

ciate that it will not be in the public interest to presently disclose the details of those inventories, but what I can assure the House is a wholly satisfactory inventory position held by us.

Soon after Pakistan launched the all out offensive against us late in the evening of Friday, 3rd December, 1971, the State Government were reassured that we are holding substantial inventories of kerosene-oil and the public need have no fear on this account. The possibilities of local shortages arising now and then could not, however, be ruled out owing to the need for first meeting the other higher priority requirements. We, therefore, stressed the need for utmost local vigilance, leaving the decision to the State Governments of either continuing intensive supervision and control over its distribution according to stock position in different areas from time to time or alternatively of introducing rationing, as may be feasible. We also stressed the need for meeting the requirements of the rural areas through fair price shops etc., and of promptly punishing under the Defence of India Rules those who hoard stocks or overcharge or misuse kerosene.

Since then several complaints have been received of local shortages of kerosene oil. These complaints can only be due to a general tendency to store essential commodities, including kerosene oil. To avoid any hardship to genuine consumers, we have now recommended to the State Governments the immediate introduction of rationing of kerosene oil to cover the maximum possible area. Back-up quantities for this purpose are locally available and will be regularly maintained. The Delhi Administration has already introduced rationing. Additionally, the IOC has specifically earmarked 5 tank lorries for the retail sale of this product directly to the consumers in the various localities. IOC has instructions to render similar assistance in the other regions also wherever possible. For the rural area we have urged once again the adoption of measures such as distribution through fair price shops etc. Finally we have repeated our instructions for the sternest possible action being taken under Defence of India Rules, including resort to detention under the Maintenance of Internal Security Act and

prosecution, where feasible, of those indulging in antisocial activities such as hoarding, overcharging or misusing kerosene oil.

Some Hon. Members rose.

MR. DEPUTY-SPEAKER : Under the rules no questions are allowed. The rule says :

“A statement may be made by a minister on a matter of public importance with the consent of the Speaker but no question shall be asked at the time the statement is made.”

You have put me here to abide by the rules, not violate them. If you want a discussion, you may give separate notice.

As earlier announced, the Defence Minister will make a statement at 1.15.

We will now take up clause-by-clause consideration. (*Interruptions*).

SHRI S. M. BANERJEE (Kanpur) : What is this? Kerosene is not a defence matter. Only MPs, Speaker, Deputy-Speaker, etc. may be getting it. People are standing in the queue for six hours and more and they are not able to get kerosene.

MR. DEPUTY-SPEAKER : I would request you to cooperate. You can give notice. Don't ask me to violate the rules.

SHRI S. M. BANERJEE : There have been many instances where the Speaker has allowed one question to be put by each member after such important statement.

MR. DEPUTY-SPEAKER : You can seek another opportunity.

12.47 hrs.

MANIPUR (HILL AREAS) DISTRICT
COUNCILS BILL—Contd.

MR. DEPUTY-SPEAKER : We will now take up clause-by-clause consideration. There are no amendments to clause 2 and 3.

[Mr. Deputy-Speaker]

The question is :

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4 (Constitution of District Councils and their Composition

SHRI DASARATHA DEB (Tripura East) : I beg to move :

Page 3, omit lines 21 to 23, (1)

SHRI PAOKAI HAOKIP (Outer Manipur) : I beg to move :

Page 3, line 20 for "sixteen" substitute "eighteen" (13)

Page 3, line 21, for "four" substitute "two" (14)

SHRI DASARATHA DEB : My amendment is very simple. I have already referred to it in my speech. I am always against any nomination in any elected body. I want the entire nomination clause to be omitted from the Bill, from lines 21 to 23, because in an elected body, if we want to develop democratic institutions, we must avoid any type of nomination in such a body. Because, if the provision about nomination is there then undesirable elements may be nominated and placed in the Council. I will tell you my own experience. When the Tripura Assembly Bill was passed, I opposed the provision about nomination. At that time Shri Pant explained that the provision is there only to give representation to those sections of the tribes who may not be elected to the Council. What is our present experience? There is provision for nomination of three members to the Tripura Legislative Assembly. It has never happened that a person has been nominated because he represents a section of the tribes who have not got elected

