है वह उससे ज्यादा अच्छी है क्यों कि स्टाफ को तनख्वाहें मिल जाती हैं, हास्पिटल्स में दवाईया भी रहती हैं और स्कूल भी चल रहे हैं। इस सिलसिले में मैं आनरेबल मिनिस्टर से प्रार्थना करूँगा कि वह इस बात का आश्वासन दे कि जितने मौजूदा स्कूल और जितनी डिस्पेंसरीज वगैरह हैं वे चालू रहेंगी और जो वहाँ के स्टाफ वगैरह हैं उनको मुतवातिर ठीक वक्त पर तनख्वाह वगैरह मिला करेगी और उसमें किसी वक्त भी कोई भी कमी नहीं आ सकेगी।

इस बिल के अन्दर नान-आफिशियल एडवाइजर्स का कोई जिक्र नहीं है और मैं समझता हूँ कि डे टू डे एडमिनिस्ट्रेशन में लोगो का सहयोग जरूर होना चाहिये था और जब आप एक नान-आफिशियल को लेफ्टिनेट गवर्नर मुकर्रर करते हैं तब उसके साथ तो नान-आफिशियल्स का होना बहुत जरूरी है। मेरा अपना सुझाव यह है कि डे टू डे एडमिनिस्ट्रेशन में नान-आफिशियल्स एडवाइजर्स उसी तरह से कायम रहने चाहिये जिस तरह से कि पहले मणिपुर और त्रिपुरा में थे। इसके अलावा मुझे यह कहना है कि वहाँ जो भी एडमिनिस्ट्रेटर या आफिसर्स मुकर्रर हो वे तजुर्बेकार सिविल सर्वेंट्स हों। ऐसा नहीं हो कि ये यूनियन टैरीटरीज आफिसर्स के लिये ट्रेनिंग सेटर्स की तरह हों, यानी जो आई० ए० एस० का इम्तिहान दे कर के पास हो उनको पहले यूनियन टैरीटरीज में ही भेज दिया जाये और जब उन ट्रेनिंग सेटर्स से ट्रेनिंग ले कर आवें तब कहीं और भेजा जाये। ये इलाके पहले से ही बड़े बैकवर्ड इलाके हैं और अगर यहाँ आपके सिविल सर्वेंट्स भी जूनियर हो जायेंगे तो फिर वहाँ के लिये यह बहुत बुरी बात हो जायेगी। मेरा सुझाव यह है कि जो भी आफिसर वहाँ जायें वे सिविल सर्विस के हों और तजुर्बेकार आफिसर हों।

इसके अलावा, दूसरे हाउस में कुछ चर्चा दोस्तों ने यह कहा कि हिमाचल प्रदेश अब यही चाहता है कि पंजाब में मर्ज हो जाये। मेरा कहना है कि यह बिल्कुल गलत है। जहाँ तक मर्जर का सवाल है अगर हिमाचल प्रदेश के लोगो को मर्ज होना होता और अगर डेवेलपमेंट वगैरह की मुश्किलता न होती तो वह उस वक्त ही मर्ज हो जाता जिस वक्त कि एस० आर० सी० की रिपोर्ट हमारे सामने

आई थी क्योंकि एस० आर० सी० की रिपोर्ट में डेवेलपमेंट कौंसिल और दूसरी चीजें थी जो कि बहुत अच्छी चीजें थी। हमको एक ही बात का खदसा है कि अगर मर्जर होता है तो जो डेवेलपमेंट का काम है वह रुक जायेगा। इसके साथ ही साथ यह भी है कि इस कौंसिल को इस बात के ऊपर डिसकसन करने की इजाजत होनी चाहिये ताकि जो रुपया यहां से मिले वह प्रापली खर्च हो जाये। गवर्नमेंट के सामने दो मिसालें मौजूद हैं, पहिले मणिपुर और त्रिपुरा में कोई भी असेम्बली नहीं थी और हिमाचल प्रदेश में थी, तो दोनों जगह का अगर कम्पेरिजन किया जाये कि वहां पर कितना डेवेलपमेंट हुआ, वहां पर कितनी सड़कें वगैरह बनायी जा सकी और हिमाचल प्रदेश में क्या कितना हुआ तो फर्क सामने आयेगा। इसमें अगर गवर्नमेंट कुछ फर्क समझती है तो मैं नहीं समझता कि ये जो बातें हैं वे सब कौंसिल के हाथ में क्यों न दी जायें। जहां तक मर्जर का सवाल है इसके लिये हिमाचल प्रदेश के लोग अब भी बिल्कुल तैयार नहीं हैं। उस हाउस में टेकचन्द जी ने खास तौर पर यह कहा कि वहां पर शिमला के अन्दर कोई लेबर काफ्रेस हुई, शिमला पंजाब के अन्दर ही है, मालूम नहीं कि लेबर काफ्रेस हुई या क्या हुई, कहा हुआ और वे नुमाइंदे कहा के थे और वे वहां कैसे गये। बहुत से अखबारों में कहा जाता है कि कांग्रेसी एम० एल० ए० थे, पार्लियामेंट के मेम्बर थे और यह काफ्रेस कांग्रेसी एम० एल० ए० कर रहे हैं, वगैरह वगैरह। यह सब महज प्रोपोगेंडे हैं। अगर वह मेरे दोस्त यह समझते हैं कि ऐसी कोई बात है, ऐसी कोई चीज है तो मैं उनसे प्रार्थना करूंगा कि जो टैरिटोरियल कौंसिल और पार्लियामेंट के एलेक्शन्स आयेंगे ऊनमें वे अपने नुमाइंदे भी खड़े कर दें इस बात के ऊपर कि हमें पंजाब में मर्ज होना है और अगर वे चुन कर आ सकें तो मैं अपनी डिफीट को मानने के लिये तैयार हूँ मगर मैं कह सकता हूँ कि वे अपनी जमानत भी नहीं बचा सकेंगे क्योंकि इसके लिये वहां कोई भी लोग तैयार नहीं हैं।

बावजूद इन तमाम खामियों के मैं इस बिल का समर्थन करता हूँ और मैं उम्मीद करता हूँ कि जो सुझाव मैंने रखे हैं उन पर माननीय होम मिनिस्टर साहब खास ध्यान देंगे और जो सुझाव फाइनेशल आस्पेक्ट के बारे में रखे हैं उन पर तो खास तौर पर वह ध्यान देंगे। कहीं ऐसा न हो कि जो चीजें लोगों के हाथ में हैं वह भी खत्म हो जायें और कुछ मिले भी नहीं। यह ठीक है कि ४१ आदमियों की कौंसिल बन जायेगी, जो

