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LOK SABHA DEBATES

(Fourth Session)

(Vol. XVIII contains Nos. 51—61)

LOK SABHA SECRETARIAT
NEW DELHI

ONE RUPEE (INLAND)

FOUR SHILLINGS (FOREIGN)

CONTENTS

LOK SABHA

Saturday, May 4, 1963/Vaisakha 1885 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

REPORTED KIDNAPPING OF SOME SANTHALS BY EAST PAKISTAN POLICE

Shri S. M. Banerjee (Kanpur): I call the attention of the Prime Minister to the following matter of urgent public importance and I request that he may make a statement thereon:

"The reported kidnapping of twenty-one Santhals by the East Pakistan border police."

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): On the 3rd of April, at about 11.30 Hours, 21 Santhals from Dumka village in the Santhal Parganas went out hunting near the India-Pakistan border at Shasani under Police Station Kalia Chak in the district of Malda. While in search of game and in the hope of meeting their former Zamindar residing in Kansat, in Rajashahi district, they wound themselves on Pakistan territory where, being without travel documents, they were apprehended by the Head Constable of the Pakistan Ajmatpur Camp situated opposite Shasani Indian Border Outpost. These Santhals were arrested and taken to the Sahib Ganj Police Station in Rajashahi district.

From this it would appear that the Santhals were not kidnapped by the East Pakistan Border Police as reported in the newspapers, but they are detained in Pakistan for unintentionally crossing the border without travel documents. The District Magistrate of Malda has requested the Deputy Commissioner of Rajshahi to release these Santhals as they had crossed into Pakistan territory, inadvertently.

Shri S. M. Banerjee: I am happy that they will be released, but apart from these Santhals, nearly 87 Indians are in Pakistan custody, who were kidnapped, right from Lieutenant Colonel to fishermen. I want to know whether anyone of those who have been kidnapped has so far been released and if not, whether the Prime Minister is likely to take up this matter more seriously at the Ministerial level or make it an item of agenda for the Indo-Pakistan talks?

Mr. Speaker: That is quite a different thing altogether. What has all that to do with the present calling-attention-notice which relates to Santhals? The hon. Member is referring to some persons who had been kidnapped.

Shri S. M. Banerjee: It is an unfortunate fact that even today, we have not got a single Indian who was kidnapped who has been released.

Mr. Speaker: The hon. Member can put the question whether there are adequate measures adopted so that these things may not happen.

Shri S. M. Banerjee: What steps have been taken by Government at the Ministerial level to have a talk

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with Pakistan and see that the kidnapped people are released?

Shri Dinesh Singh: In this particular case, the district magistrate of Malda has discussed this matter with the Deputy Commissioner of Rajshahi several times. The hon. Member, however, mentioned about the release of the people kidnapped. From time to time, those who have been kidnapped are released. Regarding the question of taking up matters at higher levels, the hon. Member referred to the case of a Lieutenant Colonel. This was taken up at the highest level in Pakistan.

Shri Hem Barua (Gauhati): In view of the fact that Pakistan has of late intensified hostile activities against us, such as kidnapping of Indian personnel, violation of our air space and all that, may I know whether these hostile activities on the part of Pakistan are a calculated attempt to pressurise us, that is, India, to accept a solution of the Kashmir problem according to Pakistan's wishes?

Mr. Speaker: He has travelled a very long distance. Can the hon. Deputy Minister also do the same?

Shri Hem Barua: He is very young. He can do it.

Shri C. K. Bhattacharyya (Raiganj): In that matter, Shri Hem Barua is unique in Parliament.

Shri Dinesh Singh: I am inclined to agree with that, but so far as this matter is concerned, it is obvious that Pakistan is using pressure not only now but from the very beginning in all the ways that they can find.

Shri P. R. Chakraverti (Dhanbad): Has Government any latest information as to whether these people who had been kidnapped or who crossed over unintentionally to the other side, Pakistan, will be hauled before the court? If so, what legal advice or legal assistance will be forthcoming to them from our side?

Shri Dinesh Singh: So far this matter has not been brought before the court.

श्री यशपाल सिंह (कैराना) : सरकार अपनी फ़ज़ली टर्म्स दिखलाने के लिए लापरवाह है या यह चीज सरकार के काबू के बाहर है कि इस तरह के वाकयात होते रहते हैं ?

अध्यक्ष महोदय : आप खुद नतीजा निकाल लीजिये कि सरकार दोनों में से क्या है ।

Shri Kapur Singh (Ludhiana): May I know whether Government has so far applied its mind to the basic problem out of which all such incidents spring, namely, that of discovering a suitable technique of convincing our neighbours that togetherness is the best policy with India?

Shri Dinesh Singh: I do not think India's sincerity is in doubt. We have always tried to be on the friendliest terms with Pakistan. It is for them to reciprocate. These matters, as the hon. Member has rightly said, can be settled only if there is a desire on the part of both Governments. It is now for the Pakistan Government to take steps in their own territory accordingly.

श्री ह० च० सोय (सिंहभूम) : अभी मिनिस्टर साहब ने कहा कि ये संथाल लोग इनऐडरटेंटली वहां चले गये और हमारे तरफ के डिप्टी कमिश्नर ने लिखा है कि इन लोगों को रिलीज कर दिया जाए । मैं जानना चाहता हूं कि क्या उन लोगों का प्रासीक्यूशन होगा, य, उनको सिम्पैथेटिकली ट्रीट करके लौटा दिया जाएगा ? मैं यह भी जानना चाहता हूं कि इस तरह से किडनैपिंग की घटनायें न होती रहें, क्या इसका कोई इन्तिजाम हो रहा है ?

श्री दिनेश सिंह: जहां तक पहले सवाल का ताल्लुक है, हम तो इसी कोशिश में हैं

कि इनको वापस आने की इजाजत मिल जाए और इन पर कोई मुकदमा न चलाया जाए क्योंकि इन्होंने ऐसा कोई बड़ा जुर्म नहीं किया है, गलती से उधर चले गये थे। जो हमारी सरहद पाकिस्तान के साथ है वह ऐसी नहीं है कि फेंस आदि लगा कर उसे ऐसा कर दिया जाए आना जाना बन्द हो जाए। पिलर लगा कर डिनारकेट कर रहे हैं, लेकिन फिर भी ऐसी चीज होना मुमकिन रहेगा।

Shri Subodh Hansda (Jhargram): Since the Santhals went over to the other side without any intent at subversive activity and it has been known to the Pakistan Government and the District Magistrate of Malda has requested the Pakistan Government to release the Santhals, what is the reaction of the Pakistan Government?

Shri Dinesh Singh: There is obviously no reaction; otherwise, they would have been released.

Shri S. C. Samanta: What are the grounds stated by the Santhals themselves for crossing the border?

Mr. Speaker: Inadvertence.

Shri Dinesh Singh: We have not been able to contact these people who have been arrested, but this is what we have been able to gather.

Shrimati Renuka Ray (Malda): In reply to Shri Subodh Hansda's question, the Minister said that there was no reply from the Pakistan Government in regard to the request of the District Magistrate of Malda for the release of these people who had gone over there inadvertently. In view of this, will the matter be taken up at a higher level immediately or is it going to be kept pending for some time?

An Hon. Member: It should be taken up at the Bhutto-Swaran Singh talks.

Shri Dinesh Singh: If necessary, the matter will certainly be taken up at higher level.

11.09 hrs.

Exodus of Hindu Families from East Pakistan into Tripura

Shri P. R. Chakraverti (Dhanbad): I call the attention of the Prime Minister to the following matter of urgent public importance and I request that he may make a statement thereon:

> A large number of Hindu families from East Pakistan having crossed the order into Tripura.

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): On the 1st of April, thirty-three, and *not thirty-eight*, Pakistani Feni in the District of Noakhali, crossed the border into Tripura at the village of Sidhinagar under Police Station Puranrajbari in Belonia Sub-Division.

They stated that they had been compelled to leave their homes and crossed over into Tripura due to their homes being looted by some members of the majority community in a raid which appeared to have been organised in advance. These families are, at present, sheltering in the Sidhinagar area and steps are being considered to grant them relief.

The Tripura Administration, in bringing this incident to the notice of the Government of East Pakistan, has lodged a strong protest against the continued oppression of the minorities in East Pakistan. The latter has been requested to restore peaceful relations in the area by imposing deterrent punishment on those responsible for this incident.

Shri P. R. Chakraverti: Has there been any response from the side of

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Pakistan as to whether they are willing to take them back, in view of the circumstances which obtained earlier also because of the exodus of Hajangs into Assam?

Shri Dinesh Singh: I could not say that because I do not know whether these people themselves would be willing to go back.

11.12 hrs.

RE: POINT TO BE RAISED BY SHRI DAJI AND SHRI S. M. BANERJEE

Mr. Speaker: Shri Daji and Shri Banerjee have written to me that they want to raise some point, but I will allow this when the Law Minister is also here. I will give them some time.

Shri S. M. Banerjee (Kanpur): The Law Minister perhaps thinks there is Question Hour today.

Mr. Speaker: Let him come. I will send him word.

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): The Law Minister is out of town.

Mr. Speaker: Then he might raise it.

Shri Hajarnavis: He is likely to come on the 7th.

Mr. Speaker: Would the hon. Minister be prepared to reply to the point to be raised?

Shri Hajarnavis: No, Sir. I have no instructions.

Mr. Speaker: Of course, the information might be taken by the Whip, so that some Minister might be here who might be able to answer it.

Shri Daji (Indore): Where is the Deputy Law Minister?

Shri Kapur Singh (Ludhiana): May I seek a clarification about the answer he just now read out?

Mr. Speaker: He knows the procedure. We have passed over to something else.

Shri Hari Vishnu Kamath (Hoshangabad): Where is the Deputy Minister?

11.13 hrs.

PAPERS LAID ON THE TABLE

"PROGRESS OF THE THIRD FIVE YEAR PLAN"

The Minister of Planning and Labour and Employment (Shri Nanda): I beg to lay on the Table a copy of "Progress of the Third Five Year Plan". [*Placed in Library. See* No. LT-1291/63].

COAL MINES (CONSERVATION AND SAFETY) (SECOND AMENDMENT) RULES

The Parliamentary Secretary to the Minister of Mines and Fuel (Shri Thimmaiah): On behalf of Shri K. D. Malaviya, I beg to lay on the Table a copy of the Coal Mines (Conservation and Safety) (Second Amendment) Rules, 1963 published in Notification No. G.S.R. 709 dated the 27th April, 1963, under sub-section (4) of section 17 of the Coal Mines (Conservation and Safety) Act 1952. [*Placed in Library. See* No. LT-1292/63].

NOTIFICATIONS UNDER THE CUSTOMS ACT

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): On behalf of Shri B. R. Bhagat beg to lay on the Table of copy each of the following Notifications under section 159 of the Customs Act, 1962:—

(i) G.S.R. No. 649 dated the 20th April, 1963.

(ii) G.S.R. No. 682 dated the 21st April, 1963.

(iii) G.S.R. No. 683 dated the 21st April, 1963.

(iv) G.S.R. No. 684 dated the 21st April, 1963.

[*Placed in Library. See* No. LT-1293/63].

NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT

The Parliamentary Secretary to the Minister of Food and Agriculture (Shri Shinde): On behalf of Shri A. M. Thomas, I beg to lay on the Table:—

(i) a copy each of the following Notifications under sub-section (6) of section 3 of the Essential Commodities Act, 1955:—

(a) G.S.R. No. 54 dated the 4th January, 1963 rescinding the Sugar Dealers (Removal of Licensing Restrictions) Order, 1961 published in Notification No. G.S.R. 1210 dated the 28th September, 1961.

(b) G.S.R. No. 430 dated the 7th March, 1963 extending the Sugar (Control) Order, 1955 to the Union Territory of Goa, Daman and Diu.

[*Placed in Library. See No.* LT-1294/63].

(ii) a copy of the Central Warehousing Corporation Rules, 1963 published in Notification No. G.S.R. 635 dated the 6th April, 1963, under sub-section (3) of section 41 of the Warehousing Corporations Act, 1962. [*Placed in Library. See* No. LT-1295/63].

NOTIFICATIONS UNDER EMPLOYEES' PROVIDEND FUNDS ACT

The Minister of Planning and Labour and Employment (Shri Nanda): I beg to lay on the Table:

(i) a copy of Notification No. G.S.R. 561 dated the 30th March, 1963 extending the Employees' Provident Funds Act, 1952 to establishments engaged in laundry and laundry services. [*Placed in Library. See* No. LT-1296/63].

(ii) a copy of Notification No. G.S.R. 591 dated the 6th April, 1963 under sub-section (2) of Section 4 of the Employees' Provident Funds Act, 1952, extending the said Act to buttons, brushes, plastic and plastic products and stationery products industries. [*Placed in Library. See* No. LT-1297/63].

(iii) a copy each of the following Notifications under sub-section (2) of section 7 of the Employees' Provident Funds Act, 1952:—

(a) The Employees' Provident Funds (Sixth Amendment) Scheme, 1963 published in Notification No. G.S.R. 663 dated the 20th April, 1963.

(b) The Employees' Provident Funds (Seventh Amendment) Scheme, 1963 published in Notification No. G.S.R. 666 dated the 20th April, 1963.

[*Placed in Library. See No.* LT-1298/63].

GOVERNMENT RESOLUTION ON THE RECOMMENDATIONS OF THE CENTRAL WAGE BOARD FOR COFFEE PLANTATION INDUSTRY

The Minister of Planning and Labour and Employment (Shri Nanda): I beg to lay on the Table a copy of Government Resolution No. WB-3 (53)/62 dated the 30th April, 1963 on the recommendations of the Central Wage Board for coffee plantation industry regarding the grant of interim wage increase to workers in the coffee establishments in certain areas of Madras State. [*Placed in Library. See* No. LT-1299/63].

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:

(i) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Super Profits Tax Bill, 1963, which was passed by the Lok Sabha at its sitting held on the 22nd April, 1963, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(ii) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Bengal Finance (Sales Tax) (Delhi Amendment) Bill, 1963, which was passed by the Lok Sabha at its sitting held on the 29th April, 1963, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

11.15 hrs.

GOVERNMENT OF UNION TERRITORIES BILL—*Contd.*

Mr. Speaker: Further consideration of the following motion moved by Shri Lal Bahadur Shastri on the 3rd May, 1963, namely:—

> "That the Bill to provide for Legislative Assemblies and Councils of Ministers for certain Union Territories and for certain other matters, as reported by the Joint Committee, be taken into consideration."

Out of six hours, one hour and 30 minutes have been taken up.

Shri Hari Vishnu Kamath (Hoshangabad): Before the House takes up the discussion, may I invite your attention to rule 376?

Shri Daji (Indore): What about my point?

Mr. Speaker: When the Minister is here, I will allow.

Shri S. M. Banerjee (Kanpur): The Law Minister and the Deputy Law Minister, both are absent.

Shri Hari Vishnu Kamath: Before the House takes up the discussion of this motion, I beg to invite your attention to rule 376 of the Rules of Procedure and Conduct of Business. Sub-rule (3) of rule 376 reads as follows:

> "Subject to conditions referred to in sub-rules (1) and (2), a member may formulate a point of order and the Speaker shall decide whether the point raised is a point of order and if so give his decision thereon, which shall be final."

Yesterday, I raised a point of order relating to the unconstitutionality of the motion for consideration, that it is out of order on the ground that the Bill is unconstitutional. There was no decision given. The cyclostyled record will bear me out. I will read the last two sentences from the cyclostyled record. I requested the Chairman, Shri Thirumala Rao, to hold it over. I said:

> "You may hold over this point for the hon. Speaker's ruling. That is much better. Moreover, time is up."

This was rather an intricate point and therefore I requested him to hold it over. It was 2.30 P.M. and the Private Members' Business was to come. The

Law Minister was here. He was rather impatient, I believe, because he was to leave. He might have left last night. He said that the Chairman's ruling is good enough for him. Then, the Chairman said—I do not want to make any comment on what he said—"I put it to the House whether we should proceed with this Bill." Then I said in all humility:

> "There is a point of order to be decided. Is there no point of order?"

Then the Chairman said, "Yes,"—I do not know what he meant by "Yes,"—and observed, "I want the opinion of the House whether we should proceed with this Bill." Then some Hon. Members said "Yes." Then the Chairman said that "then we will proceed with this tomorrow." My question was left high and dry. So, the point of order has to be decided finally by you. I requested him to hold it over, and the records bear me out. I say that the point of order was not decided.

Mr. Speaker: Whoever might be in the Chair is competent to decide any point of order that arises. The hon. Member said that the Chairman might leave it for the decision of the Speaker and then the Chairman wanted to proceed further, and the hon. Member raised this point: "Is there no point of order?" The Chairman said "Yes."

Shri Hari Vishnu Kamath: Then?

Mr. Speaker: He said "Yes." I think probably what he conveyed was that there was no point of order. But anyhow, I will look into the records myself again and if I come to the conclusion that there was really no decision given,—I am not sitting in judgment as a court of appeal—I will give the hon. Member an opportunity to raise it. I will just read it again in the records and I will look into it and then I might allow the hon. Member to raise it.

Shri Hari Vishnu Kamath: I am grateful to you for your very kind observations. But when he said "Yes" it was ambiguous. I do not know what he meant by yes, whether it was a point of order or not.

Mr. Speaker: He is arguing now.

Shri Hari Vishnu Kamath: I am not arguing. I am constrained to say that points of order are sought to be disposed of in this manner.

Mr. Speaker: I said I will look into it.

Shri Hari Vishnu Kamath: I am sure you will do it, Sir. I am grateful to you. I have perfect confidence in you and that is why I requested the Chairman to hold it over for your ruling. He did not think it necessary. We do have perfect confidence in you and we know you will devote some time and attention to it.

Mr. Speaker: If a decision has been given then I cannot revise or review it. If no decision has been given, certainly—I will look into it—I will give the hon. Member another opportunity to raise it and then I will decide.

Shri Hari Vishnu Kamath: When, Sir? Today itself or on Monday?

Shri Vasudevan Nair (Ambalapuzha): It may be given today because the Bill has to be finalised today; it may be given before the Bill is taken up. (*Interruption*).

Mr. Speaker: Just now, after leaving the Chair, I shall go through the records.

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): What the Chairman had probably in mind about the point of order relating to the constitutionality or otherwise of the Bill was this. I believe that the practice and procedure is, wherever the constitutional validity of a measure is questioned in the House, it is not decided by the Chairman or the Speaker, but it is left to the House. Probably it is this that weighed with the Chairman when he wanted the opinion of the House whether we should proceed with this Bill. It is a suggestion which I am making.

Mr. Speaker: The hon. Minister has also to say something; proably he could have said it to the Chairman at that time, because the words are not so clear. I will be looking into it.

Shri Vasudevan Nair: Sir, before I enter into the merits of the Bill, before us, I would like to make some general observations.

Mr. Speaker: I would suggest a time-limit of 15 minutes ordinarily and in some cases I will extend it a little.

Shri Vasudevan Nair: In the first place, I would like to express my regret over the inability and reluctance of the Government to allow some of the Members of this House who are elected from the Union Territories to participate in the discussion on this Bill, which affects them very vitally. You are also aware, Sir, that unfortunately two Members who are elected from the Union Territories of Tripura are not able to participate in the proceedings of the House for the last few months. They are detained under the Defence of India Rules. We again and again represented to the Home Minister that it is unfair, improper and unjust for the Government to deny this democratic opportunity to the elected representatives of the people of the Union Territories to participate in the deliberations of an enactment which is going to decide the future of their State. But the Home Minister refused to comply with our request and demand. Instead of me, at least from my group, it would have been the Member from the Union Territory of Tripura who would be speaking on this Bill. I am sorry for this deplorable attitude of the Government on this elementary democratic question.

Sir, this Bill keeps quiet and mum about a number of Union Territories. All the Union Territories do not come under the scope of this particular Bill. For example, you know that the capital city of our country, Delhi, is completely left out of the scope of the Bill. Delhi's administrative future is still hanging in the air. It is regrettable that yesterday in his opening address, the Home Minister did not throw any light whatsoever on the set-up of the administration of Delhi in future. We all remember that at the time of the Constitution (Fourteenth Amendment) Bill, when the discussion was taking place in the House, Members from all sides of the House wanted the Home Minister to say something definite about the future democratic set-up of the administration in Delhi. I do know if the people of Delhi are under a curse, because they happen to represent the capital city of India. I fail to understand the logic and reason behind the decision of the Government of India to refuse the elementary democratic right to the citizens of the capital city of our country. We hope that the Government will consider the question and come before this House with a definite proposal before long and that the proposal will, at least to a certain extent, satisfy the democratic aspirations of the people of this capital city.

The Home Minister was referring to the problem of the proposed merger of some of these Union Territories with the contiguous areas and States. During the discussion on the Constitution (Fourteenth Amendment) Bill again, all the parties in this House, I remember, wanted certain of the Union Territories at least to be merged with the neighbouring States.

The question of Pondicherry, Mahe and Karikal and the question of Goa even was raised. The Government did not find time, perhaps, to decide on the merger of these Union territories with the neighbouring States. Sir, I remember, the arguments advanced by the Prime Minister at that time for retaining the Union territory of Pondicherry as a separate entity were not at all convincing. Yesterday also, the Home Minister in his arguments could not carry conviction

about the necessity of keeping some of these Union territories intact as they are today. He even agreed that as a principle nobody could object to the merger of these Union territories with the neighbouring States. But he did not want to do it in a haste; that is the impression we got. I believe, his speech yesterday gave the impression that in principle at least he is not against the merger of some of the Union territories with the neighbouring States. We believe that this merger will help these Union territories as well as the integration of our country much better than in the situation in which some of these pockets remain themselves and develop that kind of exclusiveness in their approach to the problems of our country.

Sir, we have a few islands near the western coast line. It is not a very big part of our country. I am referring to the Laccadive and Minicoy Islands. They are very tiny places. It is not more than one square mile or two square miles in area. The population is only a few thousands. But, all the same, they are the citizens of this country. A few days back, in answer to a question, the Home Minister agreed that the system of tax collection prevailing in these Union territories is a very primitive system. He said that it is there from time immemorial. But that is no justification for continuing this kind of collection of tax. Even after so many years of freedom, it is shameful that in India today there are at least a few thousands of people who are existing in premedieval times. Sir, it may be of interest to you to know that by law it is prohibited and nobody from outside can go and settle down in those islands. If somebody from outside Laccadive and Minicoy Islands go and settle down in those islands they can be prosecuted, arrested and taken back to their places from those islands. Even today these unfortunate people do not have the right of suffrage. They are also citizens of this country. I do not know why we are considering them as second-rate citizens of this country. I would like Government to give proper attention to the development of these Union territories which are left in lurch and which do not come within the scope of this Bill. These are the general observations, Sir, that I have to make before I enter into the proper body of the Bill.

As far as this measure is concerned, I would have very much liked to support this measure. I would have liked to give it my wholehearted support, because this piece of legislation is claimed to be one which gives responsible government, popular democratic administration to a number of Union territories in India. The Home Minister, yesterday, in his speech, made some tall claims. He thought that the whole country would welcome this legislation. But, I am sorry to state that I am not able to give wholehearted support to this Bill as introduced by the Government. Even after the processing done by the Joint Committee the Bill almost remains what it was before it went to the Joint Committee. I cannot at all agree with the Minister when he said that the Joint Committee made some important changes in the Bill.

Sir, it is a half-hearted measure; it is a halting piece of legislation. It does not at all go far enough in meeting the just aspirations and wishes of the people in the Union territories. Sir, the Government is trying to take away by one hand what it is giving with the other. I will substantiate my charges against the Government in my speech today.

Let us first take into consideration the scope of the powers and functions of the administrator who is going to be imposed on the heads of the people in the Union Territories. Various clauses in this Bill concerning the powers and functions of the administrator will clearly indicate that he will be an all power owner in these territories. I have all my sympathies for the would-be Chief Ministers and Ministers there because they will be nothing more than rubber stamps and the so-called democratic colouring that you are trying to give to the

[Shri Vasudevan Nair]

popular ministries there is just an eye-wash. The administrator as the Home Minister himself told us yesterday can dissolve the assembly at will; under clause 6(2) (b) he can not only prorogue the assembly but can dissolve the assembly. The Home Minister tried to justify this most undemocratic provision by far-fetched arguments which could not convince any one: he said that when the administrator takes a decision to dissolve the legislature, he will have the advice of the Government, of the Ministry. But there is a clause in this Bill itself by which in case of conflict of views between the Ministry and the administrator, the views of the administrator will prevail. This is indeed a novel piece of legislation in free India after so many years of freedom that the Government comes forward shamelessly to sponsor: when there is difference of opinion between the elected representatives of the people and the bureaucrat who is imposed upon those people by the Government, the views of the bureaucrat will prevail. I am surprised to see the Home Minister with his record in the national struggle coming forward to justify this provision. Let them impose it on the people; but let them not justify it; they should show at least that much kindness to the people of this country.

This all-powerful administrator will have many other powers. Certain fields of his activity, certain departments cannot be discussed in the legislature and no member can ask questions or raise discussions about those fields where he has to act according to his discretion. Clause 33(1)(c) refers to the subjects which are thus out of the purview of discussion in the legislature. There are many such clauses but the three clauses to which I wish to draw particular attention to are: 6(2)(b); 33(1)(c) and 44(1). We cannot at all support the provisions in the Bill.

I now come to another obnoxious clause in this Bill which I consider to be the most dangerous and the Government has put that clause with certain intentions. They have some knowledge of what might happen in the Union Territories in the future. They know that in future everything may not be under their thumb, under their control. So, taking into consideration the future, when a majority of the elected representatives will not be part of the ruling party, will not be under their thumb, they made a provision to nominate up to three members to the Legislative Assemblies. According to the Bill, the Himachal Pradesh Legislature will have 40 Members and the Legislatures of Tripura, Manipur, Goa, Daman and Diu and Pondicherry will have 30 members each. Imagine a situation where in a State Legislature of 30 members the Central Government having a blanket power to nominate three members. What is going to happen? Even today the situation in some of the Union Territories is such that the ruling party is in a minority or is neck to neck with the opposition. It is quite possible that in a future election the ruling party may get only 13 seats out of 30. By this power of nomination, that minority will become a majority. This is a trick which they want to play upon the people. They say that they are going to give the freedom of vote and responsible government to the people. What is the meaning of this freedom of vote and responsible government if they can convert a minority into a majority and they can intervene in the popular administration of a State? We have our own experience in India, at least in one State I have personal experience, when the ruling party did not get majority, they hastened to nominate a particular person who belonged to their group, which could upset the balance to a certain extent. Even in the State Legislature, the provision for nomination is well-defined to a certain extent. For example, the Anglo-Indians can get nomination. In the same way, there can be reservation or provision for nomination for Scheduled Castes and

Scheduled Tribes, and I can understand it. But this blanket power to nominate any one they like up to three members is an undesirable provision. Their intention seems to be very clear. They cannot hide it or pretend that they are going to give representation to some who are now not represented. Now, in a small legislature they are providing for the nomination of three people. I can understand it if it is provided in the Bill that after the elections the majority party will make a recommendation and those people will be nominated; or, when the Government comes into existence, after taking over the admiinstration, the ruling party, whichever party it is, can recommend the names of some people and they can be nominated to the State Legislature, though even that is not necessary according to me.

Here the Central Government has the power to nominate people. Suppose there is a conflict between the ruling party let it be any party which gets the majority or near majority in some of these legislatures—and the Central Government. What will happen? The will of the Central Government will prevail. Then, what is the use of telling the people in the Union Territories "you are getting adult franchise, you can elect your own representatives, you can elect your own government"? I think the provision in sub-clause (3) of clause 3 is a mischievous one. So, I would request the hon. Minister to withdraw that clause and save their face. I am sure you will not be able to go to the people of the Union Territories with this kind of clause in such a piece of legislation. It will be a black mark on your face itself. I am surprised that you are not able to understand or appreciate the feelings of the people.

Mr. Speaker: Black mark on my face?

Shri Vasudevan Nair: No, Sir. I am sorry. I was speaking to the Minister.

Mr. Speaker: But when he speaks like this and it goes into the record, it may appear as if I have several black marks in my face.

Shri Vasudevan Nair: Sir, I would like that impression to be corrected. I intended to refer to the Minister.

Shri Hari Vishnu Kamath: It is a transferred epithet.

Shri Vasudevan Nair: Yet another point and I am finished.

Mr. Speaker: His speech may be finished; he should not be finished.

Shri Vasudevan Nair: The speech will be finished.

In this Bill there is no indication as to the period for which an administrator will be appointed in these Union territories. Can it be for 10 or 15 years that the same person can be appointed in these Union territories? It will be a very bad precedent if it happens like that. I am told that even today in the Union territory of Himachal Pradesh the present administrator is there for thel ast nine years or so. If a particular person occupies a pivotal and an all-powerful position of administrator like this, naturally vested interests will develop, all kinds of things will follow and it will not good for the healthy development of democratic conditions in our country. So, I would like the Government to put down, if it is possible in this Bill itself, that the administrator's period of service will be limited. It should be defined and, I think, the maximum period can be five years; not more than that.

I hope, the Government even at this late stage will give consideration to all these things. They should not live under the impression, in a world of their own where they think that they are doing a very big thing to the people of the Union territories. They are mistaken if they are labouring under that notion. Very often we find that the curse of this Governemnt is that it will not do the right

[Shri Vasudevan Nair]

thing at the right time. That is their tradition. During the last so many years we have seen so many instances where they have tried to swim against the will of the people, in the end coming round after doing a lot of havoc to the people concerned. am sure the people of the Union territories will not be satisfied with this piece of legislation and with the fake democratic administration that they are going to impose upon the people. You should remember, Sir, that in many of these Union territories huge movements had taken place. People had given their lives for a democratic government. In Manipur, for example, there was such a big broad-based movement of the people. Thousands of people had to go to ail and, I think, some were even shot dead.

Mr. Speaker: He should conclude now. He has taken more than 20 minutes.

Shri Vasudevan Nair: This is supposed to come as a result of the movement or the agitation of the people in order to satisfy their just aspirations. But this does not at all go anywhere near their aspirations. I hope, with the deliberations of this House, with the suggestions and constructive criticism made, this Bill can be reshaped. Then it may serve the purpose for which it is intended.