directly to the Assembly. One lady was nominated. I agree that women should get a chance. I do not dispute that. But why is it that every time a woman was nominated belonging to the community of Chakravartty? Even though there are Scheduled Tribe women belonging to other communities available, the same woman is being nominated. Similarly, I agree that when there are no elected members from the Manipuri community they should be nominated. But why the same person, and that too belonging to the Congress Party, which is the ruling party? In 1957 after the election the party position in our Territorial Council was 15 for us and 15 for the ruling party. Then the Congress Party nominated one member belonging to their party and thereby secured a majority. That is why I oppose this nomination clause. It should be deleted. The council should be an entirely elected body and there should be no scope for any nomination.

SHRI PAOKAI HAOKIP : Clause 4 of the Bill says that the total number of members in the District Council shall not be more than 16. The strength of the Council is far below the expectation of the people. It should be raised to 18.

My second amendment is that number of nominated members should be reduced from 4 to 2. I hope the hon. Minister will accept them.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : Now when we are considering this Bill clause by clause may I point out that this Bill is modelled on the Territorial Council Bill passed by Parliament in December 1956. Shri Deb took a very active part in the framing of that Bill. The House considered that Bill fully and some of the provisions of the Territorial Councils Bill were altered by the House. So, this is really a measure which has been fully considered by Parliament in another form at an earlier date. It has also been our experience that it has worked well. Therefore, by and large, these provisions need, not arouse any controversy.

Shri Deb seems to have allowed his experience of a lady member in Tripura to colour his judgment.

SHRI DINEN BHATTACHARYYA (Serampore): He has nothing against the lady. He is against nomination.

SHRI K. C. PANT: He called her a 'lady' first and then a 'woman'. He also said that he is agreeable to nomination but not of the same person. I would only request him not to allow his experience of one lady to colour his judgment.

Shri Paokai has moved two amendments which have the effect of reducing the number of nominated members from 4 to 2, and reducing the strength of the House from 20 to 18. I see there is a strength of the House. Some other Members also referred to it. I am prepared to accept the nomination of 2 and I want to repeat that the purpose is not to nominate at random but to nominate those who will be left out of elective process who are in minority. It is their nomination that is sought to be protected here. I am accepting both the amendments No. 13 and 14.

MR. DEPUTY-SPEAKER: First I put Amendment No. 1 moved by Shri Dasaratha Deb to the vote of the House.

Amendment No. 1 was put and negatived.

MR. DEPUTY-SPEAKER: Now, I put Amendment No. 13 moved by Shri Paokai Haokip.

The question is:

'Page 3, line 20,—

for "sixteen" substitute "eighteen" (13)

The motion was adopted.

MR. DEPUTY-SPEAKER: Then, I put Amendment No. 14 moved by Shri Paokai Haokip.

The question is:

'Page 3, line 21,—

for "four" substitute "two" (14)

The motion was adopted.

MR. DEPUTY-SPEAKER: Now, I put clause 4, as amended, to the vote of the House.

The question is:

"That Claus 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 to 12 were added to the Bill.

Clause 13(Term of office of Members)

SHRI DASARATHA DEB: I beg to move:

Page 4,—

omit lines 30 to 32. (2)

Sir, in clause 13, there is a proviso:

" Provided that the Administrator may, when satisfied that it is necessary in order to avoid administrative difficulty, extend the term of office of all the members by such period not exceeding one year as he thinks fit."

I oppose the provision. It should be deleted. The Administrator should not be given the power to extend the life of this Council. Here, the term fixed is five years and, after every five years, there should be elections.

SHRI K. C. PANT: Sir, it is usual to make provisions in local laws pertaining to local bodies for extending the term of the members if it becomes necessary. For instance, suppose there is a natural calamity or some other thing. It may become necessary to extend it for some time. This is not an unusual provision. This is not a State Assembly. This is after all a District body. You should not tie your hands to an extent that if it becomes necessary to extend it, you cannot extend it. That is the purpose. I cannot accept his amendment.

MR. DEPUTY-SPEAKER : I put Amendment No. 2 to clause 13 to the vote of the House.