एम० एल० एज० हैं वे रिहैबिलिटेड कर दीये जायेंगे, स्पीकर और डिप्टी स्पीकर भी रिहैबिलिटेड हो जायेंगे और शायद मिनिस्टर भी रिहैबिलिटेड हो जायें मगर लोगों के पास जो चीजें थी वह खत्म हो गई हैं। तो मेरा अपना खदसा यह है कि जो टैरिटोरियल कौंसिल होगी उसका जो एक्स-पेंडीचर होगा वह असेम्बली से ज्यादा होने वाला है। उस सूरत में कहा जायेगा कि यह यूनिजन टैरिटरीज सफेद हाथी से कम नहीं है। इसलिये इनको दूसरे प्रदेश से लगा दिया जाये। ऐसा होने पर वहां के लोगों के साथ सरासर बेइन्साफी होगी। क्योंकि सेन्ट्रल गवर्नमेंट ने अपनी तनस्वाहें वहां लागू कर दी हैं। आखिरकार आप उनकी तनस्वाहें जूनियर क्लर्कस से तो कम नहीं करेंगे? और भी एक्सपेंसेज जो सेन्ट्रल गवर्नमेंट की तरफ से हो रहे हैं उनको देखिये तो जहां हमारे यहां सुपरिटेन्डेन्ट की तनस्वाहें १६० + ३०० रुपये स्पेशल एलाउंस थी, वहां जब से सेन्ट्रल गवर्नमेंट के स्केल लागू हुए तो उनको ३२० + ४०० रु० कर दिया। तनस्वाहें देने में सेन्ट्रल गवर्नमेंट कमी नहीं करती, लेकिन ऐसा न हो कि इस समय एक्स-पेंसेज ज्यादा कर दिये जायें और बाद में दिक्कत हो। इसलिये जो भी अखराजात किये जायें वे बहुत सोच समझ कर किये जायें। खास तौर पर स्कूल और डिस्पेंसरीज और रोड्स वगैरह का काम या बिल्डिंग का काम हो रहा है, यह चीजें जैसे अभी कायम हैं वैसी ही कायम रहनी चाहियें।

SHRI BHUPESH GUPTA (West Bengal): Mr. Deputy Chairman, I am much in agreement with what the hon. speaker who has just finished said. I only wish that he had spoken from this side and then he would not have suffered from certain inhibitions that had entered into his speech. Nevertheless, he tried to make out a very powerful case in favour of democracy and point out some of the greatest weaknesses in the present Bill. I am very glad that ultimately Government did not decide to merge Himachal Pradesh with the Punjab and it was a right decision. I think the States Reorganisation Commission made a very wrong recommendation when it suggested that Tripura should be merged with Assam and Himachal Pradesh with Punjab.

SHRI H. N. KUNZRU (Uttar Pradesh): That will be done later on.

MR. DEPUTY CHAIRMAN: Anyway, you need not go into that. We are concerned with a small Bill.

SHRI BHUPESH GUPTA: It is very relevant here. I am very glad that that decision has not been accepted by the Government but, Sir, what the people of those areas demanded was a kind of democratic set-up and as you know, Himachal Pradesh had its own Legislative Assembly. Though its powers had been crippled, it still had a kind of a Legislative Assembly. That could not be said of Manipur or Tripura. Now the people in those areas demanded, the people in the Centrally administered areas or the Union Territories as they are now called demanded that they should have a democratic set-up. They intentionally used that word with a view to emphasising that certain variations may be made from the traditional concepts of Legislature and all that. They wanted—and I think their representatives also talked to the Government—to impress upon the Government that a real type of self-Government was all that they required for the advancement of these areas. Now, we have got, in this Bill, a fairly long enumeration of the various powers and all the provisions with regard to the Territorial Councils. I feel, after reading this, that the Government seems to treat these Union Territories as a kind of pocket boroughs for the Central Government. This is not a very right mentality. We do not hear of such things in England now but there were these things in the olden days. The interesting thing here is that there is a pretence at self-government without even pretending to be serious. So many things are mentioned here but if you read through them, you will find that the real powers do not come to much. Take, for example, the functions of the Territorial Councils dealt with in clause 28 of the Bill. Now, Sir, these are the powers which are dealt with and which are given to the municipalities, district boards, local bodies, etc., particularly those relating to the looking after and construction of buildings, the construction, repair

and maintenance of embankments, the looking after of cattle, etc., etc. Now, these are the powers that are given to the municipalities, district boards or local bodies. These are not the powers that these people wanted. If you go through the 23 items enumerated there you will find that they are all right and they certainly belong to the local administration but is that all that the people there had been demanding? I would ask the Government to reply to this point. Therefore, that way, this thing has been a great disappointment. I say 'disappointment' because the people there expected that with the reorganisation of the States and in the new set-up, they will have their rightful place in the new set-up and would have the right to govern themselves. Now, they have been denied that. Councils will come into existence no doubt but what sort of Councils are these? You see, for instance, the Administrator is the supreme head. He is forced upon this Council as the head and it is the Administrator who will decide so many things as to how the Council should function or should not function. It will not be for the Council to decide as to how it should function even with regard to the matters which had been placed within the competence of the Council's powers. This is what clause 52(2) says:

"The Administrator shall have the power to give to the Territorial Council all such directions as he may consider necessary in respect of subjects, curricula, text-books and standards of teaching in schools vested....."

and sub-clause (3) says:

"The Administrator may, by order and for reasons to be recorded suspend the execution of any resolution or order of the Territorial Council....."

The next provision, clause 53, says:

"The Central Government may, on receipt of a report from the Administrator.....supersede a Territorial Council....."

Clause 29 provides that the Territorial Council shall meet for the conduct of business at least once in every two months and shall, with the previous approval of the Administrator make its rules of business with respect to the summoning, notice, place of meetings, conduct of meetings and adjournment of meetings and all that. Well, these Councils do not have the powers to formulate independently the rules of procedure under which they should function. How would you like, Sir, if, for instance, you are told that the rules etc., that you make will have to be made with the prior approval, shall we say, of Mr. Satya Narayan Sinha? How would you like this? I think it will be repellent to you and here these Councils are asked to do so. Now, at every point, the Councils are manacled; at every point, these Councils are treated as if they are just to carry out the behests and orders and the wishes of certain people high up represented by the Almighty Administrator. I am opposed to this kind of thing. It defies democracy; it defies fundamental principles of any semblance of self-government. Therefore, I say that this Bill has not been prepared with the right type of outlook and certainly not in a very good and healthy spirit.

Now, Sir, what are the financial powers that they have got? I would like the hon. Minister to tell us as to what financial powers these people are going to get. They will be decorations; certain financial matters will no doubt be discussed but in the final analysis, what kind of power are they being invested with is a moot question. That is a thing that I cannot find anywhere in any clause of this Bill.