श्री यशपाल सिंह (कैराना) : अध्यक्ष महोदय, समझ में नहीं आता कि पहले तो पार्ट सी स्टेट्स को ऐबालिस किया गया, उसके बाद उनको फिर लाया गया । आखिर क्यों यह अदल-बदल की जा रही है । स्टेट्स रिआर्गेनाइजेशन कमिशन ने रिपोर्ट की थी कि उनकी यह राय थी कि जो नेबरिंग स्टेट्स हैं उनमें इनको मिला दिया जाये । लेकिन उनकी सिफारिशों पर अमल नहीं किया गया । एक तरफ सरकार यह कहती है कि इमरजेंसी है, रुपये की कमी है दूसरी तरफ यह है कि जो टाप हैवी एडमिनिस्ट्रेशन है उसको फिर से लाया जा रहा है । अगर आप जनतंत्र को सही मानों में लाना चाहते हैं तो उसके माने तो यह हैं कि वहां पर नामजदगी क्यों हो । नामजदगी इसलिये की जाती है कि जनता की आवाज को दबाया जाय । यहां पर जनता की आवाज दबाई जा रही है । नामजदगी या तो साहित्यकारों की हो, लिटरेरी पर्सन्स की हो या उन लोगों की हो जिनको तहफुज नहीं मिल रहा है या प्रोटेक्शन नहीं मिल रहा है । लेकिन अगर सरकार अपने डिस्क्रीशन पर इस चीज को रक्खे कि जिसको चाहे नामिनेट करे जिसें चाहे न करे, तो यह चीज जनतन्त्र की स्पिरिट के भी खिलाफ होगी ।

इसके अलावा हम देखते हैं कि गोआ का एक नया पौधा है । गोआ को हमारे राज्य सभा में कोई रिप्रेजेंटेशन नहीं दिया गया है । जरूरी था कि गोआ को राज्य सभा में रिप्रजेन्टेशन दिया जाता, लेकिन वह रिप्रीजेन्टेशन नहीं दिया गया। आज सब से ज्यादा जरूरी चीज यह है कि इस बिल को कम से कम दो साल के लिए मुल्तवी कर दिया जाय । इस से हमारे देश का लाखों रुपया बचेगा । जो भी इस बिल से एफेक्टड स्टेट्स हैं उनको नेबरिंग स्टेट्स में मिला दिया जाय । आप यह चाहते हैं कि जो कौंसिल आज बैठी हुई है उन्हीं को नामजद कर दें और उनको ही लेजिस्लेचर्स का नाम दे दें । यह चीज सुन्दर नहीं । यातो आप जनरल एलेक्शन कराइये या अगर जनरल एलेक्शन नहीं करवाना चाहते तो स्टेट्स रिआर्गेनाइजेशन कमिशन की रिपोर्ट को मान कर उस पर अमल करना चाहिये । और इस बिल को दो साल के लिये मुल्तवी कर देना चाहिये । जब इमर्जेंसी है तो इमर्जेंसी का ख्याल तो हर जगह रखना पड़ेगा । जब कभी हम लोग डेवलपमेंट की बात करते हैं तो आप कहते हैं कि इमर्जेंसी है । जब छोटे मुलाजमीन की तनख्वाह बढ़ाने की बात कहते हैं तो आप कहते हैं कि इमर्जेंसी है । कोई भी काम हो उसके लिए आप कह देते हैं कि इमर्जेंसी है लेकिन लाखों करोड़ों रुपये का

जो हमारे ऊपर खर्च बढ़ाया जा रहा है उसमें इमर्जेंसी का खयाल नहीं रक्खा जाता ।

इसलिये मेरी राय है कि एक तो जो आपने रक्खा है वहां की कौंसिल की असेम्बली बनाने के बारे में उसको प्रेजेंट मेम्बर्स पर न छोड़ा जाय बल्कि दो तिहाई वोटों पर छोड़ जाय । दूसरे यह कि स्पीकर की भी यह पावर हो कि जब भी वह देख कि कोरम कम है, तब उसको पूरा करके इस पर वोटिंग ली जाय । जब हमारा देश नया नया जनतंत्र-वादी देश है तो उसके तहफ्फुज के लिए भी आपको उपाय ढूंढना होगा । यहां पर अपनी मर्जी से कोई चीज कर लेने की बात मेरी समझ में नहीं आती ।

आज हम देखते हैं कि जब कि पहले हिमाचल प्रदेश पंजाब में दाखिल था तब कोई भी दिक्कत वहां नहीं थी, लेकिन अब वहां पार्टियां हैं । यहां पर हमारे माननीय सदस्य श्री हेमराज बैठे हुए हैं । उन्हें खुद यह शिकायत है कि पहले वहां पर पार्टी बाजी के शिकार नहीं थे, लेकिन अब वहां पार्टियां हैं और वे उन के शिकार हैं ।

श्री हेमराज (कांगड़ा) : मैं तो पंजाब का हूं ।

श्री यशपाल सिंह : यहां कई दफे आप कह चुके हैं । मैंने उनकी तकरीर को कोट किया है । बहरहाल सरकार का काम यह है कि वह ४४ करोड़ इन्सानों की बहबूदी का खयाल करे । और यह खयाल करके ४४ करोड़ इसानों को एक देश का नागरिक बनाये, अलग अलग पार्टीबाजी और अलग अलग धड़ेबन्दी तथा अलग अलग स्टेट्स बना कर को बिखरना नहीं चाहिये । मैं तो उस दिन की ख्वाहिश कर रहा हूं जिस दिन अमरीका की तरह से हमारी सारी इंडियन यूनियन एक पार्लियामेंट के अन्डर हो कर चलेगी । अलग अलग स्टेट असेम्बलीज जितनी होंगी, उतनी ही हमारे देश की सुरक्षा ज्यादा महंगी होती जायेगी । मैं चाहता हूं कि अलग अलग स्टेट्स में जितना रुपया खर्च किया जाता है वह रुपया डिफेन्स पर खर्च किया जाये । आज दुनिया में काम करने के घंटे बढ़ाये जा रहे हैं । आज यहां पर बड़े बड़े अफसरों की तनख्वाहें कम करनी चाहिये लेकिन यू० पी० असेम्बली ने अपने मेम्बरान की तदख्वाह ७५ रु० माहवार बढ़ा ली है । जो रुपया डिफेंस में जाना चाहिये था वह एम० एल० ए० अपनी तनख्वाहों में बढ़ा रहे हैं ।

इसलिये मेरा निवेदन है कि सारे देश को एक सूत्र में पिरोने के लिये यह जरूरी है कि इस बिल को जब तक इमर्जेंसी टाइम है तब तक के लिये मुल्तवी किया जाये और इन छोटी छोटी स्टेट्स को नेबरिंग स्टेट्स में मिला दिया जाय ।

Mr. Speaker: Shri Jaipal Singh.

I would like to hear also the Members who come from those Union territories if they want to participate in that.

Some Hon. Members *rose*—

Mr. Speaker: After Mr. Jaipal Singh, I will call them.

Shri Sharu Lal Saraf *rose*—

Mr. Speaker: Does Mr. Saraf also come from a Union territory?

श्री सिंहासन सिंह (गोरखपुर) : यह खाली यूनियन टेरिटरीज तक कंफाइन्ड बिल तो है नहीं, इसका सम्बन्ध सारे देश से है ।

अध्यक्ष महोदय : मैंने यह तो नहीं कहा कि दूसरों को मौका नहीं दूंगा । लेकिन यूनियन टेरिटरीज का कोई न बोले, बाकी ही जगह के बोलें, यह भी तो नहीं होना चाहिये । उनको भी बोलने का मौका मिलना चाहिये । मैं औरों को भी बुलाऊंगा ।

Shri Jaipal Singh (Ranchi West): Mr. Speaker, Sir, I regret that I cannot receive this Bill wholeheartedly. I

[Shri Jaipal Singh]

cannot understand why this has been brought in at all. It seems to me not in the fitness of things that we should all the time be talking of democratic rights but when we want to give out something, we should do it piecemeal. Government should have come forward with a full responsible Government for these various Union territories. I am not here to argue whether the report of the States Reorganisation Commission should be discussed here. I personally have had very little respect for whatever was recommended by the States Reorganisation Commission as far as my own particular demand of a Jharkhand State was concerned. I am surprised that this Bill should have been put before the House before there was any discussion of the Dhebar Commission Report on the Scheduled Areas. I think it would have been pertinent, it would have been proper if that report had been first discussed because it has a definite bearing on what is sought to be achieved in this Bill. I cannot understand how, particularly, in the present emergency, a Bill of this sort is brought in.

Theoretically, a great deal may be said as Shri Vasudevan Nair has already propounded about giving full responsible democratic rights to these border areas. Most of the Union Territories are in the border areas. I would have certainly welcomed if the Government were to come before Parliament with a full picture of States that are not A or B. They should have brought in C and D States. Take the Andamans and Nicobar Islands. I think the Government are deceiving themselves—I cannot put it any more strongly than that—into believing that they are giving any democratic rights to the Union Territories. As Shri Vasudevan Nair has pointed out in his very humble way—he was a bit polite for a Communist to talk like that; I thought he was much too polite the way he put it—what you are giving with one hand, you are taking away with the other. Whatever pattern of future administration is sought to be brought about in this Bill, there is no responsible Government. In effect, there is no responsible government. It would be much more honest for the Government to say, there is this emergency. let us take more time in thinking out as to what kind of administration should be there for these very difficult and problem areas. They are problem areas. They would continue to be problem areas. But, you are not facing the problem by this type of a Bill. If they are problem areas, let them be problem areas; let us face the problems really. To say that we are giving you the same democratic pattern of administration as the rest of the country has is, I think, self-deception.

I should have thought that we had attained majority, that we had become democratically mature and we would have abandoned this most vicious and un-democratic process of nomination. I am not concerned whether Himachal Pradesh has 40 Members and whether three nominations would upset the balance or not. I am not concerned with that. I think it is quite wrong for anybody to be prophetic enough to say that the ruling party may not be returned with a majority. It may be somebody else. But, the fact is, why have nominations at all? How long are you going to continue this un-democratic process. I am surprised the Joint Committee has increased the figure from 2 to 3. To me it is a surprise. Representing what? Representing whom? even on the question of representation, I find that the excuse has been made, no, no, we cannot have general elections. The ruling party is in a majority in the Himachal Pradesh at the moment. Very good. Let them be there. Let them be returned again. But, why not face the electorate and come back elected and be back in power? What is the idea of the Territorial Councillors automatically becoming legislators in this new Legislative Assembly? Is it that you are frightened to face the electorate?

In any case, whether you win or lose, that is not the point at issue. I do maintain that whatever we are bringing about, let them be elected. Let the electorate decide who shall be the legislators and not perpetuate people who have been elected on a completely different basis. That is my main obection. It is about time that we cease to be British. This Bill is nothing but a facade of the British system of doling out things in bits and pieces, piecemeal. How can we stand today in this House and outside this House and say that certain areas called Union Territories and even B States, the Andaman and Nicobar islands are democratic? We are worse than the British in that respect. I think it is a slur on us, on this democratic country that such a Bill should have been presented by the ruling party that has fought for democratic rights. I just do not understand it. Do not give anything to them. Say, there is the emergency, they are problem areas, there are border problems, and all that sort of thing; I can understand that. But to say 'No, we are going to give you a dictator' is not proper. You may call him an administrator today or you may say he is the Lieutenant Governor tomorrow. But what difference does it make?

I feel that I cannot welcome this Bill.

Dr. Gaitonde (Goa, Daman and Diu): Yesterday, Shri Kamath began his speech with a point of order and with a Sanskrit *sloka*, namely:

विनायकम् प्रकुर्वाणो रचयामास वानटम्

that is, sot only the Government but the whole Joint Committee—I was a Member of the Joint Committee—tried to create a god and we succeeded in making a monkey. Then, my Communist friends and Swatantra friends did quote Sanskrit but they said almost the same thing.

Now, it happens that we in the Joint Committee did not want to make a god of the Bill, and whatever we wanted to make we made. In that sense, if I had to answer this with another Sanskrit sloka, I would have said:

विनायकम् प्रकुर्वाणो रचयामस विनायकम्

We wanted to make a Vinayaka and we made a Vinayaka.

I would like to answer some of the points that were raised by the Communist friends, by the Swatantra friends and by Mr. Kamath; of course, it is not for me to answer the point raised by Mr. Kamath because it was a point of order.

Mr. Speaker: The hon. Member has not used the adjective 'friend' for Mr. Kamath.

Dr. Gaitonde: Of course, he is my friend, and because there was no need to say that we are friends, I just said Mr. Kamath.

Shri Hari Vishnu Kamath: There is no need to stress the obvious.

Dr. Gaitonde: Before I answer the criticisms, I would like to state here that I fully agree with the Home Minister when he made the statement that in principle, smaller States should not be created, and in principle, the smaller places should be merged with the bigger States. I perfectly agree with him.

Shri S. S. More (Poona): Does my hon. friend want to bring about autocracy?

Dr. Gaitonde: I do not think that this Bill gives rise to any type of autocracy. I would tell you why I say that this Bill does not give rise to any type of autocracy.

For example, we in Goa have been governed for centuries by three methods, or our laws were a mixture of three things, colonial, Latin— of course, Latin was not bad—and dictatorial. The three things were put together.

Shri Hari Vishnu Kamath: The first was Inquisition.

Dr. Gaitonde: Of course, Inquisition was there. Our laws in Goa, before freedom, were a product of all these three things.

If you ask me at what stage we are politically—this thing may also refer to the whole of India, but mostly it refers to Goa—I would quote a film song, which I hope is not out of order. There was a very famous film song in Europe some time ago and it was very much liked also. It was sung by Diana Durbin.

Shri Hari Vishnu Kamath: Was it in Portuguese or in English?

Dr. Gaitonde: It was in English.

Diana Durbin was a girl of 13 or 14 years in age, and she said:

"I am that dirty something,

Or dirty in-between

Too old for the toys,

Too young for the boys.".

That is, really, the reason for nominations. Again nominations are for the depressed classes. We discussed this problem in the Joint Committee. In some places like Goa, there can be no reservations, first because there are no statistics as regards the depressed classes..

12 hrs.

Shri Vasudevan Nair: It could not be provided for Goa alone!

Dr. Gaitonde: I will come to that.

In Goa, there is nomination. But there are no reservations exactly because no statistics are available. We will have to arrange a census. That will take a long time. In the process, we will kill the quick development of the democratic process. For instance, in Goa, the depressed classes are dispersed. We in Goa are not accustomed to think in terms of depressed classes. There is no untouchability in Goa; it does not exist there, and creating a new thing which is not a good thing will create a bad thing. To that we shall naturally object. This is as regards nomination.

The second point is with reference to merger. I must say that sometimes it becomes difficult for places like Goa, Daman and Diu to govern themselves. I will tell you why. Goa, Daman and Diu are three small bits at a long distance from one another. To govern Goa, Daman and Diu as one entity may be administratively difficult. This is the administrative reason

The second reason is that there are already parties functioning in Goa that demand that Goa should be immediately merged with Maharashtra. I think in this Bill we have succeeded in getting a *via media*, the golden mean, because as I look at the Bill, it is a type of experiment we are making. We shall see for some years what happens. Latter on, if the people want to join Maharashtra, naturally they will be allowed to do so. If Daman and Diu want to join Gujarat—I think many of them there want it—let them do so. Therefore, I think there is no logic in the communist way of thinking; otherwise, they are highly logical. I do not know why this time they have failed.

An Hon. Member: It happens on many occasions.

Dr. Gaitonde: I am talking only of this Bill.

Some of my hon. friends wanted to know here in Parliament what really Goa is. I think this is an opportunity to tell some of the things about Goa. The most important thing I would like to say is about our freedom struggle. Sometimes all over the world, it is thought that we in Goa did nothing and one day there was action and Goa was freed. I tell you very frankly that anywhere in the history of the world there is not a single colony like

Goa where so few people did so much. This is not known. We had courage. We had sacrifice. There is one thing we did not have, that is publicity. If I tell you that in a population of 6 lakhs, 3,000 were arrested, you will be surprised. One person out of 200 went to jail. What happened in India in 1942? About 1,25,000 went to jail. Goa is free. Yet what is happening to the freedom fighters? Nobody knows.

Shri Hari Vishnu Kamath: Some of them are here.

Dr. Gaitonde: They are unseen, unlamented.

Shri Hari Vishnu Kamath: You are here.

Dr. Gaitonde: That is not it. The other day in answer to a question the Minister said that there was some fund for the freedom fighters. And then I asked what had been done in Goa? Does the Government know how many people were involved? Is there a list? I doubt. It is because we, by nature are very shy, and because we are very shy, we have no sense of exhibitionism. That may be psychological, we having lived under a dictatorship for so many years, we do not use our tongue properly.

Shri Hari Vishnu Kamath: Not timid, but shy.

Dr. Gaitonde: We are not timid, but shy. This is one point that I would like to convey to this House.

At this moment when we are free and when we are taking the first steps in democratisation, I would like to pay my homage, and I would like you all to join me in paying this homage, to those who laid down their lives in the struggle for the freedom of Goa.

I would also like to tell you, Sir, that there is here in this House one lady, I do not see her here, whom we consider as the heroine of Goa. My tributes to her and to all those who fought for Goa's freedom, expecting nothing in return.

Shri Hari Vishnu Kamath: She is from Madhya Pradesh.

Dr. Gaitonde: I may also inform the House that at this moment there is in Portuguese jail an Indian—I say an Indian because he was an Indian before Goa was free—and there is also a Goan about whose nationlity there is some doubt in Portuguese minds, but he is an Indian, and I would request this House to move the Government to take some action to get them released.

Shri S. S. More: What are their names?

Dr. Gaitonde: One is Ranade. He is one of our great heroes. He was sentenced to about 20 years, I do not actually know how many years.

Shri Tridib Kumar Chaudhuri (Berhampur): Twentysix years.

Dr. Gaitonde: Sometimes the years are added together, and we do not know how many. Another is Mascaranhas.

There are many other things to tell the House if the Speaker allows me to do so. Will you allow me to speak for a little more time?

Mr. Speaker: The time is limited. Within that limited time, he may say anything he likes that is relevant.

Dr. Gaitonde: I hope this is relevant.

Mr. Speaker: But within the time that is available.

Shri Hari Vishnu Kamath: He speaks seldom. Let him get some more time.

Mr. Speaker: But we are hard up.

Dr. Gaitonde: Coming back to the Bill, an hon. Member of the Swatantra

[Dr. Gaitonde]

Party pointed out that there was no representative of Goa in the Rajya Sabha. I quite agree with him and I would request this House to press the Government so that there may be one Member from Goa in the Rajya Sabha because we have created a State and that State will not be represented in Rajya Sabha. The Rajya Sabha is, I believe, for the representation of the States as States, not only of the constituencies. I am grateful, therefore, to my hon. friend for having raised this issue.

Secondly, the administrative pattern in these Union Territories can be divided into two groups: one group, the pattern of which is similar to, and the other group, the pattern of which is completely different from whatever is prevalent in the rest of India. I am referring to the Latin type of administration. It is not easy suddenly to jump from the Latin type of administration to the anglo-Saxon type of administration that is mostly prevalent here. As far as the criminal laws are concerned, naturally this can immediately be done. I do not think that we can so easily change the civil laws. On the contrary, I would have suggested another course. I am not a lawyer but lawyers tell me that the civil code that is prevalent in Goa and in Pondicherry is very near perfection and that it is equal to the civil code of any Latin country in Europe; it would be good if all over India this code is applied because I believe there is no civil code. Mr. Nath Pai will bear me out whether there is in India; there is a civil procedure code but I do not think there is any civil code.

Secondly there is another aspect of Latin administration: administrative tribunals. It does not exist in India. I believe that if we set up administrative tribunals in every State it is quite likely that nepotism and corruption may decrease. Mr. Nath Pai is one of the members of the anti-corruption committee; perhaps he may tell us whether it is advisable or not. So that if we apply the civil code and administrative tribunals to the rest of India instead of applying the civil laws of India to Goa, we could say that it was a contribution of Goa to the development of Indian law.

Then there is the problem of time that will be taken to bring about this change. Is it possible to do it quickly? I was surprised to find at the time of action or soon after that an *eminence grise* discovered that everything in Goa was bad. As the first thing, he abolished the certificates of death. We are now trying to impress on the Government to bring about the same type of registration of births and deaths. Sometimes ignorance leads to such things. A committee may, I suggest, be appointed to study the laws of Goa, the laws of Latin countries and compare them with the existing laws in India and I think that all of us will have a lot to profit, if such a work is done.

Dr. Colaco (Goa, Daman & Diu): Mr. Speaker, Sir, when this Bill was moved in this House the *prima facie* impression of its provisions was on the whole favourable but the second —and deeper—impression was not so acceptable without some restrictions and comprehensive modifications. Therefore, many amendments were presented in the Joint Committee including some amendments proposed by me. While discussing the provisions of the Bill and the various amendments, the whole picture appeared more and more clear. I personally found that some of the limitations therein were so intentional and purposeful that it would be useless and inappropriate to contradict them persistently, particularly because they were considered as precautionary and meant to work or come into operation only in special and even exceptional circumstances. The spirit of the law cast therefore finally some new light on the merits of this Bill as a whole. That is the only

reason why I could give my final support to the Bill under discussion, after the adoption of some relevant amendments during the sittings of the Joint Committee.

The entire matter can be on the whole summarised as follows. The powers of the local legislature and executive can be taken as divided into two stages or floors, the area of which covers practically, according to the words of the hon. Minister of State, the field of the State list and the concurrent list, subject to certain definite and not vague restrictions, as it was made clear. On the first floor, I may say, we see the administrator acting with the aid and advice of the Council of Ministers, and the Council of Ministers responding to the legislative assembly, as we find in all democratic organisations in which the Ministry has wider powers than the Governor or the administrator.

On the second or top floor, we see the same administrator endowed with some special functions and powers even some judicial or quasi-judicial powers, which he can exercise at his discretion under the control and coverage of the Central Government and of the President, while, at the same time the legislative powers of the local assembly are covered here and, I must stress, there also—by the rights, positively pointed out, of the Parliament and the President. We are, therefore, confronted at this stage by some kind of a superstructure, which would invalidate and neutralise partially the local autonomy and democratic administration of the territory. But, in accordance with the spirit of the law, as I stated, this superstructure is not intended to be a permanent system of brakes, but to be used only in very particular cases, and one expects and wants that this superstructure, I may say, be "catapulted" and discarded in time spontaneously enabling the normal democratic structure to work smoothly on the general pattern of the usual working of the State autonomy. We can hope, then, legitimately that the mould in which these territories were cast break itself automatically or deliberately, giving birth to a final set-up of a State in each or some of those territories.

As the hon. Minister of State pointed out in the Rajya Sabha, "the width of the legislative powers of the Assembly shall be as extensive as that of the State List, except that under the Constitution, the primary responsibility to administer these Territories is firstly that of the President, that is to say, the executve power, and the legislative power is that of Parliament." Again, "the difference between a State Legislature and this Legislature would be that, even in respect of matters which are transferred, which are committed to this Legislature, the legislative power of Parliament will remain. It is not intended that it shall be exercised. But, if it is exercised, then it shall prevail as against the power of the local Legislature". But, more emphatically and more clearly, the same hon. Minister gives us the following interpretation, in the same speech, a copy of which was sent to the Members of the Select Committee:

> "....I will wholeheartedly agree with the last speaker, an authority on constitutional law, that the law like this can also be amended, but without any Constitution being amended. Without the law being amended, conventions can grow and those which are regarded as not healthy can by disuse be allowed to fall into disuse, that the whole scheme may be so worked with understanding on both sides that the freedom broadens from precedent to precedent and that within the Bill itself, the brakes on the misuse of the power by the popular representatives will never come into operation. In this connection, I might remind the hon. Members of the Constitution of Canada, which has not yet been amended in the last

[Dr. Colaco]

seventy years. There are restrictions within, but those restrictions have ceased to be operative at all. I hope and trust that the same may be said about this Bill, that with the powers which have been given to the local representatives, they will be able to enjoy them without any kind of restriction."

One understands that many provisions of this Bill had to be somewhat artificially adjusted here and there, due to the fact that many different Territories, some of which had fought earnestly for their autonomous democratic administration, as was here stressed by the hon. Member, Shri Daji, had to be moulded on some common pattern, from which each one of them will have to emerge by and by, but without undue delay, in its proper colours and physiognomy. For due follow-up and appraisal of the democratic working of these Territories, kept now on some sort of an experimental basis, I would agree with the lucid proposal of the hon. Member of Rajya Sabha, Shri Jairamdas Daulatram, that some kind of a six-monthly or yearly survey of the local situation by the Home Ministry would be very helpful in the matter, as was also suggested, although in a different range of time, by the hon. Member of this House, Shri D. C. Sharma. Anyhow, I must say here and now that at least a few of these Territories will achieve soon the terminus of their natural history, as it happens in the United States of America from which country, as it was pointed out pertinently somewhere, the pattern of the Union Territories seems to have been borrowed. There is, in Goa at least—it is my duty to emphasise this fact—a strong current towards developing that part of the country into a State of the Indian Union, as I had to stress more than once in this House. The economic viability of the Territory can be demonstrated at any time—and I gave here a few elucidative facts and figures some time back—and, within the broad framework of national unity and common progress, the population of the Territory will be happy in this final set-up.

Having said this, I must underline now a few detailed points, which have also to be pondered and rethought for a while. Regarding the representation of Goa, Daman and Diu in Rajya Sabha, in accordance with the provision of article 80 of the Constitution, and the reintegration of Dadra and Nagar Haveli in the same Territory, although due to some technical difficulties, the issues cannot be discussed at this stage, I beg to submit that both problems have to be tackled as early as possible, as they are on the whole really important, and, as far as our representation in Rajya Sabha is concerned, I think that, in the particular condition of the working of our decentralised regime (not yet so perfect as desired), a representative in Rajya Sabha, along with other or others in Lok Sabha, can help to mitigate many difficulties and lead to an easier solution of many matters. Parliament will or may have a great measure of influence in our affairs and representatives in both Houses will have a wider scope of action for due assessment of the problems involved. If the Administrator has been invested with special responsibilities and the Home Ministry, according to the hon. Minister of State, will be answerable to Parliament for everything the same authority does or does not, we see the relevance of the point raised by me. About the status of Dadra and Nagar Haveli, I have not to repeat what I have said on the floor of this House more than once.

The other problem which is of direct interest to our Territory—as it happens in Pondicherry—is the preservation of our High Court, the oldest High Court in India, which, within the wide scope of the former and present legislation there prevailing, will continue to be an important sefeguard and guarantee of justice and order in the Territory, linked with the Supreme Court of Delhi.

About the Scheduled Castes, we have not in Goa, of course, an adequate census. Compared with the high percentages of 27 per cent in Himachal Pradesh and 15:4 per cent in Pondicherry, our percentage, as can also be inferred from an analogy with the adjoining districts of North Kanara and Ratnagiri, may be of the order of 3 per cent. If there are any important disabilities to be redressed on their behalf, the problem of reservation of seats for them can be reassessed after the next census and, meanwhile, a representative may be nominated, as decided. But, as the matter has been settled only temporarily, I beg to submit what I had already emphasised previously: that, in case of there being no *special* disabilities, no reservation of seats would be commendable, even if the percentage might be assessed at a higher figure, as it would lead unnecessarily to dividing artificially the local population into separate layers or closed compartments.....

Shri Sonavane (Pandharpur): Sir, he is making a wrong statement. I can prove that he is wrong.

Dr. Colaco: . . . that were not there before, as also the scheduled castes will be successively upgraded by a natural evolution of educational and other factors.

One more point only—and that not relative to the Territory I represent in this House. As regards the Territorial Councils in some Territories to be converted automatically, as it is intended, into Legislative Assemblies, due to the fact that elections had taken place therein very recently, with much expenditure incurred, and due also to some other important factors, I think that, even keeping aside any legal subtleties, all arguments could, if possible, be reconsidered, in order to give due satisfaction to at least a part of the population concerned. All these Territories are now at a turning point, and no stone must be left unturned to smooth their march towards real progress and self-government.

I will conclude. Our Territory will now be able to follow the path of its calm development, on wider and safer lines, given the fundamental fact that our culture, our mother-tongue and our homeland are fairly safeguarded and entrusted to our hands. Someone draws my attention to this beautiful sentence of Rigveda (translated, I think, literally into English): "Brethren, your mother-tongue, your native land and your culture, these three are beneficent goddesses: keep them in a niche of your hearts and worship them". That is what we earnestly want to do, unwilling to break these earthly goddesses—I say this as a humble challenge of my good people—expect at the feet of one true and real God.

Mr. Speaker: Shri Kamath has raised a point of order yesterday and he is of the opinion that no decision was given by the Chairman at that moment. His point of order was that the Constitution, as amended, article 239A, provided that Parliament may by law create for any of the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry a body, whether elected or partly nominated and partly elected, to function as a Legislature for the Union Territory, and because there are clauses in the Bill itself that the present Territorial Councils would continue and shall be deemed as Legislatures for thos Union Territories, those provisions are, he feels, *utra vires* of this Constitution article which we have adopted earlier. I have gone through the debates and I find the reply of the hon. Home Minister was that though, of course, the law that is being made here is for partly nominated and partly elected bodies, in the interval we have to make some arrangement, unless we are prepared ultimately to come to that stage where those partly elected and partly nominated bodies, as we desire in the Bill itself, can be constituted. He

[Mr. Speaker]

cited the instance, so far as the Constituent Assembly was concerned. When we had adopted the Constitution, at that moment, though the Constituent Assembly had not been elected according to the provisions of the Constitution itself, the Constitution did contain a provision that the Constituent Assembly shall be deemed as the provisional Parliament till those elections had taken place. Even without going into the question whether it is a valid answer to the objection raised by Shri Kamath or not, I should say that Shri Kamath knows it very well that the Chair does not take upon itself the responsibility of declaring whether a provision of law that is brought before the House is *ultra vires* of the Constitution or not. It can only allow discussion so that Members might make or give their opinions and then take a decision on that. Therefore I am not making an exception in this particular case so that I might give an opinion on that. The point is before the House and Members would consider it. He wanted a decision from me and so I am saying that it is not for the Chair to declare the constitutionality of a provision or say it is *ultra vires*. That would be left to the courts. So, it is for the House to take any decision they like, keeping in view all those objections that are taken by the hon. Members themselves.

Shri Hari Vishnu Kamath: Sir, a point of clarification and guidance for the future. I am not going into the point of the Constituent Assembly because you have yourself said "apart from that".

Mr. Speaker: Then I was only referring to the answer that has been given.

Shri Hari Vishnu Kamath: I think in the Constitution itself there is a provision concerning the Constituent Assembly.

Mr. Speaker: I have not based my ruling on that.

Shri Hari Vishnu Kamath: I am not going into it because you have not based your ruling on that. But may I submit that rule 376 provides for a point of order being raised either with regard to the rules of procedure or points relating to the Constitution. Now, if your ruling is to stand--and it must stand, of course, valid for all time—then it becomes, in my humble judgment, almost futile to raise any point relating to the Constitution, because every time you, or whoever might be occupying the Chair, may say that it is a point relating to the Constitution and the courts may decide it. So, the rule, as it stands, does enable us to raise points relating to the Constitution and also you, the Chairman or the Deputy-Speaker, whoever is there, to decide the point relating to the Constitution. That is what I humbly submit.

