

[Shri S. N. Dwivedy.] Home Minister should take about 20 to 25 minutes—not more than that?

MR. DEPUTY CHAIRMAN: Yes, he must be given some time. Mr. Dwivedy, you can go on now. Please take about five minutes.

SHRI S. N. DWIVEDY: Five minutes? I think ten minutes.

MR. DEPUTY CHAIRMAN: I have got four names here, Kazi Karimuddin. Mr. Mazumdar, Mr. Sekhar, your self.....

SHRI H. P. S\*4.KSENA: I am also one of the prospective speakers.

MR. DEPUTY CHAIRMAN: Leave it to the hon. Minister. He will reply.

SHRI S. N. MAZUMDAR: That was the very basis on which this whole programme was fixed up. We will sit up to 1.30 P.M. so that all the speakers may have some time.

DR. K. N. KATJU: But there is something to eat also. Whenever I come to the Rajya Sabha, I know that there is a lunch interval; unless you supply me.....

SHRI H. C. MATHUR: We shall do it most willingly.

MR. DEPUTY CHAIRMAN: I do not know if that is agreed to. I have no objection to sit for half an hour more.

SHRI H. C. MATHUR: We should sit for half an hour more.

SHRI S. N. DWIVEDY: We can sit beyond five.

MR. DEPUTY CHAIRMAN: If the House wants, I can give half an hour more. I hope the House is agreed.

*(No hon. Member dissented.)*

MR. DEPUTY CHAIRMAN: All right. Mr. Dwivedy, go on.

**THE MANIPUR STATE HILL PEOPLES (ADMINISTRATION) REGULATION (AMENDMENT) BILL 1954—continued**

SHRI S. N. DWIVEDY: Sir, it is a disgrace that in the fifth year of the Republic of India as is stated in the Bill the Home Minister should come forward with a Bill not to give more freedom to the people but to extend and perpetuate the system of slavery that has existed in this part of the country. This affects about 2 lakhs of people. If one goes into the history of the entire question, one will find that this is an amendment of the 1947 Bill. That Bill which was introduced by the Ruler of the Manipur State, was enacted after many of the States had acceded into India. There were some customs prevailing in those areas and he wanted to legalise them to a certain extent. I think the Home Minister and the Home Ministry have not given proper consideration to all aspects of this question. Therefore, I want to know from the hon. Minister, when he is amending this Bill which mostly relates to village authority, what is going to happen to the circle authority. In the old Act there is a clear provision for circle authorities and circle officials, but I am told that there is no such authority existing. May I know how this lacuna is to be filled up and how it will be fitted into the present arrangement.

About the merits of the Bill, I wish to tell you that it does not confer any democratic right as the Home Minister wants us to believe. As you see, this Bill says very clearly that the powers and duties of such authorities would be fixed by the Chief Commissioner and it also gives the option to the Chief Commissioner to have an elected village authority whenever he wishes to do it. Therefore, actually it does not confer the system of elected village authorities on these areas. If there are more than 20 tax-paying houses in any village, that village will be given an elected authority at the sweet will of the Chief

Commissioner. I may tell the Home Minister that there are certain villages whose number of tax-paying houses is less than twenty and who still have village authorities, but this has not been permitted by this Bill. When you are amending the Act, you should have amended it in such a manner that these villages also will have elected village authorities. Although I have no objection to the introduction of adult franchise and other things, I want to tell you that to make the chief the hereditary chairman of the village authority is nothing but the denial of the very rights which the Home Minister wants to give them. The people there are demanding the abolition of the chief system. If they want democratic rights today, it is mostly to see that they are free from the clutches of these oppressing chiefs, but now the Home Minister comes forward with a Bill saying that these chiefs would be the *ex-officio* chairmen of the village authorities. That means that whether the chief or his son is educated or not, he will preside over the village authority and will have full veto power over its decisions. You know that the chiefs are an oppressive lot there. A friend of mine who recently visited the area and who comes from that area I do not know whether my hon. friend Shri Mahesh Saran who has visited this hill area has discovered any such thing during twenty days—informs me that in village Phadang there is a chief who extracts from the people not less than 45 taxes. Not only that, but the representation given is quite unequal, because there are two different systems prevailing in the north and the south. In the northern areas, whenever a son is married, he is separated from his family with the result that an entire family consists of not more than two or three individuals. But in the south, a family usually consists of about 20 persons or sometimes even 30 persons. According to this Bill, only those villages which have more than twenty tax-paying houses will have elected authorities. What happens to this unequal representation? Some villages which have a population of more than

400 or 500 will have five members, while villages with a population of only 100 will also have five members. Why don't you base the whole thing on population instead of on the number of tax-paying houses?

I have before me the names of three villages—Mao, Naga, Annal—where there are no hereditary chiefs. Their chiefs are elected. If they are popular, they are continued, but if they are not, they are eliminated. Under this Bill, what are you going to do? What will you do about the provision of making the hereditary chiefs the *ex-officio* chairmen of the village authorities in areas where this hereditary system does not prevail? So, I say that you have not really considered all aspects of the question.

Sir, I am coming to another aspect. At present, there is a system in some places under which the chiefs get ten to forty tins of paddy which the people get from the fields. If people go hunting in the forests, the fore arms of the animals killed must be given to the chief. If the people do not give these things to the chiefs, they are liable to be punished. This system is prevalent in these areas. What is the Home Minister who is democracy incarnate going to do? Is he going to perpetuate the system and take the sanction of this august Parliament for these things to continue for ever? Therefore I say that, if you have had no time to go into all aspects of this question, it would have been better for you to wait. Even now, it is not too late for you to withdraw the measure and come forward with another measure in order to give these people more democratic rights. Otherwise, you would be creating a situation in which those people whom we want to assimilate into our society would really feel that democracy is nothing but a farce. They will lose all faith and confidence in democracy which they will think, means only the perpetuation of the oppressive chief system that has been prevalent for such a long time in those areas and out of which

[Shri S. N. Dwivedy.]  
they want now to extricate themselves. Therefore, I have given notice of my amendments and I will go into more detail when I come to the amendments.