Amendment No. 2 was put and negatived.

MR. DEPUTY-SPEAKER : I now put clause 13 to vote.

The question is :

"That Clause 13 stand part of the Bill"

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14 to 22 were added to the Bill.

13.00 hrs.

Clause 23 (Chairman and Vice-chairman)

SHRI DASARATHA DEB : I beg to move :

Page 6,—

omit lines 48 and 49. (3)

Page 7, line 2,—

for "by not less than two-thirds" substitute "by a simple majority" (4)

Page 7, lines 5 to 7,—

omit "if such resolution is passed by less than two-thirds but not less than one-half of the total membership of the Council," (5)

Page 7, line 7,—

for "may" substitute "shall" (6)

Page 7,—

omit lines 10 to 15. (7)

Page 7, line 28,—

for "Administrator" substitute "Council" (8)

Regarding my first amendment to clause 23, there is a proviso in clause 23 which reads :

"Provided that the Administrator may nominate the first Chairman who shall hold office for a period not exceeding one year."

After reading this Bill, I find, the only monarch and fortunate fellow is the Administrator and he has got the super powers in the administration of the Council. This is an elected body. Why should the first Chairman be nominated by the Administrator? Why not the Members of the Council elect their own Chairman? What is the idea? It is a fantastic idea, that is, the first Chairman to be nominated by the Administrator. I oppose it. Let Mr. Pant explain it.

Then, you say here :

"If a resolution for the removal of an elected Chairman is passed by not less than two-thirds of the total membership of the Council....."

I oppose it. Even if a Chairman does not enjoy the confidence of the majority members of the Council, he cannot be removed because for the removal of a Chairman, at least you require two-thirds majority, like an amendment of the Constitution. That means, in this Council consisting of 16 members, even if 11 members vote against the Chairman, that Chairman cannot be removed because with the support of five men he can remain as a Chairman. It is a fantastic thing. Therefore, I oppose it. It should be done by a simple majority. If a simple majority vote against the Chairman, he must be removed.

Another amendment is a consequential one. If this amendment is accepted, then the provision "...if such resolution is passed by less than two-thirds but not less than one-half of the total membership of the Council" is not necessary at all. If the vote of No-Confidence is passed by a simple majority in the Council, then the Administrator is bound to remove the Chairman. The entire thing is very fantastic.

Another proviso reads:

"Provided that no such resolution shall be brought within one year from the date of election of the Chairman."

Why should we fix one year? That resolution can be brought at any moment. When any member feels that the Chairman should be removed and when the resolution is passed by a simple majority, he should be removed from the office.

Then, it says:

"The Chairman of the Council shall be a whole-time functionary and shall be entitled to such salary or allowances as may be fixed by the Administrator."

Here also, the Administrator is all in all. He is a supreme commander. When we are talking of the salary or allowances of the Chairman, I say, the Council is an elected body and you should empower the Council to nominate their own Chairman and also to fix salary or allowances of the Chairman and the members of the Council. The Act or the rules in regard to salary or allowances must be passed by the Council itself. The Administrator should be given no power to interfere in this respect. The entire thing should be left to the Council, not to the Administrator.

These are my amendments to clause 23. To make it a democratic body, I again appeal to the hon. Minister to accept these amendments.

SHRI K.C. PANT Sir, the amendments which have been moved to clause 23 really cover the same ground which was covered in the discussion to clause 22 of the Territorial Councils Bill then and, at that time, as I said, Shri Deb among others had put forward certain ideas and some of these provisions emerged after consideration of the points raised by Shri Deb and others in the course of the discussion.

As regards his first point, may I quote the observations of the then Home Minister? I quote:

"This Council will be started from the

scratch. Many arrangements will have to be made and a lot of spade work and preliminary work will have to be done at the very start. The Chairman, if he is elected from amongst the members of the Council, may not be able to set things on the right keel at the very beginning. So, it is provided that in case it is felt that in order to cope with the difficulties with which this Council will be faced at the outset, it will be desirable to have some person nominated, then he may be nominated but the period, as I have suggested, will not exceed a year in any case. It may be even less than a year. No one may be nominated at all....."

It is an enabling provision.

