

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SHRI J. S. BISHT: It can be superseded.

SHRI P. N. SAPRU: The Councils should not be superseded.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 He has much experience but I am basing my views on fundamental principles and I think it is wrong for Boards to be superseded.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 DECEMBER, 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.

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

### THE TERRITORIAL COUNCILS BILL, 1956—*continued*

SHRI B. N. DATAR: Mr. Deputy Chairman, a number of points were raised by hon. Members though I am happy to find that there has been a general consensus of opinion in favour of the provisions of this Bill. I would not go into the larger questions relating to the political set-up or regarding other matters with which this Bill is not concerned. This morning I pointed out to the House that this Bill gave very large powers to the Territorial Councils, in the first instance, so far as local matters were concerned. I also stated that there were certain special features in the provisions of this Bill which gave much wider powers to this body than are given to ordinary boards or municipalities. These are the special or significant features of this Bill and along with other functions of this body three functions may kindly be noted in this connection, namely "the superintendence and control of panchayats and the making of grants to them; the preservation, protection and improvement of live-stock and prevention of animal diseases, and veterinary training and practice and the prevention of cruelty to animals." So it will be found that, to a certain extent, they will be given larger powers than are given to District Boards and therefore, this is to be welcomed. As I have said this morning, we have modelled this measure, more or less, on the Bombay Municipal Corporation Act which has given very large powers to municipal corporations there. Here also it will be found that substantial powers have been given to the Territorial Councils. An hon. Member on the other side, Mr. Kishen Chand, was needlessly critical of the provisions of this Bill. I am afraid he has thoroughly misunderstood them, because what he has stated is entirely without any foundation. This is not a mockery of democracy at all, but the grant of substan-

tial local self-government and rights and functions to the Territorial Councils. Moreover, whenever this question is considered, we have to take into account the circumstances and also the functions that this particular body has to carry out. Short of being a legislative body it has got very wide powers and these powers are not taken away by what the Administrator has to do. So far as the Administrator's rights or his power to issue directives are concerned, I should like to point out to this House that it is entirely open to the Council to carry on the administration in the best way possible and there will be no hindrance at all, nor interference. It is only in two or three cases where it would be open to the Administrator to issue directives. One of them, as I stated this morning, is with regard to the curricula or with regard to the work to be carried on in the conduct of schools. There is such a special provision in the Bombay Municipal Corporation Act. Also, in the interest of maintaining high standards of education, it was considered necessary that the Administrator should have the power of issuing directives in this respect. Therefore, it would not be proper to say that the Administrator is all in all, and that the Administrator practically, has got all the powers leaving very little to the Territorial Council. This is not a correct view of the matter at all and, therefore, I would submit again that the Administrator would step in only for the specified purpose or purposes which I have pointed out above. The Administrator will also have to step in under the direction of the Central Government when a question of supersession arises. But supersession, as the House is aware, is an abnormal thing and under certain circumstances it might be absolutely necessary. Therefore, the House will kindly note that it is the Central Government that would order supersession.

My hon. friend Dr. Sapru suggested that there ought to be a provision for the dissolution of this body. So far as this body is concerned, there cannot be a dissolution at all, because this body is a body corporate