

## COUNCIL OF STATES

Saturday, 27th February 1954

The Council met at five of the clock  
MR. DEPUTY CHAIRMAN in the Chair

### ALLOTMENT OF TIME FOR THE APPROPRIATION BILL, 1954

MR DEPUTY CHAIRMAN I have to inform hon Members that under Rule 162, clause (2) of the Rules of Procedure and Conduct of Business in the Council of States, the Chairman has allotted 45 minutes for the completion of all stages involved in the consideration and return of the Appropriation Bill, 1954, by the Council including the consideration and passing of amendments, if any, to the Bill

### ALLÔTMENT OF TIME FOR THE PEPSU APPROPRIATION BILL, 1954

MR DEPUTY CHAIRMAN: I have to inform hon Members that under Rule 162, clause (2) of the Rules of Procedure and Conduct of Business in the Council of States, the Chairman has allotted 30 minutes for the completion of all stages involved in the consideration and return of the Patiala and East Punjab States Union Appropriation Bill, 1954, by the Council including the consideration and passing of amendments, if any, to the Bill.

SHRI H D RAJAH (Madras): Sir, before we take up any other business, I have to submit that I read in the morning papers a very grave news that this Parliament House is likely to collapse I would like our Chairman to take serious notice of that and ask the Government to let us know whether there is any truth in the statement that this Parliament House is likely to collapse and all of us are going to die If so, as an alternative, will this Parliament be shifted to Madras, Hyderabad or Bangalore?

SHRI H. P. SAKSENA (Uttar Pradesh) Does the hon Member suggest that we should all get our lives insured?

### THE GOVERNMENT OF PART C STATES (AMENDMENT) BILL, 1953

THE MINISTER FOR HOME AFFAIRS AND STATES (DR K N KATJU): Sir, I beg to move.

"That the Bill to amend the Government of Part C States Act, 1951, as passed by the House of the People be taken into consideration.

Hon Members will have gathered from the Statement of Objects and Reasons why this Bill has been brought in It deals with several matters. At the outset I want to say that it is limited to those Part C States which have a legislative assembly functioning. I notice that in some of the amendments there is some mention of an electoral college. Now, an electoral college is brought into existence for a particular purpose. I do not know whether an electoral college was ever intended to function as the legislature of the State itself I do not want to dwell upon it any longer now, till that amendment is moved on the floor of the House.

The Bill may be divided in several respects There was some discussion elsewhere and there is some discussion sought to be raised here also about language I may say at once that we have had to bring in a provision regarding this in the Bill because on the legal advice that we received it was said that article 348 of the Constitution which authorises Bills and Acts to be brought and discussed and passed in the regional languages, if the Raipramukh of the State so desires does not apply to the Part C States at all The language of article 348, read with the provisos, would go to show that while article 348—the opening part of it was applicable to

[Dr. K N Katju]

every State throughout India, the provisos were only applicable to Part A and Part B States because there reference is made to Governors and Rajpramukhs and the advice that we received was that unless the matter was made quite clear by Parliamentary legislation, it might well be said that the opening words of article 348 that Bills and Acts should be brought in the English language, would apply to Part C States, but not the two provisos. The intention of the Bill here, and my object substantially is that in so far as this matter is concerned Part A Part B and Part C States should remain on the same level and if the Council is pleased to approve of the Bill, the result will be that if in any legislature of any Part C State the procedure or the desire is to bring in a Bill in the Hindi language, or for instance in the court in the regional language of that State, that course would be permissible provided of course that an authoritative translation of the Bills in the regional language is also made in the English language which may be used in courts.

Similarly, we have got two other sections or clauses dealing with the Consolidated Funds. Up till now the procedure was that whatever was given to any Part C State for its capital purposes did not form part of the Consolidated Funds. That was a very tedious procedure and did not allow the Legislature of the State to express its opinion as to what capital it should have. The present procedure is the moment it comes in the Consolidated Fund you permit the State Legislature to discuss the matter.

