

**ELECTION TO THE CENTRAL
ADVISORY COMMITTEE OF THE
NATIONAL CADET CORPS**

THE DEPUTY MINISTER FOR EXTERNAL AFFAIRS (SHRI A. K. CHANDA) : Sir, with your permission, on behalf of the Deputy Minister for Defence, Shri Satish Chandra, I beg to move:

"That in pursuance of clause (i) of subsection (1) of section 12 of the National Cadet Corps Act, 1948, as amended by the National Cadet Corps (Amendment) Act, 1952, this Council do proceed to elect, in such manner as the Chairman may direct, one member from among themselves to be a member of the Central Advisory Committee of the National Cadet Corps for a term of one year."

MR. CHAIRMAN: The question is:

"That in pursuance of clause (i) of subsection (1) of section 12 of the National Cadet Corps Act, 1948, as amended by the National Cadet Corps (Amendment) Act, 1952, this Council do proceed to elect, in such manner as the Chairman may direct, one member from among themselves to be a member of the Central Advisory Committee of the National Cadet Corps for a term of one year."

The motion was adopted.

MR. CHAIRMAN: I have to inform hon. Members that the 21st December 1953, has been fixed as the last date for receiving nominations and the 23rd December 1953, for holding election, if necessary, to the Central Advisory Committee of the National Cadet Corps.

The nominations will be received in the Council Notice Office up to 3 P.M. on the 21st. The election which will be conducted in accordance with the system of proportional representation by means of the single

transferable vote, will, if necessary, be held in the Secretary's room (Room No'. 29), Ground Floor, Parliament House, between the hours of 3 P.M. and 6 P.M. on the 23rd.

**MANIPUR COURT-FEES
(AMENDMENT AND VALIDATION)
BILL, 1952**

MR. CHAIRMAN: I have to inform hon. Members that under sub-rule (2) of Rule 162 of the Rules of Procedure and Conduct of Business in the Council of States, I have allotted half an hour for the completion of all stages involved in the consideration and return of the Manipur Court-fees (Amendment and Validation) Bill, 1952, by the Council of States, including the consideration and passing of the amendments, if any, to the Bill.

PROF. G. RANGA (Andhra): Sir, only half an hour is fixed for it?

MR. CHAIRMAN: It took only ten minutes in the other House.

THE MINISTER FOR HOME AFFAIRS AND STATES (DR. K. N. KATJU) : I think it will take even a shorter time. Sir, I beg to move:

"That the Bill to amend the Court-fees Act, 1870, in its application to the State of Manipur, for the purpose of giving effect in that State to certain amendments made in that Act by Assam Act VIII of 1950, and to validate the levy of court-fees in certain cases, as passed by the House of the People, be taken into consideration."

Sir, this is a very short matter, and the purpose of this Bill has been explained in the Statement of Objects and Reasons. In the year 1950, the State of Manipur was integrated with India and by the Part 'C' States (Laws) Act, 1950, the Court-fees Act—a Central Act—was made applicable to the State of Manipur. Hon.

[Dr. K. N. Katju.] Members are aware that Manipur is contiguous to Assam and very many laws in force in Assam are also applied to Manipur. Through some misunderstanding or oversight, it was assumed that the Central Court-fees Act, as amended in Assam, was to be applied in Manipur and that procedure continued and is continuing right up to now. On examination it became apparent that in certain cases, for certain types of cases, by amendments made in the Assam Legislative Assembly, the court-fees have been raised. The result was that during the last three years, court-fees have been realised in civil litigation in Manipur, in accordance with the Assam Act. The object of this Bill is to regularise these acts and to make the Assam Court-fees Act applicable to Manipur and to validate the proceedings that have already taken place in Manipur on that basis so that there may be no dispute of any kind. I cannot possibly either refund or ask others to pay whatever difference there may be. Manipur is not very litigious and so there is little litigation there. We have got to regularise the thing and that is what we are seeking to do today.

MR. CHAIRMAN: Motion moved:

"That the Bill to amend the Court-fees Act, 1870, in its application to the State of Manipur, for the purpose of giving effect in that State to certain amendments made in that Act by Assam Act VIII of 1950, and to validate the levy of court-fees in certain cases, as passed by the House of the People, be taken into consideration."

Du. KALIDAS NAG (Nominated): Sir, I have only just one question to ask of the hon. the Home Minister, who is the ex-Governor of Bengal.

DR. K. N. KATJU: Yes.

DR. KALIDAS NAG: Manipur, probably is very much nearer to and

connected with Assam, from the law point of view. But it is very intimately connected culturally with Bengal. The Manipuris are connected in the social, spiritual and cultural life more with Nabadwip than with Gauhati. Will the ex-Governor of Bengal, our present Home Minister, kindly inform if the Bengal law has been consulted in relation to the Gaudiya Vaishnavas of Manipur?

