

big operators. Whether the concession should be given or not is a matter which requires investigation. Therefore, I am unable to give any assurance. Anyway, that is a matter which can be considered at the time of Budget.

I have no other comments to make just now.

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

12.29 hrs.

KERALA LOCAL AUTHORITIES LAWS (AMENDMENT) BILL

The Deputy Minister of Home Affairs (Shrimati Alva): Sir, I beg to move:

"That the Bill to provide for the further extension of the term of office of the Mayor and other councillors and chairmen of standing committees of the Corporation of Trivandrum, and of the councillors of municipalities and to provide for the recovery in certain cases of arrears of cesses, rates, taxes, fees or other sums due to Panchayats, be taken into consideration."

Sir, by virtue of the Proclamation issued by the President on the 31st July, 1959 under article 356 of the Constitution, the powers of the Legislature of the State of Kerala are exercisable by or under the authority of the Parliament. The need for urgent legislation in Parliament in the present case has arisen from the fact that the term of the councillors of the Trivandrum Corporation as well as the other councillors, members of the Municipalities, in the State will expire on the 1st September, 1959. Steps were being taken before this in the State to see that the elections were conducted in July or August this year. But because of the abnormal conditions that prevailed in the State, the

political unrest, as well as in deference to the recommendations made by the Chairman of the Standing Committee of Municipal Chairmen, it was considered desirable that the election should be postponed.

It is now necessary to give an extension of time limit, and instead of making it very indefinite, an external time-limit is sought to be fixed by this measure, and mainly the 1st of September, 1960 is being sought to be fixed, so that elections could be held in normal conditions up to that time-limit.

Then, Sir, I would like to mention that the provisions of the measure now in hand are mainly on the lines that were decided upon by the late Ministry in Kerala State. Besides these, an amendment is sought in the present legislation that is before the House to the Travancore-Cochin Panchayats Act of 1950 in the working of which some difficulty arose, when a Panchayat ceased to exist or ceased to exercise jurisdiction in any area, in regard to collection of arrears of tax, fees and other dues. To make such collections provision is inserted in this Bill.

The subject-matter of this measure is in Entry 5 in the State List, namely about Local Governments, and therefore I do not think there is anything further to be said except that an external time-limit is sought to be fixed, so that the Corporation and the Municipalities would continue their present existence until such time as normal elections are held and they take them over. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill to provide for the further extension of the term of office of the Mayor and other councillors and chairmen of standing committees of the Corporation of Trivandrum, and of the councillors of municipalities; and to provide for the recovery in certain cases of arrears of cesses, rates, taxes, fees or other sums due to Panchayats, be taken into consideration."

Shri Narayanankutty Menon (Mukandapuram): Mr. Speaker, as far as the main provisions of the Bill are concerned we support the Bill, because there is no other go but to support it. Because, the statutory time-limit for the Municipalities and Panchayats expires within a short time, and it is not possible to have elections conducted before that.

But certain other considerations arise before we give an extension to the Municipalities and Panchayats. That is in relation to the new legislations that are being contemplated for giving wider powers to the Panchayats and also Municipalities.

In the Question Hour today the hon. Minister of Co-operation said that most of the States are proceeding with legislation on the lines decided by the National Development Council, and very shortly most of the States will be completing the legislation and elections will be conducted to the Panchayats on the lines of that legislation. On the basis of the recommendations made both by the Planning Commission and also with the concurrence of the Government of India, a Bill was introduced in the Kerala Legislature some time before, which provides for giving more powers to the Panchayats on the new lines that have been enunciated by the Government of India itself.

Now, with the Presidential Proclamation and also the dissolution of the Kerala Legislature, the Bill also has expired. And by giving an extended time to the Panchayats and Municipalities now till September 1st and waiting for the elections to the new Kerala Legislature—this might possibly happen in February or March—it might be impossible for the new Kerala Legislature to re-introduce the Bill and get it passed before this particular time.