That Sir is really the substance of the whole Bill

Then, there is a minor amendment, namely, power to be given to the Legislature to change Parliamentary laws. The difficulties arose in this way. The Constitution came into force on 26th January 1950. But the Part C States Act has come into force from the 1st of April 1952. In be-

tween these two years, some legislation has been enacted by Parliament in relation to Part C States, because there was no legislature there, it was only Parliament that could enact it. That legislation is in the State List as well as in the Concurrent List. Today the procedure is that any Part A State or Part B State is entitled to exclusively legislate, and so far as subjects in the Concurrent List are concerned, it is subject to the assent of the President. Several Legislatures pointed out and their Ministers pointed out that they were rather embarrassed and hampered because they wanted to make necessary changes for more convenient administration, particularly in regard to land legislation and they should be given the opportunity of bringing in those Bills in their own legislative assemblies and then of course forwarding them to the President for his assent. This request being reasonable has been accepted and section 22 of the Act is being slightly amended.

This is the net result of the whole Bill, and I beg to submit here, as I did in the other House, that this is a non-contentious measure and should not occupy the House for a long time. But in this respect I sometimes stand in the minority of one for what I state to be non-contentious turns out to be very contentious. Sir, I move

MR DEPUTY CHAIRMAN Motion moved

‘That the Bill to amend the Government of Part C States Act, 1951, as passed by the House of the People, be taken into consideration’

SHRI P SUNDARAYYA (Andhra) Mr Deputy Chairman the hon Minister for Home Affairs and States has said that this is a non-contentious measure. There I totally disagree with him. After four years of the working of this Constitution he has come here and is asking us to agree to this Bill which tries to perpetuate the most undemocratic form of Government in large parts of our country which come in the category of Class

C States. Just like our third class passengers in our railways, most probably they want these C class States to continue and to be perpetuated in our country.

Sir, if you take the Part C States Bill you can find out how reactionary this is. According to our Constitution, the various States mentioned in the Schedules A and B, the Part A and Part B States, and the Legislative Assemblies of those States are authorised to frame laws on the basis of the State and Concurrent Lists. The Legislative Assemblies of the Part C States are prevented from making any laws even as regards subjects in the State and Concurrent Lists even though most of the Part C States, excepting Tripura, Manipur and Cutch, have Assemblies. The Assemblies of those States cannot pass any Bills as will be seen from section 26 of the original Act which says: When a Bill has been passed by the Legislative Assembly of a State, it shall be presented to the Chief Commissioner and the Chief Commissioner shall reserve the Bill for the consideration of the President. Therefore, it is not only money bills, not only other bills allotted for the Part A and Part B States such as Bills dealing with reform of land which are reserved for assent of the President, but even minor bills cannot be passed finally by Part C State Assemblies. These are to be reserved for the consideration of the President and the President, if he so thinks, can send them back for carrying out amendments. This means that the State Assemblies are there only as talking shops and nothing more. Even the limited powers given to the various State Assemblies in the Part A and Part B States are sought to be denied in the case of the Part C States. Regarding the financial Bills, section 24 says that they cannot undertake to pass any Bills without the prior recommendation of the Chief Commissioner. Here it may be argued that similar provision exists in the Constitution as regards the Part A and Part B Assemblies; and even in the case of

Parliament, no Money Bill can be introduced without first getting the sanction of the President. We have got very bitter experience of this sanction of the President. After all, what does the sanction of the President mean? It is only governmental sanction. Therefore, this is a proviso by which Government has reserved to itself the right to refuse to allow any Bill, any amendment, which the non-official Members can bring and discuss. For instance, when I moved a Bill dealing with unemployment, the Finance Minister could not see his way to recommend to the President to give the formal sanction so that it could be taken up and discussed. According to the Constitution even the sovereign Parliament is prevented from taking up bills or amendments without the prior sanction of the President. That is the fate of the Union Parliament which is expected to be a sovereign body. With regard to the States, the Governors and the Rajpramukhs are empowered to accord or to withhold sanction for the moving of Money Bills. This means that we have got a Constitution by which the powers of the Union Parliament and those of the State Legislative Assemblies are limited; on the one hand they give some powers but they have also taken powers to see that the President or the Governor or the Rajpramukh is there to deny that right of discussion even. And now they are trying to extend those powers to the Part C States. Here the Chief Commissioner is not merely a Governor or a Rajpramukh who has to act on the advice of the Cabinet. The Chief Commissioner is more or less an old-time Moghal Nawab or a modern British Imperialist Governor. I do not know why the Congress leadership is so fond even of those terms, Governors, Rajpramukhs, Chief Commissioners, etc. It may be a pointer that they want to follow, at least in these respects, very loyally the footsteps of the British Imperialists otherwise, I do not see any reason why they should keep these terms. It is not only a question of keeping the names but they are also given the powers which the old Chief Commissioners