MR. CHAIRMAN: Let us hear if anybody else has to say anything.

SHRI S. N. MAZUMDAR (West Bengal): Mr. Chairman, I am not going to take much time. Actually the hon. the Home Minister has not given us much time to speak on this Bill, because he says it is a very simple matter. I have no quarrel over this Bill. But I would have much liked him to come forward with a Bill introducing responsible government in Manipur along with Tripura. In this connection, I may be permitted to make a few remarks, especially after listening to the remarks of the hon. Dr. Kalidas Nag.

It is true that Vaishnavism from Bengal exerted a great influence on the people of Manipur and their culture. For a long time the Manipur people have been a distinct entity, with their own culture, their own language and their own tradition and they have a right to have their own responsible Government which has been neglected so long.

Sir, I shall not quarrel with this Bill but I shall thank my hon. friend, the Home Minister, if he assures me that in the near future he will come forward with a Bill introducing assemblies in the remaining Part 'C' States.

DR. S. K. BHUYAN (Assam): Sir, this is a Court-Fees Bill and I am not expected to say anything in a matter of legal bearings. My learned friend, Dr. Kalidas Nag, has said that Bengal and Manipur are more intimately con-

needed. Sir, I am not entering into a controversy about this matter but I can say that the final verdict on the hon. Dr. Nag's opinion is subject to more intensive research and investigation in the future. We are all aware of the ancient relationship between Assam and Manipur. It is derived from the evidence of history into the details of which I am not willing to enter at the present moment.

PROF. G. RANGA: May I know, Sir, when the Government will come to some decision as to the merger of these tiny States of Manipur and Tripura either in Bengal or in Assam or are they intent upon keeping them as separate entities merely because they are unable to make up their minds as between these two claimants for their hand, that is Assam and Bengal?

SHRI B. K. P. SINHA (Bihar): Sir, I thought this to be a Bill dealing with court fees but surprisingly enough so many territorial claims have been made, and democratic claims have been made, that I would like to say something. I had known the hon. Leader of the Opposition from almost my childhood and I always knew him as an advocate of or as the founder of the great movement of Greater India. Now, I do not know what transformation has taken place in him and he has become an ardent advocate of Greater Bengal.

fc-

(Interruptions.) Mr.

CHAIRMAN: Order, order.

SHRI B. K. P. SINHA: I do not know what connection

MR. CHAIRMAN: There is no connection at all.

SHRI B. K. P. SINHA:there is between Bengal and Manipur. It is completely cut off from Bengal.

MR. CHAIRMAN: Nothing connected with this Bill. Well, any other hon. Members?

PANDIT S. S. N. TANKHA (Uttar Pradesh): Sir, I would like to know from the hon. Minister whether the levy of duty under the Central Act was higher or the one under the Assam Act was higher.

SHRI R. THANHLIRA (Assam): Sir, I just want to know, in the event of the court fees being levied on the people of Manipur, whether the fees will be levied on all the people inhabiting Manipur including the tribal people living in the hills of Manipur, or whether there will be any exemption for them. I have got a very intimate knowledge of Manipur. Manipur is really inhabited by two kinds of people, one, what are called the Manipuris living in the plains, and the other—I think half of the area is inhabited by hill tribes—Lushais and other tribes. As far as I know, these court fees and such things are not generally levied on the tribal people. When this Bill is passed into law, will such fees be levied on and made applicable to all the people inhabiting the Manipur State?

SHRI RAJAGOPAL NAIDU (Madras) : I just want to ask only one question, Sir, as to why it has taken such a long time for the Central Government to bring in this amending Bill. The Act that was applied, namely, the Assam Court Fees Act, is of the year 1950. What was the Central Government doing from the year 1950 till the year 1953 without bringing forward this Bill?

MR. CHAIRMAN: The Minister.

SHRI S. N. MAZUMDAR: It is finished in less than ten minutes, Sir.

DR. K. N. KATJU: Sir, very many interesting questions have been raised. Let me dispose of the hon. Dr. Kalidas Nag. The only influence of Manipur that I have seen in Calcutta is Manipuri Dancing. That, of course, is in the gaiety of life.

Then, so far as the question that my hon. friend, Mr. Ranga, put to me

[Dr. K. N. Katju.] about Manipur and Tripura and their future is concerned, that is a large question which we cannot go into at this time but the real matter about Manipur and Tripura is their location, their situation. They are our border States, extremely important from that point of view. My hon. friends here read the newspapers. So far as Manipur is concerned, there is the tribal area and then there is the North East border and so very special considerations will have to apply. You have only to go to Tripura to see how it is situated. On three sides or rather 3½ sides it is surrounded by another territory.