The Bill that has been pending in the Kerala Legislature has been almost approved by the Central Government, and there need not be any

difficulty at all for the Central Government to introduce the Bill here and get it passed, so that the new Kerala Legislature will not be burdened with passing that Bill again. Because, that Bill has been welcomed by almost all the parties there. And it will not be possible, unless the Bill is passed by Parliament, to conduct the elections within the time specified in this Bill, that is the 1st September, 1960.

Therefore, the first suggestion I have to make is that instead of waiting for the new Legislature to function and pass the District Councils and Panchayats Bill, the hon. the Home Minister should take up the responsibility of introducing the legislation in Parliament and getting it passed—of course, it will take some more time—so that, at least within the period specified in this Bill itself, new Panchayats could come into being.

The whole purpose of the legislation which was pending at that time was, as was agreed to by the Central Government, to accept the principle of democratic decentralisation. More powers are sought to be given to the Panchayats, because a large number of difficulties were being faced by the Panchayats on account of executive authorities sometimes overriding the elected authority and also in the implementation of the new construction works under the Plan. It is very difficult for the Panchayats to go on properly, because of these difficulties. The Bill sought to remove the difficulties, curb executive interference in Panchayat affairs, give more powers to the Panchayats both for collection of tax and also for spending it. And by that Bill alone will it be possible to accept, introduce and implement the principle of democratic decentralisation and also to see that the Panchayats play a real role which the Planning Commission has itself assigned to Panchayats in fulfilment of the Plan. Any delay in passing that Bill and also in creating the new Panchayats with wider powers will delay the exe-

cution of the Plan itself, because very many difficulties are being found there.

I can point out many examples. Especially in relation to Community Development works the Panchayats have a very important role to play. From our experience I can say that because the Community Development programme is applied to different States without any consideration for adapting itself to the circumstances of that particular State, it would have been impossible for the Panchayat to incorporate and to spend that much money which has been assigned for a particular purpose. Unless these Panchayats are given wider powers, the Panchayats will not be able to fulfil that responsibility that has been assigned to them.

Therefore, any delay in passing the legislation on the lines on which it has been introduced in the Kerala Legislature, and which was almost on the point of being passed, will certainly delay the whole construction process and also the implementation of the principle of democratic decentralisation. I know it might be difficult to have a new legislation, but that difficulty will have to be undertaken. Otherwise the Kerala Legislature will again have to extend that time. That means this. The elections to the Panchayats and Municipalities were last conducted in 1953, and the old Panchayats and Municipalities which were elected in 1953 have almost lost all relationship with public opinion there, because so many changes have happened in between. Therefore the new Municipalities and Panchayats will have to come into being and elections conducted. Therefore the Government should undertake the difficulty and the responsibility of drafting a new Bill or adopting the same Bill and coming before the House and getting it passed.

The second point, which is more important, is that when you are ex-

tending the term of these Municipalities, there are certain experiences of these Municipalities in the last few years. It has become a common feature in India—I am not confining this to any political party or particular Municipality—that the role assigned to the local bodies has almost been converted by those who are elected to the local bodies to far different purposes. I may point out one example of one Municipality in Kerala, the Ernakulam Municipality which passed a resolution to the effect that unless the Government of Kerala resigns and goes away within seven days, the Municipality will go on an open struggle against the laws. That resolution still stands, and during the same day the resolution was implemented by some Members of the Municipal Council; in pursuance of the resolution they picketed the Collectorate and went to jail, and for sometime the entire civic administration was at a standstill. I am not taking any objection to local bodies discussing political matters; because, they are a part and parcel of the population and local bodies should discuss matters of public importance. But that discussion of political and public matters should not trespass into a particular realm whereby the Municipality loses its character and the Municipality abdicates its function of looking after the civic affairs for some other matter. Therefore, there should be some sort of check introduced by the Central Government, especially when the Central Government by this legislation is granting an extension to these Municipalities, that at least the Municipalities should confine themselves to looking after civic affairs. Many things happen. There are violations of the District Municipalities Act and many of its provisions. The Government was dismissed on the 31st July, and no action was taken against any Municipality for the wanton and open violation of the provisions of the District Municipalities Act. We find the Government is in no mood to take any action. A moratorium has been declared on whatever has been done for the last two months in Kerala.