MR. DEPUTY CHAIRMAN: There will be very little time.

SHRI S. N. DWIVEDY: I will finish. So, Sir, I want again to impress on the hon. Home Minister the need to consider these things and .....

1 P.M.

SHRI S. BANERJEE (West Bengal): Don't bother. He is impervious.

SHRI S. N. DWIVEDY: ..... and see if my amendment can be accepted.

MR. DEPUTY CHAIRMAN: The House will stand adjourned till 2-30.

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

The House re-assembled after lunch at half past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

KAZI KARIMUDDIN (Madhya Pradesh) : Mr. Deputy Chairman, I accept most of the principles underlying this Bill and I am really surprised at the remarks passed by the opposition that this is a result of a diseased mind, or that it is a disgraceful act. What can be the motive of the Government of India, and the Congress Government in not introducing reforms, democratic reforms to the fullest extent? One of the speakers who had toured this area told us that he was there for twenty days and had found the people uneducated and that it was impossible to introduce reforms to the fullest extent there. From the speeches of the opposition it has not been possible to see what is the special motive of the Government of India for not introducing full reforms. Therefore, my submission is that, looking to the existing circumstances there the reforms embodied in this Bill are perfectly all right.

Sir, I have given notice of amendments in regard to three matters. One is about proposed section 6C. There it is stated:

"The members of the village authority in any village in respect of which a notification has been issued under section 6A shall be elected from among the voters of the village....."

So, it has been specifically laid down that the candidate who will be elected, will be from among the voters of the village. Now, this has been repeated in 6D also where you say:

"A person shall be disqualified for being elected and for being a member of an elected village authority—

(a) if he is not registered as a voter."

This, I submit, is redundant.

Then there is another amendment of mine to the effect that if a man is a leper he should not be allowed to be elected a member, and this, I submit, finds place in several Acts.

The other amendment which I proposed deals with the challenging of elections. In 6C and 6D there is no mention of challenging of elections and about the rule making powers, it has been said that rules will be made regarding the election disputes. But in the Explanatory Memorandum which is attached to the Bill itself in sub-para. (g) it has been stated that the rules will relate to "the manner in which, and the time within which, an election may be called in question;". And then (h) speaks of "the constitution of an authority for settling election disputes;". Therefore, my submission is that the authority about the framing of election rules and the grounds on which an election can be rejected, do not find a place anywhere here. Unless the remedy is provided in the Bill itself unless there is a provision in the body of the Bill itself for disputing elections the framing of rules would

be *ultra vires*. Therefore, my submission is that the hon. Minister in charge who is a very very able lawyer will accept my amendment in order that the position may be clarified.

There is one more amendment which I have proposed and that is that instead of saying, "if he is of unsound mind and stands so declared by a competent authority" we may say, "if he is adjudged by a competent court to be of unsound mind." That, I think, will be better legal language.

श्री कन्हैयालाल डी० वैद्य : उपसभा-पति महोदय, जहाँ मैं इस बिल का स्वागत करता हूँ वहाँ मैं दो बातें इस सदन के सामने और माननीय गृह मंत्री जी के सामने रखना चाहता हूँ। हमने इस देश के लिए एक नया विधान बनाया और इस सिद्धांत को स्वीकार किया कि हम बालिग मताधिकार के आधार पर जिन्होंने भी वेस्टेड इंटरेस्ट्स हैं—राजे महाराजे, जमींदार, जागीरदार या ऐसे लोग जो खानदानी तरीके से, जन्मजात रूप से नेतृत्व का दावा करते हैं—उन सब को खत्म करने जा रहे हैं। इसी उद्देश्य से हमने राजाओं और महाराजाओं के राज्यों को खत्म किया, लेकिन आज जब राज्यों के किसी हिस्से का शासन उसी पुरानी राजाओं की व्यवस्था के अनुसार ही चलाने की बात आती है तब....

MB. DEPUTY CHAIRMAN: You need not go to Rajas and Maharajas. Please confine yourself to the Bill.

SHRI KANHAIYALAL D. VAIDYA: Sir, it comes in because.....

MR. DEPUTY CHAIRMAN: No, we do not have much time to dilate on this point.

SHRI KANHAIYALAL D. VAIDYA: But, Sir, in this Bill it has been said that "the members of the 'village

authority' excluding the Chief, should be elected on the basis of adult franchise. The Chief of the village will however continue as the hereditary chairman of the authority".....

MR. DEPUTY CHAIRMAN: Please speak on that clause and do not bring in Rajas and Maharajas.

SHRI KANHAIYALAL D. VAIDYA: But it is a relevant point, Sir, be cause.....

MR. DEPUTY CHAIRMAN: No, I don't think so. Please go on.