I will only refer briefly to another point. The transitional period was referred to. The transitional period in this case is going to be as long as five years. By no stretch of imagination can a period of five years be called a transitional period. I can understand if it is a period of three months, six months, nine months or at the most one year. But a period of five years cannot be a transitional period for a nominated legislature to function.

Mr. Speaker: So far as rule 376 that has been referred to is concerned, of course it is the right of an hon. Member to raise that point of order, namely, that something is *ultra vires* and unconstitutional. But is there a rule also laying down that it would be incumbent upon the Chair to give its decision in a particular case or not? It is not my ruling that I am giving at this moment. I am not departing from the procedure that has been adopted so far during the last 15 years. The hon. Member has been in the Lok Sabha . . .

Shri Hari Vishnu Kamath: I have been here off and on.

Mr. Speaker: He has been here for a long time though some interruption might have come unfortunately for us—I do not say unfortunately for him, because he might have enjoyed it better, but unfortunately for us that interruption did come.

Shri Hari Vishnu Kamath: Thank you.

Mr Speaker: Continuously it has been held by every Speaker that it is not for the Chair to make such declarations and decide this point Therefore I am sorry cannot decide that. Shri Dwivedy:

Shri Nath Pai (Rajapur): Call the Attorney-General.

Shri Hari Vishnu Kamath: The Attorney-General should be called.

Mr. Speaker: Then too hon. Members will have to decide and not the Attorney-General. It is for the Members to decide. Can the Attorney-General decide?

Shri Hari Vishnu Kamath: It is by vote.

Shri Nath Pai: We never need him to make up our mind. We need him only to asist us in analysing coplicated points.

Shri C. K. Bhattacharyya (Raiganj): I have a submission to make. Is it accepted that the decision of hon. Members individually and collectively on the question of *ultra vires* or *intra vires of the* proposition is better than that of the Chair?

Mr. Speaker: It is not so intended. But because the House takes a decision, the points of fact and the points of law are so crowded or lumped up together that it cannot be said that the House has taken a decision merely on the points of law, on the constitutionality or otherwise of that procedure or of that law—but if I take it upon myself, it would be one decision and probably the Supreme Court might differ from me—in that case the House would not lower its dignity. There might be difference between the Speaker's decision and the Supreme Court's decision. It is advisable that the Chair should not take a decision on that point. Because the House does not give a clear verdict whether a particular thing is constitutional or not, it is lifet to the Supreme Court and the provisions are taken on facts al.o, on the merits also as well as Members are entitled to consider the constitutional point. So, when it goes to the Supreme Court it does not appear, even if it comes to a conclusion that it is *ultra vires*, or it does not really reflect against the House because other considerations might have weighed more heavily at that moment and probably no direct attention might have been paid to that.

Shri Hari Vishnu Kamath: Under rule 376, sub-rule (3) may I not ask that it is incumbent on you, once you hold that it is a point of order, that you should give a decision on that point of order?

Mr. Speaker: It is rather such a point that it is not a point of order.

Shri Tridib Kumar Chaudhuri: There are certain . . .

Mr. Speaker: It is such an established practice here that now it is no use arguing about it.

Shri Tridib Kumar Chaudhuri: I know it. Does your ruling also mean that we are prevented, the House is prevented, from giving its opinion, or, you are prevented, as the custodian of the rights of the House from giving any ruling on those procedural questions where certain procedures for consideration of a Bill are laid down in the Constitution and if those procedures are not observed?

Mr. Speaker: No one is prevented I have only said it is not advisable

[Mr. Speaker]

and the Chair does not normally take it upon itself. There might be certain procedural points perhaps on which it might become necessary. I have not said I am precluded from that.

Shri Hari Vishnu Kamath: There has not been a single instance where the Chair has held up any particular Bill or a particular clause of the Bill.

Mr. Speaker: There is none.

Shri Hari Vishnu Kamath: It is very unfortunate.

Mr. Speaker: Sometimes we have to accept unfortunate things also.

Shri Nath Pai: Mr. Speaker, Sir, it would not be for me to try to be dogmatic as to whether Mr. Kamath is right or not. I am inclined to think, with my modicum of knowledge, that he is right. Is it not desirable that the House gets the benefit of the Law Minister? The point was raised yesterday. And what do we have the Law Ministry for? I do not want to cast aspersions on him. But it is repeatedly happening that the main functionary of the Government who is supposed to formulate points of law, when they are raised in the House, is habitually absent. Would you, Sir, convey our grievance to him . . . . (Interruption)

Shri Hari Vishnu Kamath: He was specifically summoned. And he did not wait for your ruling, Sir. He wanted the Chairman's ruling straight way. I do not know why he was so impatient.

Mr. Speaker: I would convey the feelings, or rather send the proceedings to him.

Shri Hari Vishnu Kamath: He came to give any opinion, if at all . . . (*Interruption*) He wanted the Chairman's ruling straightway.

Mr. Speaker: Let us proceed with the Bill now.

Shri Nath Pai: What do we have the Law Ministry for? (*Interruption*)

Mr. Speaker: Shri Surendranath Dwivedy.

Shri Surendranath Dwivedy (Kendrapara): Sir, it is rather strange that a democratic Government at the Centre would bring in a Bill of this nature to confer full democratic rights to large number of our own citizens and yet refuse to give them full democratic rights as are being enjoyed in the rest of the country. I do not for a moment understand this attitude. Either you trust the people, or you do not give them any power whatsoever. If because of agitation in these parts, because of their hesitation and because they could not decide as to what form of Government should be introduced in these parts—even after the recommendation of the States Reorganisation Committee they were rathr forced to take a decision to initate some measure—then, I think proper thought should have been given to the whole question.

12.43 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

To me it appears, it is being hustled by the agitation. On account of political compulsions, they just try to satisfy the sentiments of the people by just introducing this Bill which is nothing but a repitition of what the people of Part 'C' States were enjoying.

When we discussed this matter in greater detail in the Select Committee, whenever any amendment was brought in for improving upon this Bill—of course, some improvements have taken place—the Home Ministry always came forward with an argument saying, "We have bodily brought whatever there was in the Constitution regarding Part 'C' States." I would like to know, is that the proper approach? Do you really want to deprive a large number of our citizens, even after 15 years of our democratic republic, of

full rights? That is what this Bill really intends to do. There is a considerable dissatisfaction all through. Even from the amendments that were tabled by the Members of the Select Committee which was being presided by you, Mr. Deputy Speaker, as the Chairman of the Select Committee, it has become very clear that about the institution of administrator, giving special responsibilities to the administrator who will actually, for all practical purposes be the real ruler of these regions, almost unanimously people were against any such proposal. They wanted, after all, let us have the same type of administration and legislature as is prevalent in other parts of the country. The Home Miister yesterday seems to have stated that the real thing that ought to be done is that these areas should be merged in the adjoining States. That is a good proposition, I would say. But, if, ultimately, that has to be done, what was the necessity and urgency for this at this moment? If, on account of the peculiar circumstances prevailing at our border,—some of these States are just on the border—you are not willing to give them full powers at this moment, it would have been better for us to wait for a certain period and then give them full responsible Government. After all, even if this Bill is pssed, the full provisions of the Bill are not going to be implemented and the new legislature is not going to be elected. The Trritorial council will be extended and it will function as the legislature these areas. Therefore, it is merely to satisfy the people on paper. Nothing else.

Then, again, my hon. friend Dr. Gaitonde was speaking about nomination, this and that. It has been opposed almost by the entire opposition. We have apposed this nomination. Why? What is this nomination meant for in an elected body? There will be an elected legislature. The nomination system is tht most pernicious system, I would say. There was a time when there were partially excluded areas and exluded areas, under the exclusive responsibility of the Govnor. Then, one can understand and they were having provision for nominated persons who specially represented those areas.

Dr. Gaitonde: Chiefly for the depressed classes.

Shri Surendranath Dwivedy: It is not written down here. It may be in their mind. Here, it is written, so far as nomination is concerned, only government servants will not be nominated. It is not stated that those who will be nominated will be representing any special interests, or who cannot be represented in the House through the election. That is not clearly mentioned. Then, again, the number has been increased from 2 to 3. As has been rightly pointed out by the previous speaker, this is a device by which if the ruling party or the party which is in power is not in a majority, by this nomination, a minority can be converted into a majority. That is what we are finding here. Dr. Gaitonde will excuse me; this is no personal reference to him. He is a very god friend of mine . . .

Shri Hem Barua (Gauhati): A good man also.

Shri Hari Vishnu Kamath: And a competent surgeon.

Shri Surendranath Dwivedy: . . very social and likeable also. But, we are surprised to find, invariably, whenever anybody is nominated, although he had no remote connection with the Congress party, as soon as he is nominated, we will find him adorning those benches.. I do not know how this happens.

Dr. L. M. Singhvi (Jodhpur): We have two here in the opposition.

Shri Surendranath Dwivedy: Of course, barring Shri Frank Anthony and Shri Barrow

Dr. Gaitonde: In the Committee, only with the exception of the oppositon parties, everybody agreed. There were only two nominated.

Shri Surendranath Dwivedy: To increase?

Dr. Gaitonde: To nomination.

Shri Surendranath Dwivedy: I am opposing the entire principle of nomination.

Dr. Gaitonde: I am answering your remarks. As regards the nomination of persons, I say that the entire Committee with the exception of the opposition parties accepted this principle. Of all the people there were only two nominatd. Nomination has nothing to do with this. This is logic.

Shri Surendranath Dwivedy: It may be that because of the whip, it was not possible for you to speak out your mind clearly. Let us not go into that. It is a question of principle whether, after all, you will have nomination or not. Not only that. We were thinking that it will probably be accepted and the sub-clause in clause 3 which provides for nomination would be deleted. But, strangely enough, again, the number has been increased from two to three. Somebody must have calculated that if the number were two, then, probably, the real intention would not be served. Anyway, this is a very strange manoeuvre which has been resorted to.

Dr. Gaitonde: I had very clearly said that these nominations should go to the depressed classes.

Shri Surendranath Dwivedy: I am not contesting his intentions, but we must go by what is provided for in this Bill.

So far as the Administrator is concerned, I do not say that there has been any improvement in the Bill as it has emerged from the Joint Committee. No doubt, some of the changes made are very good. For instance, I may say that the Administrator will not participate in the proceedings of the Assembly, that he will no longer preside over the meetings of the Council of Ministers, and so on. All these are good things. But, then, again, the Administrator is given certain powers whereby the things which are under his special responsibility may not be questioned in the Legislative Assembly. That is a very funny thing. What is this special responsibility for? It has been stated that this special responsibility is meant for meeting urgent and emergent situations, because the area is a border area I could understand if it were said that the border area or a border conflict or any such emergent situation is as much a concern of the people's representatives as that of the Administrator. But we find that the people's repdesentatives have nothing to say in this matter Even the Legislature could not discuss this matter, and it would be completely prohibited from doing so.

In the Government of India Act earlier there was a provision for individual judgment, and special responsibility. Here also, one could understand if the legislature had been given full powers to discuss matters and then the Administrator had been given a special responsibility for administrative reasons. One could understand if that had been done because in that case the views of the elected representatives of the people also could have been taken into account. But that has not been done. The exclusive responsibility is that of the Administrator.

Besides, there is a provision in this Bill that in case of a difference between the Administrator and the Council of Ministers, the point of difference should be referred to the President. But before the opinion of the President is received, the Administrator has the authority and the power to take such action as he thinks necessary. Just think of the situation. We are all

functioning in a democratic parliamentary system, and we have an elected Government, which commands a majority in the House. Suppose, rightly or wrongly, they take into account a particular situation and come to a decision. A person who has nothing to do with the people or with the elections, and who is not an elected man, comes and interferes, and says, no, it is wrong, you cannot do it. And not only that, he can also take action immediately if necessary, if the situation is so urgent. I do not know what the urgency about it is. I do not think that the elected representatives would be so foolish and stupid as not to consider the circumstances, and would just go amuck cannot visualise such a situation even for an instant. Even in such a case, the Administrator need not wait for the decision of the President, but he is given full powers to carry on as he wishes, although he differs from the Council of Ministers. What would happen in actual practice in such a case? There will be a perpetual conflict between the Administrator and the Council of Ministers, and the administration of the area would come to a standstill or to a deadlock. Some of us in the Joint Committee, therefore, demanded the deletion of this particular provision, namely the proviso to caluse 44 (1).

Then, there is the question of election to these Legislative Assemblies. I think that it is proper that elections should be held to these new legislative bodies without much delay. Not only have we raised the age of the legislators, which will qualify them to stand as candidates, from 21 to 25 years, but there is a provision for the constitution of a Council of Ministers and so on, which is not existent in the present system. When the elections to the Territorial Councils took place, because those bodies did not have substantial power, the people naturally might not have taken that much of interest in the elections which they should have taken. Therefore, it is but right and proper that opportunities should be given to the people now to elect such persons as can hold responsibilities in these areas and join the Council of Ministers.

There is no question of emergency now, because we are having bye-elections all over the country. So, we can hold elections in these territories also. After all, these areas are small, and the expenses also would not be very much, and I am sure the elections would be conducted peacefully. Therefore, I would urge that the elections should not be postponed. Within six months, let the elections to the new Legislative Assemblies be held, and let the present Teritorial Councils be replaced by the new elected Legislatures.

Shri S. T. Singh (Inner Manipur): I heartily welcome this Union Territories Bill. First, I would like to express my gratefulness to the Home Minister So far as I know, he is the one single busiest Minister, but even in the midst of a life-and-death struggle for survival against the wanton aggression by the Chinese, he spared some of his heavily engaged time to redress the genuine grievances, and fulfil the aspirations of the neglected people of the Union Teritories. The Bill is, however. with a string, though it gives ample room to the local people to share the responsibility of the administration. I hope that there will be an all-round improvement.

The people of the Union Territories should be grateful to the Government of India for the huge subsidy which they are paying to meet the deficit finance of these areas. This shows the statesmanlike wisdom of the Centre which has been bearing this burden as it has realised that these small unviable units could come up to the all-India standard only as separate entities. But to remain as separate entities under a bureaucrat is quite meaningless in the present context. However, the Centre is reluctant to give full powers, and it is keeping the strings in its hands so far, I suppose, to arrest any possible misgovernment. But I would submit that the provision is there in the Constitution

[Shri S. T. Singh]

to the effect that the Centre can interfere when there is misgovernment in any State, as for instansce in ment in any State, as for instance in Kerala. Therefore, I submit that a fully responsible government without any string whatsover may be given to these territories in the near future. This will, on the one hand, relieve the Home Ministry of a heavy burden of administring those areas and on the other, give full responsibility to the local people who alone, the Centre accepted in principle, can give better and quicker results.

13 hrs.

As the Home Minister said yesterday, the question of merger is never ruled out. But it can come only when the smaller unit is willing to be merged. A time will surely come when the people of the smaller unit will find, when they are economically and educationally not lagging behind, as is not the case today, that apart from the question of non-viability, it is uneconomic and a great disadvantage to be in a small unit. The proposed step is simply a prelude to aclimatising togetherness. The future problems will be too heavy for any smaller division.

I have spoken on Union Territories in general. Now I shall deal with Manipur in particular. Manipur has its own problems quite different from those of the other Territories. Its problem is more akin to that of Nagaland. Manipur has been isolated for good or for evil from the rest of India as Nagaland till recently. Both the people have the same grievances and similar peculiar problems to deal with in their own way.

I would like to stress the point that Manipur deserves a separate treatment like Nagaland. For the last 13 years since integration, our people with a feeling of encroachment on their rights have been agitating for a full-fledged Assembly. Notwithstanding a generous subsidy to the deficit fund, they could not be at home with the drastic change since integration. Nagaland, for the same ills, is demanding an indepedent sovereign State. It has gone too far. Taking into account all factors, population, area, income an other matters, I do not see any reason why Manipur should not be granted statehood. I am afraid there cannot be any other explanation than that the people of Manipur are not hostile and are demanding less—this is the only explanation. I appeal to the Home Minister once again to re-examine the case of Manipur with sympathetic attention in the light of the above considerations.

I submit some points for the Home Minister: an amendment of the Constitution to the effect that Assembly members of the Union Territories will participate in the election of the President of India; quick despatch of allotted funds. Lack of this was a great handicap in the past in the administration of these areas. Sometimes a certain fund comes in the month of March; quick implementation of the proposed scheme of a Public Service Commission for all Union Territories excluding Delhi. Nagaland may be included in this; and the people of the Union Territories may be given some chance in the higher services, as they have not the advantages of the scheduled castes and scheduled tribes, nor are they able to compete with their advanced counterparts.

To recapitulate, my main points are: (1) All Union Teritories should be States, (2) Merger on the consent of the teritories concerned, (3) Merger should come sooner or later, but no riding roughshod over policy, and (4) Manipur should be equated with Nagaland.

श्री बड़े (खारगोन) : माननीय उपाध्यक्ष महोदय, मैं इस बिल का दो मुद्दों पर विरोध करता हूं । पहले तो मैं यह कहना चाहता हूं कि इन यूनियन टेरीटरीज को आस-पास के बड़े बड़े प्रदेशों में मिला देना चाहिए ।

मैं आप को बताना चाहता हूं कि जहां तक गोआ का सम्बन्ध है, वह रत्नागिरि डिट्रिक्ट के बिल्कुल दक्षिण में स्थित है । रत्नागिरि डिस्ट्रिक्ट को कोंकण कहा जाता है और वहां के लोगों को कोंकणस्थ । वहां की भाषा मराठी कोंकणी है और गोआ की भाषा भी कोंकणी है । इसलिए गोआ को महाराष्ट्र में मिला देना चाहिए था । बल्कि मेरा सुझाव है कि बम्बई से ले कर गोआ तक जो कोंकण पट्टी है, उस को महाराष्ट्र में मिला देना चाहिए था । इस से उस क्षेत्र की एकानोमिक डेवेलपमेंट में सहायता मिलती ।

जहां तक हिमाचल प्रदेश, त्रिपुरा और मणिपुर का सम्बन्ध है, स्टेट्स री-आर्गनाइज़ेशन कमीशन ने यह सिफ़ारिश की थी कि उन की आर्थिक प्रगति के लिए यह आवश्यक है कि उन को आस-पास की बड़ी बड़ी स्टेट्स में मिला दिया जाये । लेकिन शासन ने ऐसा न कर के वहां की शासन-व्यवस्था के लिए यह बिल पेश किया है । जब एक बच्चा रोता है, तो उस को बहलाने के लिए एक खिलौना दे दिया जाता है । उसी प्रकार इन क्षेत्रों को संतुष्ट करने के लिए यह बिल लाया गया है । हिन्दी में कहते हैं, "मांगने गई थी पूत और खो आई भरतार" । कहते हैं कि एक स्त्री किसी देवता के पास पुत्र मांगने गई, मगर वहां पर उस को ऐसा शाप मिल गया कि उस को अपना खाविंद खोना पड़ा । यही स्थिति इन क्षेत्रों की हुई है । वहां के लोगों ने मांग की थी कि हम को पापुलर डेमोक्रेटिक गवर्नमेंट मिलनी चाहिए, लेकिन उस के बजाये उन को अनपापुलर अनडेमोक्रेटिक गवर्नमेंट इस बिल के द्वारा मिलने वाली है । मैं उस को अनपापुलर और अनडेमोक्रेटिक इसलिए कहता हूं कि इस बिल की धारा ५४ में यह व्यवस्था की गई है कि इन क्षेत्रों में इस समय जो कौंसिल हैं, उन को ही लेजिस्लेटिव एसेम्बलीज़ माना जायगा । यह कैसी डेमोक्रेसी है ?? ब्रिटिश गवर्नमेंट चली गई, अंग्रेज़ चले गये । जहां तक कांग्रेस का सम्बन्ध है, हमारे यहां लोग उस को 'का—अंग्रेज़' कहते हैं, क्योंकि वह भी अंग्रेज़ी की नीति का अनुसरण कर रही है ।

उपाध्यक्ष महोदय, आप जानते हैं कि भारत वर्ष ने अंग्रेज़ों से स्वराज्य मांगा था, लेकिन अंग्रेज़ों ने बड़ी मुश्किल से १९३५ का गवर्नमेंट आफ़ इंडिया एक्ट पास कर के उस को एक खिलौना दे दिया । इस बिल के द्वारा इन क्षेत्रों के लिए एडमिनिस्ट्रेटर की नियुक्ति की गई है । होल्कर स्टेट का रहने वाला होने की वजह से मुझे मालूम है कि ब्रिटिश गवर्नमेंट ने हमारी स्टेट में एक पोलीटिकल एजेन्ट मुकर्रर किया था, जिस का काम यह देखना था कि स्टेट ठीक तरह से काम कर रही है या नहीं और वह ब्रिटिश गवर्नमेंट के ख़िलाफ़ तो काम नहीं कर रही है । वह पोलीटिकल एजेन्ट स्टेट के रोज़ के काम-काज में और शासन-व्यवस्था में हस्तक्षेप करता था, जिस के कारण स्टेट इतनी त्रस्त हो गई थी कि वह चाहती थी कि पोलीटिकल एजेन्ट हमारे यहां से चला जाये । आज कांग्रेस शासन इन यूनियन टेरीटरीज़ में एडमिनिस्ट्रेटर्ज़ के रूप में अपने पोलीटिकल एजेन्ट रखने जा रही है ।

धारा ५४ में लिखा है कि टेरीटोरियल कौंसिल्ज़ में जो सदस्य चुने हुए हैं, वही लेजिस्लेटिव एसेम्बलीज़ के लिए इलेक्टिड माने जायेंगे । इस का अर्थ तो यह है कि दिन को रात माना जायगा और रात को दिन माना जायगा । मैं निवेदन करना चाहता हूं कि यह उन लोगों के साथ धोखा करना है, जिन्होंने अपने क्षेत्रों में डेमोक्रेटिक गवर्नमेंट की मांग की है । इस लिए इस बिल में से धारा ५४ को निकाल देना चाहिए और उस के बदले यह व्यवस्था करनी चाहिए कि तीन या चार महीने के अन्दर वहां पर इलेक्टिड बाडीज़ के द्वारा डेमोक्रेटिक गवर्नमेंट

[श्री बड़े]

दी जायेगी । लेकिन इस बिल में ऐसी व्यवस्था नहीं की गई है ।

एडमिनिस्ट्रेटर के बारे में इस बिल में कहा गया है कि उस को डिस्क्रीशन होगी और उस के विषय में उस से कोई सवाल नहीं पूछा जा सकेगा । यदि मिनिस्टर्ज और एडमिनिस्ट्रेटर में कोई डिफ्रेंस हो गया, तो एडमिनिस्ट्रेटर का कहना ही माना जायेगा । कब तक माना जायेगा ? तब तक माना जायेगा, जब तक कि प्रेजिडेंट अपना मत नहीं दे देता है ।

डा० मा० श्री० अणे (नागपुर) : जब तक एक्ट रहेगा ।

श्री बड़े : अणे साहब कहते हैं कि तब तक रहेगा जब तक एडमिनिस्ट्रेटर रहेगा, जब तक वह राज्य करेगा जब तक एक्ट रहेगा । मैं तो समझता हूं कि आप डेमोक्रेटिक गवर्नमेंट देने के बजाय एक खिलोना हाउस दे रहे हैं । चाहिये तो दरअसल में यह था कि आज ही इलैक्शन करवा कर छः सात महीने में इन यूनियन टैरिटरीज को डेमोक्रेटिक सैट अप देते लेकिन ऐसा न कर के आप उन को एक खोखला सा चार्ज दे रहे हैं । जब कोई किसी चार्ज की मांग करता है तो कांग्रेस गवर्नमेंट की तरफ से ऐसा शो किया जाता है कि जो कुछ दिया जा रहा है, वह बहुत अच्छा है, और ऐसा करते हुए उन के साथ बड़ी मेहरबानी की जा रही है, बड़ी कृपा की जा रही है लेकिन वास्तव में देखा जाय तो वह कुछ भी नहीं होता है, खोखला सा चार्ज होता है ।

इस में आप ने एक नामिनेशन का प्राविजन भी रखा है । नामिनेशन के बारे में हमारा भी कटु अनुभव है । जब हमारे यहां ए बी सी और डी स्टट्स थीं तो उस वक्त हमारी स्टेट बी स्टेट थी । उस ने जितने एक्ट बनाये थे, म्यूनिसिपैलिटीज के लिए उन सब में व्यवस्था की गई थी कि कुछ मैम्बर नामिनेटेड होंगे । नामिनेटिड मैम्बर क्यों रखे जाते हैं, यह अधिकार अपने हाथों में क्यों सुरक्षित रखा जाता है, इस को आप देखें । चूंकि इतने कांग्रेस के मैम्बर चुन कर बहुमत से नहीं आवेंगे तो शासक अपना काम करने लायक मैजारिटी बना सकें, इसलिए कांग्रेस गवर्नमेंट अपने हाथ में यह अधिकार सुरक्षित रखती है कि उन मैम्बरों को जोकि उस का साथ दे सकते हों, नामिनेट करवा कर खुद वह मैजारिटी में आ जायें । जिन किन्हीं को भी नामिनेट किया जाता है वे कांग्रेस का ही साथ देते हैं । जब इस के बारे में शिकायत की जाती है तो कहा जाता है कि कलैक्टर साहब की मार्फत नाम मंगाये गये थे और उन में से ही इन को चुन लिया गया । जो पार्ट बी स्टेट्स के एडमिनिस्ट्रेटर हुआ करते थे उन की तरफ से हमेशा ही इस तरह का जवाब दे दिया जाया करता था कि कलैक्टर साहब ने छः का पेनल भेज दिया था और उन में से ही हम ने तीन को नामिनेट कर दिया है । यही चार्ज अब होने वाला है । इस तरह की गड़बड़ी कर के कांग्रेस अपनी मैजारिटी बना लेती है और इस का नतीजा यह होता है कि म्यूनिसिपैलिटी में कभी भी अपोजीशन की मैजारिटी नहीं हो पाती है । इसलिए मैं कहना चाहता हूं कि यह जो नामिनेशन का इस में प्राविजन रखा गया है यह बिल्कुल गलत है । इस में इस के सम्बन्ध में जो डाइसेंटिंग नोट दिया गया है, उस से मैं बिल्कुल सहमत हूं । दुर्भाग्य से चूंकि मैं बीमार था इसलिए मैम्बर होते हुए भी मैं डाइसेंटिंग नोट नहीं दे सका ।

आप ने इस में एडमिनिस्ट्रेटर जो रखा है और इस को जो यह नाम दिया है, यह किस तरह से दे दिया है, मेरी समझ में नहीं आता है । आप उस को लैफ्टिनेंट गवर्नर नाम दे सकते थे या कोई दूसरा नाम दे

सकते हैं। एडमिनिस्ट्रेटर शब्द ऐसा है जिस में यह ध्वनि निकलता है कि बाई फोर्स बाहर से ला कर उन के ऊपर उस को नियुक्त कर दिया गया है और स्कूल मास्टर सरीखा वह है और अपने हाथ में केन ले कर वह देखता रहेगा कि आया राज्य का काम ठीक चलता है या नहीं चलता है। इस से तो ऐसा हीन भावना उत्पन्न होता है। यह बात एक डेमोक्रेटिक गवर्नमेंट के लिए उचित नहीं है और इसलिए मैं इस का विरोध करता हूं।

सैक्शन ६ (२) में कहा गया है कि वह इस को डिसाल्व भी कर सकेगा, कभी भी वह ऐसा कर सकेगा। इस क्लाज के अन्तर्गत कब वह डिसाल्व करेगा, कुछ पता नहीं है। जब चाहे वह उस को डिसाल्व कर सकता है, इस प्रकार का जो पावर दी गई है यह दरअसल प्रोग्रेसिव स्टेट जो कहा जाता है, उस के लिए अच्छा नहीं है। आप की तरफ से यह कहा जाता है कि ब्रिटिश गवर्नमेंट ने आप को बराबर राज्य दिया नहीं और इस को ले कर आप काफी उस का टीका टिप्पणी करते थे, लेकिन आज जबकि आप के हाथ में ही ताकत है, आप के हाथ में ही पावर है और अपने आदमियों को ही आप उस को ट्रांसफर कर रहे हैं, किसी बाहर वाले को नहीं दे रहे हैं, तब आप क्या उन को देते हैं यह उस का प्रत्यक्ष उदाहरण है। गोआ के लोगों ने तथा दूसरों ने भी हिन्दुस्तान में आने के वास्ते खटपट किया है और अब आप की तरफ से उन लोगों को यह जो चीज दी जा रही है जोकि अन-डेमोक्रेटिक मालूम पड़ता है, यह उचित नहीं है। इस में कोई भी डेमोक्रेटिक एलीमेंट्स नहीं है। दिखाने को तो आप ऐसा दिखाते हैं कि हिमाचल प्रदेश, मनीपुर, त्रिपुरा, गोआ आदि प्रदेशों को आप सब कुछ देना चाहते हैं, उन के लिए सब कुछ करना चाहते हैं, लैजिस्लेचर देना चाहते हैं, कैबिनट देना चाहते हैं और साथ साथ उन के ऊपर जवाबदारी डालना चाहते हैं, लेकिन आप यह नहीं देखते हैं कि लोग इस का हंसी, मजाक और ठट्ठा कर रहे हैं।

यहां पर एक प्वाइंट आफ आर्डर उठाया गया था जिस के जवाब में कहा गया है यह प्राविजनल हो सकता है, ट्रांजिशनल हो सकता है। लेकिन इस ट्रांजिशनल की क्या आपके पास कुछ व्यवस्था भी है या नहीं है। कहीं इस तरह से तो नहीं है कि जब पूछा जाता है कि अमुक कमेटी अपनी रिपोर्ट कब देगी तो जवाब दे दिया जाता है, शीघ्रातिशीघ्र देगी और दूसरी बार जब पूछा जाता है कि कब देगी तो फिर कह दिया जाता है कि शीघ्रातिशीघ्र देगी और इस तरह से दो दो और तीन तीन सालों तक कमेटी की रिपोर्ट आती नहीं है और आप शीघ्रातिशीघ्र की कोई डेफीनीशन नहीं कर पाते हैं, उसी तरह से इसकी कोई डेफीनीशन आप नहीं कर सकते हैं। पांच साल तक अगर यह ट्रांजिशनल पीरियड चलता है तो कौन सी डिकशनरी में यह लिखा हुआ है कि इतने पीरियड तक यह ट्रांजिशनल कहा जा सकता है। अगर आप यहां पालियामेंट में खड़े हो कर यह कहते हैं कि यह ट्रांजिशनल प्राविजन है और पांच साल के लिये है तो जैसे मराठी में कहा जाता है थोड़ा सा जन लज्जा का तो आप ख्याल रखें, लोग क्या कहेंगे इसको तो देखें। जो क्लाज ५४ है, इसका मैं विरोध करता हूं।

अब मैं स्टेट्स रिआर्गेनाइजेशन कमिशन ने १९५५ में अपनी रिपोर्ट में जो कुछ कहा था और जो सिफारिश की थी, उसको आपके सामने रखना चाहता हूं। उसने हिमाचल प्रदेश के वास्ते, त्रिपुरा इत्यादि के वास्ते पेज १९८ में कहा था :—

"We wish to repeat that, if a unit such as Manipur wishes to have representative government at the state level, it must be prepared to join a larger unit. It cannot insist on a separate existence, and demand at the same time,

[श्री बड़े]

substantial central aid not only for its economic development but also for the maintenance of expensive representative institutions and uneconomic administrative agencies."