[Shri Narayanankutty Menon]

There seems to be a complete condonation of whatever has been done and the Government is out to serve these demands placed during this illegal struggle.

Mr. Speaker: I am afraid he is enlarging the scope of the Bill. All this is not relevant.

Shri Narayanankutty Menon: When extension of time is given, the Government should verify the resolutions, etc., passed during the last six months by these municipalities and panchayats.

Mr. Speaker: Whenever any particular existing law is extended, we just confine ourselves to the provisions of the extension and not add new provisions in the old Bill.

Shri Narayanankutty Menon: I am not suggesting that any new provision should be added.

Mr. Speaker: But then are the Government to give a direction saying: we are extending the time but you shall not pass any such resolution asking the Kerala Government to resign?

Shri Narayanankutty Menon: Under section 3 of the old Act, extension is given to these municipalities and when the Central Government is directly responsible for reviewing the work of these panchayats, etc., that statutory function will have to be exercised by the Government. Government should seriously look into the breaches and where action is called for it should take action.

While supporting this Bill which gives extension, I submit that a new Bill should be brought before Parliament so that elections could take place as soon as possible without further extensions of time as these municipalities and panchayats are now outdated because they are about 7-8 years old.

Shri Achar (Mangalore): While I support the Bill, I would like to

make a few observations. Though I am not coming from Kerala, I am coming from a place very near Kerala.

Mr. Speaker: It is nearer now.

Shri Narayanankutty Menon: It is here, now.

Shri Achar: It is just a few miles from my constituency; that was what I meant. Shri Narayanankutty Menon urged that Bills like the New Panchayats Bill introduced in the Kerala legislature must be hurried up and such legislation should immediately be passed by this Parliament. I am not against that. If the Bills are necessary, they should be passed. But we should know the real facts. I find that the elections took place in 1953 in Kerala. Usually the life of the municipal councillors is three years. I do not know why the Kerala Government delayed the elections so much. They came to power in 1957 and even then three years were over... (Interruptions).

Shri Narayanankutty Menon: It was under President's rule at that time when extension was given.

Shri Achar: Whatever may be the situation, at least from 1957 onwards for 2 years and 4 months, there was an elected Government and during that period no Bill was introduced or passed. While they took so much time, I am not able to see now how there should be so great a hurry about this Bill. As I have said, I am not against any Bill but we feel a little difficulty about this matter. Most of us do not know what the facts are. If the Bill is introduced in a hurry and passed immediately, one will not be able to understand what exactly the situation in Kerala is and what attitude the Members here should take. For instance, take a Bill like this. The period has already expired and it has to be extended as the elections could not

take place immediately. But the Panchayats Bill will be a very important Bill. We must have sufficient time to study the facts. Government should go into the question and find out whether there are any urgent things to be passed by Parliament. Without facts and not having sufficient time to consider these matters, it will not be proper to request the Government to hurry matters.

In the good old days whenever anything was advocated by the Anglo-Indian papers like the *Madras Mail* or the *Times of India* or the *Statesman*, the nationalists felt that there must be something in it against the national interests. Similarly, if the Communist Party advocates something, I do not know if we are not inclined to think that there is something there which is not in the interests of the nation. So, when Shri Menon was urging that the new Panchayats Bill must be passed immediately by this House, I am inclined to think that we have to consider it very much carefully. I may know something but others in Northern India may not be knowing that much. If there are any important things, they have to be taken up by Parliament and I would request the Government to go into the question and introduce only those Bills which are necessary, early enough giving Members of Parliament time to consider those Bills on their merits.