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 enjoyed in those Chief Commissioner's  
 provinces

Then comes the question of section 24. We have been reading in the papers of instances. Even though there is no provision in the Government of Part C States Act which makes it incumbent on Members to get the prior sanction of the President for the introduction of Bills, barring, of course, Money Bills, it looks as if it has been made a convention because we have been reading in the press continuously that no Bills can be introduced in the Legislative Assemblies of various Part C States without first the Law Ministry of the Central Government or the various Ministries in the Government of India sanctioning those Bills. A number of times the Delhi State Assembly had to adjourn its sittings because the great Ministries being run by the Government of India could not find time to look into the Bills sent up. They wait till the great Moghal Nawabs take their own time to approve them. Therefore it is that the Assemblies are called and have to be adjourned for want of any Bills. Naturally, after four years of experience of this kind one would certainly have expected the Government of India even in the interests of their own administration even in the interests of their own efficiency, if not in the interests of democracy or if not in the interests of enlarging the powers of the State Legislatures, to have come forward to remove the anomalies and take steps so that the Legislatures of these Part C States, as long as they continue to exist, have if not more at least the same rights as are enjoyed by other State Assemblies of Part A and Part B States. In fact there has been agitation in almost all the Part C States—even from the Cabinets of these Part C States which are wholly run by the Congress party—that their rights should be enhanced, that they should be allowed to pass their own Money Bills. But none of these have been sought to be agreed to by the Government. The other question is that this Chief Commissioner is not

only supreme in financial matters but he can also prevent any Bill being discussed which concerns the constitution creation and organisation of Judicial Commissioners, jurisdiction and powers of the court of the Judicial Commissioner with respect to any of the matters in the State List or in the Concurrent List, the State Public Service Commissions, etc. Apart from this, the Legislatures of Part C States cannot discuss or make amendments to the Constitution. Why do you want to give a picture that they are enjoying a kind of representative government which in practice you deny them? That is exactly why the Government even now in this amending Bill has not brought any amendment to these most reactionary clauses. Similarly, there is section 36 which says

"There shall be a Council of Ministers in each State with the Chief Minister at the head to aid and advise the Chief Commissioner in the exercise of his functions in relation to matters with respect to which the Legislative Assembly of the State has power to make laws except in so far as he is required by any law to exercise any judicial or quasi-judicial functions."

The Government may argue that similar provision can be found even with regard to the Central Cabinet and that similar provision can be found in Part VI of our Constitution with regard to the Part A and Part B States and their Governors or Rajpramukhs. According to such provision the Council of Ministers' job is to advise the President, the Governor or the Rajpramukh as the case may be, and on the basis of their advice they have to act. But it is only a convention. While the Constituent Assembly was discussing this matter, the Minister who was piloting the Constitution promised at an earlier stage that he would put in a specific provision in the Constitution that the President shall act only on the advice of his Council of Ministers. But later on, towards the end of the deliberations in the Constituent Assembly he said that such a thing was not necessary and that that would create a lot of difficulties and that

therefore they were not going to have any such provision but that it would be left to convention, and that if the President takes it into his head to act even without the advice of the Ministers then he may be impeached later on. But in the meantime he can go on doing as he likes. That is the provision in the Constitution.

. Sir we have got a Constitution of 400 articles with so many clauses and sub clauses. The Government has tried to plug every kind of loophole in that, but they purposely omitted this particular loophole about the dictatorial powers which the President can exercise, and he can even dismiss the Cabinet if he takes it into his head so to do. There is no provision in the whole of our Constitution that the President shall act only on the advice of the Cabinet and he cannot dismiss the Cabinet without a vote of Parliament against the Ministry. Sir, such is the Constitution that we have got.

The same thing is again applied to the States in general, but with regard to Part C States here is the proviso which reads

"Provided that, in case of difference of opinion between the Chief Commissioner and his Ministers on any matter the Chief Commissioner shall refer it to the President for decision and act according to the decision given thereon by the President."

Even so far the sting is not there. The sting is still to come.

"and pending such decision it shall be competent for the Chief Commissioner in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action to take such action or to give such direction in the matter as he deems necessary."