श्री कन्हैयालाल डी० वैद्य : मैं यह कह रहा था कि जब हम इस सिद्धांत को स्वीकार कर चुके हैं, तो मैं नहीं समझता कि इस कानून के अन्तर्गत हमको इस प्रकार की व्यवस्था को चालू रखने की गुंजायश रखनी चाहिए। अगर इस प्रकार की व्यवस्था हम रखेंगे तो यह निश्चित है कि जो हम इस प्रकार का ढांचा तैयार करेंगे कि एक तरफ से तो चुनाव के जरिये आए लोगों के द्वारा काम करेंगे और दूसरी तरफ जन्मजात "चीफ" को कायम रखें जिसको यह अधिकार होगा कि वह अपनी सत्ता का उपयोग करे, तो उससे दोनों के बीच झगड़े बढ़ेंगे। यह ठीक है, जैसा कि माननीय मंत्री जी ने अपने भाषण में बताया कि वहाँ की परिस्थितियाँ ऐसी हैं और वहाँ शासन तंत्र की व्यवस्था ऐसी है कि शासन को कई असुविधाओं का सामना करना पड़ेगा क्योंकि वहाँ जंगल के इलाकों में सारा कामकाज करना पड़ता है, और यह भी ठीक है कि आप लोगों को किसी प्रकार का मुआवजा या तनख्वाह नहीं देंगे। लेकिन जहाँ तक अधिकारों के उपयोग की बात है, आपने देखा हमारे देश में कि, राष्ट्रपति जी ने कुछ टाइटिल्स लोगों को दिए तो उसकी कैसी प्रतिक्रिया हुई और किस तरह से देश के अन्दर

[श्री कन्हैयालाल डी० वैद्य]  
लोगों ने उसका स्वागत किया। इसलिए  
कहीं इस नई प्रथा से लोगों में अविश्वास  
या असमानता की भावना पैदा न हो,  
यह हमें ध्यान में रखना है। इसलिए  
मेरा विवेक यह है कि इस प्रकार की  
स्थिति को कानून द्वारा मॉन्टेन नहीं  
किया जाना चाहिए।

महोदय, जिस विषय पर मैं अपने  
भाषण के आरम्भ में कह रहा था और  
जिस पर आपने कहा कि उससे यहां इस  
कानून का कोई संबंध नहीं है, उसके  
बारे में मैं समझता हूँ कि संविधान के  
अंदर जो हमने व्यवस्था की है वह चीज  
देश के सामने आ चुकी है और हमारे  
प्रधान मंत्री जी इस बात को अनुभव  
करते हैं कि पार्ट "बी" स्टेटों में गवर्नरों  
और राजप्रमुखों के पद से जो भेदभाव  
उत्पन्न हो गया है उसे जनता नहीं चाहती  
है और इस दिशा में पण्डित जी स्टेट  
मिनिस्ट्री के द्वारा उचित कदम  
उठा रहे हैं। हमने राजाओं के साथ जो  
एग्जीमेंट किया उस एग्जीमेंट के नाते से  
हम राजप्रमुख प्रथा को कायम रख रहे  
हैं किन्तु जनता चाहती है कि उस प्रथा को  
इस तरह से कायम नहीं रखनी चाहिए।

MR. DEPUTY CHAIRMAN What have  
1 the Rajpramukhs and Governors to do  
with this Bill? I am sorry, they are  
irrelevant. If you have any remarks to  
offer on this Bill, please offer them.

श्री कन्हैयालाल डी० वैद्य : इस  
बिल में उस प्रथा के विषय में मुझे यह

कहना है कि जो हेरीडिटेरी चीफ  
होगा उसको मॉन्टेन करने के लिये इस  
कानून के द्वारा हम जो व्यवस्था करते  
हैं वह इस जनतन्त्र के सिद्धान्त के, में  
समझता हूँ, बिल्कुल विपरीत जाता हुआ  
मालूम पड़ता है और उससे उस देहाती  
क्षेत्र में भी हम लोग ऐसी धारणा और  
भावना कायम रखेंगे कि हमारे देश की  
पुरानी एकतंत्रीय शासकीय प्रथाएं अभी  
यहां प्रचलित ही हैं, समाप्त नहीं हुई  
हैं और यह कि जनतन्त्र का अभी ऐसा  
विकास नहीं हुआ है कि जिसमें बालिग  
मताधिकार के आधार पर ही इस देश  
की व्यवस्था चले। इसलिए मेरा माननीय  
गृह मंत्री जी से निवेदन है कि सिद्धान्ततः  
मैं यह अनुभव करता हूँ कि हमें पुरानी  
हेरीडिटेरी शासकीय प्रथाओं को खत्म  
कर देना चाहिए और नीमिनेशन की  
पद्धति को समाप्त कर देना चाहिए।  
पंचायत के विषय में आपका पूरा अनुभव  
है। देश में जनतांत्रिक पंचायत व्यवस्था की  
स्थापना करने से ग्रामों के अंदर एक आदर्श  
शासन कायम हो जायगा। आपने काफी  
सुचारु रूप से जो सुझाव और राज्यों  
को दिये हैं उसकी हम सराहना करते हैं,  
और मैं यह आक्षेप नहीं करता कि आपने  
इस कानून में कोई बात जान बूझ कर  
की है। मैं यह मानता हूँ कि यह एक  
अच्छा कानून आप बना रहे हैं और उस  
क्षेत्र की शासन व्यवस्था चलाने के लिए  
उसमें जनता को प्रतिबद्धित्व दे रहे हैं।  
यह एक सुंदर कदम है जिसका मैं स्वागत  
करता हूँ। यदि इस कानून में जो हेरी-  
डिटेरी चीफ की व्यवस्था है उसको भी  
हम इस स्थिति पर हों दूर कर सकते  
तो ज्यादा अच्छा होता।