His next amendment is with regard to the provision that no resolution for the removal of the Chairman shall be moved within one year of his election and such a resolution shall not be renewed within one year of consideration of the previous resolution. This is to be found in all municipal laws and is made to provide for some stability in these bodies.

In the next amendment he has suggested that the salaries and allowances of the Chairman may be fixed by the Council and not by the Administrator. I just indicated that there will be six different District Councils. There should be some uniformity among them and if these District Councils provide for different salaries and allowances, that will not be conducive to the proper functioning of the District Councils. One will compete with the other. Hence the provision that the Administrator may fix that.

I am sorry I cannot accept any of his amendments.

MR. DEPUTY-SPEAKER: I will put all the amendments of Mr. Deb to clause 23 to vote.

Amendments Nos. 3 to 8 were put and negatived.

MR DEPUTY-SPEAKER: The question is:

"That Clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

Clauses 24 to 28

MR. DEPUTY-SPEAKER: There are no amendments to Clauses 24 to 28.

The question is:

"That Clauses 24 to 28 stand part of the Bill."

The motion was adopted.

Clauses 24 to 28 were added to the Bill.

Clause 29 (Functions of District Councils)

SHRI DASARATHA DEB: I beg to move:

Page 9,—

for lines 8 to 14, substitute—

"(xiv) the allotment, occupation or use, or the setting apart of land, other than land acquired for any public purpose or land which is a reserved forest situated within the autonomous district of which that cil is constituted;" (12)

My Amendment is to Substitute the following provision in the Bill:

"the allotment, occupation or use, or the setting apart of land, other than land acquired for any public purpose or land which is a reserved forest, for the purpose of agriculture or grazing or for residential or other non-agricultural purposes or for any other purposes likely to promote the interests of the inhabitants of any village or town situated within the autonomous district for which that Council is constituted;"

Here a certain power is vested with the District Council and it is for allotment of land and occupation etc. But I am prepared to give that power for the administration only to take the agricultural land reserved forests or any land acquired for the public purpose. But I am not prepared to give this power to the Administrator to take out the agricultural land or the grazing land for residential quarters. If you give this power, it will mean that they can acquire any land situated in the District Council area and to give it to any person which is prohibited according to Rules and Regulations that exist in the Tribal areas and that is why for grazing, the common man's land should not be allowed to be acquired and given to some other people to construct houses there That is way I have moved my amendment. That is why my amendment reads:

"the allotment, occupation or use, or the setting apart of land, other than land acquired for any public purpose or land which is a reserved forest situated within the autonomous district of which that Council is constituted."

I think my amendment is very, very important and it is very reasonable that apart from these lands, these District Councils should be given full power to control and to deal with other lands within that area.

SHRI K. C. PANT: The provision that has been included in this Bill is not only a repetition of the provision in the Territorial Councils Act to which I referred but the same guidelines exist in the Constitution. For instance, para 3(1) of the VIth Schedule defines the powers of the District Councils in Assam because there you will find an identical provision included in the Bill. The whole object is that land use should be regulated with a view to promote the interests of the people of the village or the town. This is a salutary provision to which there should be no objection.

Shri Dasaratha Deb should also remember that there is a Hill Areas Committee which has also jurisdiction over land use. So, all these things will have to be kept,

in mind and that is why this provision has been kept. So, I cannot accept the amendment.

MR. DEPUTY-SPEAKER : I shall now put amendment No. 12 to the vote of the House.

Amendment No. 12 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

“That clause 29 stand part of the Bill.”

The motion was adopted.

Clause 29 was added to the Bill.

Clauses 30 and 31 were added to the Bill.

Clause 32 (Officers and staff)

SHRI DASARATHA DEB : I beg to move

Page 9, line 39, for “Administrator” substitute “Chairman of the Council” (9)

Page 9, lines 41 and 42, for “majority of not less than two-thirds” substitute “simple majority” (10)

Page 9, line 42, for “Administrator” substitute “Chairman” (11)

Clause 32 (1) provides that :

“For every district council there shall be a Chief Executive Officer who shall be appointed by the Administrator.”

The chief executive officer will have to work under this Council. Government want that he should be appointed by the administrator.