Sir this is the worst clause in the whole of the Part C States Act. It is not only the question being referred

to the President and getting his sanction or decision and acting on it—this is a democratic way and I do not object to this—but even pending the decision of the President, the moment there is any difference of opinion between the Chief Commissioner and his Ministers, if in his opinion the matter referred to was urgent, he can act as he likes. He becomes so supreme. This single individual becomes supreme. He is not an elected man. He is not elected by the people of the State concerned. He is not elected by the State Assembly. He is just nominated by the Union Government and he becomes so supreme that he could set at naught the will of the people, the will of the Legislative Assembly, the will of the Cabinet and he can act on his own till he is pulled up by the Central Government. If this is the way in which you want to run the Part C States, what is the purpose? what is the use of having these Assemblies there at all? It is nothing but wasting public funds on each of the Members of the Assembly, the Ministers and all the paraphernalia. We don't grudge the representatives of the people managing their own affairs but you deny full rights to the Ministers there and you give some supreme powers to the Chief Commissioner and at the same time you try to keep these things in your own hands. Why this farce of democracy, these so-called Assemblies in the Part C States? When you give this right of veto to him against it, you visualize some crisis. From 1935 onwards—even earlier—in the whole constitutional set up of the British Imperialists they gave this right of veto to the Governors and the Viceroy. But you also in your Constitution have introduced the same thing regarding Part C States not the exact word 'veto' but a term meaning the same thing. What kind of democracy is this which empowers one single person to set at naught the decisions of the Assembly as well as the Cabinet of the Part C States? After so much agitation the Government has thought it proper to come forward to amend it in some respects though it does not concern the matters for which there

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is the agitation. These are some of the very reactionary provisions made in the Act relating to Part C States and this amending Bill also is no improvement. The Government may have some excuse or try to find some excuse like this: "After all the Part C States are such small States and the historical convention is there. It is not our creation. Even long before we came to power the British Imperialists kept them like this. So we could not immediately abolish them. We cannot make any rational decision about them so soon and, therefore, we have to suffer the Part C States, and when we have to suffer the Part C States, why not the Part C States also suffer us?" It may be their logic. They say therefore that as a temporary measure the Part C States are being denied their democratic rights and that if these small States are given full powers just as the Part A and Part B States, they cannot manage their affairs; they cannot find the funds; they cannot find the proper personnel; and to see that the administration there does not collapse "we have to have the whiphand and as such we made these various provisions."

Then, Sir, as if the Chief Commissioner is not enough there is another section which says that whatever directions the President deems it necessary from time to time to give, have to be implicitly obeyed. Why all this farce? At least the Government may say: "It is only a temporary measure for a year or two." In fact, we are considering the whole fate of the Part C States, especially the small States having a population of—except, of course, Himachal Pradesh and Vindhya Pradesh—half a million and three-quarters of a million ...

SHRI H. N. KUNZRU (Uttar Pradesh): What about the Delhi State?

SHRI P. SUNDARAYYA: Delhi State is entirely a different thing. I

will come to Delhi State also. They have defined in the Act like this:

"'Delhi' except where it occurs in the expression 'State of Delhi', means such area in the State of Delhi as the Central Government may by notification in the Official Gazette specify.

'New Delhi' means such area in the State of Delhi as the Central Government may by notification in the Official Gazette specify."

Therefore, ultimately, where does the Delhi State exist?

SHRI H. D. RAJAH (Madras): It is a Stateless State.

SHRI P. SUNDARAYYA: Because they can define Delhi, as they like; they can define New Delhi as they like. So what is Delhi, it is very difficult for anybody to say. I agree that the census figures have shown Delhi State as having a population of two millions, or to be exact, 1,750,000, but under this definition nobody knows how much of Delhi State is left. Apart from that, they have a special section for Delhi State depriving even the so-called power of making laws which they have given to the other States. For instance, the Legislative Assembly of the State of Delhi shall not have power to make laws with respect to any of the following matters, namely, public order, police including railway police, the constitution and powers of municipal corporations and other local authorities, of improvement trusts and of water supply, drainage, electricity, transport and other public utility authorities in Delhi or in New Delhi, with the full right to define what Delhi and New Delhi is.

PROF. G. RANGA (Andhra): What about the names of the streets?

SHRI P. SUNDARAYYA: Then, lands and buildings vested in or in possession of the Union.....