इन शब्दों के साथ मैं इस कानून  
का स्वागत करता हूँ।

SHRI S. N. MAZUMDAR: Mr. Deputy Chairman, I was not present when the hon. Minister was speaking but I listened to the speech of one of his supporters and I was really surprised to find that an hon. Member, in 1954, on the floor of this House could repeat the hidebound imperialistic arguments against the granting of democratic reforms to a section of our people. Sir, I do not concede his claim that having spent twenty days in that place, he has become an authority on the subject. But when the people of Manipur are demanding full self-government, the hon. Home Minister has come with this restricted step and we find arguments here that they are unfit, that they are not developed fully. This is the argument, Sir, which the British Imperialists even today advance in the case of the Colonies under them. Sir, it is not a question of education. In Manipur there are the Manipuris proper or Meitheis who are very developed. There are Nagas and Kukis. The Nagas have their Tribal Council and the Kukis also have a democratic Council among them but in most cases the powers of the tribal democracies have been usurped by the hereditary chieftains and the hereditary chieftains, as my hon. friend Mr. Dwivedy has pointed out in an exhaustive manner, levy various illegal exactions from them. What is the hon. Minister actually offering them? If the people of some village want an elected village authority then the Chief Commissioner will have regard to their desire. He is not even prepared to concede that if the majority of the village people desire an elected village authority the Chief Commissioner will concede that. He is giving the Chief Commissioner the right to sit over the desire of the majority of the people to have, what? Not a great piece of reform but a little piece of reform to have an elected village authority. Actually this Bill is not giving a right of the formation of elected village authorities in all the villages. It is not a blanket authorisation; this Bill seeks to give that right only to those

villages which want this and there also that right is being circumscribed in this way. Sir, among the Nagas there were elected Tribal Councils. Among the Kukis, the hereditary chieftains really have usurped all the powers. Now, whatever might have happened in the past, some sections among these people are coming forward with the demand that they should have an elected authority and, therefore, the hon. Home Minister is conceding their demand. What he is conceding to them by the right hand, he is trying to take away by the left hand by giving the discretion to the Chief Commissioner. Sir, the Home Minister, I find, is making some passes; he can make things vanish or do anything and I need not quarrel with him and I am not trying to go into all these things.

Now, Sir, another particularly, what shall I say, pernicious feature of this Bill to which attention was drawn by speakers who preceded me was that even if the village authorities are elected, the hereditary chieftains will continue to be the *ex-officio* Chan-men. Mr. Mathur and Mr. Dwivedy have both spoken about this thing and they have said that this is a pernicious provision. If the village authorities are elected, then let them elect the Chairman. Heavens are not going to fall if the Chairmen are elected. In most cases, as my friend Mr. Mathur has pointed out, most probably the hereditary chieftain will be elected if the village people are not so advanced or are not so organised. So, what is there to be afraid of? My hon. friend Mr. Mathur referred to the question of Rajpra-mukhs; I am going into it only in passing. He said that the hon. Home Minister and the Government are preserving these institutions as dead weights. Sir, I go a step further and say that the Government of India as represented by the hon. Home Minister is in love with these dead weights, these reactionary institutions and that they are not able to overcome that. Sir, as my time is very

[Shri S. N. Mazumdar.] short, I am not in a position to deal with all the points that I would like to deal with but I would like to mention another important factor. The hon. Home Minister has come forward with this Bill which is an amendment to the Hill Peoples Regulation of 1947. In that there is another pernicious provision dealing with circle authority where forced labour is sanctioned under law.

MR. DEPUTY CHAIRMAN: That is not before us now.

SHRI S. N. MAZUMDAR: However, Sir, I shall be brief. When the Government has come forward with only this much of democratisation and that too in a circumscribed manner, I would have been grateful if they had come forward with some amendment to that provision about circle authority. With these few words, Sir, I conclude my speech.

SHRI NGANGOM TOMPOK SINGH (Manipur and Tripura): Sir, I rise to support this Bill. However, I should like to offer a few observations. There should be no controversy in saying that this Bill envisages not a full fledged democratic form of Government; still, it is some step in the democratisation of the hill administration in Manipur. There are certain evils in the administration there due to their customary right and so on and this Bill gives some sort of a democratic form which will be quite sufficient for the present. When we consider the various aspects of the hill life we cannot but take into account those various factors which are needed for the establishment of a democratic form of Government. So, Sir, it would be too much if we say—just as other Members have said—that there should be more light. That will be much too idealistic. If you want to give a full fledged democratic form of Government for the hill people of Manipur, then, Sir, of course, you have to look into their education

which is the first fact<sup>TM\*</sup> require-- for an efficient democratic set up. If we look into the standard of living and the economic conditions of the people there, we will find that they are very miserable. Until and unless their economic condition and the standard of living are raised to some extent so that they may adjust themselves to this democratic atmosphere, there is little meaning in introducing a full fledged democratic form of government under the present condition of the hill people there. While wholeheartedly supporting this Bill, my submission is that over and above this present piece of legislation, the hon. States Minister should prepare a comprehensive Bill within the shortest possible time so that a full fledged democratic set up may be formed both in the plains and in the hills of Manipur.

Sir, I support the Bill.

SHRI H. C. DASAPPA: Mr. Deputy Chairman, my object in rising to speak on this Bill is not so much to subject it to any kind of close scrutiny but just to make one or two suggestions. I have nothing very much to find fault with those who want a full fledged democratic set up right now in these remote corners of India but it is only those who may have had some experience in administering those areas that might be aware of the difficulties in straightaway planting all these ideas of democracy in a place which has not been accustomed to it.

SHRI S. N. MAZUMDAR: Is my hon. friend aware that there was an elected Legislative Assembly in Manipur before it was dissolved after the merger of the State?

SHRI H. C. DASAPPA : I think when a Bill with reference to that comes up we shall apply our minds to it. But with regard to this it is purely the constitution of the village authority. Sir, my trouble is only

this that where something progressive is taken up, the criticism arises that it does not go far enough. Am I to take it that anything that we do should not take into consideration the actual situation that prevails there? I am sure that this Bill is a right step in the direction in which we would all like to go and if there has been an element of caution in it, I think that is a matter which the whole House should welcome. After all this is not going to be like the Law of the Medes & Persians, unalterable. Let us see how this functions and surely the next step is there. We are wedded to the policy of democratisation and there is no question of going back on that main policy.