इस सारी रिपोर्ट में यह लिखा हुआ है कि जो छोटी छोटी टैरिटरीज हैं, इनको पास के बड़े प्रदेशों के साथ मिला दिया जाना चाहिये और ए, बी, सी और डी का जो भेद है, इसको समाप्त कर दिया जाना चाहिये, इसको जो माना नहीं जाता है यह बहुत गलत है, बहुत रांग है। यह सिफारिश १९५५ की है। जब आप ब्रिटिश गवर्नमैंट के पद चिन्हों पर चलते हैं, तो यह जो कमिशन ने कह था कि छोटे छोटे एरियाज जो हैं, ये अनइकोनोमिक हो जाते हैं। इसलिये इनको पास वाली बड़ी स्टेट्स में मिला दिया जाना चाहिये, इसको आप क्यों नहीं मानते हैं।इससे उनकी इकोनोमिक हालत बहुत अच्छी हो सकती है।

एक आखिरी बात मैं हाई कोर्टस के बारे में कहना चाहता हूं। इस में कहीं यह लिखा हुआ है कि कौन सी हाई कोर्ट किस के साथ लगेगी, मद्रास के पास जो टैरिट्री लगती है, उसके साथ मद्रास की हाई कोर्ट लगेगी तथा महाराष्ट्र की हाई कोर्ट गोआ के लिये भी होगी। इस तरह का कोई भी प्राविजन इस में आपने नहीं रखा है। इस तरह का प्राविजन भी आपको रखना चाहिये था। इसका खुलासा होना बहुत जरूरी था।

मैं इस बिल कों दो मुद्दों की बिना पर अपोज करता हूं। पहली बात तो यह है कि आप अनडेमोक्रेटिक चीज उनको दे रहे हैं, पूरी पावर्ज नहीं दे रहे हैं, काम करने की पूरी स्वतंत्रता नहीं दे रहे हैं और दूसरे यह कि स्टेट्स रिआर्गेनाइजेशन कमिशन ने छोटी छोटी स्टेट्स को बड़ी स्टेट्स में मिलाने की जो सिफारिश की थी, उसको आप मान नहीं रहे है, उस पर आप अमल नहीं कर रहे हैं।

श्री प्रताप सिंह (सिरमूर) : उपाध्यक्ष महोदय, इस बिल का स्वागत करते हुये मैं इस बिल को इस शक्ल में लाने के लिये माननीय लाल बहादुर शास्त्री जी को बधाई पेश करना चाहता हूं। मैं ज्वायंट सिलेक्ट कमेटी को भी बधाई देना चाहता हूं कि अब जिस शक्ल में उसने इस बिल को वापिस भेजा है वह बहुत सराहनीय है और इस में जो खामियां थीं, उन में से बहुत सी खामियों को उसने दूर कर दिया है।

सब से बड़ी जो खामी इस विधेयक में थी जब पहले पहल यह पेश किया गया था, यह थी कि सैक्शन ४४ के अन्तर्गत एडमिनस्ट्रेटर को यह अधिकार दिया गया था कि वह काउंसिल आफ मिनिस्टर्ज की बैठकों पर प्रिजाइड करे। इसको हटा कर बहुत अच्छा कार्य किया गया है और इसके लिये मैं आपका आभारी हूं। मैं आपको बतलाना चाहता हूं कि हिमाचल प्रदेश पार्ट सी स्टेट रह चुकी है। इस धारा को, जो वहां पहले रखा गया था, लेकर जो जो खराबियां पैदा होती रही हैं, उनको हम अच्छी तरह से जानते हैं। हम यह भी जानते हैं कि उस वक्त वहां पर चीफ मिनिस्टर के रास्ते में डे-टू-डे एडमिनिस्ट्रेशन में कितनी बाधायें पैदा होती थीं। आप उस कमेटी के चेयरमैन थे, इसलिये मैं आपको भी अपनी बधाई पेश करता हूं कि आपने इसको ठीक तरह से इस बिल में रखा है।

यहां पर यह कहा गया है कि हिमाचल प्रदेश में धड़ेबन्दी है और इस बिल को अगर दो साल के लिये रोक दिया जाये तो लाखों रुपया बच जायेगा। यहां पर एस० आर० सी० रिपोर्ट का हवाला भी दिया गया है और कहा गया है कि छोटी छोटी स्टेट्स नहीं

रहनी चाहियें । जहां तक हिमाचल प्रदेश का ताल्लुक है मैं कहना चाहता हूं कि जब से लोकतंत्रीय राज्य का ढांचा वहां खत्म हुआ है, वह आगे बढ़ने के बजाय पीछे ही गया है और उसकी प्रगति रुक गई है । उसके बाद वहां पर जो डिवेलेपमेंट होना था वह पूरी तरह से नहीं हो सका । मैं आपका ध्यान एक बात की तरफ ले जाना चाहता हूं । हम देखते हैं कि हिमाचल एक पहाड़ी इलाका है । उस यूनियन टैरिटरी के पहाड़ी इलाका होने की वजह से वहां के डिवेलपमेंट के लिये सड़कें चाहियें । लेकिन वहां की सड़कों का हाल भी अजीब सा है । वहां पर सड़कें बनाई भी गई हैं लेकिन फिर भी जब से वहां पर टेरिटोरियल ऐडमिनिस्ट्रेशन का ढांचा लागू किया गया है तब से वहां पर काम सही तरीके से नहीं हुआ है । एक मिसाल से ही वहां की सड़कों का हाल जाहिर हो जाता है । अभी हाल में नैशनल डिफेंस फंड में तहसील रेणका जिला सिरमौर के एक गांव की तरफ से ५०० मन आलू दिये गये । लेकिन सरकार उसे उठाने में नाकामयाब रही । वहां से सरकार आलू उठा कर ला नहीं सकी, इसी से आप समझ सकते हैं कि वहां की सड़कों का क्या हाल है । वहां पर ८ आ० मन आलू बिकता है लेकिन उसको कोई वहां से लाने के लिये तैयार नहीं है । यह हाल हिमाचल की सड़कों का है । इसलिये मैं समझता हूं कि इस बिल को वहां पर जल्द से जल्द लागू किया जाये ताकि वहां का डेवेलपमेंट सही तरीके पर हो सके ।

इसके अलावा जब हिमाचल प्रदेश में मिनिस्ट्री थी तब वहां बहुत से अच्छे अच्छे कानून बनाये गये जिस से वहां की गरीब जनता को, हरिजनों, शेड्यूल्ड कास्ट्स और पिछड़े तबके के लोगों को बहुत फायदा हुआ ।

"abolition of big land estates and land reform Act"

उस मिनिस्ट्री के जमाने में उसे बनाया गया, लेकिन आज उस के ऊपर किसी किस्म की कार्रवाई नहीं हो रही है । जहां पर वह पड़ा था वहीं पर पड़ा हुआ है । सिर्फ दिखावे के लिये दो चार केसेज को ले लिया गया । आज वहां के हरिजनों की, वहां की गरीब जनता की जो दुर्दशा हो रही है उस को कोई सुनने वाला नहीं है, न उनके लिये कोई आवाज उठाने वाला है । आज यहां पर जो बिल आया हुआ है उस तरह का राज के लिये हम ने बहुत पहले आवाज उठाई थी जब कि वहां पर चीफ कमिश्नर का राज्य था । आज हम लोग बड़े आभारी हैं कि आपकी अध्यक्षता में यह बिल यूनियन टेरिटरीज को डिमाक्रेटिक सेट अप देने के लिये रक्खा गया है ।

कुछ साहबान का कहना है कि छोटी छोटी एरियाज को अलग रखना हमारे मुल्क के इंटरेस्ट में नहीं है और उनको किसी बड़े राज्य में शामिल कर दिया जाय । मैं आपका ध्यान खास तौर से हिमाचल की तरफ दिलाऊंगा क्योंकि मैं वहां के हालात को जानता हूं । हिमाचल प्रदेश २१ पहाड़ी रियासतों को मिला कर एक लार्ज ऐडमिनिस्ट्रेटिव यूनिट बनाया गया । वहां के रुलर्स और वहां की जनता कभी भी पंजाब के साथ मिलने के लिये तैयार नहीं हुये, हालांकि वह उसके साथ का इलाका था । जब यह रियासतें दर्ज की गई थीं तो उस वक्त रियासतों के रुलर्स और गवर्नमेंट आफ इंडिया के साथ एक मुआहदा हुआ था जो कि इस बात का सबूत है । आज ही नहीं बल्कि उस वक्त के राजे और महाराजे और वहां की जनता भी नहीं चाहती थी कि उनको किसी दूसरे इलाके के साथ शामिल किया जाये । हिमाचल के रूलर्स और गवर्नमेंट आफ इंडिया के दर्म्यान एक मुआहदा ८ मार्च, १९४८ को हुआ था, जिसके जरिये से सारे शक व शुबहे दूर हो जाते हैं । वह मुआहदा मैं थोड़ा सा आपके सामने पढ़ कर सुनाना चाहता हूं । वह इस तरह पर है :

"And whereas it is the intention of the Government of India

[श्री प्रताप सिंह]

to unite and integrate the territories of the East Punjab Hill States in one centrally administered unit and to provide as soon as practicable and subject to the provisions of the Constitution of India, for its administration through a Lieutenant Governor, with an Advisory Council consisting of three Rulers of the East Punjab Hill States and a local Legislature with such constitution, functions and powers as the Government of India may from time to time specify (*Vide* White Paper on Indian States 1950 Appendix (27) XXVII page 219.)"

13.36 hrs

[SHRI SURENDRANATH DWIVEDY *in the Chair*]

यही नहीं बल्कि वहां की जनता को भी अगर कुछ शक व शुबहे हुये तो उन को दूर करने के लिये सरदार पटेल ने १९४८ में डा० पट्टाभि सीतारमैया, वाइस प्रेजिडेंट, आल इंडिया स्टेट्स पीपल्स कांफ्रेंस, के पत्र नं० एस० पी०/३९/२८ दिनांक १०-३-४८ के जवाब में १८ मार्च, १९५८ को पत्र लिखा और उसमें यह बात साफ कर दी। उन्होंने लिखा :

"The position is as follows: Reference to the intention of the Government of India to administer this area through a lieut-Governor is made in the Preamble only. The cession of jurisdiction to the Government of India in in respect of these States is unconditional and absolute and in no way dependent upon the fulfilment of that intention. The ultimate objective is to enable this area to attain the position of an autonomous province of India. This objective would be attained in two stages. The area will, in the first instance be administered by an Administrator, probably an officer of the Chief Commissioner's status assisted by an Advisory Council cosisting of Rulers and representatives of the people apointed in such a manner and with such functions as the Central Government may decide. Subsequently subject to the decision of the Constituent Assembly, it is proposed that the administrator should be put in charge of a Lieut-Governor assisted by an Advisory Council, representing the Princes and a Legislature in the province. In the final stage, after this area is sufficiently developed in its resources and administration, it is proposed that its constitution should be similar to that of any other province."

यही नहीं बल्कि यहां पर हमारे सामने स्टेट्स रिआर्गेनाइजेशन्स का रिपोर्ट का भी हवाला दिया गया। मैं आप की आज्ञा से उसकी ओर भी सदन का ध्यान दिलाना चाहूंगा। उस में लिखा है :

"The Chairman of the Commission, the late Shri S. Fazl Ali, left no room for doubt that our demand in this behalf was fully justified. He said:

"Himachal Pradesh is a typical instance where the arguments in favour of small units outlined

"in paragraph 212 of this report can be applied with advantage. As a separate unit, it may be able to provide an intensive programme of social welfare measures which would not be possible if it is merged in the Punjab. In so far as the need of such a programme is pressing in this backward area, the case of Himachal Pradesh for separate existence need hardly be emphasised." *Vide* S. R. Report para 14, P. 243)"

जो कुछ मैं ने यहां पर कहा उस का मकसद यह है कि हिमाचल आज एक यूनियन टेरिटरी

है लेकिन मैं आपको विश्वास दिलाना चाहता हूं कि सन् १९४८ में उस का आमदनी सिर्फ ८७ लाख रु० था। मिनिस्ट्री के पहले चार सालों में यानी सन् १९५२ तक उस की आमदनी ८७ लाख रु० से बढ़ कर २ करोड़ रु० तक पहुंची, और आज उस की आमदनी ४ करोड़ रु० से भी अधिक है। वह दिन दूर नहीं जब कि हिमाचल प्रदेश अपने डेवेलपमेंट के जरिये अपने पांवों पर खड़ा होगा और इस हाउस के सामने इस बात की मांग आयेगी और जनता की आवाज के सामने झुकने के लिये गवर्नमेंट मजबूर होगी। कोई वजह भी नहीं है कि जिस तरह से दूसरी रियासतों में है उसे भी डिमाक्रेटिक सेट अप न मिले। यह मैं हिमाचल के बारे में ही नहीं कह रहा हूं बल्कि जो दूसरी यूनियन टेरिटरीज हैं उनके रिसोर्सेज भी बढ़ेंगे, जैसे कि हिमाचल में बढ़ते जा रहे हैं। उधर से भी आवाज उठेगी जैसेकि आज हमारी मांग है और वह बिल्कुल उपयुक्त है।

इस मौके पर जब कि हम उन को डिमाक्रेटिक सेट अप दे रहे हैं तो लाजिमी तौर पर यह जरूरी हो जाता है कि जो उन के छीने हुए हकूक हैं वे उन को मिलें ताकि उन्हें मौका मिले कि वे अपने पहाड़ी और पिछड़े हुये इलाकों को आगे ला सकें और अच्छी तरह उन की तरक्की कर सकें।

आखीर में मैं एक ही बात की तरफ आप का ध्यान दिला कर खत्म करूंगा। हिमाचल एक बार्डर एरिया है और इस में कोई शक नहीं कि बार्डर एरिया होने के नाते से हमें वहां बहुत सी बातें करनी हैं। मैं मुनासिब समझूंगा इस हाउस को भी यह सोचना होगा और मिनिस्ट्री को भी इस तरफ ध्यान देना होगा कि वहां पर कहीं कहीं पर जो पाकेट्स हैं जैसे शिमला है, डलहौजी है, कांगड़ा है जो कि बीच में आ जाते हैं। उन तमाम पाकेट्स को एक में मिला कर विशाल हिमाचल बनाया जाय। खास कर बार्डर एरिया होने के नाते यह बड़ा जरूरी चीज है कि हम अपने मुल्क की हिफाजत कर सकें, दुश्मनों का मुकाबला कर सकें। बिना विशाल हिमाचल के इस काम में रुकावट पैदा हो सकती है। तो जहां हमको सरकार यह सैट अप देने जा रही है वहां इस बात पर भी उसे ध्यान देना होगा कि जो हमारे प्रदेश में पाकेट्स हैं उनको दूर करके एक बड़ा हिमाचल प्रदेश बनाया जाए ताकि हिमाचल इकट्ठा होकर पूरा काम कर सके। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं।

Shri Gauri Shankar Kakkar (Fatehpur): Mr. Chairman, Sir, I would like to say a few words about the constitutional propriety and certain provisions which are manifestly *ultra vires of* the Constitution. Yesterday, when our hon. friend Shri Kamath raised a point of order it was manifestly shown that the present Bill is not attempting to create a body which would be elected or partly elected and partly nominated. If all the members of the Territorial Councils, as they are, are deemed to be members of the Legislative Assembly, I think that body would not be either elected, or elected and nominated. So, this provision clearly goes against the spirit of the Constitution which we have passed and which we have adopted.

In this respect, I have to submit one thing. The hon. Speaker has given a ruling and we all abide by it. But I fail to understand one thing: there should be some sort of demarcation somewhere. The hon. Speaker has given a ruling, and has said that it has not been the practice of this House to give any ruling declaring a particular Bill to be *ultra vires* and against the provisions of the Constitution. But with your permission I would like to read rule 376 which deals with point of order. It reads:

> "A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the House."....

Dr. M. S. Aney: On a point of order. A point of order has been decided and a ruling has been given by the Speaker. Can that point of order again be raised? (*Interruption*).

Mr. Chairman: The hon. Member is not discussing the point of order or the ruling of the Speaker. What the Speaker said was this: that the Chair canot give a ruling on it and that the House is free to discuss the matter. That is what the hon. Member is doing. I do not think he is criticising the ruling of the Speaker or discussing the ruling of the Speaker. So, the point of order does not arise.

Shri Hari Vishnu Kamath: It is still open; you throw out the Bill.

Dr. M. S. Aney: When it has been decided by the Speaker, it is not again open for discussion. That is my point.

Mr. Chairman: On the point of order that was raised, it was decided by the Speaker that the Chair cannot give a ruling on that very point, but that the House is free to discuss and point out whether this Bill is *ultra vires* of the Constitution or not. Every Member can bring forward that point. (*Interruption*).

Shri Gauri Shankar Kakkar: I have specically mentioned that we all abide by the ruling which has been given, but I am reading this provision in order to suggest that there is a line of demarcation somewhere and that this House is entitled to turn down a Bill if it is manifestly against the provisions of certain articles of the Constitution. I have nothing to say against the ruling which has been given by the hon. Speaker. But I simply suggest that there is scope in accordance with rule 376 for the hon. speaker and for the hon. House to turn down any Bill which goes against the provisions of the articles of the Constitution. That is my submission. Where there is a glaring example or where there is a case manifestly made out that a particular Bill is against the provisions of the articles of the Constitution, then I emphasise that according to this rule it can be ruled out and turned down without going to the Supreme Court or to any other judicial body. That was my point.

Coming to this Bill, I have to say one thing. You, Sir, as a Member of the Joint Committee, were present when we made an appeal that we should be allowed to go to the various territories to study the problem or to contact those people. I am shocked to hear the statement of the Home Minister yesterday when he said that if Shri Kamath were to go to the territories he was confident that he would be ruled out by those people. When we just requested for that opportunity that was denied to us. The Home Minister was not agreeable. The ruling party was not agreeable. I am confident that the masses of our country would not welcome such a half-hearted measure which is not giving them any sort of responsible government. I am very sorry to say that during the last 15 years this has been the practice of the ruling party. They would themselves create a lot of disintegration, separatist mentality and everything like that, and after having created all those things they would come forward to suggest a remedy I would say that this ruling party is like a doctor who would just create certain ailments in the patient just to administer medicines to heal him. That is exactly what has happened. After creating a lot of disintegration, after creating a lot of separatist mentality, then the National Integration Committee was created, and an attempt was made towards integration. So, this has become almost a habit with the Congress party to create all these evils and then to come forward to suggest the remedy for them.

A responsible government is now sought to be given according to the Constitution to these Union territories.

But a look into this Bill will go to show that it is a sort of attempt of the pre-British or medieval age. I am reminded of something like the Chelmsford report of 1919 or so, where the administrator had been given full power. Now, he has been made a monarch to govern those persons who had been duly elected by the masses. I fail to understand the logic: there is no provision in respect of the Council members in the case of the former A, B or C States.. If there was any provision, it was specifically mentioned that if a certain specific class was not represented there should be nomination. In the case of the Lok Sabha there is a specific mention that there should be nomination from the Anglo-Indian section. That would exactly limit the scope of nomination, but here, I find there is no such specification: this will mean that if after the elections or if the ruling party or the Congress party comes to know that there is a margin of one or two votes, naturally these persons belonging to that group are easily nominated in order to convert a majority into a minority or a minority into a majority. This is something very strange to a democratic set-up in these days to suggest any sort of nomination. I oppose this clause of nomination and for that, as a Member of the Joint Committee, I have appended my note of dissent also.

Coming to clause 54, it is rather a pity that all the members of the Teritorial Councils are being given the full status of members of Legislative Assemblies. I would say two things about this. According to the provisions of the Territorial Councils Act, the age limit prescribed is 21 years in order to become a member of the Territorial Council. But according to the Representation of the People Act, the age limit is 25 years. I was suggesting yesterday that it means, you are converting a man of 21 or 22 into a man of 25. With your permission, Sir, if I may be allowed to do so, the Government are actually converting a man into a lady or a lady into a man. How far all this magic is justified and how far can it be said that it is a democratic pattern which they are actually giving should be considered.

Shri Kashi Ram Gupta (Alwar): Scientifically it is possible.

Shri Gauri Shankar Kakkar: It is possible and that is why they are attempting it.

Shri Hari Vishnu Kamath: Not politically, but only scientifically.

Dr. L. M. Singhvi: Constitutional surgery!

Shri Gauri Shankar Kakkar: In the Territorial Council, there are already certain members who are nominated In section 3, we are given 3 nominated members. What will happen to those who were nominated in the Territorial Council? Though the number of nominated members is actually given as three, it will be much more than that. In this manner also, they will become members of the legislature.

The hon. Home Minister referred to the question of huge expenditure involved in holding elections. If you look into the population of these territories, the figures are: Pondicherry 3,69,000; Goa, Daman and Diu 6,26,000; Tripura 11,42,000; Manipur 7,80,000; and Himachal Pradesh 13,00,000. The population much less than that of a subdivision of a pargana is being given Assembly. Then there are Ministers Councils and all that. The expenditure on all that will be huge. You yourself are incurring this huge expenditure. There is no question of emergency; we are having by-elections also. So, to say that we are not going to have elections in these Union Territories in order to save money is wrong, when you are actually going to incur huge expenditure in the name of democracy, when actually no democracy is being given to them. So, while supporting it generally, I oppose

[Shri Gauri Chankar Kakkar]

these clauses which I have enunciated. I welcome these Union Territories to have full democratic set-up with real democracy and real responsible Government, in the real sense.

Dr. L. M. Singhvi: Sir, sometimes I have the impression that our federal system is a caste system. As a matter of fact, it is a caste system, which is constitutionalised. We had created Part A, Part B and Part C States and even Part D category was provided for in the Constitution. Even today, it appears, there are States large and small, States which are politically powerful and domineering and States which are politically acquiescent or submissive. There are States which, if I may use that old Roman expression, are patrician and States which are plebeian. It is in the framework of this caste system that we seem even now to be operating. We have tuned our country to eradicate the caste system, and in some superficial way, we have succeeded in creating legislation which has changed the shape of the caste system or the underlying approach. This constitutional and political problems also, the same superficial approach is followed. We have tinkered with the caste system in our federal structure, but we have not really radically changed or supplanted that caste system or the underlying approach. This Bill perpetuates the principle of that caste system, a political caste system, within the scheme of Indian federalism.

I submit that in launching these Union Territories on the constitutional pilgrimage for self-government, the Union Government have suffered from an approach of tutelage, an approach which characterised the thinking of our former rulers. They felt that people and territories have progressively to attain freedom and right of self-government. It appears that for the 16 years that have elapsed after the Independence came to us, and for 13 years after we gave unto ourselves the Constitution, we have been sleeping in the matter of giving full-fledged citizenship rights to the people of the so-called Union Territories. This is a travesty not only of the Constitution, but of the underlying political principle of self-government and freedom which must inform and govern all our actions and political decisions. It is, therefore, natural that I feel that in perpetuating this caste system, in perpetuating the scheme of small States to whose people we owe full-fledged rights of citizenship and self-government, the Government are really doing damage to the fundamental principle of self-government.

In democracy, particularly in underdeveloped and less-developed countries, it is the trust in the popular capacity for self-government that will bring efficiency and competence. If one does not have that basic trust, he would be really approaching them with a neo-colonial approach. I am sorry to say that a Government which is deeply committed, a country which is fundamentally committed, to the principle of democratic self-government should countenance such a principle. It is in this lack of confidence and trust in the people of the Union Territories to really effectuate a system of self-government that this Bill has been brought forward. It betrays that lack of confidence and trust.

I would like to say that this is only a paper gift and the institution of nomination provided in the Bill is only to ensure the situation of a handicap race. It appears that the apprehension may not be unjustified that the political complexion of the existing Territorial Councils is sought to be perpetuated and political advantage is sought to be secured through this legislation. The Congress Party is a great party which has a tremendous majority. It does not have to depend on these devices for securing political hegemony in various areas. It should be an open struggle for power in politics. It should not only be an open struggle, but a struggle which is fair and square. Not only should it really

be so, but it should also appear to be so. I submit that this Bill does not present the picture of an open chance for other political elements.

This Bill does not guarantee either representative government or responsible government or responsive government. The institution of administrators about which so much has been said in the minutes of dissent is an example of this. The composition of the Territorial Councils and the conversion of Territorial Councils into State Legislatures and their continuance for what is described in a very euphemistic and fictitious manner as a transitional arrangement is nothing but undemocratic and savours of taking advantage of the present political complexion of these Territorial Councils. I need scarcely read from the various minutes of dissent, which are unanimous in the matter of questioning this Bill, if not condemning it, for not giving full measure of self-government to the people in the union territories. There is no right in us to withhold self-government from the people of these territories who are equal citizens in law and under the Constitution in our country. We must, therefore, reconsider the entire scheme of this Bill. We must thoroughly re-examine it. And, though some of my friends who wrote minutes of dissent have said that it may only be hoping against hope, I should still like to make a plea to this House that we must earnestly consider the possibility of thoroughly recasting the scheme of the Bill so as to make it more democratic, so as to make it more in consonance with the scheme of things under which we function, so that we may make it a real democratic dispensation.

Shri Man Sinh P. Patel (Mehsana): Mr. Chairman, Sir, you will bear me out that many of the arguments which my hon. friends in this House have put forward regardin gthe drafting and redrafting of this Bill were being discussed by some hon. Members of the Congress Party itself. I initiated discussion on some of the principles which some of my friends from the Opposition have also mentioned, regarding nomination. I say, Sir, that nomination in principle is to be completely abhored. But even in the original Constitution we have accepted certain limitations of nominations in the name of a particular caste, call it Anglo-Indian in the State of Madras, Bengal, Bihar. Also, we were told by a representation from Pondicherry and some of the Members represented in this House from these Union Territories that there are certain castes and sub-castes of aboriginals and Scheduled Tribes which may in no case be represented by direct elections, and Government may feel themselves indirectly compelled to look after their interests. Not only this, some of the Members of this House moved an amendment saying that nomination should be raised to the limit of 7 or 8 members. There again, you will bear me out, Sir, I was a little impatient myself and I said that in no case should the nomination be more than what was proposed in the original Bill or, at the most, ten per cent. as it has now been increased.

Now, Sir, after hearing the views of hon. Members, it rests upon the Home Ministry to see that the ethics of the ruling party does not permit of any political consideration while nominating members and no aspersion is cast upon the Home Ministry when the parties are equally divided in giving nomination to favour ruling party or something like that. Not only that, but the Administrator also should in no case recommend names which may show some indirect favouritism, and in such cases, they may not be viewed very sympathetically by the Home Minister. So, in principle, nomination is not to be endorsed here, but as we have accepted that for certain interests it has to be there, we may tolerate it.

A question has been raised in this House also regarding the constitutionality of converting the existing Territorial Councils into Legislative Assemblies. It is said that according

[Shri Man Sinh P| Patel]

to the Fourteenth Amendment of the Constitution by which we amended Section 239A, it cannot be a wholly nominated body. As I read clause 54 here, I find it is not that we are nominating all the members of the existing Territorial Councils in the new Assemblies. We are only equating or raising all the existing territorial constituencies into assembly constituencies and giving those territories an interim legislature. No doubt it is only the courts who can say whether it is *intra vires* or *ultra vires*. But reading the clause as a whole, we can very firmly say that it is not *ultra vires*.

At the same time, I would like again to urge one thing to the Home Ministry. That is about Himachal Pradesh where two members are already nominated on the Territorial Council. The provision here is that the Government may nominate members. I say that the Government should not take the pains to have further nominations in that Assembly, whereby the addition of nomination of three members may not be there.

Now, Sir, what are we doing? We are giving new powers to the Union Territories. Let us look at the map of India. Three are border States—Himachal Pradesh, Manipur and Tripura. Two are coastal areas—Goa, Pondecherry, Daman and Diu. My friend from Goa has already said that it would be physically and practically impossible to administer Diu and Daman together with Goa. There is no dispute over merging Daman and Diu with the adjoining areas of Gujarat State because of language or any other problem. There is no dispute regarding the merger of Dadra and Nagar Haveli with the adjoining areas of Gujarat State. (*Interruption*) Therefore, the Government should as early as possible see that the integration comes as early as possible, at least of the coastal areas and also of Himachal Pradesh. According to the original opinion when the States Reorganisation Act was passed, in any case, it would not be more than five or ten years before we can see that non-viable units and small territories are merged with the neighbouring States.

Shri Rishang Keishing (Outer Manipur): Mr. Chairman, Sir, the existing territories are still under a serious threat. Time and again when the question of democratisation of these territories comes up before this House, powerful sections of this House have often said that these areas should be merged with the neighbouring States. They often quote the recommendations of the States Reorganisation Commission. I think the States Reorganisation Commission's report is not to be taken as Gita, Bible or Koran. Many recommendations had been rejected. In fact, after the recommendation was discussed in this House, against the recommendations many new States have been formed in this country. Nagaland is one. Gujarat and Maharashtra States were also formed. The recommendation for merger of the Union Territories with neighbouring States had been rejected —for instance, Manipur and Tripura— and the existence of these Union Territories as separate entities has been found valid, and on that ground they have been kept as they are now. I think any further threat to these Territories is not necessary. A repetition of this threat is now unwarranted. It is a matter of regret that even yesterday the Home Minister referred to this matter and said that the ultimate merger of these areas is not ruled out. I venture to say that these territories cannot be merged easily because of various problems. There are certain territories which can be merged, but there are certain territories which cannot be merged. In some areas, when this question of merger is forced upon them, there are people who are prepared to sacrifice their everything including their lives. How are you going to tackle this problem? Repeating this threat every time is not proper, and not wise.

Therefore, I appeal that once for all this talk of merger should stop. A time may come when the people in those areas may voluntarily decide to merge with the neighbouring States. At that time you may do it. Otherwise, I think this sort of continued repetition of the talk of merger of these areas should be discouraged.