DR. K N KATJU On a point of order, Mr Deputy Chairman, I would ask you to consider whether a general discussion about the whole of the Part C States is relevant. The Bill is limited to four amendments in a particular existing Act and I was under the impression that the discussion was limited to only those four clauses.

SOME HON MEMBERS: Quite relevant.

DR K N KATJU I did not know that all my hon friends there were Deputy Chairmen of the House. I raised a point of order with the Deputy Chairman.

AN HON MEMBER We are wondering at your innocence.

MR DEPUTY CHAIRMAN It is only incidentally relevant.

SHRI S MAHANTY (Orissa). On a point of information, Sir, I want to know whether while considering an amending Bill, we can go into the merits of the parent Act. I want a ruling on that point.

PROF G RANGA You can. Why do you want a ruling now for that?

MR DEPUTY CHAIRMAN It is only incidentally relevant.

SHRI P SUNDARAYYA. I am only speaking incidentally.

MR DEPUTY CHAIRMAN You should not make it the main point of your discussion.

SHRI P SUNDARAYYA My submission is this.

MR DEPUTY CHAIRMAN As I said, it is only incidentally relevant.

SHRI P SUNDARAYYA I am only incidentally referring to it, Sir.

MR. DEPUTY CHAIRMAN: But all your criticism has been on the main Act, not on the amending Bill.

SHRI H P SAKSENA (Uttar Pradesh) He is discussing the Constitution as a whole.

SHRI S N MAZUMDAR (West Bengal) We expect the Government to come forward with more progressive amendments.

SHRI P SUNDARAYYA This Delhi State Assembly has been so much restricted in its powers that they cannot discuss legislation connected with drainage and

SHRI H D RAJAH And water supply.

SHRI P SUNDARAYYA And even municipalities. What kind of a State is it? Now I expected in the amending Bill which Dr Katju was promising for so many years that at least these powers would be enhanced but he does not do it. If he thinks that after all the Part C States should be ultimately merged with bigger States and that linguistic areas should be enlarged, then he must have waited for that to come on, if he is not prepared to give a completely progressive measure. But Dr Katju's intention is not to abolish these Part C States at all because in one of his speeches at Bhopal on April 18, 1953 he is reported to have said this: "Dr Katju the Union Home and States Minister today expressed himself in favour of maintaining Part C States in the country provided their expenditure on Administration which was top-heavy at present could be reduced." After all his only difficulty is that they are spending more. If that is reduced, the Part C States will be there. "The advantage in having such small States" he said, "was that there could be closer personal contact between the Government and the people which was bound to have a salutary effect on Administration." If this is the argument, I do not know.

DR K N KATJU: What are you reading from?

SHRI H D RAJAH: Your own Press statement.

MR DEPUTY CHAIRMAN Any-way it is a conditional support even according to that

SHRI H D RAJAH But is it a newspaper article or what?

SHRI P SUNDARAYYA It is a Press report of a speech of Dr Katju, Home and States Minister of the Government of India made in Bhopal, a Part C States, in April 1953. He assured there that the Part C States would continue provided that they did not become very expensive, so that other people may not shout about it. If that is the logic—there are such small States having about three-quarters of a million of population, having an area of about the size of a district—in that case all our districts in the whole of India can be constituted as Part C States. I do not know whether our esteemed Member of the States Reorganisation Commission is going to take the suggestion seriously and convert the whole of India into about 200 to 300 Part C States. This is the logic which Dr Katju has behind him and that is exactly the reason why I am rather afraid of that outlook, that with these amendments he might be trying to perpetuate the C States and whatever little improvement or administrative convenience that may be there will all be utterly useless.

Apart from these things another important aspect which I would like to bring to your notice is this. What prevents the Government after four years from coming with a concrete proposal before this House, instead of this amending Bill to merge all the Part C States with the contiguous linguistic areas? Take for instance Coorg. It has two lakhs of population. You want to keep that as a separate State. Then there is Himachal Pradesh. I do not want that Himachal Pradesh should be merged with Punjab. It is a hilly place having its own special language and other things. But there is another tract nearby having the same culture, and the same economic basis, as Himachal Pradesh,

that is, the Kulu and the Kangra Valley. Of course, I have not studied the problem in detail, but the question must have been studied by the Home Minister. The continuation of Tehri-Garhwal.