I would like to know why he should not be appointed by the chairman of the district council, because this executive officer will have to work under the council. If this officer is responsible only to the

administrator for his existence and does not care for the council, then the chairman of the council will find it very difficult to make that gentleman work. That is why I have suggested that any officer working under the council or in the council administration must be appointed by the chairman of the district council.

Then, sub-clause (2) provides :

“If a resolution for removal of the Chief Executive Officer is passed at a meeting of the District Council by a majority of not less than two-thirds of the total membership of the Council, the Administrator shall remove him forthwith”.

Here also, I would suggest that if any necessity arises to remove a corrupt officer, he should be removed by the council by a simple majority, and instead of the administrator, the chairman of the council must be given that power.

SHRI K. C. PANT : The object of the first amendment is to have the executive officer appointed by the council instead of by the administrator. My hon. friend knows that in many municipalities and corporations—I know the case of UP at any rate—the executive officer in the municipal board is appointed by the State Government. That is a healthy practice.

In the case of Manipur also, this has worked well in practice. The Bombay corporation Act which the hon. Member knows is a model Act in many ways for the whole country also has the same provision. So, I think that we should go by the experience of the functioning of the Act and accept the provision as it is.

Regarding the other point that he raised, a balance has been struck. Again, I would quote the then Hon. Minister on this :

“So, while his appointment would rest with the administrator, the council will have the authority to remove the executive officer when it is not satisfied with his work. That should meet all ends and I think will be found satisfactory.” To this effect, I am moving another amendment.”

[Shri K. C. Pant]

This is the balance that has been struck. Two-thirds majority is there, but it is there for a purpose, but even if it is simple majority, the administrator can take that into account and remove him if he is satisfied. This provision, I think, is a good balance which has been struck.

MR. DEPUTY-SPEAKER : I shall now put amendments Nos. 9, 10 and 11 to the vote of the House.

Amendments Nos. 9 to 11 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 32 stand part of the Bill."

The motion was adopted.

Clause 32 was added to the Bill.

Clauses 33 to 53, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI K. C. PANT : I beg to move :

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

MR. DEPUTY-SPEAKER : The question is :

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

The motion was adopted.

MR. DEPUTY-SPEAKER : I am told that the Defence Minister will be a little delayed. In the meanwhile, we will move on to the next item of business.

13.15 hrs.

**ASIAN REFRACTORIES LIMITED
(ACQUISITION OF UNDERTAKING) BILL**

THE MINISTER OF STEEL AND

MINES (SHRI S. MOHAN KUMARAMANGALAM) : I beg to move* :

"That the Bill to provide for the acquisition of the undertaking of the Asian Refractories Limited for the purpose of augmenting supplies of refractories to meet the essential requirements of the iron and steel industry, be taken into consideration."

The Bill before the House is for compulsory acquisition of the Asian Refractories. I shall as briefly and succinctly as I can recount the circumstances that have led Government to come forward with this Bill.

All members must be knowing that refractories play a most important part in the production of our steel plants. They are bricks which are used for blast furnaces, for coke ovens and for all areas in steel plants where we have to put them in for producing durable steel.

In April 1960, the promoters of Asian Refractories obtained a licence for setting up a refractory plant to manufacture 24,000 fine clay bricks with a share capital of Rs. 55 lakhs. Two loans were granted by the Industrial Finance Corporation totalling Rs. 5 lakhs. The IFC had the first mortgage on the concern. In 1966, the plant went into commercial production. But unfortunately owing to losses incurred by the plant, I think mainly because of managerial incompetence, the company ran into trouble, defaulted on the payment of dues and stopped production in May 1968. In March 1968, an application was filed by the unsecured creditors of the company for winding it up. In March 1969, the IFC filed an application for sale of the mortgaged assets. On 19th March, 1969, Receivers were appointed. The plant itself was brought up for auction by the court and the first offer was for Rs. 70 lakhs. Then the Eastern Spinning Mills, a concern in the Birla group, offered Rs. 78 lakhs. It was accepted by the order of the court on 16 December, 1970. The court also directed that the deed of conveyance be executed in favour of the

*Moved with the recommendation of the President.