There is a whole chapter, Chapter VI, on controls. The Administrator has been given supreme control of the Council. That is to say, it is not the Council which would influence or direct or guide or advise, whatever it is that you like, whatever splendid phraseology you may like; the point here is that it is not the Council which will advise and guide the functions of the Administrator. On the

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contrary, it is the fiat of the

Administrator, his wishes, his decrees that will prevail upon the Council and will continue to push the Council in that direction. Is it self-Government? Does it conform even to the elementary principles of certain autonomous concepts and ideas? This is what I would like the hon. Minister to explain. Now, we are told that these are small areas. Therefore, they cannot have legislative assemblies. Well, I for one am not prepared to accept that. If you have bigger assemblies, you can just as well have smaller assemblies. In point of principle I cannot accept that. In point of practice, it is not a valid argument. For instance, what prevents you from having, shall we say, a small assembly or council, not of this type say, something like an assembly in Manipur? Nothing prevents it. In Himachal Pradesh you had one. You could have given more powers to it. You could have developed its initiative. You could have broadened the horizon of its activities. You have done nothing of the sort. On the contrary, you have here sought to treat them as if they are a kind of municipality and all that. I am opposed to this kind of thing. Compared to nothing, everything is better. That is not the point. The point is that when the people demanded real self-government what you have given them falls far short of their expectations and demands. That is my complaint. In this connection, these areas are relatively backward areas. They have been neglected, Tripura, for instance, had been under Indian kings who built houses in Calcutta, who built palaces, and forgot the people in their own part. As far as Manipur is concerned, another little, tiny king, was there or a prince was there. He also did not bother much about the improvement of this area. Himachal Pradesh also bears the same story. Now, these areas had been neglected all these years. There the people have suffered not only intense economic exploitation, but the people had been denied all the modern amenities of life and they have not been given even elementary opportunities for self-expression. One should have thought

[Shri Bhupesh Gupta.]

that once they have formed part of the Indian Republic, every care would be taken to develop these areas, develop the initiative of the people and, if necessary, to be a little generous towards them, so that they make up for what they have lost in the period under the princes. Nothing of the kind. The Government has moved in the matter in a very halting manner and as far as the functions of the administrative heads go, now they will be called Administrators. Previously they were called Chief Commissioners. What are their records? Have they succeeded in promoting democratic institutions there? Have they succeeded in drawing the people into the administration of those areas? They have not done so. Deliberately they have not done so because they foisted upon them a kind of bureaucratic rule directed and guided from miles away, hundreds of miles away, from Delhi. And wherever you go, you will find that there is terrific discontent against that kind of set-up, against the Chief Commissioner and who would now be called, I suppose, Administrator. Now, there are very legitimate grounds for such discontent and the Government should have looked into them much more deeply than they seem to have done. These people are very proud people. They are of very good stock. They may be backward economically speaking; they may be backward from certain points of view judged from modern standards of civilisation. But they have got their own culture. They carry with them a rich heritage of civilization and culture. Now, if they were given opportunities, they could have easily developed. They have got creative power. As you know, in Manipur, for instance, the people are well known for their handicrafts and other things. They are well known for their folklore and dancing and they are a fine set of people with a very rich culture. In Tripura, too, the people who live in the hills are not just people who do not know what civilization and culture is. They have got their own culture and civilization and what the Government should

have taken care of was to draw them into the broad stream of our Indian culture. That is what they should have done. They should have given all opportunities and scope for the development of the distinctiveness and the peculiarities of these people and yet draw them invitingly into the broad framework of our civilization and of our Indian Republic. Nothing of the sort has been done. This has not been very satisfactory and, as you know, Government has been subjected to very severe criticism on the part of the people. Congressmen usually do not like to speak on this subject, not because they have nothing to say. The Congressmen oppose it there, who hail from those areas, because they feel that the steam roller of the party is a bit of a formidable weapon for them to withstand when they want to open their lips on such subjects. Therefore, they do not say, but in private talks and in private conversations they have told us so many things. I have known all about those people not from the Communists, not from the Praja Socialists, but from Congressmen. I see some of them who are represented here and some of may be a little vocal on this subject. Many of them are not here. But I tell you that it is the Congressmen there who have joined others in ventilating the grievances of these people. Therefore, it is not a party issue at all. I know some hon. Member will be there always ready to treat it as a party issue.

(Time bell rings.)

It is not a party issue. I say this is an issue on which we all agree, we seem to agree. If there are differences, they are of a minor nature. Unfortunately the Government have completely brushed aside the basic demands of the people and they have not taken care to see that the fundamental urge of the people for self-government is satisfied. That they have not done. That is the regret. And I do not know how far and to what extent they will be benefited by a measure of this kind. All I hope is that the people there have upset many an apple cart and with regard to these areas as you

know there have been many campaigns.....

MR. DEPUTY CHAIRMAN: That will do.

(Time bell rings.)

SHRI BHUPESH GUPTA: They have criticised many of these things and the people by their struggle will win what they have been fighting for all these years and will compel Mr. Datar and his Government to concede their legitimate demands, because it is in conformity with the interests of our country, in the interest of the healthy growth of democratic institutions in this country.

श्रीमती सावित्री निगम (उत्तर प्रदेश): उपाध्यक्ष महोदय, मैं इस बिल का समर्थन करने के लिये उपस्थित हुई हूँ। श्रीमन्, इस विधेयक को लाने के तीन ही उद्देश्य हैं। प्रथम उद्देश्य यह है कि इसके द्वारा उन टेरीटोरिज में भी जनता को अपनी असेम्बली बनाकर सेल्फ गवर्नमेंट कायम करने का मौका मिल रहा है जो कि एक कामन अर्ज हर भारतवासी में है। वहाँ की जनता की यह इच्छा कि उसके ही प्रतिनिधि, उसके ही नुमायन्दे उनके यहाँ की व्यवस्था करें। उसको पूरा करने के लिये ही यह विधेयक लाया गया है।

श्रीमन्, अभी डिप्टी होम मिनिस्टर साहब ने कहा कि अंडमान को इस विधेयक के अन्दर नहीं रखा गया है और उसके लिये टेरीटोरियल कौंसिल बनाने की इजाजत नहीं दी गई क्योंकि अंडमान के लिये वे बहुत जल्द एक म्युनिसिपल बोर्ड बनवाने की इजाजत देने वाले हैं। लेकिन मैं बड़ी नम्रतापूर्वक कहना चाहती हूँ और यह सोचती हूँ कि चाहे दिल्ली को टेरीटोरियल कौंसिल के अन्दर इन्क्लूड न किया जाय मगर अंडमान को इस बिल के अन्दर इन्क्लूड करने की सबसे अधिक आवश्यकता है। दिल्ली, हिमाचल प्रदेश, मणिपुर और त्रिपुरा ये फिर भी सेन्टर से इतने नजदीक हैं, इतने डेवलप हो चुके हैं और वहाँ के लोगों में इतनी सामर्थ्य है कि वे अपनी आवाज केन्द्रीय सरकार तक पहुँचा सकते हैं और अपनी मांगें पूरी करा सकते हैं। लेकिन हमारे वे अंडमान निवासी भाई, जो हमसे एक प्रकार से कट आफ से रहते हैं, वे ४६० मील समुद्र पार करने के बाद ही यहाँ अपनी कोई आवाज पहुँचा सकते हैं या अपनी कोई भी ग्रीवांस रख सकते हैं, उनके लिये आवश्यकता इस बात की थी कि सबसे पहले अंडमान के लिये