Sir, the Bill as it is before the House is a marked improvement upon the original Bill and to that extent it is welcome. But I regret that it has not been improved upon to the extent it was desired by the people of the territories. However, I am glad that the reservation clause for scheduled tribes and castes is there. That is absolutely necessary. Today there are many towns established in the hill areas where non-tribal population is on the increase, and any time these rich people, the well-to-do and the business people may stand as candidates for election. A time may come when these non-tribal people by means of their wealth or any unfair means are elated in the legislative assembly of these Union Territories. Therefore, the reservation clause that has been put in is a welcome improvement.

Coming to nomination, I am not against nomination. Really speaking, in the Joint Committee it was discussed, decided and agreed upon that nomination should be restricted to certain communities like Scheduled Castes and Scheduled Tribes who cannot come by direct elections. But that is not specifically provided here. The provision only says that Government officers cannot be nominated. So, all the rest can be nominated. I do not know what sort of people will come by this process. Probably, any person who is in the good books of certain nominating authority will surely come in and the minorities, who can never be represented in the Assembly by direct election will never get a chance. I think there should be specific provision in the Bill itself, failing which rules should be framed, laying down the conditions or qualifications for nomination.

14 hrs.

Since the time at my disposal is very short, I would like to refer to the particular clauses that refer to the tribal areas. The tribal areas of Manipur are facing many problems because of its peculiar position. Its position is no different from that of Nagaland. In fact, it is a tragedy that we should have been kept on separate States. By any logic, and reasoning, we should have been put at par with Nagaland. Unfortunately, that has not been done.

Under the old Assembly of Manipur, every tribal area had its own judiciary system. Every village had a village panchayat, region a regional council, and circle a circle bench. The circle officer would be assisted by six or seven local leaders, who are called the bench. That bench will decide cases. This has been completely removed and there is nothing but anarchy in the hill areas. There is no bench or regional council, which the Britishers used to value so much in the administration of the tribal areas. Now, in independent India that has been completely wiped out. I am glad that in Nagaland it has been restored under the new arrangement. It should be done in Manipur also. I submit that Government should take immediate steps to see that regional councils, circle benches and village councils are established in the tribal areas of Manipur.

Under the Bill, there will be a standing committee in the Territorial Council whose members shall be only from the tribal constituency. Thus far it is good. But the power given to the standing committee is very limited. In Assam, under the autonomous districts, they have got judicial power at the district and village level. All the local civil disputes and minor criminal cases would be settled by the district council. Under the new arrangement, in Manipur there will be no such power for the standing committee. They will just sit together and make certain recommendations to the Assembly, which may or may not be

[Shri Rishang Keishing]

accepted by it. And if there is any difference between the standing committee and the Assembly, the Administrator has to decide it. Therefore, while welcoming the constitution of the standing committee, I would submit to the Home Minister that its powers should be widened and judicial powers should be given. If the tribal people have been impoverished today, it is because of litigation, because those disputes which can be disposed of in the local panchayats and regional councils at a cost of Rs. 10 or even less, have now to be settled by contesting the case to get justice at a higher level after selling one's entire property and spending thousands of rupees. This should be looked into and, as soon as possible, power should be restored to the councils at the regional and village level.

Lastly, I wish to say that the Administrator has been clothed with very wide powers, financial, legislative, judicial, quasi-judicial and even those relating to law and order situation. He should not be allowed to exercise them any way he likes. He should be asked to exercise them sparingly. Also, whenever he is going to use them, he should consult the Cabinet or the special committee, on whose advice alone he should exercise his powers. I hope the hon. Home Minister will take these few suggestions of mine into consideration.

Mr. Chairman: I will give three minutes to Shri Sonavane.

Shri Sonavane: Mr. Chairman, first of all, I would like to congratulate the Joint Committee, for providing in the Bill the weaker sections their rightful due, which did not find a place in the original Bill. Therefore, I congratulate both the Government and the Joint Committee. In this context, I do not understand why some of the members here were saying that this is a perpetuation of what has been wrongly provided in the Constitution because reservation or election on the basis of caste or community is not desirable. I do not know whether those members are ignorant of the situation obtaining in India because of the caste system and the pitiable condition of the people of some of those castes. They are completely ignoring or forgetting that aspect. Perhaps, they are speaking from the point of view of their own self-interest. Instead of protecting the weaker sections and uplifting them, they are bringing in certain arguments which go against them. Therefore, I would again say that the Joint Committee has done the right thing by bringing in this element of reservation for the weaker sections.

Coming to the clauses, in sub-clause (4) of clause 3 it is stated that seats shall be reserved for the Scheduled Castes and Scheduled Tribes in the Legislative Assembly of every Union territory other than the Union territory of Goa, Daman and Diu as if Goa, Daman and Diu are out of India. When the people of Goa, Daman and Diu fought, for their liberty and independence why should the administration want to deprive the weaker sections of those areas the right to be represented in the governance of that area? Do they not accept the position that the weaker and poorer sections of the people are also entitled to have a fair share in the administration of the area in which they are residing? I would appeal to my friends here that they should also press for that so that Goa, Daman and Diu will not be excluded for the purposes of reservation for weaker sections. I am sorry to say that the stalwarts who fought in the freedom battle and who won the battle for Goa, Daman and Diu are now not fighting nor even pleading for giving the weaker sections their rightful due.

My hon. friend has said that nomination would be there. I agree that the principle of nomination is there. That point is met. The Constitution also provides for it. But it is not known whether people belonging to the Scheduled Castes or Tribes, who can-

not otherwise successfully come out in the elections would be nominated. Would the proportion of these three nominated members of the Scheduled Castes bear the same proportion to the general population? That point also is not made clear. So, the net result will be that the weaker section will be at the mercy of the Government. If the Administrator or the Government does not care to nominate people belonging to the weaker sections, they have no remedy. I am happy that Shri Lal Bahadur Shastri has stated that if there are no members of the Scheduled Castes or weaker sections elected, he would have them nominated. But I would have been happy had such a provision been made in the Bill itself. I feel the Joint Committee should have taken that into account.

Then I come to my last point. The small States would not be economically viable units with their top-heavy administration, what with the Ministers, Sachivalaya and all the rest of the paraphernalia. It will tax those States too much. At the same time, the aspirations of the people of those areas for self-government is there. Therefore, as Dr. Gaitonde has stated, a *via media* has been found. I am glad of that. But, let that *via media* not exist for too long. I feel that in course of time these small States should be merged with the neighbouring States so that there will be geographical contiguity and they will take their proper place in the larger context of the nation, instead of remaining as small States as hitherto. I am happy, the hon. Home Minister has made a reference to that. I hope that after about five years the merger Bill would come before the House.

With these words, I thank you for giving me this opportunity to place the viewpoint of the weaker section before the House.

Dr. M. S. Aney: I thank you for giving me a little time to make a few observations on the Bill which has evoked such a keen controversy which was of very great importance also because the issues involved deserve to be considered very seriously by the Government as well as by the Members of the House.

In the first place, the Bill has been attacked on the ground that it is inconsistent with the very principles of democracy for which this House and our Constitution stand because it is creating a new kind of State which is denied the rights of an autonomous State for which due provision has been made in the Constitution. I believe, even in the Constitution the Government envisaged the position of creating certain States with autonomous rights and certain territories to be administered by the Government of India—whether it be for a short time or for a long time is a different thing. So, the creation of certain States which are not full-fledged autonomous States under the Constitution is not something which is entirely repugnant or unfamiliar to the Constitution. It is provided for in the Constitution itself.

In this case in my opinion to look at the Bill and say whether it is a progressive one or not there should be one criterion which can safely be relied upon. That criterion will be as to what will be the state of things which this measure creates. If we judge by that criterion, we find that this Bill introduces a new Constitution or new laws for these territories by repealing certain old laws which are mentioned in clause 53 of this Bill. Clause 58 says:—

"The following laws are hereby repealed:—

the Territorial Councils Act, 1956; the Decree No. 46-2381, dated the 25th October, 1946.....

"the Decree No. 47-1490, dated the 12th August, 1947.....

the State of Pondicherry (Representation of the People) Or-

[Dr. M. S. Aney]

der, 1955, in so far as it relates to the Representative Assembly of Pondichery."

These were the laws under which these territories were being administered. Now are we, by enacting this new law, taking away certain rights which they already exercised under those Acts, or are we giving them something more than that to make them look more like democratic institutions and approaching as much as possible to be full-fledged than what they were before? That will be one test which should apply. I believe, without going into the details, I can safely say that there is an attempt at least to give them something which can be called a Constitution much better than the one under which they are at present there. They are being given the status of States now, whereas formerly they were administered areas directly administered by the Government of India. By creating the office of administrators, legislative assemblies and so on they are given the status of a State though not fully autonomous State. Still, they are given the status in which they can rule to a great extent their whole affairs without the direct administration of the Government of India. To that extent they have made an advance.

It may be said that this is the old way of doing things. That is exactly what was done in the old days when the British introduced into India the principle of diarchy. By introducing the principle of diarchy they said, "We shall teach you how to govern yourself, how to rule yourself and as you make progress towards that end we shall be adding to your rights so that ultimately the self-governing institution is so developed as to turn you ultimately into a responsible government." That is the ideal which they had laid before us. The Government of India is more or less adopting the same procedure in dealing with these States. I think, to that charge the Government of India must plead guilty. Although then we protested against it, in reality we have found that there are certain territories or certain parts of the country which are administered today in which they think it is not very safe or wise at least under the present conditions, to introduce full responsible self-governing State. They feel like that as the British Government felt in the old days for the whole of India. They are also feeling the same for certain parts of India. It may be that some administrative reality is perhaps forcing them to this view. To that charge therefore they must plead guilty. If the attack comes there, they should plead guilty.

There is another thing which I want this House to take into consideration. We cannot forget the fact that there is a State of Emergency. I have been raising this point almost on every important matter that has come up for discussion in this House in this session. The Government of India is not fully alive to the fact that there is a State of Emergency. By their own conduct they want to show that we are resuming normal times. The very fact that they have revived all bye-elections and all these things dispels from the mind of the people the idea that they are living in a State of Emergency. That is one of the reasons why various measures are being attacked in a way somewhat different from the way in which they probably think it should be done.

Most of these territories, I am told, are border States. It has been recognised in the old days and in all times that in a big State, fully democratic even, the way in which these States have to be administered requires certain modifications in view of the locality or the geographical situation in which they stand in relation to the position of the enemy countries and of other countries. That consideration any responsible, democratic State must bear in mind if it

wants to survive and live like a real practical State. If there is some difference, in the way in which the Government is making, between the administrative measures to be introduced in border States and those which exist in the other States, we have to look at them from a certain point of view, namely, whether the existing State of Emergency justifies it or not. If the existing State of Emergency requires that for the present it is better to leave a good deal of power at least in their own hands or in the hands of somebody whom they can rely upon, that is, the administrator there, for the better administration of the territory, they should say that. They should not be afraid of saying that it is the State of Emergency and we are dealing with these border States where hostile persons are likely to play havoc. All these matters should be taken into consideration so long as the State of Emergency exists. That is the spirit in which we should proceed. Government should say that. But sometimes the hon. Prime Minister comes in and says that the State of Emergency may last for 50 or 100 years instead of making the people alive to the State of Emergency as it is, and to their responsibility also.

Shri Hari Vishnu Kamath: His own mind is not clear about it. What can he do?

Dr. M. S. Aney: He has every right to say that. I need not repeat it.

14.19 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

This is an important consideration which the Government ought to place before it. At least I look at it from this point of view. Therefore I am not so keen upon criticising it in the spirit in which some of us have done or have judged it and applied all the radical principles for the examination of the measures which are introduced here.

There is another point. To my mind Government has taken the first step now to make these States more representative and has given them some idea of responsibility. They must bear in mind that this Bill provides a time-limit of five years—in my opinion it seems to be a pretty long one. But let Government be pretty sure that during three or four years, whatever may be the period, public opinion there will be so alive that nothing short of a fullfledged autonomous State will be their demand and if the Government failed to do that, they will be charged with having betrayed them altogether. If that thing is kept by them in mind very clear and if they administer the law in that very spirit, then probably much of the present discontent will disappear and they can hope to get the cooperation not only in the day-to-day work but even in the greater effort which they want to make in fighting their enemies on account of which the state of emergency exists. I warn the Government to bear all this in mind not only in dealing with the people of border-land but also with other people. There is the state of emergency and for that reason the people are putting up with very inconvenient laws. But the policy of the Government is such that the emergency is going to be continued indefinitely. People say like that. This is all that I can say.

The Parliamentary Secretary to the Minister of External Affairs (Shri D. Ering): Mr. Deputy-Speaker, Sir, though NEFA is under the Ministry of External Affairs, still I thought that in the history of India the name of NEFA has also come and so I rise to speak on this. Firstly, I want to congratulate our Government, that is, the Home Ministry, for the foresightedness....

Shri Hari Vishnu Kamath: You are a part of the Government.

Shri D. Ering: Well, nobody comes from NEFA (*Interruption*). I do not want to waste the time of the House. I am the only sole representative of NEFA. I always feel that some people should come up and say about NEFA That is, I, at the same time, am a representative of the people of NEFA.

[Shri D. Ering]

I was congratulating our Government, that is, our Home Minister for the foresightedness and definitely with this legislative power, the people will have the tremendous facilities and privilege to administer their own area and definitely, Sir, administration is not always possible from the Centre. The people, if they are given this opportunity, can definitely do so.

I will now immediately come to NEFA. I have been requesting the Home Minister also as to why not this NEFA could come under the Ministry of Home Affairs. We are under the Ministry of External Affairs. We do not think this should be under the Ministry of External Affairs. I have definitely appreciated the love and sympathy that the Prime Minister has got for NEFA people there. But definitely it does not look nice that this is put under the Ministry of External Affairs. It should come under the Ministry of Home Affairs.

Shri S. S. More: What is the advantage?

Shri D. Ering: Now, probably.... *(Interruption)*. It should be under the Ministry of External Affairs. Whenever I go there, especially the educated people say, "Why not we be under the Ministry of Home Affairs?"

Shri Hari Vishnu Kamath: It is natural.

Shri D. Ering: Now, the representative of this NEFA there is the Governor who represents the President or the Prime Minister, running the administration of NEFA and under them there are the advisers and political officers at district level. Actually, people have not yet had the opportunity to administer themselves though we have got from time immemorial—I am not boasting, like a panchayat raj there—what is known in local terms is *Kebang* and that *Kebang* is there from time immemorial. I feel that they should be given more power. Only these officers alone cannot do it. They have got their obligations. There is red-tape, this procedure, that procedure and so on. If our local people are given the powers, they can definitely do much good things. Especially, I would like to draw your attention to this fact that after this Chinese aggression in NEFA, this NEFA is known to the whole world. It is now world famous. That is why I ask that there should be a Lt. Governor for this NEFA and there should be the councillors so that they feel that they are also with India.

Shri S. S. More: Will your democracy be reconciled with the administrator?

Shri D. Ering: Definitely. That is why I want that our people should be given more privileges to administer themselves. Now, everybody knows that this trouble is not a question of the immediate present, one year or two years, but for many years to come and our people must be given this right so that they can administer their own area efficiently. I do not want to blame the officers there. I do not want to blame people going from Delhi and definitely there is the difficulty. Whereas, if they are given a privilege, the facility, they can do better definitely. I do not want to say that our people are something different. On that day I was mentioned—one of my friends from Manipur was also mentioning—and I wish to mention here about *Mahabharata* where Sri Krishna Bhagwan said, "I claim that Rukmani, Bhishmak's daughter was from my country." So I want to bring with this story the real integration of the people there and here and really our people should be given more opportunities and facilities in that area so that they can do better.

Sir, I do not want to take much of your time. I thank you for this time which you have given to me. Thank you.

Shri Hajarnavis: Mr. Deputy-Speaker, I seek your indulgence to go over the ground once again which I traversed when the motion for reference to the Select Committee came up for discussion in this House for I find that the objections which I thought I had answered, the doubts which I had dispelled are once again raised. Objections have been taken to the word 'administrator' and there is a suggestion that when the Bill uses the word 'administrator', it is used in a certain derogatory sense, in a sense which denotes that the status of these areas is somewhat inferior to the rest of India. Here, we have no choice. I will read out article 239. It says:

> "Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify."

So, the Constitution creates this administrator as an agency through which that area is to be administered. (*Interruption*). May I request, Sir, in all humility, the hon. Members that they will not interrupt me while I am going on. I propose to follow a certain line and I shall be happy if I am not interrupted. If there are any doubts, afterwards I shall be very happy to clear them afterwards.

Now, the question was mooted in the Joint Committee as to whether the present practice of designating these as administrators should continue or not continue. They thought that the Bill, as originally drafted, prevented this from being done. Now, there should not have been any doubt whatsoever because the Constitution itself makes it quite clear that the administrator may be appointed with such designation as the President may specify. That leaves the President free to employ any designation from Governor to Administrator. And therefore in the Joint Committee we made a small amendment, and by that amendment we said that this word Administrator is not used in the ordinary sense of the word but is used in the sense in which the word is used under article 239 of the Constitution, and the Administrator who will be appointed will be appointed under this article. Article 239 says that such designation as may be specified by the President will apply. It may be, it will certainly be left to the local legislature, to the local representatives, to suggest to us what is the name that they would choose to have, and I am quite sure Government will give serious consideration and very great consideration to any suggestions which are made about the designation.

Dr. Singhvi mentioned something in this connection, and Mr. Bade mentioned the point saying, "after all you are appointing an administrator", as if we are sending out an irresponsible officer to an area which we regard as not part of our country, as something inferior in status, where the people are somewhat inferior in status, and that is why we have chosen the word Administrator. There again I say that we are merely using the expression which the Constitution itself employs.

Dr. Singhvi thought that we are still continuing the caste system in the Constitution between the States. In this it is agreed that we had Part A and Part B States to start with under the Constitution. Then by law we made Part C States and they were also given an administration. But during the last fifteen years the progress has been towards the abolition of the caste system between the States. We do not have A class States, B class States; we have only States; the Constitution only provides for States.

I might make it clear that though we are investing these administrations with nearly all the powers of the States, they are not States under the Constitution. For creating States under the Constitution we have got to

[Shri Hajarnavis]

legislate under article 3 of the Constitution. Here we are drawing upon our power under article 239A, and what is created is a local administration.

That brings me to the other criticism which was voiced and shared by a wide section of the House. I thought I had met it earlier when I moved for reference to the Joint Committee. It is said that the present Bill is against democratic institutions, that there is no democracy, that there is not enough democracy. I entirely refute this charge, because in the Union Territory there is complete democracy, there are representatives elected from that area on adult franchise, those representatives who are our worthy colleagues sitting in this House. And this whole House is the legislature which functions on behalf of those Union Territories. Whether it is a question of a municipality in Manipur or Tripura, whether it is a question of an epidemic in Himachal Pradesh or whether it is a question of levy of tax in Tripura, we are the legislature. Is it suggested that we are not democratic? Whenever it is said that there is no democracy functioning in these areas it must be realised that we are casting doubts upon our own institutions, upon our own ability to function as democratic legislatures for those areas.

But I understand the argument that our responsibilities for the rest of the country are so large; our preoccupation with other important matters is so nearly complete that to these areas we cannot give enough time or attention and therefore we must give local autonomy, local autonomy almost on the scale of an A class State. And if the argument is that we have not given them enough local autonomy, I understand that argument, I will accept that argument. But to say that there is no democracy, I think, is entirely incorrect.

Suppose the Administrator acts. Now, the Administrator is not an irresponsible authority at all. He is a functionary under the President. And under the distribution of business in the Government he functions under the Home Ministry. For whatever the Administrator does the Home Minister is responsible to this House. As I said, if there is an epidemic in a Union Territory, if a sub-inspector misbehaves, if a tax is not properly collected, who is responsible? The Home Minister is responsible to the House. He will be called upon to account in this House, in this legislature.

But there can be an argument that this House cannot devote enough attention, there are local problems which must be locally considered and solved locally. And it is this demand of local administration, local autonomy, that is being considered by the Bill.

Now, I come to clause 44. Somebody said that having erected an executive, having given power to the executive consisting of the elected representatives of the Union Territories we have in the proviso retained an overriding power of interference. I would say legally that interpretation is absolutely correct that if there is any single matter, if there is even a small matter and the Government of India here decides to interfere they have got the power. The question is whether they will interfere. And I understand the responsibility of the Government, the policy of the Government that was enunciated by the Home Minister yesterday, and our objective in bringing this Bill is that there should be no occasion whatsoever for the employment of this proviso.

Shri Surendranath Dwivedy: Then why keep that provision at all?

Shri Hajarnavis: I am coming to that. I will answer that question. I will regard—speaking for myself and speaking on behalf of the Government—I will regard the administration of this Bill, when it becomes an Act,

as successful to the extent that this proviso is not called into play at all. Power X has been given minus Power Y which has been detracted from it by the proviso. I would regard our responsibility that Y should tend to be zero. I share the hope of the hon. Member Dr. Ancy that in five years' time the people should say that there should be no interference. I go further and say that even during these five years the Ministry with which I am associated would have no occasion, will have very very rare occasion if at all—and I will be happy if there is no occasion—for any interference.

Dr. Colaco read out some portion of the speech that I had made then. I said that our intention is that the freedom should broaden from precedent to precedent. It is not our intention, having given that power, having given the local administration, that we should again be answerable in this House for small matters. We should be able to say in this House that the council of ministers is completely responsible, that they are acting in their own discretion, on their own authority, even if I differ from them. As Gandhiji said at the Round Table Conference, "Theirs is the right to err". If they have erred, they have a right to err. But only when the situation arises, as it arose in Kerala where the working of the Constitution and the daily life of the people became impossible and when nothing was safe under the State, it is only then that we interfered in Part A States. Similarly, we can interfere in the Part A States where democratic institutions cannot function, where legislatures cannot function.

Similarly, politically, I understand, autonomy will be substantial though legally, I agree, that the words are wide.

Shri Surendranath Dwivedy *rose—*

Shri Hajarnavis: I am sorry for making the gesture. The other day, I made a similar gesture to Dr. L. M. Singhvi, he thought that I had insulted him. I had nothing in my mind. It was only a request to, let me go on. Otherwise, the thread of my argument will be broken.

Shri Surendranath Dwivedy: Yes, All right, I will not interrupt you.

Shri Hajarnavis: Therefore, we shall not interfere.

I will place certain facts before this House. After all, we try to persuade the House that what is being done is in the best interests of the country. We are here giving power to our brethern to carry their local administration as it is being carried on in my own State of Maharashtra or in the State of the hon. Member Shri Surendranath Dwivedy. In the same manner, these people would also be masters in respect of the State List and the Concurrent List there. Let us take the Budget for 1962-63. That will give a certain idea of the problems which arise. Let us take Himachal Pradesh. For 1962-63, according to the estimates of revenue and expenditure, the revenue is Rs. 432·81—the figures are in lakhs; I will leave out the fraction—Rs. 432 and the expenditure is Rs. 2156. The deficit is Rs. 1723. So that, we come to this House to ask for this deficit to be spent there. Surely having asked money from this House for this purpose, we shall continue to be answerable to the House. Supposing this money is not properly spent, supposing this money which this House and the country find it hard to spare, is not used for development, is being wasted; I said, unless we come to the conclusion that it is being wasted, we shall not interfere. But, our responsibility remains.

Similarly, Manipur: revenue is Rs. 79 lakhs; expenditure Rs. 904 lakhs and the deficit is Rs. 824 lakhs. That is to say, nearly the whole of the administration is financed from here. Is it wrong to say that one who pays the piper will call the tune? I say, under this Bill, we are asking them to sing the songs. Only

[Shri Hajarnavis]

where the songs are stopped and there is weeping and wailing, then probably we think we ought to step in.

Tripura: Rs. 55.82 lakhs revenue; expenditure—Rs. 1149 lakhs. The deficit is Rs. 1093 lakhs. Goa: deficit is Rs. 76 lakhs. Pondicherry: deficit is Rs. 154 lakhs. That is to say, the Central exchequer will be spending large sums of money in these areas. Under these circumstances, we think we should have reserve power, power in reserve; not to be used in the daily administration at all. As I said, in the day-to-day administration, we shall certainly be happy if responsibility goes off our shoulders. If there is a Calling Attention Notice in respect of certain happening about law and order in the Union territories from my hon. friend Shri Surendranath Dwivedy, I will say, this is not my responsibility, this is the responsibility of the Council of Ministers and ought to be taken up there. But, the moment I begin to interfere, the moment the Government of India begins to interfere, there is no question of an irresponsible officer interfering. Because, whoever interferes, there will be interfering on behalf of the President which means the Government of India, which means responsibility to this House comes in. Either the responsibility shall be locally exercised, or, if it is not, to the extent the local administration is not allowed to function, it will remain with us. I can assure hon. Members, it is no part of our desire to try to shoulder responsibility. To govern people from here, at such a long distance is exceedingly difficult.

Therefore, as far as I understand, the operative part of the section is the first part. The proviso is an exception which I said, must tend to be zero. If we start with zero, I would be very happy. I am glad at what fell from Dr. M. S. Aney: in 5 years, people will be asking for more power. I said, this is not a threat; this is not a warning. This is our hope, this is our faith. This Bill is a great act of faith.

I mentioned earlier in my speech the Constitution of Canada. In the Constitution of Canada of 1870 or 1860, during the last 80 years, there has been no change. There was considerable power vested with the Governor General and the Lieut. Governors. They used to interfere; they used to veto. As the power of the people grew, as local autonomy grew, as the colonial domination was thrown off, with the same Act, Canada has become a self-governing Dominion. I hope, similarly, so far as this Act is concerned, the local administration which will come into being, will experience that there are no restraints whatsoever except in the interests of the development of the areas and regions. We are spending vast sums of money in these areas so that these persons should come up to the level of the other neighbouring areas, that they should be homogeneous, that they should be politically, economically, and socially homogeneous with us.

Shri Rishang Keishing expressed violent views against merger. Some other hon. Members have taken us to task why we have not accepted the views of the States Reorganisation Commission and started with merger. Two violent views on opposite sides have been expressed. Our desire is that, as stated by the hon. Home Minister explicitly yesterday, there should be merger, and we ought not to allow the present Bill or the present things so to continue or so to be administered that there is vested interest in separatism. While allaying the fears of every person in that area that they will not be exploited by joining with areas which are more advanced, so far as we concerned....

Shri Kashi Ram Gupta: Is there a time-limit contemplated for that?

Shri Hajarnavis: No. The answer to the hon. Member and the answer to Shri Rishang Keishing is, as Shri

Rishang Keishing realises, each case will have to be decided on its own facts. Shri Rishang Keishing does not contemplate any foreseeable future when his area will merge with the neighbouring areas. That is what he thinks. We hope his fears are not justified. We shall not hustle; we shall not force. There are other areas, for instance, which are akin, similar to each other; the process of merging will come up sooner than in other areas. Therefore, that is the objective. In following that objective, we shall not falter. But, no force; no imposition. So long as substantial sections of the people feel that they ought to continue as they are, in a free country, in a democratic country, we administer with the will, authority and consent of the people; we take that into consideration.

Shri Surendranath Dwivedy: It is like non-Hindi people agreeing to Hindi.

Shri Hajarnavis: That is in the other House. Let us not interpose in the debate in the other House. That is my submission on the main structure of the Bill. The main structure of the Bill is clause 44. You may create a legislature. Having created a legislature and a responsible executive, it will all depend upon how responsive and how independent that particular executive is. So, clause 44 is the pivot of the Bill.

As regards the other matters, I think that I shall deal with them appropriately when I come to the clauses.

If there are any questions now, I shall be happy to answer them.

Shri Kashi Ram Gupta: The hon. Minister has said that the merger will be when the people wish it. But what is the method for judging the wish of the people?

Shri Hajarnavis: As I said, each case will be decided on its own facts. I do not contemplate a single method.

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for Legislative Assemblies and Council of Ministers for certain Union Territories and for certain other matters, as reported by the Joint Committee, be taken into consideration.".

The motion was adopted.

Mr. Deputy-Speaker: We shall now take up the clauses.

Clause 2— (*Definitions and interpretation*).

Shri D. D. Mantri (Bhir): I beg to move:

Page 11, *for* lines 14 and 15 *substitute*—

'(a) "Administrator" means—

(i) the Governor of Punjab for the Union territory of Himachal Pradesh;

(ii) the Governor of Assam for the Union territory of Tripura and Manipur;

(iii) the Governor of Madras for the Union territory of Pondicherry;

(iv) the Governor of Maharashtra for the Union territory of Goa, Daman and Diu;'. (11)

Shri Pratap Singh: I beg to move:

Page 1, *for lines* 14 *and* 15 *substitute*—

'(a) "Administrator" means the administrator of a Union territory designated as Lieutenant Governor and appointed by the President under article 239, whose term of office shall be five years;'. (24).

Shri Bade: I beg to move:

Page 1, line 14,—

after 'administrator' *insert*

"designated as Lieutenant Governor". (12)

Mr. Deputy-Speaker: These amendments are now before the House. Do hon. Members want to make any remarks on these amendments? They should be very brief, because we have got only one hour left for this Bill now.

श्री द्वारका दास मंत्री : इस क्लाज के सम्बन्ध में मैं जो संशोधन लाया हूं, उसकी मंशा यह है कि एडमिनिस्ट्रेटर जो रखा गया है, वह कांस्टीट्यूशन के लिहाज से तो ठीक है किन्तु जो आदमी वहां रहे, वह संलग्न प्रान्त का गवर्नर हो ताकि यूनियन टैरिटरी में जो बसने वाले लोग हैं और साथ ही साथ पड़ोस के प्रान्त में रहने वाले जो लोग हैं, उन दोनों को एक ही आदमी के पास जाने का मौका मिले। आपने कहा है कि इन यूनियन टैरिटरीज का आप पड़ोस के राज्यों में मर्जर चाहते हैं। उस लिहाज से भी इस से अच्छा वातावरण तैयार होने में मदद मिलेगी। इसके अलावा सुपीरियारिटी और इनफीरियारिटी कम्प्लैक्स आने का जो सवाल उठाया गया है और कहा गया है कि गवर्नर से कम दर्जे का आदमी रखा जा रहा है वह शुबहा भी इससे दूर हो जाएगा। आपको एक दूसरा नया आफिस बनाने की भी इससे जरूरत नहीं पड़ेगी। हमारे देश में एमरजेंसी है और इस इमरजेंसी में खर्च कम करने की बात भी चल रही है। अलग से एडमिनिस्ट्रेटर या लैफ्टिनेंट गवर्नर जो कोई भी रखा जाता है, उससे खर्च बढ़ेगा क्योंकि अलग से दफ्तर आपको रखना पड़ेगा, अलग से स्टाफ रखना पड़ेगा। अगर इन दोनों पदों को मिला दिया जाए तो खर्चा भी कम हो जाएगा। यूनियन टैरिटरीज का खर्चा उनकी आमदनी के लिहाज से ज्यादा होगा। इसलिए उसको कम करने के उद्देश्य से अगर संलग्न प्रान्त के गवर्नर को ही यह काम भी सौंप दिया जाता है और उसको ही उन यूनियन टैरिटरी का हैड मुकर्रर किया जाता है, तो खर्चा कम हो सकता है।

मेरा निवेदन है कि एक नया आदमी न रख कर उस गवर्नर को ही जिस के पास आज भी आफिस है, स्टाफ है, अगर नियुक्त कर दिया जाता है तो बाद में इन एरियाज को पास वाले प्रान्तों में मर्ज करने के लिए भी अनुकूल वातावरण निर्माण हो सकेगा। इस वास्ते मेरे इस संशोधन को, मैं चाहता हूं, स्वीकार कर लिया जाए।

Mr. Deputy-Speaker: Now, Shri Bade. I think that the point has already been argued and replied to. I think that it has been sufficiently answered.