MR DEPUTY CHAIRMAN Are all these relevant here? The Government has appointed a high-power commission to go into all these matters. All these will be relevant after their report is published. Why waste the time of the House?

SHRI P SUNDARAYYA Then why did they bring such a Bill forward?

MR DEPUTY CHAIRMAN As long as Part C States exist, improvements will have to be made.

SHRI P SUNDARAYYA That is exactly what I am suggesting. Since Part C States exist therefore make such States really viable by doing all these things.

MR DEPUTY CHAIRMAN That is under the consideration of the High Power Commission.

PROF G RANGA That is not a judicial commission. Sir. Certainly, our suggestions on the floor of the House are quite relevant.

MR DEPUTY CHAIRMAN The proper course would be to give these suggestions to the Commission.

PROF G RANGA Surely, Members are not to be reduced to the position of deputationists or petitioners before that Commission. Certainly it is open to the Members of this House to make suggestions on the floor of the House. It is for the High-Power Commission to take notice of them or not.

SHRI AKHTAR HUSSAIN (Uttar Pradesh) Is it my friend's view that suggestions can be made without any reference to relevance to the subject before the House?

MR DEPUTY CHAIRMAN We are considering a small amending Bill. All these things are quite out of place.



**SHRI P. SUNDARAYYA:** I do not want to take up much time. I would only say that the Government has got the practice of bringing forward so-called amending Bills which involve serious and important principles. Naturally when we start discussing those principles, then the Government itself comes and says that they are not relevant. This is the difficulty in which we are placed.

Apart from these things, if even after four years the Government did not think it necessary to come forward with some rational and correct procedure and if they wanted to rely on the States Reorganisation Commission they could have postponed this. But in the meanwhile if they think these States should continue, why can't they bring in a more democratic Bill, enlarging the powers of the C States? Then, there are other States like Manipur, Tripura and Cutch to which these Legislative Assemblies have not been extended at all. Why can't they be extended to these States also? One of the arguments which the Home Minister may possibly trot out is that they are border States, and as such these Assemblies cannot be extended to them. This logic is untenable, because if they are border States and so these Assemblies cannot be extended to them, then in that case, Punjab, Assam, West Bengal and Bombay are also border States and should not therefore have responsible Government. This argument is no argument at all, and therefore let not the Government trot out this kind of excuse and say that Cutch, Manipur and Tripura cannot have even this limited responsible Government—limited because the Chief Commissioner there is all powerful. Even these Assemblies with restricted powers you are not prepared to give them in spite of tremendous agitation in those States to see that their representatives are constituted, into Legislative Assemblies. Here, some of my amendments touch on the question of Electoral Colleges. After all, these Electoral Colleges have been elected by adult franchise, just as the other representatives in other Part C States

have been elected. There are 30 Members in Tripura, Manipur and Cutch. For the same population as in Bhopal or for much less population as in Coorg, you have got the same number of representatives. Only in these three places you choose to call them Electoral Colleges, whereas in the other C States you name them Legislative Assemblies. Therefore, the Government should bring in an amending Bill to convert these Electoral Colleges into Legislative Assemblies, and thus bring these three States also into the general pattern of C Class States, but they refuse to do it. Recently when they held a big demonstration in Tripura saying that responsible government should be established there, Dr. Katju refused, and in fact arrested Members of Parliament also on the ground that they were obstructing Government work. As I said, if they want to have these C States, this amending Bill is very very inadequate. The argument and the necessity for bringing in this Bill, as Dr. Katju pointed out, is that his legal experts advised him that unless this amending Bill was brought, these poor C States cannot bring in, in their legislatures, Bills in the regional languages, but that they have necessarily to bring these Bills in English. Now, if that is the legal advice, then if the Government comes forward here with just one clause saying that the C States' Legislatures can discuss and pass Bills in their own languages, it could have been understood, but what is the clause here? "Notwithstanding anything contained in section 33, until Parliament by law otherwise provides, the authoritative texts shall be in English language." Why should they say "shall be in the English language?" But if the Legislature of a State has prescribed any language other than the English language for use in Bills, then there should be an authorised English translation. Of course, if the State Assembly does not want Bills in the English language, then they can bring them in their own language. But if a Part C State Legislature says that hereafter all the Bills brought forward