The next matter I would like to refer is this, Sir. A reference was made that even now there is election with regard to certain chiefs and that when there is election there and they are able to dislodge unwanted people from the position of chieftainship why is it that you do not recognise it yourself. If I read this clause of chairmanship it reads like this: "The Chief or Khullakpa of the village shall be *ex-officio* Chairman of an elected village authority" If a certain person is chief for the moment, well, he becomes the chairman. If, for instance, on account of their own internal administrative arrangement, they remove that chief and replace him by another, the latter becomes *ex-officio* chairman of this village authority. That is the only meaning I can give unless the hon. the Home Minister wants to give it a different meaning.

SHRI S. N. DWIVEDY: That is only in areas where this custom is prevalent.

SHRI H. C. DASAPPA: I am answering only Mr. Dwivedy. He raised that point and I think that it won't make any difference. If the village chooses a different chief because the existing one is not quite a capable

one or is not a desirable one, then the man who succeeds, will be the *ex-officio* chairman of the village authority. That is the law as I see it. So I do not see any inconsistency between the two.

Sir, I do not want to take much time of the House. There is only one suggestion which I wish to make. I am glad that all the arrangements with reference to the questions of forming constituencies and preparation of electoral rolls and determining the procedure for elections, all these are left to the rules, and I think that is perfectly correct. Even in regard to disputes relating to elections you find provision is made in sub-clause (d) of clause 4. What I suggest is that it is not necessary that in the case of all these elections there should be the elaborate arrangement of resorting to polling booths and ballot papers and so on. It is not necessary. You Sir, are very well aware of the working of the village panchayats in Mysore State. For about 17,000 villages we have about 11,000 village panchayats. Now there the provision regarding elections is alternate. If you want you can have voting by ballot; otherwise it could be by a show of hands. The result will be the same, namely, it will be an election. It is not necessary that it should invariably be a vote by ballot because that is a highly complicated procedure; it is besides, a procedure which costs a lot of money, I think the villagers are well accustomed to this old procedure, namely, of selecting people by a show of hands. It will be possible also for us to guide them and possibly also we will get better results because of that. So I would suggest though not as an unalterable rule but wherever it is possible this recourse to show of hands may be had in the election of this village authority. I welcome this Bill.

SHRI T. BODRA (Bihar): Mr. Deputy Chairman. I am rather unhappy to find this Bill and in my

[Shri T. Bodra.] opinion it is not worth the paper on which it has been written because it is only a tribal who knows the feelings of his fellow tribals better than anybody else, and he knows best the established and ancient customs under which the tribals had been governed in Manipur as well as in other parts of India. Formerly, Sir, because of the established customs the village headmen had not only civil powers but also criminal powers. They could mete out justice and they could punish the offenders. They could decide some petty cases themselves and administer justice much more properly than it is administered somewhere in the law courts, but because of this Bill—and the Regulation of 1947 as well—what I find is that under clause 4 all the powers that were enjoyed by the tribal chiefs and by the other village headmen and by the elected elders of the village have been taken away and are now being vested in the Circle Officer, in the Sub-divisional Magistrate and also in the Chief Commissioner. Now, Sir, in my opinion this is nothing but a device to divest the tribal people of their old institutions, of their old traditions, of their old customs and their other good things which are all democratic in their way and it is nothing but a kind of a very lame excuse to say that this Bill introduces the democratic principle in the village administration and that this is a first step in the process of democratisation. What I mean to say is when the tribals have been living a very peaceful and amicable life, when they are looking after the welfare of the village very well and the village community is their unit, when the village headman and other elder members of the village are acting as the guardians and counsellors of the villagers where was the necessity for the Government for bringing out all these Bills. I could have appreciated them if there would have been Bills for the free education of the tribals right from their beginning up to overseas scholarships or Bills to prevent alienation

of the lands from the tribals to non-tribals. But under clause 4 what do I find? It reads: "The Chief Commissioner may, by notification in the Official Gazette, make rules for carrying out the purposes of sections 6A to 6F inclusive." Now in clause 3 you will find what sub-clauses 6A to 6F are. They all deal with how elections should be conducted, how the polling agent should be appointed and so on. We are concerned exactly as to what the powers will be and whether they will be wielded by the village headmen or whether they will be wielded by the sub-divisional magistrate or the circle officer or the commissioner in question. Now, Sir, so long the tribal areas in Manipur State were governed under their own established and ancient customs and practices they were quite happy. Had they been not happy there would have been some necessity for introducing these measures, but they had been leading quite a good and happy life. This is in short the whole thing. I have no time to explain all these things in detail,

MB. DEPUTY CHAIRMAN: They refer only to elections—"Village-authorities to be elected".

SHRI T. BODRA: What about 6D—"Qualifications of members"? What will happen? When the Government will find that the tribal people are getting non-Congress minded, they will postpone the elections, just like the district board elections of Ranchi. When they find that the Congress is losing heavily and the Congress Government will not be assured of a majority they will postpone it. In Ranchi district board elections have not been held for the last sixteen years though under the Local Self-Government Act there should be election after every five years. If you will see new section 6E in clause J you will find that "the term of office of members of an elected village authority shall be three years". If

after three years they are still congenial to the Congress Government and to their officers who may be there, there will be fresh elections; otherwise elections will be postponed. There is nothing written that after every three years there should be fresh elections. Even if anyone goes and files a case before the High Court or the Supreme Court no lawyer will be able to win his case because there is nothing in writing that after a period of every three years there should be another election for the election of the village elders.

So, Sir, in my opinion this Bill has been introduced to break the tribal solidarity, to break their unity, to break their old and established customs and to break the peaceful life and amity of the tribal people and to introduce political strife and disharmony and to strengthen the executive powers of the Government, namely the Congress Government find to spoil the beauty of tribal life.