कौंसिल स्थापित की जाती। मंत्री महोदय ने जो दलील दी कि अंडमान के अधिकतर लोग पोर्ट ब्लेयर के आसपास रहते हैं, वह दलील बेबुनियाद है। मैं स्वयं वहाँ हो आई हूँ और मंत्री महोदय को भी पता है कि पोर्ट ब्लेयर के आसपास ही नहीं बल्कि तमाम प्रदेशों में, छोटे छोटे आइलेण्ड्स में लोग रह रहे हैं। सबसे बड़ी बात यह है कि वे बहुत पिछड़े और नेगलेक्टेड हैं और वहाँ से यहाँ आने के लिये कोई साधन नहीं है। यह भी हमें मालूम है कि वहाँ पर इतनी नेचुरल वैल्यू है कि अगर उसको डेवलप किया जाय तो केवल इतना ही नहीं है कि वे लोग बहुत सम्पन्न हो जायेंगे बल्कि वे यहाँ भी हमें हर प्रकार से आर्थिक दृष्टि से, सामाजिक दृष्टि से आगे बढ़ाने में पूरे सहायक हो सकते हैं। केवल यही मेरी एक ग्रीवांस थी, जिसके कारण मैं इस पर बोली।

दूसरी बात यह है कि मैं भी इस बात को ठीक ही समझती हूँ जैसा कि उस हाउस में भी कई लोगों ने कहा और आज भी कई एक वक्ता कह चुके हैं कि जब चेंबरमैन को नामिनेट करने की अवधि को उन्होंने घटाया था तो बहुत ही अच्छा होता और बड़ा ही डेमोक्रेटिक होता अगर इसमें यह व्यवस्था की गई होती कि टेरीटोरियल कौंसिल थोड़े दिनों बाद ही या तुरन्त ही अपना चेंबरमैन चुन ले।

इसके अतिरिक्त मैं यह फिर कहना चाहती हूँ कि अंडमान को जो इसमें नेगलेक्ट कर दिया गया है, यह एक बहुत बड़ी भूल हुई है। होम मिनिस्टर महोदय इस पर फिर विचार करें क्योंकि अंडमान और निकोबार के लोग सबसे पहले डिजर्व करते हैं कि उन्हें टेरीटोरियल कौंसिल का हक दिया जाय और वहाँ भी टेरीटोरियल कौंसिल का निर्माण हो। धन्यवाद।

SHRI KISHEN CHAND (Andhra Pradesh): Sir, I read through this Bill and tried to understand why this Bill was brought before this House.

MR. DEPUTY CHAIRMAN: You take five or six minutes. There are two or three speakers.

SHRI KISHEN CHAND: Sir, I want ten minutes.

There was the States Reorganisation Commission which made after very careful consideration some recommendations. One of their recommendations was that Himachal

[Shri Kishen Chand.]

Pradesh should form part of the Punjab. Their other recommendation was that Tripura and Manipur should be merged with Assam. The Central Government did not accept their recommendations. They created Union territories. Once they create the Union territories, there are all sorts of difficulties, and they cannot really find a proper solution. Failing to find a proper solution, they come forward with this Territorial Councils Bill. What is this Bill for? Is it giving responsibility to people to make laws to tax themselves and spend the money? Or, is it simply to provide jobs for those people who were formerly Members of Legislatures in Part C States, is it simply to provide them with some sort of employment? Then there are the Ministers, the Speakers and the Deputy Speakers, and so on, who should also be provided. I feel, Sir, that the Central Government has brought this Bill in order to provide jobs for all those people. Himachal Pradesh was a part C State. Those people have no job and they have got to be provided for.

We go a step further. We say that all members of this Council will be public servants. They will be getting salaries and they will be considered public servants. I refer to clause 25: "Members of a Territorial Council shall be entitled to receive such salaries or allowances, if any, as may be determined by the Central Government." Then, clause 27: "Every member of a Territorial Council shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code." On the top of all this there is clause 26: "Every person shall be liable for the loss, waste or misappropriation of any money belonging to a Territorial Council", etc. That means that these forty-one people, who formerly were elected members of legislative bodies in the Part C States, are now members of this Council. They are all public servants drawing salaries from the Central Government, paid public servants, and they will be held responsible for any loss incurred to the Territorial Council. What is the meaning

of this, Sir? It is an absolute farce of democracy. These Councils are being set up not for developing democracy in our country. I mean in those areas, but just to provide jobs for those people.

Sir, let us look at their taxing capacity. It is rather interesting to read clause 33: "(i) taxes on professions, trades, callings and employments; and (ii) tolls on bridges constructed or maintained at the cost of the Territorial Council." These are the only two items of taxation. This Council can impose certain taxes on professions, trades and callings. A few shopkeepers and probably a few doctors and lawyers who happen to be there will be taxed Rs. 10 or Rs. 15. Probably the total collection may not be more than a thousand or two thousand rupees. Then, about tolls on bridges constructed or maintained at the cost of the Territorial Council, I think no bridges will be constructed by the Territorial Council in Manipur or Tripura. Possibly later on there may be some bridges constructed by the Territorial Council in Himachal Pradesh, in which case a toll may be collected. So, we have the glorious figure of Rs. 2,000 collected by these Territorial Councils as taxes. But the expenditure would run into lakhs. It means that we are giving them Central Government money to spend without any responsibility.

SHRI J. S. BISHT (Uttar Pradesh): What about clauses 34, 35 and 36?

SHRI KISHEN CHAND: They are all gifts by the Central Government.

SHRI H. C. DASAPPA: Clauses 34 and 35 are not gifts.

SHRI KISHEN CHAND: "Income from property" assigned by the Central Government. If the Central Government gives property, that is not taxation. I have yet to understand taxation to include that. I am here referring only to taxation. These items under clauses 34, 35 and 36 are certain gifts from the Central Government—for instance, rents collected from property which has been donated by the Central Government.

Then, about school fees, I do not think that any Member has ever considered school fees to be a taxation measure.

I submit, Sir, that as far as taxation is concerned, these Territorial Councils are not going to collect any money. They are only going to spend Central Government money. Therefore, in order to put responsibility on them, clauses 25, 26 and 27 have been introduced by which they all become public servants, responsible for the expenditure of Government money. This Territorial Council is really a body more or less nominated by the Central Government, carrying out certain duties.

AN HON. MEMBER: Not nominated.