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in that State shall be in their own language and if they pass such a Bill, then it cannot be acted upon immediately. That Bill will be reserved to be assented to not by the Chief Commissioner but by the President, and the President means the Government of India. I cannot understand why they cannot bring in a Bill in Parliament saying that these Class C State Legislatures can enact Bills in their own languages. This kind of going round and round does not solve the problem. Instead of doing it, you bring in such a Bill as this here and ask us not to waste the time of the House and also the time of the Government and our time also. In fact, the provision should be, "It shall be in the first instance in the language of the States, but in case they do not want in their own languages, then they can have their Bills either in Hindi or in English." because you have got English as the language of the Union for 15 years. for the Supreme Court and others, as, when any law has got to be interpreted, the Supreme Court judges may now know the various regional languages, and therefore some authorised translation may be required in English. But why should you make it compulsory first in the English language and then say that, if the decision of the Assembly concerned, is different, they can have it in their own language? There are other amendments also with regard to the Consolidated Fund, etc. But there is not a single item here for increasing the powers of the Part C State Assemblies. Therefore, this Bill is very very unsatisfactory. It continues to perpetuate the same undemocratic, dictatorial set-up in the Part C States. In fact, if Dr. Katju will have his own way, he will perpetuate them. He seems to be enamoured of them as he wants to extend their lives. The reason evidently is that the Chief Commissioners are appointed by the Minister for Home and States or by the Central Government, and he need not have the botheration and headache of having Legislative Assemblies. If in

these States parties, who do not subscribe to the Congress programme are in a majority, if some more democratic parties win a majority, then their headache becomes more. These amendments, as I said, do not increase the powers of the Legislative Assemblies of the Part C States at all, and that is exactly the reason why we have moved certain amendments within the scope of this Bill. Since we could not move any amendment to the original Act, we have moved certain amendments within the scope of this amending Bill to see that these Part C States get some more powers, in the absence of the Government not merging these States with the neighbouring linguistic areas. This Bill is very unsatisfactory and I hope the Home Minister will see his way to accept our amendments in order to enhance the powers of the Part C States and make the administration there more democratic. Otherwise, if you are not going to do it, then your own Party Members are going to revolt, secede from you and join other democratic parties.

SHRI GULSHER AHMED (Vindhya Pradesh): Sir, I welcome this amendment to the Government of Part C States Act because I come from a Part C State and I have some experience of the working of Part C States administration. Before I deal with the amendment, I should like to reply to some of the remarks that my hon. friend, Mr. Sundarayya, has made. For example he has said that the whole administration is being done just like a Great Moghul. It is completely wrong. The Part C States are governed under the authority of Parliament given to the President. Any Bill passed by the State Legislative Assembly is sent for assent to the President. President means the Minister and Minister means the Parliament. Question relating to these Part C States are put in the State Legislative Assemblies and also here in this House and in the other House. So in this way we cannot say that only the Home and States Minister is ruling these Part C States just like a Great

Moghul. That remark of my learned friend, Mr. Sundarayya, is not fair.

Then, he said something about the language. I, being myself a lawyer, know the position. I was myself in difficulty in two or three cases. All the Bills are passed in my State in the Hindi language and translation is done into English. When questions of interpretations came before the courts to one or two sections of the Act, it was discovered that the meaning imported by Hindi sections was completely different from the meaning that could be derived from the English sections. So the courts were faced with a dilemma and there was the difficulty for the court and the litigants. It was brought to the notice of the State Government. Since we have not developed a vocabulary in Hindi for legal and technical terms, English translation should be retained as the authoritative text and in case of any difficulty in interpretation about the meaning of any section in Hindi, the English text should be regarded as authoritative text. He has said that the Home Minister wants to give prominence to English. That is not so. There is a proviso to section 33A, which my hon. friend Mr. Sundarayya has missed, which says:

"Provided that where the Legislative Assembly of a State has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislative Assembly of the State or in any order, rule, regulation or bye-law issued under any law made by the Legislative Assembly of the State, a translation of the same in English language published under the authority of the Chief Commissioner in the Official Gazette shall be deemed to be the authoritative text thereof in the English language."