So far as the question that was put to me by my hon. friend Mr. Tankha from Lucknow, is concerned, namely, about the rates, as you are aware, Sir, in every State attempt has been made to depart from what we call the Central Court-fees Act which was passed in 1870 and rates have been increased, somewhere in slight proportions, somewhere in larger proportions, from 7 per cent, to maybe 8 per cent., 9 per cent, and so on. Therefore, the necessity for this Bill, but I do not know that the difference in the rates is very excessive.

Then my hon. friend charged us with delay. The reason is this that I imagine no one came to doubt it. Everybody thought that the procedure that was being followed was right and that inasmuch as Assam Acts were generally enforced in Manipur there was no room for doubt. You know, Sir, that Manipur is geographically very close to Assam. You get to Silchar first and then there is a 25 minutes' air ride to Imphal. Therefore, every one thought that what was applicable in Assam was applicable in Manipur as a matter of course and nobody discovered this mistake. When this mistake was discovered, the matter was referred to us and we thought that while it was desirable that the Assam Act should be made applicable

SHRI RAJAGOPAL NAIDU: May I know who discovered that? Who is that wonderful man.....

MR. CHAIRMAN: "Who discovered that omission?"—that is enough.

DR. K. N. KATJU: I really could not tell you. Give me notice for this. This is a matter of no consequence.

Then, lastly, Sir, about its application. It will apply to the whole of the State of Manipur. The House is aware that the valley is the most populous part of Manipur State and the valley only covers 600 square miles, probably less. The total area of Manipur State is about 8,000 square miles or 8,300 square miles and out of this most of it is jungle and hills and we get a very small number of people—I think they are two lakhs tribals and 5½ lakhs plains people. By God's grace, the tribal people do not indulge very much in litigation. Therefore, even if this Act is, as it must be, made applicable throughout the whole State, I do not think it will affect the tribal people much. The Bill will be made applicable everywhere.

SHRI S. N. MAZUMDAR: Sir, my point has not been answered.

MR. CHAIRMAN: What is your point? That has no connection to this.

The question is:

"That the Bill to amend the Court-fees Act, 1870, in its application to the State of Manipur, for the purpose of giving effect in that State to certain amendments made in that Act by Assam Act VIII of 1950, and to validate the levy of court-fees in certain cases, as passed by the House of the People, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: We shall take up clause by clause consideration. There are no amendments.

Clauses 2 and 3 were added to the Bill.

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 be returned."

3 P.M.

MR. CHAIRMAN: Motion moved:

"That the Bill be returned." Any comments, observations?

SHRI H. P. SAKSENA (Uttar Pradesh): I have just one observation to make, Sir, in reply to a question by my hon. friend, Shri Rajagopal Naidu, He was very anxious to know who discovered that mistake that the State of Manipur did not belong to Assam in the matter of court-fee. I think it was Columbus who discovered it!

SHRI RAJAGOPAL NAIDU: Thank you very much, Mr. Saksena.

MR. CHAIRMAN: Any other comments? The question is:

"That the Bill be returned."

The motion was adopted.

THE TELEGRAPH WIRES (UNLAWFUL POSSESSION) AMENDMENT BILL, 1953

THE DEPUTY MINISTER FOR COMMUNICATIONS (SHRI RAJ BAHADUR): Sir, I beg to move:

"That the Bill to amend the Telegraph Wires (Unlawful Possession) Act, 1950, as passed by the House of the People, be taken into consideration."

Sir, this small amending Bill has been brought here on the basis of our experience of the operation and working of the parent Act. In section 5 of that Act the provision was: "Whoever is found or is proved to have

been in possession of any quantity of telegraph wires which the court has reason to believe to be, or to have been, the property of the Posts and Telegraphs Department of the Central Government shall, unless he proves that the telegraph wires came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years, or with fine, or with both."

It is well known that in certain areas of our country, particularly in Bihar, Orissa, Bengal and Mysore, large scale thefts of copper-wires used for overhead land lines for telecommunications were committed and that resulted not only in national loss but in the disruption of communications. It was because large quantities of copper-wire were disposed of by the Disposals Department that it became difficult for the Government officers to distinguish between those wires disposed of by the Disposals Department and the wires stolen from the telegraph lines. Naturally a Bill was brought and as early as 1950 the parent Act was passed which amongst other things made it incumbent on all concerned that in case they had got telegraph wires of specified gauges in their possession they should declare their stocks within six months. It is a very significant fact to note in this connection that section 4 of the parent Act also made it incumbent upon all concerned that if they had got any quantities of such copper-wires which are used for telegraph lines, they shall get them converted into ingots in case the quantity was more than ten pounds. So these two things were incumbent on them. Any person who did not comply with these provisions of the Act was punishable under section 6 of the original Act. Now, Sir, in actual practice, when some people found guilty of committing thefts of these telegraph wires were prosecuted in law courts a real and genuine difficulty arose because under the provisions of section 5 of the parent Act it was necessary in the first instance to prove that the telegraph wire found in the possession