SHRI KISHEN CHAND: An element of election has been put in there, but when they become public servants and spend Central Government money the whole structure becomes quite different. I submit, Sir, that we should be consistent. Either we want to develop democracy or we simply say that we have made a mistake, that it is a stop-gap arrangement, that within two or three years these territories will be merged with the neighbouring States, and that for the short stop-gap period we have introduced these Councils to provide employment for those people who have become jobless. There are various offices. There is an Administrator, there is a Chairman and a Vice-Chairman and there is an Executive Officer.

(Interruption.)

I am saying that this Territorial Council should not have an Administrator in Himachal Pradesh.

SHRI J. S. BISHT: No, no. The Administrator would be for the whole of Himachal Pradesh.

SHRI KISHEN CHAND: And this is for the whole of Himachal Pradesh.

SHRI J. S. BISHT: My hon. friend is confusing. The Administrator is the appointee of the Central Government just like . . .

MR. DEPUTY CHAIRMAN: Order, order.

SHRI KISHEN CHAND: I am saying that it is an elected body. I am simply saying who the officers are. There is the Administrator; there is the Chairman and there is the Vice-Chairman of this Territorial Council and there is the Executive officer. I am trying to understand what is going to be the relationship among these various officers.

SHRI J. S. BISHT: The Administrator is for police courts, jails and other things. Territorial Council is only incidental work for him.

SHRI KISHEN CHAND: When there is an Administrator appointed by the Central Government for carrying out the duties and there is a Chairman and a Vice-Chairman, why do you want to have another Executive Officer? Some hon. Members have compared it to a Municipality. This Territorial Council is really a replacement of the Municipality.

SHRI H. C. DASAPPA: District Board.

SHRI KISHEN CHAND: District Board? Then, there should be quite different set of rules for the District Board. They do not have whole-time members. No District Board anywhere in India has any of its members paid by the Central Government.

(Interruption.)

MR. DEPUTY CHAIRMAN: Please do not disturb him.

SHRI KISHEN CHAND: My contention is that you cannot defend a case by trying to find some sort of a dis-similarity but take the whole picture as it is. The whole picture of this Territorial Council is that it is neither a legislative body nor a Municipality nor a District Board. It is a mixture of so many things. The result of mixing up is that it does not satisfy any criteria and does not fulfil any functions. My contention is that by mixing up so many things, they are not achieving anything. I think, as a temporary measure, it may be here.

[Shri Kishen Chand]

But it is a very wrong policy that the Government is introducing—entrusting money to persons who do not collect it.

SHRI H. N. KUNZRU: Mr. Deputy Chairman, it appears from the proceedings of the other House that the Government expected to get some thanks from the representatives of the territories to which this Bill relates, that is, Himachal Pradesh, Manipur and Tripura for the provision made in this Bill for the establishment of Territorial Councils in these areas. But the Home Minister regretfully observed that the old controversies connected with these territories which arose when the Constitution (Seventh Amendment) Bill was before the House, had again been revived. It is quite clear from the speeches delivered in another place and in this House that Government have gained nothing by departing from the recommendations of the States Reorganisation Commission. However, they are now trying to provide institutions for giving some kind of political training to the people of the three territories mentioned by me. As the Mover of the Bill said, the bodies that are going to be established will be in the nature of district boards. In some respects, the Territorial Councils will have larger powers than the district boards have. But in all essential respects, they are similar district boards, and to the extent that this Bill provides for the establishment of such bodies in these territories, no objection can be taken to it.

The question of giving the people the opportunity of expressing their views on the larger questions that affect the progress of their territories has been raised by more than one speaker, particularly by my hon. friend, Shri Bhupesh Gupta. He went so far as to say that he had no doubt whatsoever that the people by their efforts will gain those opportunities for conducting their own affairs which they legitimately desire. I have no doubt also on this subject. But the manner that may be chosen to enable

these people to take part in the larger work of Government may be different from that envisaged by him. Not one of these territories has more than 10 lakhs of people. In fact, Tripura and Manipur have a population of only about six lakhs each. It is most incredible to me that legislative assemblies should be established in these territories. In Uttar Pradesh, there are 51 districts and if each district formulated its demands in the same way, Uttar Pradesh would be split up into 51 States each with an assembly of its own. The only way in which the aspirations of the people concerned can be fulfilled is that they should join hands with the people in the adjoining States. In that case, they will have the advantage of having district boards and at the same time of being able to send their representatives to the legislative assemblies of the States that they will form part of. Their desire for self-government can, therefore, be fully satisfied. Unfortunately, Government have created a difficulty for themselves and for the people by rejecting the recommendation of the States Reorganisation Commission. Notwithstanding what one of the speakers from Himachal Pradesh and Shri Bhupesh Gupta have said, I have not the slightest doubt that, if the people of these territories have to be given a voice in the determination of the larger questions affecting their progress, the method chosen should be that recommended by the States Reorganisation Commission.

Now, I should just like to refer to one or two questions relating to these Territorial Councils. The Mover of the Bill explained to us that an amendment was accepted in another place by Government, the effect of which would be to prevent the two members nominated by Government to the Territorial Councils from taking part in the election of members to the Rajya Sabha. I think that is what he said. Now, Sir, a demand for the exclusion of nominated members from the body of members who were to elect representatives to certain bodies was raised because these nominated members were completely under the thumb of

the Government and a good many of them belong to the ruling race. When the Constituent Assembly was established, the question arose as to how the various assemblies were to elect their representatives on the Constituent Assembly. The Congress demanded that the European members should not have a vote in this connection and this view was finally accepted by Government. Well, there was a good reason for it. The struggle for self-government was between the Indians on the one side and the Britishers on the other. For representatives of the British community to take part in the election of members of the Constituent Assembly was completely against those very principle on which the Constituent Assembly was going to be established. But the case here is quite different. Here, Government is going to nominate two persons to represent the interests of the communities that are not represented or that are not adequately represented on the Territorial Councils. Is there any ground whatsoever for preventing them from taking part in the election of Members to the Rajya Sabha? Sir, suppose in the Lok Sabha, the representatives of the Anglo-Indian community who are nominated were prevented from taking part in the election of representatives to any body by the Lok Sabha, what would be thought of it in the country? Would it be in accordance with our constitutional theory or our democratic procedure? I greatly regret Sir, that the Government should have accepted an amendment of this kind. The acceptance of this amendment virtually means that the Scheduled Tribes are to have no hand whatsoever in the election of the representatives of a Territory to the Rajya Sabha.

SHRI P. N. SAPRU (Uttar Pradesh). Will the nominated Members be only Scheduled Caste members?

SHRI H. N. KUNZRU My hon friend probably did not listen to what the mover of the Bill said.

SHRI P. N. SAPRU. I was not here.

SHRI H. N. KUNZRU: I did not say anything about the Scheduled Castes.