Shri Bade: It is a new point. Instead of the word 'administrator' I seek to substitute the words 'designated as Lieutenant Governor'. I did not advance this point esarlier. I did not speak about the administrator earlier only said that the word 'Administrator' was not a good word. But, I want to point out why that word is not a good word. The word 'Administrator' means one who administers. The administration is now given in the hands of a legislative body. Therefore, the word should be 'Lieutenant Governor' and not 'Administrator'. This point was urged in the Joint Committee also, and it was pointed out that the term 'Administrator' would mean somebody who was just like a monitor or a secretary who ruled over the legislative body.

Mr. Deputy-Speaker: It means 'Administrator' as defined in article 239 of the Constitution. It is up to the President to call him by any name, Lieutenant Governor or Governor and so on. It is left to the President. The hon. Minister has already explained that position.

Shri Bade: Even then if the words 'Lieutenant Governor' are substituted in place of the word 'Administrator' what harm is there? That will be more dignified also. What objection is there to these words?

Mr. Deputy-Speaker: It is according to the Constitution that we have adopted these words.

श्री प्रताप सिंह : उपाध्यक्ष महोदय . .

उपाध्यक्ष महोदय : आप इस के बारे में बोल चुके हैं ।

श्री प्रताप सिंह : मेरे कहने का मतलब यह है कि :

The term of office of the Administrator should also be dealt with.

इसी मकसद से मैं ने अपनी एमेंडमेंट में कहा है

"Administrator" means the administrator of a Union territory, designated as Lieutenant Governor and appointed by the President under article 239, whose term of office shall be five years,".

हमारे होम मिनिस्टर साहब ने इस बिल को इस सदन में पेश करते हुए एडमिनिस्ट्रेटर का क्या दर्जा होना चाहिए, उस पर काफी रोशनी डाली है । मुझे इस के बारे में कुछ नहीं कहना है कि उस पद का नाम क्या होगा । वह लैफ्टिनेंट गवर्नर भी हो सकता है, एडमिनिस्ट्रेटर भी हो सकता है या कोई और नाम भी उस को दिया जा सकता है । इस के बारे में कोई दो रायें नहीं हो सकती हैं । मेरा कहना सिर्फ इतना ही है कि किसी भी स्टेट के लिए जब नियुक्त किया जाता है तो उस की टर्म डिफाइनड रहती है और कांस्टीट्यूशन आफ इंडिया की धारा १५६ में साफ लिखा हुआ है :—

"(1) The Governor shall hold office during the pleasure of the President.

(2) The Governor may, by writing under his hand addressed to the President, resign his office.

(3) Subject to the foregoing provisions of this article, a Governor shall hold office for a term of five years from the date on which he enters upon his office:

Provided that a Governor shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.".

इस का साफ मतलब यह है कि किसी भी स्टेट के गवर्नर के लिए जो टर्म है वह कांस्टीट्यूशन आफ इंडिया के मुताबिक पांच साल है । ऐसी सूरत में यूनियन टैरिटरी के लिए जो एडमिनिस्ट्रेटर नियुक्त किया जाय, उस के लिए कहीं भी कोई टर्म न रखी जाय, यह मुनासिब प्रतीत नहीं होता । यह चीज न तो कांस्टीट्यूशन में डिफाइन की गई है और न ही इस बिल में डिफाइन की गई है । इस के बारे में इस बिल में कुछ भी नहीं कहा गया है । आप जानते हैं कि किसी भी गवर्नमेंट सर्वेंट के लिए चाहे वह किसी भी रैंक का क्यों न हो, टर्म डिफाइन की गई है और कहा गया है कि किसी भी जगह पर अगर उस को रखा जाता है, तो उस जगह के लिए ज्यादा से ज्यादा उस की अवधि तीन साल की होगी । हमारा यह हाउस है, इस की अवधि भी पांच साल रखी गई है । हर एक की अवधि रखी गई है । मैं नहीं समझता हूं कि जो यूनियन टैरिटरीज के एडमिनिस्ट्रेटर रखे जायें, उन को ला-माहदूद अर्से के लिए कायम रखने का आप का मंशा क्या है । अगर इस तरह से किया जाता है तो उस के वैस्टिड इंटिरेस्ट क्रिएट हो जाते हैं और वह चीज न तो जनता के लिए हितकर है और न ही सरकार के लिए हितकर हो सकती है । दोनों के लिए वह हानिकारक है । वह चीज कानून के विरुद्ध जाती है । इसलिए मैं चाहता हूं कि अगर होम मिनिस्टर साहब इस को इस बिल में नहीं ला सकते तो कम से कम इस को रूल्स में रख दिया जाय और अगर रूल्ज में भी नहीं रखा जा सकता तो जो स्टैंडिंग आर्डर्ज जारी हों, उन में इस को रख दिया जाय कि ज्यादा से ज्यादा अवधि पांच साल की होगी । अगर इस से ज्यादा अर्से के लिए कहीं किसी एडमिनिस्ट्रेटर को रखने की जरूरत महसूस होती है, तो मेरी प्रार्थना है, कि उस को उसी टैरिटरी में न रख कर, दूसरी जगह रखा जाय ।

Shri Hajarnavis: I oppose the amendments.

Mr. Deputy-Speaker: I think the hon. Minister has already replied to this point.

Shri Hajarnavis: I oppose the amendments, firstly because the functions of the Governor and the functions of the Administrator can never be combined, because the Administrator acts on behalf of the President in an executive capacity, whereas the Governor partakes in some measure of the character of the Head of a State, and he represents the President in the State, and that is not the position of the Administrator. Apart from this, there is also the aspect of lowering the status of the Governor by making him an Administrator in a certain other area. I do not think that the Administrator can function from a place which is outside the Union Territory. He will have to be in daily contact with it. As a matter of fact, he will have to maintain much closer contact with his Council of Ministers in the Union Territory than the Governor of a Part A State.

As regards the limit, as the hon. Member has contemplated that a Governor may be appointed again so that he can be appointed for ten years, even a limit of five years does not bring to an end the tenure of a Governor unless a successor is appointed.

15 hrs.

Mr. Deputy-Speaker: What about the amendments?

Shri D. D. Mantri: I beg leave of the House to withdraw my amendment No. 11.

The amendment was, by leave, withdrawn.

Shri Pratap Singh: I beg leave of the House to withdraw my amendment No. 24.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"Page 1, line 14,—
after "administrator" *insert*—
designated as Lieutenant Governor."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 (Legislative Assemblies for Union Territories and their composition)

Shri Bade: I beg to move:

Page 2,—

Omit lines 28 to 30. (2)

Mr. Deputy-Speaker: This amendment is before the House. Amendment No. 19 is the same as this amendment.

Shri Bade: In this amendment, I want to omit the lines 28-30, that is, the Central Government may nominate not more than three persons, not being persons in the service of Government, to be members of the Legislative Assembly of a Union Territory. According to clause 54(2)(c), every person who immediately before the commencement of this Act is a member elected from a constituency to fill a seat in the Territorial Council of Himachal Pradesh, Manipur or Tripura or in the Representative Assembly of Pondicherry shall, on and from such commencement, represent the assembly constituency of the same name in the Legislative Assembly and shall be deemed to have been elected to the Legislative Assembly from that constituency. According to this, in Himachal Pradesh, there should be 40 members and in the other Territorial Councils, there should be 30. According to clause 3(3), three members will be added to the Territorial Council

which is already in existence. So this anomaly is there. I feel strongly that this anomaly is not solved at all by this sub-clause, because under that Government is empowered to nominate three persons to the Territorial Council which is already in existence. Is the Government going to nominate the three persons to the Territorial Council already in existence or is this sub-clause applicable to the Territorial Council which will come into existence after five years? That is the difficulty. I am against nomination. In order to remove that anomaly, I have moved my amendment.

Mr. Deputy-Speaker: We have already argued the point.

Shri Vasudevan Nair: But the unfortunate situation is that the Minister has not answered the point either yesterday or today. Yesterday the Home Minister said that the Joint Committee decided to increase the number of nominations from two to three. He also did not give any explanation for this increase. Let him answer why Government has decided to make a departure like this in the case of Union Territories as distinct from States. As you know, in some States, there is provision for nomination of one or two members—not more than that. That too is specified. In our State, there is nomination for Anglo-Indians. But here is a blanket provision for nominating anyone they like. Dr. Gaitonde said that in Goa it is necessary because there is no representation for scheduled castes and scheduled tribes, that census is not taken and all that. In that case, if there is a genuine case in a particular Union Territory, they could provide for that particular Territory for nomination of one or two people from the scheduled castes. Then one could have understood it. But this provision for nomination of three people in all the Union Territories is horrible. This will be in addition to the total strength of 30. We are totally opposed to this most undemocratic and unjustified provision. The Minister has to give an adequate answer to this.

Dr. L. M. Singhvi: The increase in the number of nominated persons from two to three might perhaps be justified on the principle of "more the merrier". But apart from the increase in the number of nominated persons, a very important question arises in this matter, namely, unspecified, uncanalised blanket power of nomination. We do not know who these three persons would be, whom the Central Government is going to nominate. They are not going to be representatives of the weaker sections of the community; they are not going to be representatives of the minority communities. We do not know whether this is only a pocket of political patronage. If that is going to be so, certainly on no principle and on no analogy can this be justified. Time and again reference is made to the provisions of the Constitution which enable certain nominations to be made to this House and to certain State legislatures. But this analogy is entirely ill-conceived. It is entirely a different situation because the Constitution provides for representation of certain minorities and weaker sections of the community. It does not give Government a blanket power of nomination as the British Government has in the case of the House of Lords. The Government may almost pack a particular State legislature in a Union territory by nominating persons who are politically suitable. This could disturb the political balance in a given State legislature and may indeed take away the confidence that people should have in the form of government that is being given to them. That is my submission.

I would like to appeal to the Minister even at this late hour at least to specify the kind of people, categories of people, whom Government may nominate under this clause.

Shri Hajarnavis: The matter was discussed in the Joint Committee and they in their wisdom increased the

[Shri Hajarnavis]

number from two to three. When moving the motion for reference to a Joint Committee, I made it quite clear that this power is intended to be used for appointing members belonging to the weaker sections.

Shri Surendranath Dwivedy: You take powers and have something in your mind. Why not provide it here specifically?

Shri Hajarnavis: We stand by the commitment.

Dr. M. S. Aney: This is likely to be used to bring in persons who could otherwise not be returned at the elections.

Mr. Deputy-Speaker: Shall I put it to vote?

Shri Bade: Yes, division.

Mr. Deputy-Speaker: The question is

Page 2,—

Omit lines 28 to 30(2)

The Lok Sabha divided

Mr. Deputy-Speaker: Any corrections? ..One 'Ayes' nd six 'Noes' to be added.

Division No. 48] **AYES** **[15.10 hrs.**

Aney, Dr. M.S.	Kamath, Shri Hari Vishnu	Reddy, Shri Yallamanda
Bade, Shri	Kapur Singh, Shri	Roy,Dr. Saradish
Banerjee, Shri S.M.	Kar, Shri Prabhat	Sen, Dr Ranen
Bhattacharyya, Shri Dinen	Lahri Singh, Shri	Singh, Shri J.B.
Buta Singh, Shri	Marandi, Shri	Singhvi, Dr. L.M.
Gupta, Shri Indrajit	Misra, Dr. U.	Swamy, Shri Sivamurthi
Gupta,Shri Priya	Murmu, Shri Sarkar	Utiya, Shri
Kakkar, Shri Gauri	Nair, Shri Vasudevan	Yashpal Singh, Shri

NOES

Alva, Shri A.S.	Dhuleshwar Meena, Shri	Laxmi Bai, Shrimati
Arunachalam, Shri	Dighe, Shri	Laxmi Dass, Shri
Azad, Shri Bhagwat Jha	Dinesh Singh, Shri	Lonikar, Shri
Bajaj, Shri Kamalnayan	Dubey, Shri R.G.	Mahtab, Shri
Barkataki, Shrimati Renuka	Dwivedi, Shri M.L.	Mahishi, Shrimati Sarojini
Barupal, Shri P.L.	Ering, Shri D.	Malaichami, Shri
Basappa, Shri	Gaekwad, Shri Fatehsinhrao	Malhotra, Shri Inder J.
Basumatari, Shri	Ganga Devi, Shrimat	Malliah, Shri U.S.
Baswant, Shri	Hajaravis, Shri	Mandal, Dr. P.
Bhanja Deo, Shri L.N.	Hansda, Shri Subodh	Mandal, Shri J.
Bhattacharyya, Shri C.K.	Hanumanthaiya, Shri	Mantri,Shri
Bist, Shri J.B.S.	Himatsingka, Shri	Mehta, Shri Jashwant
Borooah, Shri P.C.	Jadhav, Shri M. L.	Melkote, Dr.
Brahm Prakash, Shri	Jadhav, Shri Tulshidas	Mishra, Shri Bibhuti
Brajeshwar Prasad, Shri	Jamunadevi, Shrimati	Misra, Shri Mahesh Dutta
Brij Basi Lal, Shri	Jedhe, Shri	Misra, Shri Shyam Dhar
Chakraverti, Shri P. R.	Jyotishi, Shri J.P.	Mohsin, Shri
Chaudhry, Shri C. L.	Kadadi, Shri	Morarka, Shri
Chaudhuri, Shri D. S.	Kappen, Shri	More, Shri K.L.
Chaudhuri, Shrimati Kamala	Karuthiruman, Shri	More, Shri S.S.
Chavda, Shrimati	Kedaria, Shri C.M.	Mukane, Shri
Chettiar, Shri Ramanathan	Keishing, Shri Rishang	Mukerjee, Shrimati Sharda
Chuni Lal, Shri	Khan, Dr. P.N.	Munzni, Shri David
Colaco, Dr.	Kotoki, Shri Liladhar	Naik, Shri Maheswar
Das, Shri B. K.	Koujalgi, Shri	Nigam, Shrimati Savitri
Das, Shri Sudhansu	Kripa Shankar, Shri	Pandey, Shri R.S.
Dasappa, Shri	Krishna, Shri M.R.	Pandey, Shri Vishwa Nath
Dass, Shri G.	Kureel, Shri B. N.	Panna Lal, Shri
Deshmukh Shri B.D.	Lakshmikanthamma, Shrimati	Parashar, Shri
Deshmukh, Shri Shivaji Rao S.	Laskar, Shri N.R.	

*Ayes: One name could not recorded.

Patel, Shhhotubhai
Patel, Shri N. N.
Patel, Shri Rajeshwar
Patil, Shri D.S.
Patil, Shri S.B.
Patil, Shri T.A.
Patil, Shri V.T.
Patil, Shri Vasantrao
Prabhakar, Shri Naval
Pratap Singh, Shri
Raghunath Singh, Shri
Raghuramaiah, Shri
Raju, Shri D. B.
Ram Sewak, Shri
Rane, Shri
Rao, Shri Ramapathi
Rao, Shri Rameshwar
Rao, Shri Thirumala
Rattan Lal, Shri
Ray, Shri ati Renuka
Sadhu Ram, Shri
Saha, Dr. S.K.
Sahu, Shri Rameshwar
Samanta, Shri S C.
Sanji Rupji, Shri
Saraf, Shri Sham Lal
Sarma, Shri A.T.
Satyabhama Devi, Shrimati
Sharma, Shri A. P.
Sharma, Shri D.C.
Sharma, Shri K.G.
Sheo Narain, Shri
Shree Narayan Das, Shri
Singh, Shri D.N.
Singha, Shri G.K.
Sinha, Shrimati Ramdulari
Sonavane, Shri
Subbaraman, Subramanyam, Shri T.
Sumat Prasad, Shri
Tantia, Shri Rameshwar
Thimmaiah, Shri
Tiwary, Shri D.N.
Tiwari, Shri K.N.
Tiwary, Shri R.S.
Ulaka, Shri
Valvi, Shri
Varma, Shri M.L.
Varma, Shri Ravindra
Venkatasubbaiah, Shri P.
Verma, Shri K.K.
Vyas, Shri Radhelal
Wadiwa, Shri
Wasnik, Shri Balkrishna
Yadav, Shri Ram Harkh
Yadava, Shri B.P.

Mr. Deputy-Speaker: The result of the division is:

Ayes: 25; *Noes*: 148

The motion was negatived.

Shri Hari Vishnu Kamath: Bad for democracy.

Mr. De puty-Speaker: Amendment No. 19 is barred.

The question is:

"That clauses 3 and 4 stand part of the Bill."

The motion was adopted.

Clauses 3 added to the Bill.

Mr. Deputy-Speaker: There are no amendments to clauses 4 and 5.

The question is:

"That clauses 4 and 5 stand part of the Bill."

The motion was adopted.

Clauses 4 and 5 were added to the Bill.

Clause 6—(*Sessions of Legislative Assembly, prorogation and dissolution*)

Shri Vasudevan Nair (Ambalapuzha): I beg to move:

Page 3,—

omit line 35. (20)

I want to say that this power given to the Administrator to dissolve the Legislative Assembly should be taken away. I do not know whether there is any use my making any remarks because while replying to the debate, the Minister had nothing to say when we advanced some arguments. He may say that ultimately the Administrator is responsible to this House. This is a very far-fetched argument. There is absolutely no meaning in that argument. In that case, the power can at least be given to the President directly. Let him do it as in the case of the other States. That an officer sent by the Government should dissolve a legislature elected by the people is very strange. I do not think there is a provision like this in any part of the world, I have nothing more to say about it.

Shri Hajarnavis: I am afraid the hon. Member has missed article 174 which gives the power to the Governor to prorogue or dissolve the House. We have, to a large measure, reproduced the very rovisions relating to Part 'A' States for the administration and for the institutions which are created by the Bill.

Shri Vasudevan Nair: The Governor is advised by the Council of Ministers.

Shri Hajarnavis: Here also he will be advised. The Home Minister made it quite clear in his speech that this power will be exercised normally on the advice of the Council of Ministers. What happens when the legislature has run its term? Who advises dissolution? The Chief Minister or the Prime Minister, as the case may be, advises dissolution. The same provision is here, subject, of course, to the proviso to clause 44. I have no manner of doubt that this will be exercised in accordance with the advice of the Council of Ministers for proroging and dissolving.

*Four votes could not be recorded

Mr. Deputy-Speaker: The question is:

Page 3,—

omit line 35. (20)

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7—(*Speaker and Deputy-Speaker of Legislative Assembly*)

Shri Yash Pal Singh (Kairana): I beg to move:

Page 4, line 10,—

omit "all the then". (13).

Mr. Deputy-Speaker: The question is:

Page 4, line 10,—

omit "all the then". (13).

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 7 stand part of the Bill".

The motion was adopted.

Clause 7 was added to the Bill.

Mr. Deputy-Speaker: There are no amendments to clauses 8 to 11.

The question is:

"That clauses 8 to 11 stand part of the Bill".

The motion was adopted.

Clauses 8 to 11 were added to the Bill.

Mr. Deputy-Speaker: Clause 12. Is amendment No. 14 being moved?

Shri Yash Pal Singh: No.

Mr. Deputy-Speaker: The question is:

"That clause 12 stand part of the Bill".

The motion was adopted.

Clause 12 was added to the Bill.

Mr. Deputy-Speaker: There is no amendment to clause 13.

The question is:

"That clause 13 stand part of the Bill".

The motion was adopted.

Clause 13 was added to the Bill.

Mr. Deputy-Speaker: Clause 14. Shri D. D. Mantri.

Shri D. D. Mantri (Bhir): Not moving.

Mr. Deputy-Speaker: Shri T. A Patil is not here.

The question is:

"That clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 was added to the Bill.

Mr. Deputy-Speaker: There are no amendments to clauses 15 to 21.

The question is:

"That clauses 15 to 21 stand part of the Bill."

The motion was adopted.

Clauses 15 to 21 were added to the Bill.

Mr. Deputy-Speaker: Clause 22. Shri Bade.

Shri Bade: I am not moving my amendment.

Mr. Deputy-Speaker: Shri Braj Raj Singh is not here. There are no amendments up to clause 32.

The question is:

"That clauses 22 to 32 stand part of the Bill".

The motion was adopted.

Clauses 22 to 32 were added to the Bill.

Clause 33—(*Rules of Procedure*)

Shri Bade: I beg to move:

(i) Page 14,—

omit lines 12 to 15. (4)

(ii) Page 14,—

omit "subject to such modifications and adaptations as may be made therein by the Administrator". (5)

Sub-clause (c) of the clause reads:

"for prohibiting the discussion of, or the asking of questions on, any matter which affects the discharge of the functions of the Administrator in so far as he is required by this Act to act in his discretion".

This is a bureaucratic provision and it takes away the rights of the elected members to ask questions about the Administrator's actions. Supposing the Administrator does anything wrong and the legislature is prohibited from asking questions regarding the conduct of the Administrator, there is no purpose in having the legislature at all. I think this clause takes away the right given under the Bill.

Again, in lines 20 to 22, I want the words "subject to such modifications and adaptations as may be made therein by the Administrator" to be omitted. This is with regard to the rules of procedure of the Legislative Assembly. Here again the administrator intervenes. The legislative assembly should form its own rules. Therefore, I have moved my amendment.

Mr. Deputy-Speaker: I shall put amendment No. 4 to the vote of the House.

The amendment was put and negatived.

Mr. Deputy-Speaker: Amendment No. 21 is barred. I shall put amendment No. 5 to the vote of the House.

The amendment was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 33 stand part of the Bill".

The motion was adopted.

Clause 33 was added to the Bill.

Clause 34— *Official language or languages of Union territory and language or languages to be used in Legislative Assembly thereof)*

Shri Bade: Sir I move my amendment No. 6:

Page 15, line 5,

omit "or in English". (6)

Again the language question comes up: it says here:

"Provided that so long as the Legislative Assembly of the Union territory of Pondicherry does not decide otherwise, the French language shall continue to be used as an official language of that Union territory for the same official purposes for which it was being used in that territory immediate before the commencement of this Act."

In the beginning 34(1) says:

"The Legislative Assembly of a Union territory may by law adopt any one or more of the languages to be used in the Union territory or Hindi as the official language or languages to be used...."

So, there is no necessity for this proviso. Therefore, I want that to be deleted.

Mr. Deputy-Speaker: I shall put amendment No. 6 to the vote of the House.

The amendment was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 34 stand part of the Bill".

The motion was adopted.

Clause 34 was added to the Bill.

Clauses 35 to 43 were added to the Bill.

Clause 44—(*Council of Ministers*)

Shri Bade: Sir, I move my two amendments:

(i) Page 18, lines 7 and 8,—

omit "except in so far as he is required by or under this Act to act in his discretion." (7)

(ii) Page 18,—

omit lines 27 to 35. (8)

This question is being discussed here since yesterday. There shall be a council of ministers in the Union territory with a Chief Minister at the head to aid and advise the administrator in the exercise of his functions in relation to matters with respect to which the legislative assembly of the Union territory has power to make laws except in so far as he is required by or under this Act to act in his discretion. That is how the clause reads. We oppose this discretionary power. It is strange that those subjects which come under the discretion of the administrator will not be discussed in the legislative assembly. What are the subjects? It may depend upon the sweet-will of the administrator. Therefore, this should not be there.

Shri Vasudevan Nair: Sir, I move:

omit lines 10 to 17. (22).

Sir, I am against this proviso to clause 44(1). The hon. Minister tried to put up a case justifying the restriction imposed on the powers of the council of ministers in the Union territories. His argument was far fetched: after all the administrator is not irresponsible; he is responsible to the Home Minister who is a member of the Cabinet which is responsible to Parliament and Parliament is responsible to the country and all that. It may be a very nice argument. But it is too much for use to assume that the administrator will be functioning on behalf of Parliament in the Union territory. The crux of the matter lies here. Any difference of opinion between the elected council of ministers and the officer or administrator shall be referred to the President for a final decision. Normally it is the decision of the council of ministers that is implemented in the meanwhile but here the Bill provides that the decision of the administrator will be implemented. This proviso is going to create a lot of problems not only for the Union territory but to the Central Government and especially the Home Ministry. I am sure you will have to take up 101 things in the Union territory and there will be 101 problems—maybe small problems. After all the council of ministers is an elected body and they are people with some pride. They will not just Okay whatever the administrator may say. In all those things if the Ministers are going to be overruled by the administrator then it is going to be very bad for the Union territories. You are actually giving them a headache which they did not have now. His Party members in the Congress Party are not satisfied with this provision. Even the Congress Party in Himachal Pradesh submitted a memorandum to the Government that they should give full and democratic Government to the Union territories. It is not a partisan demand. Any genuine democrat will like to see that our brothers and sisters in the Union territories have the same right as our brothers and sisters in other parts of the country. Even at this eleventh hour I request them to re-think over the matter and I hope they will make the necessary changes if not now, in the near future.

Shri Hajarnavis: Sir, I have dealt with this question fully and there is not much new that I can add.

Mr. Deputy-Speaker: I shall put amendments Nos. 7 and 8 to the vote of the House.

The amendments were put and negatived.

Mr. Deputy-Speaker: I shall put amendment No. 22 to the vote of the House.

The amendment was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 44 stand part of the Bill."

The motion was adopted.

Clause 44 was added to the Bill.

Clause 45—(*Other provisions as to Ministers*)

Mr. Deputy-Speaker: There are some amendments. Is Mr. Buta Singh moving his amendment No. 23? He is not here. Is Mr. Mantri moving his amendments Nos. 16 and 17.

Shri D. D. Mantri: I am moving only 16.

Page 19, line 1,

after "The Chief Minister" *insert*—

"who shall be chosen from amongst the elected members" (16).

श्री द्वारका दास मंत्री : उपाध्यक्ष महोदय, इस बिल का क्लाज़ ४५(१) मुख्य मंत्री की नियुक्ति से सम्बन्धित है। लोकतंत्रीय पद्धति में मुख्य मंत्री का चुनाव लेजिस्लेचर के मैम्बर्स में जो बहुमत में होते हैं, उन के द्वारा किया जाता है किन्तु इस ४५(१) क्लाज़ में यह रक्खा गया है कि चीफ मिनिस्टर को प्रैसीडेंट नियुक्त करेगा। मैं ने इस के लिए अपने संशोधन नम्बर १६ में कहा है कि इस में यह व्यवस्था होनी चाहिए कि जो सदस्य चुन कर आये हैं वे चीफ मिनिस्टर को चुनने के हक़दार होंगे और चीफ़ मिनिस्टर उन्हीं एलेक्टेड मैम्बर्स में से एक होगा।

यहां पर हम देख रहे हैं कि ३ या २ सभासद अध्यक्ष की ओर से नियुक्त होने वाले हैं और अगर क्लाज़ को वर्त्तमान शकल में क़ायम रक्खा जाता है और मेरा संशोधन यदि नहीं माना जायगा तो नियुक्त किये गये सदस्य भी क्लाज़ के मुताबिक़ मुख्य मंत्री बनने के हक़दार हो सकते हैं। लोकतंत्रीय पद्धति के अनुसार यह व्यवस्था तो कम से कम रक्खी ही जानी चाहिए कि जो सभासद चुन कर आयेंगे उन चुने हुए सभासदों में जिस पार्टी या ग्रुप के लोगों की अधिक संख्या हो, जिन का बहुमत हो, उन में से एक आदमी को मुख्य मंत्री बनाया जाय। इसी उद्देश्य की पूर्ति के लिए मैं ने यह संशोधन सदन के सामने स्वीकृति के लिए रक्खा है।

Shri Hajarnavis: These are matters which are governed by conventions. The Constitution has been in operation for about 13 years now; there has been no instance of a nominated member anywhere being appointed as a minister.

Then there would also be another difficulty if the amendment is accepted. A member who is not elected, who does not belong to any particular movement, who is not a Member of the House, will not be able to become the Chief Minister. The existing provision is just on the lines of the provisions of the Constitution. There is a provision here, in clause 45, which says that a minister who is not a member for six consecutive months, will cease to be a minister. Therefore, the idea is always there, that the elected man shall be the minister.

Shri D. D. Mantri: I do not press the amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 45 stand part of the Bill."

The motion was adopted.

Clause 45 was added to the Bill.

Clauses 46 to 52 (both inclusive) were added to the Bill.

Clause 53—(*Provisions for election to Parliament from Goa, Daman and Diu, and Pondicherry.*)

Shri Bade: I beg to move:

Page 24, line 1,—

for "As soon as practicable" *substitute*—

"Within six months". (9)

I have said that instead of the words "As soon as practicable," the words "Within six months" should be substituted. The clause says: "As soon as practicable after the commencement of this Act, elections shall be held...." This is too vague a term. The amendment is just in line with the amendment to clause 54. In the Joint Committee also, there is one dissenting note by Shri Mukut Behari Lal and Shri Surendranath Dwivedy, wherein they have said:

"We further wish to point out that in our opinion territorial Councils should not be allowed to function for more than 6 months as Legislative Assemblies and that within the period new Legislative Assemblies be elected in accordance with the provisions of the new Act. This is necessary to afford to the people of Union territories concerned opportunity to elect representatives whom they wish to entrust the responsibilities of administration under this Act."

So, there should be no vagueness in the Act itself, and some time-limit should be prescribed for the new elections. Therefore, I have moved this amendment to the effect that the elections should be held within six months after the commencement of this Act.

Shri Hajarnavis: I oppose the amendment. It is impracticable to put in a fixed time-limit.

Mr. Deputy-Speaker: I shall put the amendment to the vote.

The amendment was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 53 stand part of the Bill."

The motion was adopted.

Clause 53 was added to the Bill.

Clause 54—(*Provisions as to provisional Legislaive Assemblies of certain Union terriories*).