3 P.M.

DR. K. N. KATJU: Mr. Deputy-Chairman, the comments made have been very useful though I respectfully submit that they have been a little out of perspective. I do not know why Rajpramukhs and Governors were drawn in in this particular matter. We are dealing with an area—let me repeat once again—where the population is 23 per square mile, where the average area of a village is 7 square miles and the average population of village—man, woman and child—is 162. Please also remember that a Regulation was passed in 1947 which was a fairly lengthy one and which set up a village authority for the management of village affairs. That village authority—a nominated body—was functioning under a village chief. The whole of that Regulation remains as it is; the only change that is now proposed by this Bill is that instead of the village authority being a nominated body it is going to be an elect-

authority. So far as the Chairman concerned, my hon. friend pointed out and he even gave me some names. He said, here is a village or oral villages where there is no hereditary chief at all. I accept that. Today under the Regulation from 1947 onwards a village chief is functioning. A nominated village authority functioning under a village chief. Now, if today that village chief is a hereditary individual, he remains a hereditary individual. If there is no hereditary individual and if the village chief is nominated by the Government, then that will continue. If he is elected on adult franchise, well, that system will continue. We propose to leave the village chief as he is. I would ask hon. Members to note this that it is not proposed anywhere in this Bill that if there is no hereditary chief, then a hereditary chief shall be discovered and put as Chairman of the village authority. The village authority will continue to be under its Chairman as he is today. If he is hereditary, well and good; if he is elected well and good. If he is elected for a term of years, well and good. The only change proposed is to have an elected village authority. Instead of offering bouquets—I thought my hon. friends might be good enough to say some good thing—what have they said? One of them said that there ought to be some sort of an election by population. How, does it matter? The poor tribal fellow lives in a hut and the tax that he pays is by that hut. The idea is that the number—I repeat once again—the number is to be determined by that tax-paying number of huts; otherwise so far as the mode of election is concerned, it is to be by all voters whether they are tax-payers or not. None of my hon. friends has suggested that the proposal that we have made will lead to a reduction in the number of voters or will lead to an enlargement in the number of members of the village authority. What we have suggested is something which has been approved of by the people who are entitled to represent the tribal areas, who know the local

[Dr. K. N. Katju.]

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conditions. As I have mentioned, the whole of these proposals have been examined by the Advisers to the Chief Commissioner of Manipur and they said, 'it is all right; you had better go ahead.'

The second thing is—and there again pardon my saying so—a good deal of doctrinaire stuff was given out. This is 1954. Look at this Minister for Home Affairs and States. He is bringing forward this Bill. He is anti-democratic. Goodness knows where he ought to go.

SHRI S. N. MAZUMDAR: May I interrupt, Sir? Those remarks were addressed to the supporters of the hon. the Home Minister.

DR. K. N. KATJU: You are also sometimes my supporter. There is no point in that.

The only thing is, as my hon. friend over there said, the people there are extremely primitive and extremely illiterate. And please remember one thing. We in what used to be called British India have become familiar with constitutional agitation, the Congress and all that. Also people living in Part B States like Jaipur, Jodhpur, Hyderabad and all those States are familiar with all these. But this is in respect of that extreme corner—Manipur—and I really doubt whether in that corner, across the hills a Congress meeting was ever held. What do they know of Congress? Give them six years or ten years to come in contact with you and you can instil into them all sorts of democratic notions. You have got your own conception of democracy and I have got my own conception of democracy and goodness only knows which is better and which is worse. And when you go there what you will do, goodness only knows.

SHRI S. N. DWIVEDY: They have a representative in the Lok Sabha.

DR. K. N. KATJU: Yes, yes. Sir, lastly, my hon. friend asked 'what

about elections?' I entirely agree with what he said. He said, please save them from all these election tribunals. We are seeing that election tribunals in respect of elections to the other House have been sitting now for over two years and a half and still election petitions are pending. Just consider that. I do hope that they will be decided before 1956. So we propose to have rules as simple as possible. There seemed to be some misunderstanding. The explanatory note has been inserted merely by way of illustration; it is not a part of the Act. It does not go with the Bill in any sense of the word. It was intended to be used by hon. Members, just for their information. Otherwise, the statutory part is on page 3 and item (c) covers everything. I shall certainly pay the greatest consideration to what has been said by my hon. friend from Mysore. I shall see to it that the rules framed are the easiest, simplest and the most intelligible and that every dispute which arises in this part of the country is disposed of within ten days. That is all that I wish to say.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to amend the Manipur State Hill Peoples (Administration) Regulation, 1947, for the purpose of making provision for elected village authorities and for matters connected therewith be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill.

Clause 2 was added to the Bill.

MR. DEPUTY CHAIRMAN: Let us take clause 3. There are nine amendments.

SHRI S. N. DWIVEDY: Sir, I move:

1. "That at page 2, for lines 3 to 7, the following be substituted, namely: —

(2) Whenever there is a demand supported by a majority of the people residing in any village for an elected village authority, the Chief Commissioner shall issue a notification in respect of such village under subsection (1)."

4. "That at page 2, for lines 8 to 20, the following be substituted, namely: —

6B. *Constitution of the elected village authority.*—An elected village authority shall consist of a minimum of five members in the village where the population is not less than one hundred, but does not exceed two hundred. The number of members for the village having a population of more than two hundred shall be determined on the basis of one member for every fifty of the population in the village or a fraction thereof."

6. "That at page 2, for lines 41 and 42, the following be substituted, namely: —

1 6F. *Chairman.*—The Chairman of an elected village authority shall be elected from amongst the duly elected members of such authority in its first meeting. The date, time, place and the name of the person to preside over this meeting shall be notified by the Chief Commissioner."

SHRI S. N. MAZUMDAR: Sir, I move:

2. "-That at page 2, line 4, for the words 'have regard' the words 'act according' be substituted."

3. "That at page 2, lines 6-7, the words 'and the general interest of the people residing in the village' be deleted."

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5. "That at page 2, lines 41 and 42 be deleted."

KAZI KARIMUDDIN: Sir, I move:

8. "That at page 2, for line 32, the following be substituted, namely: —

'(a) if he or she is a leper'."