MR. DEPUTY CHAIRMAN. Well, Dr. Kunzru, under the present Constitution—article 80(4)—the representatives of each State in the Council of States shall be elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote.

SHRI H. N. KUNZRU: Well, I had completely forgotten that. What you are saying is quite correct. But I am not in agreement with that principle at all. And its extension to these Territorial Councils is even more regrettable.

Sir, there is just one other point to which I would like to refer. Clause 25 deals with the salaries or allowances to be paid to members of the Territorial Councils. Members of a Municipal Council or a District Board are never paid salaries. They might be paid some allowances for the days that they have to stay at the headquarters of the Municipal Council or the District Board. But to give a salary to them, I think, is to create an undesirable precedent. This body is not in the same position as a Legislative Assembly, and I think, to introduce such a provision is to create a misapprehension in the minds of the members of the Territorial Council with regard to their status.

Then, lastly, Sir, I would like to have information with regard to clause 50 of the Bill which deals with the passing of the Budget by the Territorial Councils. This clause says that the Administrator may recommend some changes in the Budget and send it back to the Territorial Council. Sub-clause (6) says that "When a budget is returned under sub-section (5), the Council shall consider the proposed amendments, take a decision thereon, and report the same to the Administrator." And sub-clause (7) says that "That budget estimate finally adopted by the Council shall be the

[Shri H. N. Kunzru.]
 budget of the Territorial Council." Now, the Council is required only to report on its decision to the Administrator, and although some duties have been assigned to the Administrator under clause 52, apparently he has not been given the final right to say whether a particular suggestion made by him is to be carried out or not. I want to know whether this interpretation is right. If it is, then how, for instance, is the Administrator to fulfil his responsibilities? He has been given the right under clause 52 to deal with certain matters relating to education. Now suppose he gives certain directions, but the Territorial Council, while unable expressly to give effect to his decisions, may, by dismissing, say, certain teachers, or abolishing a school, make his recommendations nugatory. How is the Administrator then to fulfil the responsibility placed on him by this Bill? Either make the Council completely independent in regard to all matters relating to the management of the local affairs of the Territory, or give the Administrator adequate powers to discharge his responsibilities.

SHRI H. P. SAKSENA (Uttar Pradesh): Do you mean the Chairman?

SHRI H. N. KUNZRU: I am speaking of the Administrator.

SHRI H. P. SAKSENA: The Administrator has got full powers.

MR. DEPUTY CHAIRMAN: It is time, Dr. Kunzru

SHRI H. N. KUNZRU: Sir, I hope that the Mover of the Bill will throw some light on this point.

पंडित अलगू राय शास्त्री (उत्तर प्रदेश):
 उपाध्यक्ष महोदय, यह मेरा पहला ही अवसर है कि इस सम्मानित भवन में बोलने का। यदि कोई भूल हो तो उसके लिये क्षमा चाहूंगा। मुझे इस विधेयक के उपस्थित कर्ता का भाषण सुनने को नहीं मिला, यह मेरा दुर्भाग्य था, और उसके बाद जो भाषण हुए वे भी मैंने नहीं सुने। किन्तु अपने सम्मानित मित्र किशन चंद जी का भाषण

और पं० हृदय नाथ कुंजरू जी का भाषण मैंने ध्यान से सुना है। मुझे आश्चर्य होता है कि इस विधेयक का स्वागत इस भवन में खुले हृदय से क्यों नहीं हुआ। हमें तो इस प्रकार के विधेयक का स्वागत करना ही चाहिये।

पं० हृदय नाथ कुंजरू को इस बात का खेद है कि सरकार ने परिसीमन कमीशन (आयोग) के सारे सुझावों को स्वीकार नहीं किया। कितनी ही बार वे इस संबंध में अपने विचार इस भवन में प्रकट कर चुके हैं और समाचारपत्रों में वे पत्रों को मिलते रहे हैं। मुझको आश्चर्य होता था कि एक ऐसे बड़े परिपक्व विचार के हमारे नेता जैसे पंडित हृदय नाथ कुंजरू हैं, उनको इस बात का किस तरह धोम हो सकता है कि सरकार ने उस आयोग की सारी सिफारिशों को स्वीकार नहीं किया। विचारपति अपने आदेश और डिक्लीज देते हैं तो उसके ऊपर कार्यवाही हो जाती है। यदि उसमें एक आध व्यक्ति की विमर्श का प्रश्न होता है तो उसका निर्णय विचारपति के निर्णय के अनुसार हो जाता है। लोगों के गले तख्ते पर लटका दिये जाते हैं। किन्तु जहां जनता के साथ संबंध हो और जहां परिसीमन का प्रश्न उपस्थित हो वहां पर जनता की भावनाओं को देखना आवश्यक हो जाता है। यदि परिसीमन आयोग की सारी बातें मानली जाती तो उनमें ही मतभेद था और उत्तर प्रदेश का विभाजन हो गया होता जैसा कि पाणकर माहव चाहते थे। कितनी ही समस्याएँ उपस्थित हो जाती कि जिनसे वे उलझनें पैदा हो जानी जो उन उलझनों से कम न होती जो आगे चल कर सरकार ने जो निर्णय किया उसके कारण पैदा हुई। तो इसलिये अगर हम उन्हीं बातों को सोचते तब तो हमारे लिये बहुत सी खेद की बातें हो जानी कि पूरी की पूरी सिफारिशें क्यों नहीं मानी गईं।

यह सबको मालूम है कि इस देश में (अ), (ब), (स), तीन प्रकार की स्टेट्स चल रही थीं। उनको हटाकर अब एक ही प्रकार के स्टेट्स की योजना बनाई गई और कुछ ऐसे क्षेत्र जिनके विकास की आवश्यकता है जहां पर जनमत और जनतंत्र प्रणाली पूरे तौर पर कारगर नहीं हो सकती उनको केन्द्रीय सरकार ने अपने अधीन ले लिया। केन्द्रीय सरकार ने अपने अधीन जिन क्षेत्रों को ले लिया उनमें वहां की जनता की भावनाएँ भी हैं। तो यदि प्रजातंत्र प्रणाली का कहीं गला घोटा गया उन क्षेत्रों को सेंट्रल गवर्नमेंट

के अधीन और कन्ट्रोल में लाकर, तब तो वह फिर मौलिक आक्षेप है जो अपनी जगह बना रहता है। लेकिन यदि उस मौलिक भूल को ही हम भूल न स्वीकार करें और परिस्थितियों से विवश होकर उन क्षेत्रों को केंद्रीय संचालन के अधीन संचालित होने की प्रणाली को स्वीकार कर लें तब हम इस विधेयक का बड़ा स्वागत करते हैं।