What will happen is this, that in the State of Vindhya Pradesh where all the Bills and Acts are passed in Hindi, debates take place in Hindi, amendments are moved in Hindi and

the whole thing is passed in Hindi. there will be a translation of the final Bill as passed by the Assembly in English and that will be published in the Gazette and that translation will be authoritative text in case of any difficulty in interpretation of any section in the Act. That would be the final authority of what actually is the meaning of any section in the Act. So the remarks of my friend that we are really going back and making English as a compulsory language in the State Legislative Assemblies is not correct.

After the Government of Part C States Act was passed in 1951 there have been certain difficulties that these States have experienced. I am talking particularly of the big Part C States of Vindhya Pradesh, Himachal Pradesh, Bhopal, Ajmer and Delhi, where they have the Legislative Assemblies, they have their cabinet, they have their Lieutenant Governors or Chief Commissioner. As most of the hon. Members know there are four types of Part C States not only of one type. What happens is that these States have to face some difficulties under the principal Act, e.g., if they want to make any law and if the law they pass in the State Legislative Assembly is repugnant to any law made by this Parliament it will be invalid even though the subject about which they made the law is a subject mentioned in the State List. That difficulty the State Legislatures have always to face. By this amendment of the Act, this difficulty is going to be removed completely. But there is another difficulty which is left and which my hon. friend Mr. Sundarayya has pointed out and I do not think it necessary that that practice should be retained. What happens is that before a Bill is presented in the Legislative Assembly in a Part C State, it is sent for approval to the President and after it has been approved it is introduced in the State Legislative Assemblies. I do not think it is constitutionally correct because what the Constitution says is that before the Bill becomes law it must receive the assent of the President. That proce-

[Shri Gulsher Ahmed.]  
 dure is already there and I do not think there is any necessity for prior approval. It is a waste of time and sometimes Bills are delayed unnecessarily which means unnecessary expense and delay in legislation.

Then, the other difficulty that these States have to face is about the services. They do not have sufficient control over the services, e.g., if they want to appoint any special officer for any special duty, they cannot appoint him because they cannot make any allowance for that special duty for which that special officer is to be appointed.

I do not think anything has been done in this regard in this Bill and I hope the hon. Home Minister will realise that this is a very important thing and something should be done regarding this. I feel that by creating the "State Contingency Fund" the States will be authorised to incur new items of expenditure for appointing special officers for doing special duty. So probably that difficulty might be removed. Perhaps the hon. Minister will tell me whether this is the purpose in view and whether it will be possible under this Bill for them to be able to take money from this "Contingency Fund" for appointment of special officers for special duties.

There is another difficulty about finance. At present the States cannot incur any expense of more than Rs. 20,000 for any new item. I am glad that that difficulty is going to be removed by this Bill and it will solve many of the difficulties that the Part C States have to face under the Act.

Regarding services, there was a conference of the Chief Ministers and they had waited on the hon. Minister and made certain proposals and suggested that some kind of Public Service Commission should be established for recruitment of civil services in the Part C States and an alternative suggestion was also made that some of the Part C States cadres should be amalgamated with the neighbouring Part

A or B States' Public Service Commissions. It will be a very good thing because at the moment the method of recruitment to services is very unsatisfactory. The Chief Ministers have also expressed their opinion to this effect. Different political parties make political propaganda out of this, and make all sorts of allegations against the party in power.

MR. DEPUTY CHAIRMAN: Please continue a little later after the Budget papers are laid on the Table. Mr. Shah.

#### PAPER LAID ON THE TABLE

THE BUDGET (GENERAL), 1954-55

THE DEPUTY MINISTER FOR FINANCE (SHRI M. C. SHAH): Sir, I beg to lay on the Table a statement of estimated receipts and expenditure of the Government of India for the year 1954-55. [Placed in Library, see No. S-44/54.]

#### THE GOVERNMENT OF PART C STATES (AMENDMENT) BILL, 1953—continued.

SHRI GULSHER AHMED: There is one other point to which I would like to invite the special attention of the hon. Minister, especially as he happens to be a great jurist. In some of the Part C States, in place of a High Court, there is a Judicial Commissioner's Court. It is always one Judicial Commissioner who is responsible for the administration of justice, although there are additional Judicial Commissioners in some cases. He is the man who is wholly responsible for the administration of justice in these Part C States. He has got very great appellate powers, even greater than the High Court or the Supreme Court Judges, in the matter of passing sentences of death. What happens in Part A and Part B States is that when a sentence of death is passed by the District and Sessions Judge, it goes for confirmation to the High Court and the