9. "That at page 2, for lines 36-37, the following be substituted, namely: —

'(d) if he is adjudged by a competent court to be of unsound mind'."

10. "That at page 2, after line 42, the following be added, namely: —

'6G. No election shall be called into question except by an election petition presented in accordance with the rules to be framed under this Act and it shall not be declared void except on the following grounds: —

(a) that the election has not been a free election by reason that coercion or intimidation has been exercised by the candidate or his agent or his supporters;

<b> that the election has not been a free election by reason that corrupt practice of bribery or undue influence has prevailed at the election;

fc) that the result of the election has been materially affected by the improper acceptance or rejection of any nomination paper or as a result of corrupt practices mentioned in clauses (a) and (b)."

MR. DEPUTY CHAIRMAN: The amendments and the clause are open for discussion.

SHRI S. N. DWIVEDY: Sir, here in this clause the establishment of this elected village authority is left to the sweet will of the Chief Commissioner.

[Shri S. N. Dwivedy.] What I propose is instead of leaving it to the Chief Commissioner to decide whether it is in the general interest of the people, it will be much better, wherever there is a demand from the people *to* have such an authority, if we make it that the Chief Commissioner is bound to issue a notification and have the authority constituted. Sir, it is a simple amendment that I want to introduce and I do not think the Home Minister could have any objection to it. If the Home Minister proposes to give an elected village authority and if the people desire it, why should he stand in the way and leave it to the discretion of the Chief Commissioner? It is just like the Ruler of Manipur bestowing some authority at his sweet will. As has been pointed out here, if the Chief Commissioner is guided by political motives, he would stand in the way of these authorities being established in some villages. Therefore this is very objectionable. If the Home Minister accepts my amendment, it will improve the position very much.

SHRI S. N. MAZUMDAR: Sir, I have not much to add. Actually, the amendment moved by myself and my friend Mr. Dwivedy is such that the hon. the Home Minister could have no objection to accept because only in the case of those villages where the majority of the villagers want an elected village authority, the Chief Commissioner shall act according to their desire. Here it is left to the discretion of the Chief Commissioner who is generally guided by a Joint Secretary or an Additional Secretary who happens to know nothing about these tribal affairs. So in order to make this provision more positive we have moved the amendment and though I know the hon. the Home Minister is not going to accept it, I still want to impress upon him that he should have no objection to accepting it.

KAZI KARIMUDDIN: Sir, I only want to press No. 8. The others I do not want to press.

DR. K. N. KATJU: My hon. friend is moving the amendment about leprosy only, (amendment No. 8). He does not want to press his amendments Nos. 9 and 10. Now, so far as 'leprosy' is concerned, I am willing to oblige him, but I suggest that it would be better to insert "if he or she is suffering from infectious leprosy".

KAZI KARIMUDDIN: I accept it.

DR. K. N. KATJU: Now, so far as the other hon. Member is concerned, the dispute is very narrow. It is this. My hon. friend says that the Chief Commissioner shall be bound to have regard, namely, it is a sort of directive given *to* him by Parliament. What I suggest is that for a few years let us see how the thing works. Every Chief Commissioner, who is worth his salt and who has got a little sense in him, if he finds that there is a pretty unanimous or majority demand that they should have an elected village authority, knows what he is expected to do. It is a matter of very small moment. But let us just see how it begins to function.

Parliament probably can bring about a change or executive instructions will issue—and I can tell you honestly and frankly, I will inform the Chief Commissioner that when this Bill becomes the law of the land, the Chief Commissioner should do his best to further the movement rather than to retard it, and if there is a clear indication that the people want an elected village authority, they will have that. But we do not want to go full steam ahead just now and say throughout the length and breadth of the hill areas of Manipur there shall be from tomorrow elected village authorities, no matter what is the population of the village, who are living there, what they want. Or would you have a sort of a preliminary election to find out whether they want an elected authority or not? I would, therefore, respectfully suggest that my hon. friends may reconsider and withdraw the amendments.



^Amendments Nos. 9 and<sup>1</sup> 10 were, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The Question is:

"That clause 3. as amended, stand part of the Bill."

The motion was adopted.

Clause 3. as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: Now we come to clause 4. There is one amendment by Mr. S. N. Dwivedy. Are you moving it?

SHRI S. N. DWIVEDY: Sir, I do not press it, since other amendments have been rejected.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted. Clause 4 was added to the Bill.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 1, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

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

DR. K. N. KATJU: Sir, I beg to move that the Bill, as amended, be passed.

MR. DEPUTY CHAIRMAN: Motion moved:

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

♦For text of amendments, see col. 2880 supra.

SHRI B. GUPTA (West Bengal): Mr. Deputy Chairman, at this stage I do not want to say much, but I would like to answer some of the points raised by the hon. Home Minister in his reply to the debates. It has been stated in the Statement of Objects and Reasons that this is a first step in the process of democratisation. I do not know to what extent it is a right step, but it looks from the provisions of the Bill that it may not be a very satisfactory step. It is good in so far as the elective principle is introduced, nobody will deny that, but the democratisation in such an area will involve two things: first, in what matters the people are being given powers. Now, we have been given not much indication about that here—maybe certain customs prevail and certain practices are there relating to the powers. Secondly, whatever elective principles have been introduced there would be nullified by the retention of the position of the village headman or the village chief. The hon. Home Minister has said that he is leaving him untouched. I can quite understand his position, but how can you have democratisation, when there will be an authority over the elective body which can veto many of the things it may propose to do. Conflict may arise, and in such cases, as matters stand, the village headman, I suppose, will have the final say. All manner of complications will arise. It is, therefore, extremely important in this connection to see that whatever little step has been taken is not cancelled by the retention of the position of the village chief or the headman. Therefore, it does not satisfy us when he tries to justify his present position by pointing to the status quo.