Shri Bade: I beg to move:

Page 25,—

omit lines 7 to 36. (10).

This is a clause which at least all Members of the Opposition have criticised. Here, the provision is that the Territorial Councils which are already in existence should been deemed as if they had been elected bodies in the territories. This is something strange, and the political parties which are there will not be having any chance to contest the elections. Therefore, this clause is not democratic at all, because this legal fiction, as Shri Kamath said yesterday, is against the Constitution.

According to the Constitution also and according to democratic principles, these Territorial Councils which are already in existence should not be deemed as if they are newly elected councils. That is a legal fiction, and

it is very strange. This was never expected by the people who are living there. There was also some sort of criticism by the Home Minister that if Shri Kamath goes there he will find what the expectations of the people there are. But the Joint Committee was not allowed to go there. Otherwise, it could have known the actual situation there and made some remarks. I think this provision goes against the Constitution, and therefore, I am moving this amendment.

Shri Hajarnavis: I oppose the amendment. I have already answered it yesterday and the hon. Member is not right when he means to say that the political issues were not there at the time of the elections. If he collects the materials and reads the record of the speeches which were made in the elections, he will find that the Bill was very much in view, and the administrative set-up which we are now going to erect under this Bill was also very much in the view of the people, and the people knew that they were being elected not merely to the Territorial Councils but to he legislatures which were due to come into existence.

Mr. Deputy-Speaker: I shall put the amendment to the vote.

The amendment was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 54 stand part of the Bill."

The motion was adopted.

Clause 54 was added to the Bill.

Clauses 55 and 56 were added to the Bill.

Clause 57— (*Amendment of certain enactments*)

Shri Hajarnavis: I beg to move:

Page 26, lines 19 and 20, *omit*

", in their application to the Union territories specified in clause (h) of subsection (1) of section 2,". (18)

It is merely a clarificatory amendment.

Mr. Deputy-Speaker: I shall put the amendment to the vote.

The amendment was put and adopted.

Mr. Deputy-Speaker: The question is:

"That clause 57, as amended, stand part of the Bill."

The motion was adopted.

Clause 57, as amended, was added to the Bill.

The First Schedule and the Second Schedule were added to he Bill.

Clause 1—(*Short title and commencement*).

Shri Bade: I beg to move:

Page 1, line 8, *after* "appoint" *insert*

"but the enforcement of this Act or any provision of this Act shall not be delayed for more than six months from the date of the passing of this Act." (1)

The provision as it stands, reads like this :

"It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:"

Here, I want to add the following:

"but the enforcement of this Act or any provision of this Act shall not be delayed for more than six months from the date of the passing of this Act."

I want to make it more sure that the Government is going to enforce this Act within six months from the passing of the Act. I have also moved an amendment to the effect that the elections should be held within six months.

[Shri Bade]

My contention is this. I have seen many times that the enactments, though they are passed, are not enforced at all. The enactment should not just remain with the Government. It should be enforced soon. Therefore, I have moved this amendment.

Shri Hajarnavis: I do not accept the amendment. There will be no avoidable delay in implementing this measure.

Mr. Deputy-Speaker: I shall put the amendment to the vote.

The amendment was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

Shri Hajarnavis: I beg to move:

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

Mr. Deputy-Speaker: Motion moved:

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

Shri Sham Lal Saraf (Jammu and Kashmir): Mr. Deputy-Speaker, Sir, there are three or four points which have been made by such of the hon. Members as have spoken in this debate. I would have to meet those points. First, clause 3 seeks to have nomination. I want to inform the House that though different points have been expressed, as far as Himachal Pradesh is concerned, even today, there are people living in the border areas who know little about democracy, democratic life and so on and so forth. You will not forget that until the other day this area was broken into 9 small States and the people there got little opportunity to get themselves educated and know something about the modern world and modern things, not to speak of democratic principles. Therefore, I think it will be doing justice to these people there if a few seats are left to be nominated especially from such areas and from such people who got little opportunity to get educated and know something about democratic principles. Therefore, it is perfectly in keeping with the demands of the situation there.

Dr. Gaitonde also raised another point. He said that in Goa the changeover that has taken place now is absolutely different from what it was before during the Portuguese regime. Therefore, this changeover so briskly and quickly may upset things there and so it will be perfectly in keeping with the tradition and way of life there if it is provided that two or three members are nominated from there.

My friend, Shri Bade, was just now speaking against the functioning of the Territorial Councils today. Actually the purpose as I understand is this. The Government want to give the opportunity to the people there to start immediately with democratic functioning. Therefore, if the Councils that have been working are converted and made to function as Legislatures, there is no harm, till in the very near future they are in a position to hold elections. Therefore, it is perfectly right and in keeping with the traditions of democracy, as happened in regard to this very Parliament.

With regard to the leadership of the party, my friend, Shri Mantri, said that the Chief Minister of these Territories may not be a person who is outside the House. That cannot be possible. The Constitution lays down that the Council of Ministers will be responsible to the Legislature. Naturally, the majority party alone

can form the Government. Naturally, the leader of the party has to be from the House and has to command the confidence of the majority of the members of the Legislative Assembly. Keeping that in view, I think the present measure as it is, is in keeping with the demand of the times. Therefore, let us go ahead with it and later on see if it requires any change.

So far as the Administrator is concerned, it is a slightly different pattern from that of Governor or Lt. Governor. As far as the reaction that has come from my hon. friends is concerned, I am one with them that it is a slightly different pattern. But when I look into the actual working of the present set-up of these areas, I feel that this set-up may be given a trial for sometime. If anything untoward happens, the Government or the party and everybody is free to get this very law amended in future. Therefore, keeping these things in view, I hope my friends will agree that at the moment we give the people a chance to go ahead. Later on, if any change is needed, it can be brought about.

With these words, I support the Bill.

Shri Vasudevan Nair: Mr. Deputy-Speaker, Sir, I am sorry that the Minister did not think it necessary to accept the very just and genuine amendments moved by us. They are very genuine and it was not with any other consideration that some of us had moved those amendments to the Bill. We are all one in our desire to provide a responsible, democratic and popular Government to the people of the Union Territories. But the Government has thoroughly disappointed us in the opposition by this kind of half-hearted legislation.

The only thing that has come out of the debate is that the Minister has given some oral assurances. He said that he hopes there will be no opportunity for the administrator to differ from the Council of Ministers. He hopes that there may not be any opportunity for the Central Government to intervene unnecessarily in the affairs of the Union Territories. But these are all hopes. I do not know whether these hopes will materialise, because we, at least on this side of the House, have some experience in the past as far as the activities and functions of this Government are concerned. So, it would have been much better and it was imperative that those assurances should have found written form in the Bill itself.

In spite of the fact that you are giving something to the people which is far from satisfactory, I hope the people will assert themselves in the Union Territories and ultimately the desire of the people will have to be respected by the Government. I hope the day will not be far off when proper responsible Government will be there in the Union Territories.

Shri C. K. Bhattacharyya (Raiganj): Sir, I request my friends of the opposition to accept the assurances that the hon. Minister has given with the sincerity with which these have been given. My friend, who spoke just now before me, anticipated that there will be trouble. I would request them that if they accept the Bill with the sincerity with which this has been brought by the Government and allow it to be worked in that way, there will be no trouble and the people would progress to the ideal to which we all want them to go. There is no doubt about it that all of us want the people in all parts of India to have the same civic and political rights. But the exigencies of the situation lead to some variation somewhere.

It should be remembered that Manipur is a point where Burma meets India. Manipur, Mizo, Nagaland and NEFA form the entire border from China up to Burma. Naturally being on the border, my friends know, and I believe they also agree to the different arrangements made all along the border beginning from NEFA. So, there is bound to be some variation in Manipur also. Tripura stands on a

[Shri C. K. Bhattacharyya]

different category. Tripura is completely within the grip of Pakistan and except a narrow opening in the north-east through which it may contact Assam, Tripura is completely surrounded by Pakistan. So, in the case of Tripura also, the Central Government has a special responsibility which we cannot deny and which the Central Government has to look after.

When the States Reorganisation Commission considered these points, they did not place these units on the same footing as the other territories of India. Regarding Manipur, they doubted whether Manipur could at all be a viable unit. Of course, at the same time, they observed that Manipur, with its limitations, would not expect to be turned into a full-fledged territory. They made similar observations regarding Tripura. So, these things have got to be considered.

To the Minister, I may make one submission. I may draw his attention to clause 12 of the Bill. Only yesterday he was almost prepared to support a Bill to change the quorum of the Parliament, that is, those two articles in the Constitution, which prescribe quorum for the Parliament and State Legislatures at 10 per cent.

Mr. Deputy-Speaker: This is the third reading of the Bill. This has nothing to do with this Bill.

Shri C. K. Bhattacharyya: The Government was almost prepared to support a Bill which sought to make the amendment that the provision regarding the necessity of quorum for constituting the Parliament sitting should be deleted. In this Bill he is providing that the quorum to constitute a meeting of the Legislative Assembly of the Union Territories shall be one-third of the total number of members. This, I hope, he will remember when the Bill again comes up for discussion in this House.

Mr. Deputy-Speaker: The hon. Minister.....

Some hon. Members *rose*—

Shri Hari Vishnu Kamath: Mr. Speaker, Sir, I will take only a minute or a minute and a half. I did not speak on the first and second readings. I think it is a very important Bill and it should not be hustled.

Mr. Deputy-Speaker: Nobody stood up except Shri Bhattacharyya.

Shri Hari Vishnu Kamath: You do not expect all of us to stand together. It does not befit the dignity of the House also.

Mr. Deputy-Speaker: All right, he may speak.

Shri Hari Vishnu Kamath: Mr. Deputy-Speaker, I shall be very very brief indeed. When the Parliament passed the Constitution (Fourteenth Amendment) Bill in September, 1962, this Parliament aroused very ardent and fond hopes in the breasts of the people of the Union territories for a truly democratic and responsible Government, a truly representative Government, on the lines of the governments obtaining in the States and at the Centre. But I am very very sorry to say that after the lapse of these few months, more than seven or eight months, it is very tragic that the hopes aroused then at that time have been betrayed and those hopes have been turned into a hoax today by the Government.

Mr. Deputy-Speaker: The hon. Minister.

Shri Bade: Sir, I want only two minutes. I moved some amendments also.

Shri Hajarnavis: Sir, I have very little to add. Shri Nambiar . .

Shri Bade: Sir, I want only two minutes.

Mr. Deputy-Speaker: All right; the hon. Minister may resume his seat. Let him have two minutes.

Shri Daji: Shri Nambiar is in jail.

Shri Hajarnavis: I meant Shri Vasudevan Nair. (*Interruption*).

श्री बड़े : उपाध्यक्ष महोदय, मैं ने बारह पंद्रह एमेंडमेंट दिये थे और आशा की थी कि उन में से कुछ एक तो सरकार की तरफ से मंजूर कर लिये जायेंगे । लेकिन उन में से एक को भी स्वीकार नहीं किया गया है । हमेशा ऐसा ही अपोजीशन वाले जो एमेंडमेंट देते हैं, उन का हाल होता है । देवकी के पुत्र जिस तरह से मरने के लिए तैयार होते थे, बाद में भगवान कृष्ण हुए, उसी तरह से हमारे एमेंडमेंट भी मरने के लिए तैयार होते हैं । देवकी के सात पुत्र मार दिये गये थे लेकिन आठवें भगवान् कृष्ण हुए थे । मेरा निवेदन है कि हमारे एमेंडमेंट जो स्वीकार नहीं किये गये हैं, इस का हमें दुःख नहीं है, इस का हमें अफसोस नहीं है । लेकिन आप की कथनी और करनी में अन्तर नहीं होना चाहिये । कल ही प्रधान मंत्री नेहरू जी ने कहा था कि कथनी और करनी में फर्क नहीं होना चाहिये । मैं चाहता हूं कि माननीय मंत्री जी ने जो आश्वासन दिये हैं, उन को उन्हें पूरा करना चाहिए और उन की कथनी और करनी में फर्क नहीं होना चाहिये । अगर ऐसा होता है तो जनता यही कहेगी, डाक्टर हील दाईसैल्फ । आश्वासन तो आप ने दे दिये हैं लेकिन उन आश्वासनों को आप को पूरा भी करना चाहिये । अगर ऐसा होता है तो हमारे जो एमेंडमेंट अस्वीकार कर दिये गये हैं, उस का हमें अफसोस तो नहीं है लेकिन जिस प्रयोजन को ले कर वे दिये गये थे, वह सिद्ध हो गया है, ऐसा हम मान लेंगे ।

Shri Hajarnavis: Sir, I entirely agree with Shri Bade. What is more important is not the printed word of the Constitution but the manner in which it functions. I hope all sections of the House will join with me in the hope that when these institutions come into existence they will make the people of the Union Territories masters of their own houses as people in the other parts of India are, and they will unitedly bend their energies towards the development of their territories.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

15.5 hrs.

RE: ALLEGED LEAKAGE OF REPORT OF ATTORNEY GENERAL ON BOSE COMMISSION INQUIRY

Mr. Deputy-Speaker: The hon. Minister, Shri K. C. Reddy.

Shri Daji (Indore): Sir, before you call the Minister, I have to raise one issue. I have given intimation of this to the Speaker and I have also been permitted by the Speaker to raise this here.

Mr. Deputy-Speaker: Before the motion is made?

Shri Daji: Yes.

Mr. Deputy-Speaker: Is it in connection with the same matter?

Shri S. M. Banerjee (Kanpur): He gave notice of it in the morning.

Mr. Deputy-Speaker: All right.

Shri Daji: Sir, I am raising this issue not merely as an issue of technical privilege but as an issue of substance. You will recall, Sir, that the House demanded that the report of the Attorney-General and Shri Sastri, the two legal advisers appointed by the Government on the Vivian Bose Commission to decide about the actions to be taken, be placed on the Table of the House. One part of it dealing with the Company Law may be placed before the House and we demanded that Part I also may be placed. When we demanded to have Part I, there was a discussion in this House on 29th April, and the hon. Law Minister was pleased to observe as follows:

An Hon. Member: He is not in Delhi.

Shri Daji:

"The House will appreciate that it will not be desirable in the public interest to place this part of the report before the House, as it contains an analysis of the evidence in respect of these transactions and its disclosure might prejudice any further proceedings in a court of law which the Government might decide to initiate."

15·56 hrs.

[SHRI KHADILKAR *in the Chair*]

There was further discussion and my hon. friend Shri Morarka also, participating in the discussion, pointed out that the placing of such a report would only help the persons concerned whom we all wanted to bring to book. Therefore, the matter rested there and we did not press it further because it was in the public interest that the report should not be laid on the Table of the House.

Now, Sir, I discover—and here is a copy as far as I am concerned—that Part I of the Attorney-General's report has been sent to the Speaker and the Chairman of Rajya Sabha by Shri Mehr Chand Khanna with a covering letter. He has sent the whole bunch, the whole verbatim copy of the Attorney-General's report.

Mr. Chairman: Is it the original report? (*Interruption*).

Shri Tyagi (Dehra Dun): Sir, this is wrong. Shri Mehr Chand Khanna is not present here.

Shri S. M. Banerjee: He is not the minister.

Shri Hari Vishnu Kamath (Hoshangabad): Some other Khanna.

Shri Tyagi: Sir, Shri Mehr Chand Khanna is not present here.

Shri Daji: I do not know that he is not here.

An Hon. Member: What will happen if he is not here?

Shri Hari Vishnu Kamath: He is a name-sake; not the Minister.

Shri Tyagi: How can he go against his own Cabinet? It is not possible.

Shri Daji: I do not know. The letter is signed "Mehr Chand Khanna". This letter has been sent to the hon. Speaker. I do not suggest that the Speaker's Secretariat has passed it on. Certainly I did not get it from the Speaker's Secretariat. I have got a copy of it, a verbatim report of the first part which was held back from the House (*Interruption*). And, Sir, this copy has been sent, among others, to Asia Udyog and Mrs. S. Dalmia, the very persons from whom we wanted to keep back this part so that they may not get a fore-warning of the action proposed to be taken. On a reading of it it is certainly clear that what the hon. Law Minister said on the 29th is true. It chalks out the lines of possible action by Government, to take the possible evidence existing and evidence to be collected, how to collect further evidence and so on. This whole thing has now gone out and has been sent to some selected Members of the House including Shri Hanumanthaiya.

An Hon. Member: Why including?

Shri Daji: Because he is a Congress Member; others are Opposition Members.

Shri Tyagi: It is actually signed, or the name is typed?

Shri Daji: That the Speaker will be able to say from his copy. I have not been able to get the Speaker's copy. The main copy has been addressed to the Speaker. I have been given only a copy.

I would like to know whether this . .

Shri Sham Lal Saraf (Jammu and Kashmir): Sir, I want to make a submission. We want to be absolutely sure about the authenticity of this

document. Unless we know that it is an authentic copy, how can we take it up for discussion here?

Shri Hajarnavis: What is the motion that he has made before the House?

Mr. Chairman: May I know from Shri Daji on what grounds he says that this is an authentic copy of the report?

Shri Daji: I do not say that this is an authentic copy of the report. I am asking the Government to tell us whether it is so or not.

15.59 hrs.

[MR. SPEAKER in the Chair]

It has been given to the Government in the morning. It was given to the Minister of Parliamentary Affairs this morning. He has had about 5 hours to ascertain whether it is authentic or not. I am expecting a reply by about four o'clock.

16 hrs.

Now, Sir, the first point that we would like to know is whether this is an authentic and true copy of the first part of the report or not. Secondly, if it is so, I submit, I am not raising a technical point of privilege but a point of great substance, seriousness and propriety, if this is such a report which was intended in public interest to be kept away even from Members of Parliament—and, after reading it, I feel it was rightly done because it really speaks of all possible actions that Government were advised to take—how is it that such a report has leaked out. It is something very serious, something very shameful that we cannot get such a report, again at a time when we are just going to have a discussion on the Vivian Bose Commission report, and yet the big business could lay their hands on this top secret report and get it circulated in this way. I do not know exactly where the responsibility is. My request to the Government, first of all, through you is, let the Government enlighten us on the point whether this is the true report. If it is a true report, and it is circulated to all and sundry, members and even non-members, are we not entitled to get a copy of it? Thirdly, from whom, from what source, from what office has this leaked out? I do not know that. It may be from the Ministry of Commerce and Industry, or the Law Ministry or the office of the Attorney-General, because these are the three persons officially known to have been associated with the top secret report; or there may be others also. We do not know; we have not got any information in the House. But, from the papers, we find that Shri Swaran Singh was appointed to a sub-committee of the Cabinet. May be, he is also aware of it. So, it is available only to these four people. In any case, Government is squarely responsible for this. If a top secret document, held back by the Government from Parliament, finds its way to the public, a report which in the public interest should not be disclosed, apart from the technical question of privilege—there is no doubt about it that the question of high propriety is involved—the propriety of the report itself going into the hands of persons against whom action is contemplated reduces the whole intended discussion and this Parliament and our rights as well as privileges to a mockery. So, if it is really an authentic and true copy, it seriously affects our rights and privileges. Therefore, I seek your permission to request the Government to enlighten us whether this is a true copy. If so, I feel the House should appoint a committee to go into the question how this top-secret document has been circulated and the entire discussion has been set at nought.

Shri Hari Vishnu Kamath: Sir, on a point of clarification.

Mr. Speaker: Shri Bade.

Shri Bade (Khargone): I submit, Sir, this is a very serious question. In the morning, you will remember,

[Shri Bade]

Sir I came to you and enquired whether we would get a copy of the first part of the report. Then you were good enough to tell me that since the report is withheld by the Government from Parliament' it is not available. Then, to my surprise, I have seen in *Patriot* in bold type the substance of the first part of the report. It has appeared in the papers, copies of it are distributed everywhere in the town and yet we are deprived of this document, which is a very important document. So, I want to know whether this is a question of privilege of the House or not. If it is a privilege, then the matter should be referred to the Privileges Committee. or some action should be taken against the persons concerned. So....

Mr. Speaker: I have followed his point.

Shri S. M. Banerjee: Sir, my idea in seeking your permission to raise this point.....

Mr. Speaker: That was the joint request of both Shri Daji and Shri S. M. Banerjee.

Shri S. M. Banerjee: I want to cover some point.

Mr. Speaker: It is only one Member who can move it. I have permitted Shri Daji to raise it. Now, if he has to say anything in addition, he may do so. Otherwise, he may resurme his seat.

Shri S. M. Banerjee: Sir, I raise this question only because on the 29th April, 1963 when the Law Minister wanted to lay on the Table of the House Part II of the report, I raised a point of order but, Sir, you in your wisdom did not allow me to proceed. You asked me "He cannot read the statement?". Then I said "he reads, I want to know....". Then you said "Let him read it. If something arises....." I then said "I want to know whether it is the report of the observation of the Government.'. Then you said: "Whatever it is, he will come to know when he reads." I immediately said "Then, the mischief will be done". My fear then was that I was anticipating something fishy, something hanky panky, because I knew the whole thing. I was expecting this because a lot of rumours were afloat in Delhi that this report was being shelved.

Mr. Speaker: Even then he had knowledge of the first part?

Shri S. M. Banerjee: If I had no knowledge, I would not have raised it. My only submission is this. In spite of my repeated requests to the Law Minister that it should be laid on the Table of the House, the only reply was that this House will appreciate that it will not be desirable in the public interest to do so. I have a feeling that this document has been concealed from the Members of the House. By divulging this report, this top secret report, which has been denied to Members of Parliament, Government have committed a gross impropriety and a breach of privilege. Now that Shri Daji has shown us this report, Government must here and now come forward and say whether this is a real and true copy of the report which has been denied to us. This has been circulated by one Shri Mehr Chand Khanna. He is in Vinay Nagar. He has, in his letter addressed to you, stated that Dalmia's condition is pitiable and when this particular report was shown to his wife that is, the wife of Shri Khanna, she was in tears. Shri Mehr Chand Khanna was pleading on behalf of Dalmia. It has given a handle to Seth Ram Krishna Dalmia and others to represent their case. I doubt very much whether these documents have leaked out from the office of the Attorney General, or

the Law Minister, or the Minister of Commerce and Industry. There should be a probe into the matter immediately. It is a question of privilege. Why have we been deprived of the privilege of going through those documents? The other day when I raised this question, Shri Morarka, out of ignorance, asked "whom Shri Banerjee wants to help?". What is the implication of that question? Now it is clear to all as to who wants to help whom. So, I raise this question of privilege, Let the Minister come forward and say if this is an authentic copy. It runs to ten pages. It is the same thing which has appeared in the *Statesman* when I raised this question. I want this thing to be decided here. First of all, I want part I of the report to be laid on the Table of the House, because it is no more secret, though they have kept it as secret because we should not be deprived of our privilege. Then, I hope you will excuse me if I say, as I said the other day, the intention of the House seems to be to reduce this House into a post mortem house.

Mr. Speaker: Order, order. The hon. Member is going on arguing. First of all, it is not known whether it has leaked out and, if so, from where. Yet, members begin to conclude it is a privilege of the House Unless we know the facts, how can we decide it. If the truth is known and it is found or established that it has been released by Government, or any of its agency, then alone it can be said.....

Shri S. S. More (Poona): I oppose the motion of the hon. Member.

Mr. Speaker: I will certainly give him an opportunity. First of all it has to be seen if it is an authentic copy. Even then, supposing it is by theft. Supposing it has leaked out somewhere because of the negligence of the Government. So, unless we know the fact, how can we presuppose that a breach of privilege has been committed and then proceed? On the other hand, he has urged that an inquiry may be made and the facts ascertained as to how it has gone out. That is a perfectly legitimate demand on the part of Members.

Shri H. N. Mukerjee (Calcutta Central): As far as I can understand, you, Sir, have already fixed a particular time in order to allow these two members to present whatever their case is, and I take it that the Ministers of Government are aware of the fact that the Speaker of this House has fixed a certain time for it. The Law Minister is not seen here, for God knows what reason. The Minister of Parliamentary Affairs is also nowhere to be seen. Only the Minister of Commerce and Industry is here, and possibly two other Ministers because they have some other business. I do not understand how it is that in the House of the People when a matter is fixed for discussion, a matter pertaining allegedly to the question of privilege, the Law Minister or the Minister of Parliamentary Affairs do not have the elementary courtesy to be present. They have been behaving in this arrogant manner over and over again and this has been drawn to your notice even this morning.

Shri Hajarnavis: May I submit....

Mr. Speaker: Order, order. There is nothing here about which we should get excited. I have fixed this discussion at this hour and a notice was given to the Government. So, some Minister, whoever he might be, responsible and capable of answering the questions that are raised here, should be present. I am told that the Minister concerned is here and will answer the question. So far as the Law Minister is concerned, I was told in the morning that he is not in the station. He has gone out of Delhi.

Shri Hajarnavis: His brother is very seriously ill. Therefore, he had to go.

Mr. Speaker: There may be some reason for it. We have learnt in the morning that both the Law Minister

[Mr. Speaker]

and the Deputy Law Minister were not here in station. Therefore, they could not be present. Here we are only concerned with the question whether there is present some Minister who might know the facts and might give the answers when an accusation is made against the Government. If the plea is taken that some particular Minister is not here, not present in Delhi, therefore, they cannot answer some question then the position is different. Now, if the whole thing is discussed here and the facts are given to us, why should there be cries of objection?

Shri Hari Vishnu Kamath: Sir, on a point of information and amplification. My hon. friend, Shri Daji, has told the House that you have also been forwarded a copy of this document.

Shri S. M. Banerjee: Sir, it is addressed to you.

Shri Hari Vishnu Kamath: It has been addressed to you along with a forwarding letter. You would be guiding the House aright and enlightening us on this matter further if you could kindly tell us when first you received this document and whether you yourself, independently of the Government, have thought it fit and necessary to have any kind of inquiry made into this aspect of the matter as to how this part came to be sent to you either by leakage or by theft, as you yourself said, and finally who this mysterious Mehr Chand Khanna is. Has any inquiry been made into this mysterious Mehr Chand Khanna and has his identity been established? Have you tried to do this, independently of the Government? We have more confidence in your machinery at this stage than in the machinery of the Government. If you would throw some light on the matter, we would be deeply obliged to you.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I am told, my absence was criticized. I do not know what for. My other colleagues were here. What have I to do with it?

Mr. Speaker: It is correct that an objection was taken that the hon. Minister of Parliamentary Affairs was not here but I must tell him that I defended him. But then he should not disown responsibility because for whatever goes on here he is responsible.

Shri Satya Narayan Sinha: Not pointedly.

Shri Kapur Singh (Ludhiana): I wanted to make a very humble submission when Professor Mukerjee and later on my hon. friend, Shri Kamath, stole the thunder. I want to remind the House that throughout his speech the hon. Member has been discreet and hypothetical. He has merely said that if it is true, there is breach of privilege. We must not forget this that he is hypothetical. He makes no categorical.

Dr. L. M. Singhvi (Jodhpur): If the allegations made by Shri Daji are correct or even have a semblance of accuracy, certainly the matter is of serious concern. But we would like to know, in the first place, whether the Government propose to proceed under the Official Secrets Act in this matter as to how this came to be disclosed, leaked out, stolen or somehow published and circulated. The second thing is of immediate concern to us. If the document happens to have been circulated to some privileged hon. Members of the House and to some other persons, there is no reason why that document should not be made available to others because, after all, the Vivian Bose Inquiry Commission's Report is divided into two parts and the Sen Report, as I have submitted earlier, is the report which relates to recommendations whereas the Vivian Bose Report is the report of inquiry. If the first part of the Attorney-General's report has been circulated

to some people—that relates to the inquiry by Mr. Vivian Bose—there is no reason why, when once the Vivian Bose Inquiry Report has been submitted to us, this report should not also be submitted.

Shri Tridib Kumar Chaudhuri (Berhampur): I only wanted to point out that three departments of the Government are concerned with this latter report, that is, the report of the Attorney-General and Shri Viswanatha Sastry, about the action to be taken on the Vivian Bose Commission's recommendations. Now the whole point is that you should also ask on behalf of the House that an inquiry should be made as to from which of these three departments this leakage has started. Evidently, it is a leakage; it is not an official circulation. So, that aspect of the matter should also be taken into consideration.

Shri Sinhasan Singh (Gorakhpur): Before we discuss anything, let us know whether the Government owns that letter or not.

Shri S. S. More: I have reasons to oppose the motior of privilege.

Mr. Speaker: It is not yet known whether really the facts disclose that there is any breach of privilege or not. First the demand is that the facts must be told as to how it happened.

Shri S. S. More: It is for them to explain how they got the document.

Shri Sham Lal Saraf: I have already raised the point about the authenticity of the document.

Shri S. M. Banerjee: Let the Government deny that.

Shri S. S. More: I think, the party who obtained that particular document must explain how and by what means they got it.

Shri Daji: By post.

Shri Surendranath Dwivedy (Kendrapara): I only want to point out that this particular letter has been circulated by a person who says that his friend is a stenographer of an advocate and from that stenographer he has got this letter. That is how he has forwarded this letter to some of us saying that this is the first part of the report of Shri Daphtary and Shri Sastry which has not been laid on the Table of the House. That is the authenticity. The person gives his name and address. He lives somewhere in Vinay Nagar, New Delhi.

The Deputy Minister in the Ministry of Home Affairs (Shri Hajarnavis): Some time earlier the hon. Law Minister stated in this House that a certain part of the report was confidential and that the Government would not place it before the House. That position we still adhere to and it has not changed merely because some individual takes it upon himself to say that here is a copy of that report which is in our possession, which we regard as confidential and which we maintain is confidential, and try to draw us out to admit it or deny it. We have not reached that stage at all.

Dr. L. M. Singhvi: It is most unrealistic.... (*Interruption*).

Shri Hajarnavis: I do not agree that merely because someone alleges that he has got a copy and therefore Government should either confirm it or deny it. That is a proposition which, I submit, Government cannot accept without a severe restriction upon their responsibility.... (*Interruption*). That is so far as the production of the report or making any statement on the report is concerned.

So far as the matter of leakage on the motion of privilege of the House is concerned, I have not yet been able to find out its exact nature. What exactly does it say? Is it a privilege motion? Treating it as a privilege motion, I submited, I hope they will satisfy you *prima facie* that if the facts are proved, the Government or any other party against whom the

[Shri Hajarnavis]

complaint is made is guilty of breach of privilege. The question of privilege cannot be raised in the air. It cannot be raised merely because someone says, "You have done something which is improper." Suppose, today I have a highly confidential document in my possession and somebody steals that document. I will assume that. Then how is the question of privilege raised? How does it arise? How am I called upon to explain? It may be that at an appropriate stage of the proceedings, Government may be criticized for not taking proper care of the things it regards as confidential, but the question of breach of privilege of the House as a whole does not arise. I submit that the essential ingradient of that would be if something which we ought to have done, that is, document or information which under our responsibility to Parliament we ought to have given here, we have given to someone else. Is there any allegation of that nature? Someone who has a stenotypist as his friend sends out a letter. Suppose that he does a wrong act, how is Government to be fastened with that responsibility?