वहिन सावित्री निगम ने ठीक कहा है कि इस प्रकार की टेरीटोरियल काउन्सिल दिल्ली में या और जगहों में, जैसे ग्रंडमान में, बन जाती तो अच्छा था, लेकिन जहां बन गई वहां तो उसका स्वागत होना चाहिये। वहां की जनता को, जनमत को, अपने प्रतिनिधि काउंसिल में चुनने का अधिकार इस विधेयक के खण्ड ३ में दिया गया है। तो यह प्रजातंत्र की भावना का स्वागत है। जहां पर कभी पूरे तौर पर प्रजातंत्र काम करता था, जहां पर निर्वाचित लेजिसलेचर काम करता था, उस क्षेत्र को अविकसित समझ कर आपने अगर वहां एक नई प्रणाली से शामिल करने की व्यवस्था बनाई तो उस परिस्थिति में यह विधेयक एक बहुत आगे बढ़ने वाली चीज है और इससे प्रजातंत्र की भावना का स्वागत ही किया गया है।

खण्ड २५ में जो सैलरी और एलाउमेंस की बात की गई है उसमें पूरी काउंसिल के मेंबर सरकारी कर्मचारी और नौकर बन गये, वेतन भोगी बन गए। ऐसा मेरे मित्र किशन चंद भी कहते हैं। तो यही सैलरी एंड अलाउमेंस का शब्द आज इस माननीय भवन के माननीय सदस्यों के सम्बन्ध में भी लागू होता है, यही लागू होता है, लोक सभा के सदस्यों या विधान सभाओं के सदस्यों के बारे में भी। लेकिन उसके अनुसार वह कोई वेतन भोगी नहीं बन जाते। तो फिर कौंसिल के सदस्य वेतन भोगी कैसे हो गये? यह ऐसा विधेयक है जो एक हद तक जाता है, पूरी तमवीर अच्छी से अच्छी नहीं है यह स्वीकार करने पर भी यह एक ऐसा विधेयक है कि जिसका स्वागत करना चाहिये। आयोग ने जो सुझाव दिये उनसे बहुत से नक्शे बनें, बहुत से बिगड़े और यह नक्शे बनते और बिगड़ते रहते हैं। विधायता की सृष्टि में भी आज कुछ चीज बनती है,—कही जमीन नीचे चली जाती है, भूचाल आते हैं, जमीनें निकल आती हैं, पहाड़ निकल आते हैं। तो इस प्रकार की चीजें बनती रहती हैं। एक शायर ने कहा है :

“बिगाड़ डाले हैं तूने जालिम
हजारों नक्शे बना बना कर।”

कोई ऐसा नक्शा नहीं बन गया है भारत का जो यही स्थायी रहेगा। अगर कल के दिन आजाद काश्मीर की हालत नयी होती है तो नक्शा नया बन कर निकलेगा, गोआ आजाद होता है, तब नया नक्शा बनेगा। इस तरह से मानचित्र तो बनते बिगड़ते रहते हैं और बदलते रहेंगे। लेकिन सरकार ने जिन कठिन परिस्थिति में इस देश का नया चित्र उपस्थित किया, आयोग के मुझावों को जिस तरह एकोमोडेट किया और और जिस तरह से एक तमवीर हमारे सामने रख दी, और आज उस बिगड़ी हुई तमवीर को संवारने की जो कोशिश सरकार कर रही है उसके लिये वह केवल इन टेरीटरीज की जनता की धन्यवाद की पात्र नहीं है,—केवल त्रिपुरा, मणिपुर और हिमाचल प्रदेश की जनता का धन्यवाद होम मिनिस्टर, हमारे गृह मंत्री चाहते हैं, मैं समझता हूं यह बात नहीं है। उनको केवल प्रमत्त करने के लिये यह बात कही गई है। यह मैं नहीं मानता कि केवल वेतनभोगियों को, कुछ बेकार होने वालों को काम दे दिया गया है जैसा कि मेरे भाई किशन चंद जी ने कहा है। मैं यह सच नहीं मानता। मैं तो यह मानता हूँ कि इस विधेयक को लाने के लिये जिस मनोयोग से इसका निर्माण किया गया और जो योजना सोची गई उसके लिए सारा देश गृह मंत्री को धन्यवाद देगा। जिस भावना के साथ इस विधेयक को भवन के सम्मुख रखा गया है उसके एक एक शब्द का मैं समर्थन करता हूँ।

SHAH MOHAMAD UMAIR: I wanted to put a simple question. I have not spoken on other Bills. I do not know why we should be stopped from expressing our views.

SHRI KISHEN CHAND: There is not much work. The time allotted for the other Bill is only two hours. Even if we adjourn for Lunch between one and two, the Banking Companies Bill can be finished by four o'clock. So, we can give some more time for this Bill.

MR. DEPUTY CHAIRMAN: There is another Bill.

SHRI KISHEN CHAND: Only two hours for that.

MR. DEPUTY CHAIRMAN: We have hardly 15 minutes left, and the hon. Minister wants 15 minutes to reply.

SHRI H. C. DASAPPA: Between 2 and 5, we have three hours.

MR. DEPUTY CHAIRMAN: All right, five minutes each.

SHAH MOHAMAD UMAIR: Mr. Deputy Chairman, even less than 5 minutes will do. I want barely three minutes. Primarily I only wanted to draw out some information from the hon. Minister about the restriction relating to M.Ps. It was a thing not only in my own mind but in the minds of many hon. Members sitting by my side. The point is that this Bill provides for the disqualification of those Members of the Territorial Councils who are also Members of any of the Houses of Parliament. I wanted only some clarification from the hon. Minister on this point to my satisfaction, because after all this Bill is on the lines of the Local Self-Government Act, and when the Local Self-Government Act does not put such a restriction against any of the Members of the local bodies like District Boards, Municipalities, etc., why should this measure provide for this restriction that none should be a Member of the Territorial Council when he is a Member of Parliament. I only wanted to get this information from the hon. Minister but it was summarily dismissed. But since you have given me little time, I would just confine to this that Clauses 6 and 7 do not provide for any restriction against Members of Parliament for being Members of the Territorial Councils. Clause 6 only says:

“A person shall not be qualified to be chosen as a member of a Territorial Council of a Union territory unless he is an elector for any Territorial Council constituency in that territory.”

Then, the other clause, clause 7, says:

“A person shall be disqualified for being chosen as a member of a Territorial Council if he is for the

time being disqualified for being chosen as a member of either House of Parliament.”

That only says that if an elector of any Territorial Council constituency is not fit to be a Member of Parliament, then he cannot be fit to be a Member of the Territorial Council. This is the only disqualification put in clause 7 and clause 6. Then I would like to draw the attention of the hon. Minister to the provisions in clause 24. I am rather disturbed by the shortness of times as I have so many things to place before the House. Now clause 24 says:

“No person shall be a member both of Parliament and of the Territorial Council of a Union territory, and if a person is chosen a member.....”