Then, of course, the other question is there, the question of a Council elected by the people. I will not go into that, but I would point out that until and unless they have a council at the centre, that is to say, instead of a council of advisers they have a full-fledged and responsible Government, such powers, such elective principles

in the villages will not mean much, because there will always be an autocratic body in the centre, wielding considerable power, which can nullify all such things. That is another danger.

Now, we have been told by some Members that the people there are not educated. It will take some time to educate them and it is regrettable that an hon. Member from that side who is supposed to have some knowledge of that area tried to justify that the people should not be given power because they are not yet educated.

Now, Sir, the General Elections have proved that the people, even if they are not educated, are intelligent enough, and they have a very good sense of making good use of whatever little democratic right they get. And I do not think that the people of Manipur would be an exception to this. The hon. Home Minister has said that the Congress has not gone there, and he has advised us to go there, and he has also mentioned as to what will happen if we go there etc., etc. Now I am not going into that question, but I should have thought that after seven years of the Congress administration he would have realised the importance of striking at the very roots of backwardness and autocracy, and if democratisation were to be taken in hand, it should be so taken that it would rouse the people and it would give the confidence to the people that they are really getting some powers into their hands and they are becoming gradually the masters of their own destiny. Now, Sir, if you start with this village authority and other things, nothing much will be done that way.

Then, Sir, I do not see any reason why this taxation business has been brought in. The number of representatives in the village should be decided on the basis of population. Why this question of tax etc. has been brought in, I do not know. I quite see when he says that the vote will be on the basis of adult franchise. I do not see why the number should be

I fixed on the basis of the houses that pay taxes. I cannot quite see the necessity of such a clause. If anything, it is a little retrograde. Assuming, Sir, that it had been said that in our country the representation in the Assemblies or in Parliament would be fixed on the basis of the tax-payers, you would immediately call it a retrograde measure, even though the voting system may be on the basis of adult franchise. Now, if it is true of the Indian Parliament or of State Legislatures, it is equally true of these local authorities that are there or that are being sought to be created, to some extent, on an elective basis. Therefore, that argument also does not stand. Sir, I am not going to say that the introduction of elective principle is not good. It may be good. But the point is that there are too many restrictions, and the people will not be led along the path of democratisation.

It has become extremely essential and necessary, and it has become urgent now, to discuss freely this question of granting a full-fledged responsible Government to the people of Manipur, a Government that will be the fountain of democratisation all over the land, the land of beauty that Manipur is. But unfortunately it lives in a state of backwardness and darkness, and we hope to take the light there. They want that light and there shall be light. If we want light, it is in our hands. We can take that light there, and it is in the hands of Parliament to take that light there and bring the people of Manipur into the currents of democratic life. Sir, that has not been done. Therefore I cannot feel much happy about such measures as these, because this is a faltering step, a step with certain prejudices, a step which has been taken without trying to strike at the roots of autocracy and backwardness. And this is a point which must be made here. Otherwise the full story will not have been told about this Bill.

MR. DEPUTY CHAIRMAN: Dr. Katju.

SHRI KANHAIYALAL D. VAIDYA: I want to know from the hon. Home Minister one thing before he proceeds with this reply. On page 2, we have provided in clause 6B, sub-clause (a) as follows:

"(a) five members—where the number of tax paying houses in the village is not less than twenty but does not exceed sixty;"

What will happen in case it is less than twenty?

DR. K. N. KATJU: The position is quite clear, Sir. If there are five houses only, then they should better be let alone rather than have a paraphernalia of village authority.

Now, Sir, I would just like to say one or two words about the very eloquent plea about democracy which was made by my hon. friend opposite, and his tirade against the so-called Chiefs. I think there is one aspect to which sufficient attention seems not to have been paid by hon. Members, namely, that for carrying on this village administration today the Government does not stand—speaking very broadly—any great expense, at least on the revenue side of this Administration. The so-called Chiefs are not paid any salary, wages, allowances or anything of that description, by Government. The Administration runs on the cheapest possible system.

And secondly, Sir, one hon. Member said that there are taxes and levies, and these people are tyrants and brutes and so on and so forth.

SHRI S. N. DWIVEDY: I have not said "brutes".

DR. K. N. KATJU: My hon. friend did not say "brutes". I withdraw it. Did you say "tyrants"?

SHRI S. N. DWIVEDY: No, Sir.

DR. K. N. KATJU: Then what did you actually say?

SHRI S. N. DWIVEDY: You did not hear it.

DR. K. N. KATJU: Anyway, Sir, some expression was used in describing them. Now the matter is under investigation, and we are most anxious that there should be no unauthorised levies; the levies should not be excessive. And the House may remain assured that if there is any evil prevalent, it shall be corrected.

SHRI S. N. DWIVEDY: The Chiefs system is an evil itself.

DR. K. N. KATJU: The matter is under thorough investigation.

And secondly, Sir, so far as these Chiefs are concerned, they have been carrying on, I think, for a number of centuries. They are all people like us; they are not much different there. And you build up a bogey by your own eloquence and then you try to demolish it, sometimes successfully, sometimes not. That is all that I have to say.

MR. DEPUTY CHAIRMAN: I think there is another consequential amendment that will have to be made. In sub-clause (c) of clause 6D the word 'and' is put there. That should come in after sub-clause (d), because they have added sub-clause (e). I think the House will permit the Draftsman, to make this consequential amendment.

*(No hon. Member dissented.)*

DR. K. N. KATJU: Yes.

MR. DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

#### **PAPERS LAID ON THE TABLE**

#### **SIXTH ANNUAL REPORT OF THE BOARD OF DIRECTORS OF INDUSTRIAL FINANCE CORPORATION**

MR. DEPUTY CHAIRMAN: Before I take up the other Bill, some papers have to be laid on the Table.