Shri Priya Gupta (Katihar): On a point of order, Sir. The point of privilege is in respect of bringing to light information which was not given to us. How it came to light, either through a concealed channel or due to the intention of the hon. Minister, is not the criterion for judging the question of privilege. The question of privilege arises because it has been brought to light and it has not been given to us by the hon. Minister.

Mr. Speaker: What is the point of order?

Shri Priya Gupta: The point of order is that he cannot say....

Mr. Speaker: What rule of our Rules of Procedure or what article of the Constitution has been violated?

Shri Priya Gupta: I am just bringing to your notice his statement in respect of the question of privilege for your ruling.

Mr. Speaker: That cannot be a point of order.... (*Interruption*). Shri Bade.

Shri Bade: The explanation given by the hon. Minister is quite correct.

Mr. Speaker: But let him finish first.

Shri Bade: He has finished.

Mr. Speaker: Has he finished?

Shri Hajarnavis: I will only beseech you that before you are asked to give your consent to the motion of privilege, the nature of the allegations must be such that *prima facie* they must constitute one of the known instances of breach of privilege. I submit that that responsibility—mover's responsibility, whatever the motion it is—has not been discharged.

Shri Tyagi: I have not yet seen that report. But as my hon. friends have put it.....

Shri Surendranath Dwivedy: I will show it to you.

Shri Tyagi: It seems to me that some Mehr Chand Khanna—I do not believe he is our Minister—has circulated that report. If it is a genuine one, the question of privilege can be considered by the.....

Mr. Speaker: I might just inform the House that there is no motion for breach of privilege before the House.

Shri Tyagi: That is right. That does not arise. So long as the allegation is there that a Minister or Government is held responsible to publicise a document which the Government has refused to put on the table of the House, it is a clear case of the breach of privilege. Only then ... (*Interruption*).

Mr. Speaker: Order, order. When an hon Member is speaking he ought to be given a hearing.

Shri Tyagi: At the same time, I could not understand one thing. My hon. friend said, if the document is genuine, even then it should remain secret. He insists that it should remain secret because Government has not left that position. He still insists on that. That is something illogical. I cannot understand it. Will it remain officially secret or factually secret?

Shri Surendranath Dwivedy: Officially secret.

Shri Tyagi: Officially, I understand, it is secret. So long as the Government goes on calling it secret, it will remain secret. I cannot understand that.

Shri Surendranath Dwivedy: For them it is sacred.

Shri Tyagi: My hon. friend still maintains that the document is secret. Despite the fact it be in the hands of all the public, he shall continue to call it secret which I do not understand. Therefore, the simplest thing which I expect from the hon. Minister is to see the document and see if the secrecy has been betrayed by somebody. They can enquire into this matter. At the same time, it is for them to tell the House whether it is genuine or not because secrecy is gone. One cannot remain chaste and deliver a child.

Mr. Speaker: Mr. Mahavir Tyagi has made that delivery.

Shri D. C. Sharma: My simple point is, whether it is a point of privilege or not. Evidently, it is not a point privilege because the other Members of the House who sit on my right have got a copy of it and we have not been able to get that copy. They have got it by post. It has come to them by post. The letter has been signed by somebody. Therefore, if there is any matter of privilege, it belongs to us who should raise a point of order saying, "Why have they got a copy of it? Why has that gentleman chosen them for special treatment and why has he not chosen us for that kind of treatment?". (*Interruption*).

Shri Sonavane (Paudharpur): We have got something.

Shri D. C. Sharma: My point is this. As you have put it very rightly, it is not a question of privilege. It is a question of fact finding. We have to find out the facts as to how this thing has leaked out and whether what is leaked out is an authentic copy of the original. We have to find out, if what has leaked out is an authentic copy and how it has leaked out. I think it is not a matter for this House to decide. It is a matter for the Government to decide and the Government can make use of its machinery for finding this out.

Shri Khadilkar (Khed): I fail to understand the position taken up by the hon. Minister because apart from the report that is in the hands of the opposition, or some members of the opposition... (*Interruption*).

Shri Daji: Why opposition only? You have got it. (*Interruption*).

Shri Hanumanthaiya: I may straightway say, he is making repeated references to me. (*Interruption*). I am not aware of it. I have not looked into any of the papers connected with this. (*Interruption*).

Mr. Speaker: Order, order.

Shri Surendranath Dwivedy: You have also got it. (*Interruption*).

Shri Hanumanthaiya: When the hon. Member makes a personal allegation he should verify whether it is correct. It is not in my hands. (*Interruption*).

Shri Daji: I am not making any allegation. It is written here. (*Interruption*).

Mr. Speaker: Order, order. The hon. Members should have patience.

Shri **Khadilkar:** The question is whether that document is genuine or fake. There is another aspect to the question that has been raised. Some portions of that report have been published in the press and it is the duty of the Minister concerned to see whether facts stated therein are correct or not, whether they are absolutely false or not. Otherwise, in what way is he going to guide this House? One more thing I would like to say. Mr. Daji has cast aspersions on all the Members of this honourable House when he stated that Government will misguide, if I correctly understood him.... (*Interruption*). So far as this issue is concerned, it is not a question of Government and the Members..... (*Interruption*). It is the question of the privilege of the House.

Shri Daji: I have not said it.

Shri Surendranath Dwivedy: He was absent minded.

Mr. Speaker: I could not follow him.

Shri Khadilkar: If any breach of privilege has taken place, every Member of this House will stand for his own rights and the rights of the House that they should be preserved. Therefore, I would humbly submit that it is the duty of the Government to enlighten the House on this point as to whether what has been published is correct or not, leaving aside the document in their possession.

Shri Sinhasan Singh: I want to make a submission. In reply to the factual question, whether it is a true copy of the report of the Attorney General or not, Government does not deny it, nor affirm it. There is neither denial nor affirmation. When the Government itself is not taking a positive attitude of denial or admission, the fact is that the original copy has been misused and they must enquire whether this copy corraborates the true copy given to the Government or not. If the Government is not prepared to deny or affirm, I think, the House is prepared to take it that it is a true copy and if that is a true copy and that is the ruling given—then the question of privilege arises. I submit that it should be decided whether Government is in a position to take that position—the non-admission and non-denial of the Government. When the Government takes that position, then, Sir, I think that will be the bad day for our democracy. Government neither affirms nor denies and still the country will go on accusing the Government that Government is somehow or other hiding true facts from the nation.

Shri Hajarnavis: I will not repeat what I have said. It is suggested that I should answer this. I ought to know what is the nature of the proceedings before the House. If a question is asked, I can answer that. If a Calling Attention is given, I can answer that. If any motion is raised by way of any breach of privilege, I can meet it. But merely because someone mentions that a certain document has been . . . (*Interruption*).

If it comes to us by one of the known methods of procedure, then alone I can adopt my answer to the procedure which the House follows. There cannot be any enquiry at random, any answer at randob . . . (*Interruption*).

Shri Tridib Kumar Chaudhury: *rose—*

Mr. Speaker: This cannot go on indefinitely. He has had an opportunity to speak.

Shri Tridib Kumar Chaudhury: I am not speaking anything. It is not my habit to raise points of orders. which the Chair has held frivolous. I want to raise a point of order.

Mr. Speaker: Yes.

Shri Tridib Kumar Chaudhury: The point of order is this that the Minister has not taken the plea of public interest as regards this document is concerned. He has refused either to say it is an authentic document or it

is not an authentic documents. But he has not taken the plea of public interest, that in the public interest he refuses to do so. It seems he is not willing to take that plea. So, I want to know what exactly is in the mind of the Government in regard to this matter. Can he refuse to withhold information from the House on that score?

Shri Tyagi: Can the document which is under discussion be placed on the table of the House by the Opposition Members?

Mr. Speaker: There are various aspects of the question that are to be considered here. Members have taken objection on many points. Though they were rather a little, I should say, excited on certain things, the facts are not yet clear. So much we have learnt that some person just calling himself or giving it out that he is Mehr Chand Khanna, has sent some copies to a few Members. . . .

Shri A. P. Sharma (Buxar): That is pseudonymous.

An Hon. Member: It is anonymous. (*Interruption*).

Mr. Speaker: Mehr Chand Khanna is the name that is given out. The Minister would not have sent that.

Shri Surendranath Dwivedy: The name is the same; the spelling is the same.

Mr. Speaker: One Mehr Chand Khanna has sent some copies to a few Members. . . .

An Hon. Member: To you also.

Mr. Speaker: I am coming to that. Personally also Mr. Kamath has put me a pointed question whether I have reseived a copy of it.

Shri A. P. Sharma: That is the name which is said to be typed in it. (*Interruption*).

Mr. Speaker: The material has been forwarded to certain Members by post and the person who has despatched these manuscripts calls himself Mehr Chand Khanna.

Shri D. C. Sharma (Gurdaspur): is not a copyright name. (*Interruption*).

Mr. Speaker: Order, order; Where is the question of copyright? Why should there be irrelevant questions? (*Interruption*). If Members are not prepared to listen to me, I might sit down.

Shri H. N. Mukerjee: We are waiting for your statement. You do not listen to the Members.

Mr. Speaker: How can I be oblivious? Certainly I have ears and I do hear those voices.

Shri H. N. Mukerjee: You cannot hear and speak at the same time. Either you speak or hear.

Mr. Speaker: This raises many questions. One thing, in the beginning, that I have to say is that the Minister has not said even this much that the Government is going to make any enquiry into the facts that have been alleged. At least this has now been known. Because from the facts that I learnt in the morning, this very question was raised in the Rajya Sabha and a copy was given to the Minister of Parliamentary Affairs. He got it and probably he said—I am not sure whether he said it—but he was asked that Government might ascertain whether it is a real copy of the original. It was promised or they expected that the Government would give a reply whether really this was a copy of the original of that first part of the report that had been made by the Attorney-General. So, the Government by now might have been able to find out whether this was really a true copy of that original or not. If the Government has not been able to find out up to this time, then, at least, they could give some assurance, some indication that they are going to make enquiries into it. At least

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this much is due to the House that they should be told whether what has been circulated to the Members is a copy of that report or not. That question must be settled and it is the Government's duty to satisfy the House in that respect.

Then comes the second question. The hon. Minister has asked technical questions that no question has been formed and it has not been put in a proper form. That is quite a different thing. The whole question is about this copy. The first question that Members ask is whether what they have god is really a copy of the original report that was made to the Government by the Attorney-General and the Government owes to this House that this must be disclosed. One thing, If the Government is not ready by this time to affirm or deny that, Government at least could give an assurance and satisfy the House that they will make enquiries into that and find out whether really the one that has been circulated is a true copy or not. That is the second one.

Shri Tyagi: How much time does it take?

Mr. Speaker: Order, order: I will ask them.

Great emphasis has been laid by presuming that it is or rather there has been a breach of privilege though alternatives also have been discussed here if it is not a deliberate release But, nobody has said that Government has released it deliberately. No one has charged the Government of that act. Unless we prove that the Government is responsible for the release or one of its spokesmen, there cannot be any question of a breach of privilege. Or at least it ought to be established that there has been gross negligence on the part of the Government and on account of that negligence, this has escaped. . . .

Shri Priya Gupta: Leaked out.

Mr. Speaker: . . . . leaked out—I correct myself—through other sources and then too, probably it might be a question for the House to consider whether that negligence is such where breach of privilege can arise.

There can be other things also which the Government has to enquire. As I said in the beginning, it might be theft by a person and then to cloak himself or to take protection, he may have adopted that method of sending on copies to other persons. In such a case, really, it becomes the duty of ever hon. Member to help and assist the Government in finding out the real culprit whoever that might be.

Therefore, the first duty of the Government is to find out now how it has gone out, whether the Government say it is theft or it is leakage or any official has been responsible for its disclosure or its release. That much at least must be known first before we can proceed further in this matter.

Shri Hajarnavis: I do not want to argue after the decision has been given. I consider it my duty to carry out whatever directions you have been pleased to give. There is, however one point on which I wish to seek your guidance and clearer direction. It is this. As I said, this is regarded and we intended to keep it as a secret document. If the claim were not made, we would have disclosed it. We will certainly go into the question whether there has been any leakage and if the leakage has occurred, how it has occurred and who are responsible. We as Government cannot shirk our responsibility in finding out where documents which we regard as confidential have been placed in the hands of non-official persons. That is a very serious matter. So, from the administrative point of view, we are bound to undertake an enquiry very soon, expeditiously as soon as it was brought to our notice and as far as been moved.

The next question which would arise is, having ascertained it, we would urge before you, respectfully submit before you, to go further and say—the document has leaked; there is evidence that it has leaked—further to say that this is the document is, I submit, to take away from the secrecy which we intended to keep.

Shri Surendranath Dwivedy: If this is not the document, what is the leakage? (*Interruption*).

Mr. Speaker: Order, order.

Shri Hajarnavis: There may be a case, it may have leaked; it may have leaked and yet may not have been published. This may not be the document. It may have gone into the hands of a person who has not given it, but some other person, knowing that it has leaked, in order to draw us out, publishing something which is entirely different. That is a possibility which cannot be ruled out. (*Interruption*) I, therefore, would seek from you a direction. Having made an enquiry we will go into these things. Must we go further and say whether this is a copy or this is not a copy? Must we say this?

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha) *rose—*

Mr. Speaker: Now probably the hon. Minister recognises that his presence is necessary?

Shri Satya Narayan Sinha: Because my name has been brought in by you and I said something in the other House. I said, on the question of leakage or otherwise, it is a leakage only when it is a genuine thing. Otherwise, if it is something which is not genuine, there cannot be any question of leakage.

Shri Surendranath Dwivedy: What did you say?

Shri Satya Narayan Sinha: I, therefore, say, the question of leakage will only arise when the document which hon. Members have got in their hands is a genuine thing. Otherwise, if it is something faked, there is no question of leakage.

Some Hon. Members: Correct. (*Interruption*).

Shri Satya Narayan Sinha: I do not understand; I was wondering all the time; all the Members taking part asked whether it is leakage or not and you also said something about it. Unless the thing is genuine—we cannot run away from that.

Shri Surendranath Dwivedy: That is the first question. (*Interruption*).

Mr. Speaker: Order, order; why should all hon. Members stand up? When the hon. Minister argues that the case of leakage can only arise if the document is first established to be a genuine one or a true copy of the original. . . .

Shri Satya Narayan Sinha: If it was something else. . . .

Shri Yallamanda Reddy (Markapur): It is quite correct. It is genuine.

Mr. Speaker: The first demand is that the Government should come out with the reply whether it is really a copy of the original or not. The second step can only arise after that.

Shri S. S. More: May I know from you whether the document in question has been submitted to the House?

Mr. Speaker: No.

Shri S. S. More: Unless it is placed on the Table of the House, how can Government make an enquiry? Unless they get a copy of that document, how can Government proceed with the enquiry?

Mr. Speaker: I was told that the hon. Minister of Parliamentary Affairs had been handed over a copy of that. He owns it in his hands now.

Shri S. S. More: There may be different copies.

Shri Tyagi: Despite your ruling, one point has not been made clear. You

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were pleased to say that it was for Government to find out whether the document was genuine or not. The hon. Minister feels that if that thing were to be judged, namely whether the document is genuine, then it will be difficult for Government to recognise that it is genuine, because otherwise the secrecy is lost. That is what my hon. friend says. Therefore, on that plea, he says that because it is a secret document, though it may be published or anything else may be done regarding that, they will not verify the genuineness of it, because the secrecy will be lost. This is an argument which I cannot follow.

Shri Hajarnavis: I may assure my hon. friend Shri Tyagi that that was not my argument.

Dr. L. M. Singhvi: On a point of order, Sir. I hope you will concede that it is a valid point of order. A reference has been made to the fact that the Minister of Parliamentary Affairs already has a copy of this document. I presume that this is the copy which was given to him in the other House by Shri Bhupesh Gupta. .

An Hon. Member: How do you assume that?

Dr. L. M. Singhvi: This was what I had come to know in the Central Hall. The whole point is that under our rules of procedure, we are neither supposed to refer to the proceedings of the other House unless they are published, nor can we make reference to those proceedings. At any rate, in regard to the demand made by Shri S. S. More, as long as we do not have this document placed on the Table of the House or at least the House has taken cognizance of the document, I would say, that we are discussing an object which is not there; we are not on *terra firma*, because we do not know what this document is. How can we discuss it when we do not know what this document is?

An Hon. Member: Let him place it on the Table of the House.

Shri S. M. Banerjee: Shri Khadilkar has mentioned it already.

Mr. Speaker: Why do those Members ho have received that copy not produce it here?

Shri H. N. Mukerjee: You were going to answer Shri Kamath's question, Sir.

Shri Daji: I was making my submission before you, and meanwhile, the other Member got up.

Mr. Speaker: I get into difficulty because some other Member gets up. When he knows that there is no point of order, but he says that there is a point of order, I have to give him priority. That / is the difficulty.

Dr. L. M. Singhvi: Under our rules of procedure, this House cannot take cognizance of the proceedings of the other House. I suppose you would recognise it.

Mr. Speaker: The document is in the hands of the Minister and he is just showing it.

Shri Satya Narayan Sinha: I have got the copy which was given to me in the other House. I do not k now what copy the hon. Member has got.

Shri Daji: I wanted to make a submission on two points. Now that a third point has been raised, and you were pleased to say something about this document, I shall make my submission on the third point also.

First of all, let me say that the document which has been already handed over to the Minister of Parliamentary Affairs is *verbatim* the same as I have got, as Shri Surendranath Dwivedy has got and as the other Members also have got. Therefore, first I was surprised at the absence of the Minister when I first put this question. He has been treating us in such a way as if he is an Alice in

Wonderland and as if he does not know. The document has been in his hands now for 4 hours and 45 minutes, and he has had more than four hours to ascertain whether that document is genuine or not. I refuse to believe...

Mr. Speaker: Order, order. A technical objection was raised that we cannot refer to what passed in the other House except from the published proceedings.

Shri Daji: Apart from that, I know as a matter of fact that he has got the document. It has been with him from quarter past 11. For more than four hours, the document is with him. Certainly, he must have inquired, he has made an inquiry as to whether it is genuine or not. I want to put this question to the hon. Minister of State in the Ministry of Home Affairs: does Government understand this fact that this document has been circulated somehow and if the Government does not contradict it and say that it is not genuine, whether the Government owns it or not, the mischief is there? The position has, therefore, to be rectified. Merely saying that even if it is genuine, the moment they go into it and say whether it is genuine or not, it will cease to be secret is not the answer. Does Government understand that to allow this document, such report to be circulated....

Mr. Speaker: How does he presume that.....

Shri Daji: I am not presuming anything. What I am saying is that unless they contradict it, the mischief will be done. So I am anxious that the position should be made known. If this document is not genuine, let it be contradicted.

The third point is about laying it on the Table of the House. I can certainly pass it on to you and through you to the Minister concerned for authentication.

Shri A. P. Sharma: Shri Daji has just now made the statement that the document that the Minister of Parliamentary Affairs has received in the other House is the same document that the hon. Member has received in this house. We do not know what the document is. Before we know what the document is, we cannot say anything.

Shri Bhagwat Jha Azad (Bhagelpur): I want a clarification. What has been received is stated to be a document. I submit that unless it is signed by somebody, the House cannot take cognisance of an anonymous document. What Shri Daji wants Government to say is whether the document he has received is the same as the report that the Attorney-General has made. Every day ten or twenty members get a dozen documents. I get one signed by somebody. 'Shri Sri Ram Sharma.' Another Member gets one signed by somebody else. It is just an anonymous petition. The House should never take cognisance of such documents. Otherwise, what will happen is this. The party who is concerned in this and who is going to be penalised will everyday try to surmise something and get printed one, two or three dozen different copies and send them to Members. Everyday these three dozen petitions, signed by somebody, not verified, not genuine, will be brought before this House and Government would be called upon to say whether they are genuine or not. This point has to be clarified. This copy which has been referred to is nothing but an anonymous letters. Therefore, Government cannot say, and should not be called upon to say, whether it is a true copy or not. If you allow it to be done, this will become a precedent in this House and if any Member receives some document, he can bring it and call upon Government to say whether it is genuine or not. This is the first point to decide We should proceed on that.

Shri Surendranath Dwivedy: I have got a copy of that document signed by the person who as sent it to me. If you agree, I can lay it on the Table of the House.

Mr. Speaker: Order, order. Documents are not placed on the Table in this manner. If a document is quoted from or referred to, any hon. Member has the right to get up and ask that the document which is being read out or quoted from might be placed on the Table of the House. Also, a Minister has a right to lay any paper on the Table of the House. But any hon. Member cannot bring in a paper and lay it on the Table of the House. So, I cannot take it in this manner that Shri Dwivedy wants to put it on the Table of the House. I cannot allow that. But the Member can pass it on to the Government, and the Government might look into that, whether this is the document that they have got, and they might make enquiries about it.

Shri Surendranath Dwivedy: But, here the document in question has been challenged. You have asked the Minister to find out whether the document that has been mentioned here is genuine or not. When this has been discussed in the House, the whole document is before the House including the portion that would be quoted.

Mr. Speaker: Nothing has been quoted, and I do not allow anything to be quoted.

Shri Bhagwat Jha Azad: If tomorrow I get a document in which it is sail that the leader of the PSP has taken Rs. 1 lakh as bribe, am I to understand that I would be allowed to put it on the Table of the House?

Dr. L. M. Singhvi: This is not fair for a Member. He should never do it. Even the hypothesis is improper and indecent.

Mr. Speaker: Has he said anything different from what I said?

Shri Bhagwat Jha Azad: Unless somebody takes an affidavit and says on oath that this is the original copy of the document, it cannot be allowed to be laid on the Table of the House by any Member just because he has got it by post.

Mr. Speaker: Even on affidavit I am not allowing anybody to put it on the Table of the House. I have said that unless a document is quoted from, it cannot be placed on the Table of the House. I do not know what Shri Azad is pressing for. I have not followed him. I have said and laid down clearly that a document can be laid on the Table of House in response to a demand by the House only after a Member has quoted from it in this House. Then, certainly a demand can be made, but unless something has been quoted from a document, any document which any Member brings cannot be placed by him on the Table of the House. Therefore, I am not allowing it or asking the document to be laid on the Table of the House. But I say because this point has been raised that some Member has circulated through post to other Members some parts of the report which the Government said was confidential and were not going to disclose to Parliament, Government should make enquiries and find out whether really there is some official responsible for it, if it is the same document as that in the possession of the Government, how this happened, whether some theft has taken place, what other sources there are and how it has gone to the hands of some person who has taken this courage to distribute it when clearly it was claimed by the Government that it was a confidential document. Then alone, whether some proceedings ought to be started against any person, whether it is a breach of privilege, whether the Government has been negligent in this matter—all these questions can be decided. So, my request was that this document now with the Members, who allege that they got it

through post, might be passed on to the Government. But I would like just now to know from the Minister concerned whether he has also to say anything on this subject or not.

Shri Hari Vishnu Kamath: Before he says anything.....

Mr. Speaker: There is nothing more to be added.

Shri Hajarnavis: I was in the service of the House from 11O'Clock. I have not been able to consult my papers. I will be able to make a statement later.

Shri Satya Narain Sinha: If I may permitted to say a few words, what I said in the other House was exactly on the same lines as you have mentioned. I have promised on behalf of the Government to do it with regard to that document. We do not know which document hon. Memers are referring to.

Shri S. M. Banerjee: Let us exchange it.

Shri Satya Narayan Sinha: I have promised on behalf of the Government to see about that particular document in the other House. I do not know what they talk of, may be exactly the same thing. They should also pass it on to us and we can compare.

Shri Daji: On your direction, I shall pass it on to him.

Mr. Speaker: There is no question of my direction. He is asking. You may pass it on.

Shri Hari Vishnu Kamath: If I heard the Minister in the Home Ministry aright, the statement of his implies a reluctance to implement your direction, because you said, clearly said, that the Government "owes it to the House"—these are the words, I remember—to enquire and report as to whether the document with us, with some of us, is a copy of the report, whether it is a genuine copy.

If I heard him right, he has pleaded certain grounds of inability. The discussion is to start on Monday. I would request you to categorically direct the Government and the Ministers concerned to enquire and find out things. It will not take more than half an hour to compare it with the original. They have got to do this by Monday 11 O'clock, before the discussion starts and see whether the copy which has been sent is a genuine and authentic copy of the original document. That is what we want.

Mr. Speaker: The Minister of Parliamentary Affairs has asked for a copy and he has got it now. Perhaps he said this in the other House also what he said here, that the Government is going to make enquiries... (*Interruptions*).

Shri Bhagwat Jha Azad: Sir, I want your ruling on one thing. Are we to understand that anything, signed or anonymous sent by anybody can always be brought up in this House and that you can direct the Government to answer that in the Lok Sabha? You said that the Member can pass it on to the Government and the Government will rely to the Member. I want to understand whether any day any type of document that a Member receives unsigned can be read in this House and then will you ask the Government to answer that? Is that the ruling that you are giving?

Mr. Speaker: I am not going to answer any hypothetical question.

Shri Bhagwat Jha Azad: But you are creating a precedent.

Mr. Speaker: I have only said that the Member can pass it on to the Government. If the Member does something or passes it on to the Government, can I prevent it?

Shri Bhagwat Jha Azad: No. But how can Government be forced to make a statement in the Lok Sabha?

Mr. Speaker: It is for the Government to say—not for me or the Member.

Shri Morarka (Jhunjhunu): I am afraid that my hon. friend, Shri Azad is oversimplifying the matter. It is not a question of any document which may be placed here. The question is that there was a certain demand made by the House. Government refused on grounds of secrecy to lay that document on the Table of the House. Now this document which is purported to be a copy of that secret document is circulated by some anonymous person to some Members. Hence the hon. Members have raised this point here. If this purported copy is not a real copy of the document, it would be open for the Government to say: no. Nobody can then force the Government to lay the original copy on the Table and divulge the secret. But if it happens to be really a copy, then an enquiry has to be made and further consequences will naturally follow. It is not a question of any unauthorised or unsigned or anonymous document which is under discussion here. I think Mr. Azad will appreciate this point.

Mr. Speaker: I think I had said the same thing which Mr. Morarka has said. He is only supporting me. I had said the same thing. We will now proceed with the next business. Does the Minister want to say something?

The Minister of Commerce and Industry (Shri K. C. Reddy): With regard to this matter, I have not got much to say except that I do not know whether this document which had been circulated is genuine or not; I have not seen a copy of this document till now and it is not possible for me to say anything about that document.

The Law Minister on the 29th made a statement that Part I of the Daphtary Shastri report could not be placed on the Table of the House because that would be against public interest. Government are still of that opinion. It is being said that certain documents sent by certain people are true copies of the original document and so Government is called upon to say something about it. I think Shri Azad was raising a very relevant point. I am putting a hypothetical case. I would like to say, supposing Government says with regard to any matter that something is secret, and it cannot be published, it cannot be placed on the Table of the House, in the public interest; on so many occasions a stand like that has to be taken, and it has been taken on so many occasions. If in respect of it, supposing, on every occasion, an hon. Member brings forward a document and says: "Here is a document which is a copy, and why do you want to withhold it from the hon. House? Please say whether it is genuine or not", then, on every occasion, either the Government should confirm it or the Government should deny it. If the Government deny it, then another hon. Mtmber may bring forward another copy of a document and ask, "Here is the genuine copy of the document. What do you say about it?" So, they can go on producing copy after copy of documents and draw the Government out to say whether it is right or wrong, or, whether the document is genuine or not genuine. Where is the end of it? I am arguing a general aspect of this problem.

This is a very serious matter which has to be given attention to not only by the hon. Chair but also by the Government. I would say that this is a very important matter. Once a convention is established that with regard to any matter about which Government might take a stand that in public interest it cannot be disclosed if documents are put out by anonymous persons—anonymous documents or pseudonymous documents, or whatever they may be, and they may be in any numbers—and if one has to try to find out how much of it is true and how much of it is not true, it becomes an endless affair. It is a very dangerous thing to which

attention has to be given by the Chair and by the hon. House. (*Interruptions*).

Mr. Speaker: Order, order.

Shri K. C. Reddy: Apart from this, I have nothing to say about the document, because I have not seen the document. So far as I can say, the position is Government have not taken any step. Government have not given out the contents of this document to anyone after the Government stated that it is a secret document, that it cannot be laid on the Table of the House in public interest. (*Interruption*). As you said, something might have leaked out; how it leaked out and all that, assuming that, the whole matter has to be gone into. That is a different matter about which my colleague the hon. Minister of Parliamentary Affairs has already said. I would not like to say anything in addition.

Shri S. M. Banerjee: On a point of order. The hon. Minister is making a categorical statement that Government has not given any information to anyone. Should I take it—does he own responsibility, and if the document is found to be correct, is he prepared to place it? It is a very sad affair.

Mr. Speaker: Simply because the document is found out afterwards to be the correct one and therefore he is responsible—all this do not arise now, unless we know how it has gone....

Shri S. M. Banerjee: How can he make a statement like that?

Mr. Speaker: He can make that statement that so far as he is concerned he has not given it to anybody and he has not released it. To his knowledge that has not been published or given to anybody. This is what he can say and he is saying that. Without his knowledge, and without his knowing it, somehow it has gone out. Then, he is not to be held responsible. Those circumstances would be seen after the enquiry is made. (*Interruptions*). I am going to adjourn the House now.

But it is not so simple a case as is being tried to be put here. The business of the House is the discussion of the Vivian Bose Commission report. In that case, the demand has been made that the first part might also be laid on the Table. The second part has been laid. The demand is that the first part also might be placed on the Table of the House. Therefore, the question is directly connected here. Government took this position that the first part is confidential. The Members say that the first part also has somehow—they do not know how—gone into the hands of persons who have circulated it to Members through post. Therefore, it is directly connected with the business that we have before us, and we have to discuss. The Government must find out and just satisfy themselves how it is that this is being alleged, that this is the report, that this is the genuine one, etc. (*Interruption*). The Minister of Parliamentary Affairs has said...

Some Hon. Members: Shri Mehr Chand Khanna has come.

Mr. Speaker: Order, order. The Minister has said already, and has been given a copy by one Member in our presence. and he says that the Government would make enquiries.

17.05 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, May 6, 1963/Vaisakha 16, 1885 (Saka).

[*Saturday, May 4, 1963/Vaisakha 14, 1885 (Saka)*]

COLUMNS

GMGIPND—LS II—571 (Ai) LSD—21-5-63—880.