I say that the clauses 24, 6 and 7 are in conflict with each other. I don't want to criticise the Bill but I am saying it only by way of drawing the attention of the hon. Minister, that this conflict will create great confusion at the time of election because you only say that Members of Parliament are not eligible to become members of the Territorial Council but in clauses 6 and 7 where qualifications and disqualifications of members have been explained, Membership of Parliament has not been explained as a disqualification for the membership of a Territorial Council. Therefore many legal and technical discrepancies may arise at the time of elections and after the elections. Besides, I would like to draw the attention of the hon. Home Minister, generous and good as he is, that he is putting this Bill on the footing of the Local Self Government Act but it is a bit restricted. I don't want, like my friend Shri Bhupesh Gupta, to survey the spiritual, moral and cultural aspects of it which have got nothing to do nor do I want to copy my hon. friend Shri Kunzru and go back to the time of Morley Minto Reforms, when nominated members were the officials, like S.D.Os. or District Magistrates etc., and they were certainly debarred from voting in the

elections of Chairman and Vice-Chairman. Now we are passing through progressive days and the Home Minister has very rightly provided that two Members from Tripura and Himachal Pradesh or Manipur who will be nominated will not be the servants of Government. As such it is perfectly right and legitimate that those two nominated members have been given the power of voting in the election of executives like Chairman or Vice-Chairman. Therefore these nominated members of these Territorial Councils and those nominated members of the Morley Minto Reform days cannot be compared.

It is to the credit of the Home Minister that he has brought forward this Bill. Certainly this Bill, all of a sudden, could not have changed things from top to bottom. He is providing opportunities in this Bill for the backward areas to develop self-consciousness and a sense of responsibility in the people. Under such circumstances it was necessary that he should have proceeded cautiously as the Home Minister has done. As such I support this Bill except those 2 or 3 clauses which I have pointed out. I think this should be welcomed and the Home Minister, particularly Shri Davar, I think deserves our congratulation for his efforts as he deserves invariably for all the legislations which he brings forward in this House. I congratulate him.

SHRI P. N. SAPRU: Mr. Deputy Chairman, when the States Reorganisation Bill was under discussion, I criticised the Commission's report for suggesting that Himachal Pradesh should be linked up with the Punjab. I stick to that opinion and I think it would have been a tragedy for the people of Himachal Pradesh if they had been linked up with a State where communal passions are running high.

SHRI BHUPESH GUPTA: Now nomination passion is running high there

SHRI P. N. SAPRU: The people of Himachal Pradesh are in a backward state of economy and there is need

for preservation of their culture. I particularly speak with reference to Himachal Pradesh though the Bill deals with Manipur and Tripura as well.

SHRI H. C. DASAPPA: Would you deem it as a permanent measure?

SHRI P. N. SAPRU: I cannot visualise the future and I hope that there will be a bigger State in the future but for the moment the solution is a right and wise one.

Mr. Deputy Chairman, I find that these Territorial Councils will possess somewhat larger powers than District Boards but I would have liked some greater powers to be entrusted to them. I would have liked them to be given the power of recommending legislations or measures which they think are beneficial for their area, to the Central Legislature. Within limits that power should have been given to them. It would have acted as a body which had the power of recommending legislation to be passed by the Central Parliament. I don't like this idea of non-official advisers but I see no reason why administratorship should be the monopoly of the Civil Service in this country. I think the Civil Services are a class who have benefited by the transfer of authority more than any other class in this country and I have not that pathetic faith in the infallibility of our Civil Services which some of our countrymen are beginning to possess.

Then I note that the period fixed for a member of the Territorial Council is 5 years. That strikes me as too large. It may be enlarged by an additional year but there is no power, as far as I can see in the Bill, of dissolution. The Territorial Council cannot be dissolved as far as I can see within the fixed period.

Now the Chairman will be an elected Chairman and so will be the Vice-Chairman. Occasions may arise when, even though the required 2/3rd majority of the total membership is not forthcoming, and the Administrator is not prepared to accept a recom-

[Shri P. N. Sapru.]

mentation of more than half the members; occasions may rise when the functioning of these Councils becomes difficult for one reason or the other.

SHRI J. S. BISHT: It can be superseded.

SHRI P. N. SAPRU: The Councils should not be superseded. I would not resort to the provision for it? Supersession is the worst remedy. Most of the troubles in our District administration and in our local board administration have arisen because of the many large powers of interference by supersession which the executive enjoys. If a Board is not functioning properly then the correct way is to dissolve the Board and make the people face up to their responsibilities.

SHRI J. S. BISHT: It has been tried.

SHRI P. N. SAPRU: My friend is a very dogmatic person. He has much experience but I am basing my views on fundamental principles and I think it is wrong for Boards to be superseded. The proper thing, when things are going wrong with a Board, is to order a general election. We should not fight shy of approaching the people direct. We should have faith in the commonsense and wisdom of the common man. That is the meaning of democracy.

(Time bell rings.)

Then there are many other things that I should have liked to say but there is no time. One thing that I would say relates to the elections. I find that the District Judge has been made the final authority so far as election disputes are concerned. I know there is articles 226 but it has a very limited scope and I should have liked, because it is a single-judge jurisdiction, that a provision for appeal in certain case to a higher judicial officer, say a Judicial Commissioner, was there.

I would like to touch on the question of providing some opportunities to the people of this area to express themselves on important questions

such as those of land reforms or of general economic policy for their State freely in these Territorial Councils. My sympathies are very much with these hill people.

MR. DEPUTY CHAIRMAN: The hon. Minister will reply in the afternoon. Shri Shah Nawaz Khan will make a statement.

STATEMENT RE. REPLY TO
SUPPLEMENTARY QUESTION
ON STARRED QUESTION NO.
395 ANSWERED ON 20TH DE-
CEMBER, 1956.

THE DEPUTY MINISTER FOR
RAILWAYS AND TRANSPORT
(SHRI SHAH NAWAZ KHAN): Sir, in answering supplementary questions on the 20th December, 1956, I felt that my hon. friend Shri Bhupesh Gupta was not satisfied and so I want to clarify the reply.

I rise to make a statement to correct the information given on the floor of this House on the 20th December, 1956, in reply to supplementaries on Question No. 395. Shri P. B. Gupta, an office bearer of the North Eastern Railway Mazdoor Union, who was referred to, was neither dismissed nor discharged from service. It was Sarvashri Pandey and Sharma who were discharged from service after issue of charge-sheets. Shri Gupta's services were terminated in accordance with Rule 148 of the Indian Railway Establishment Code Volume I, without serving any charge-sheet and without assigning any cause. Government do not propose to indicate the reasons for termination of service.

SHRI BHUPESH GUPTA (West Bengal): Why?

MR. DEPUTY CHAIRMAN: The House stands adjourned till two o'clock.

The House then adjourned for lunch at one Minute past one of the clock.