Shri C. K. Bhattacharyya (West Dinajpur): Sir, Shri Menon has just now stated about the municipalities and the local bodies exceeding their limits or jurisdiction and going into things into which they should not go. I would like to draw the attention of the House to a recent judgment given by the Calcutta High Court on the discussion about Kerala in the Calcutta Corporation. It was discussing two resolutions. Notice of one resolution was given by one section of the members of the Calcutta Corporation supporting the Presidential Proclamation and notice of the second one was given by the other

section opposing it. One councillor took it up to the High Court and the High Court decided that the Corporation of Calcutta had no business to go into what is happening in Kerala but should keep itself confined to the tasks assigned to it by the statute. Regarding the complaints that were just now made by my hon. friend, the same method may be adopted in Kerala. When the local bodies are found to be exceeding their rights and jurisdictions, matters may be taken to the High Court and decided upon there so that these matters may be smoothed out and a general principle may be evolved for the proper working of these corporations, municipalities and other local bodies.

Shri Kuttikrishnan Nair (Kozhikode): Sir, I come from Kerala and I think I would be able to say something about this Bill. I welcome this Bill. There is nothing wrong with the municipalities and panchayats in Kerala. They have been performing their duties and nobody could question them about it. Kerala knows representative Government from very old days. Even mythologically speaking, Kerala was supposed to have adopted democracy and democratic methods, even then.

Regarding the new Bill introduced by the Communist Party in the Assembly, I would suggest that it would be better to leave it to be considered by the Assembly there which is going to be constituted, because it deals with innumerable provisions, and you will see in it the idea of the Communist Party to have regimentation. Their labour laws, their agricultural labour relations Bill and other things we had to oppose because the idea of regimentation was imposed in them, and they thought that they could corner all these organisations under the cover of the governmental functioning. If at all there was anything wrong, it was only with the Kerala Government, and now we are all happy that we have settled that in a happy manner.

[Shri Kuttikrishnan Nair]

Regarding the resolutions and others passed by local bodies and municipalities, almost all of them, about 90 per cent of the panchayats and 99.9 per cent of the municipalities passed.....

Shri Narayanankutty Menon: Quite wrong; only 310 out of 897.

Shri Kuttikrishnan Nair: Sir, I am speaking from facts known to me as much as the hon. Member over there.

Shri Narayanankutty Menon: I am only correcting you.

Shri Kuttikrishnan Nair: There is no use correcting me here, when it is printed and published in booklets and it has not been contradicted by the Kerala Government. The Kerala Government, Mr. Speaker, you know, has been issuing innumerable pamphlets and even editorials have been written in the local papers about this. About 30 or 40 pamphlets have been issued on this Kerala issue, but they have not contradicted this matter. Whatever it was, the resolutions passed were because it was a popular upsurge. Everybody except the Communists participated in it. The municipalities and the panchayats thought that for the sake of democracy, for the sake of peace and order in Kerala, it is absolutely necessary to put in their weight with the liberation movement. Sir, we have to forget all those things. Even the Communist Party will have to forget what all things were done. Unless we come to such a decision, the coming elections would be a failure.

Therefore, I would appeal to the Communist Party to forget what all has happened and consider all these aspects in the Kerala Assembly when it is right for us to discuss them. As far as this Bill is concerned, there is nothing wrong in extending this, because I could, with some experi-

ence, say that the panchayats in Kerala have been functioning properly. They have been assigned almost all the important functions. They have been consulted even in developmental matters, and they have been actively helped. Even certain functions have been allotted to them. With regard to the Second Five Year Plan, Sir, the municipalities of Kerala were consulted and their suggestions were taken. In the implementation also they were helped by the Government, not by the Communist Government but by the previous Government. Whatever that may be, it is better that this Bill is passed as it is.

Shri B. C. Kamble (Kopergaon): Mr. Speaker, Sir, I wish to make a few observations with regard to this Bill. Sir, it is not clear whether the word "Government" which has been used in the different clauses relates to the Union Government or it relates to the Kerala Government. I think that should be made clear for various reasons. Firstly, it has to be made clear whether this Act is going to be administered, when it will be passed and it will become an Act, by the Union Government—that is, by the President himself—or by the Kerala Government, if one is to say that the Kerala Governor constitutes the Kerala Government. Another submission is, the word "Government", by virtue of the President's Proclamation, is not the appropriate word here, because in the Proclamation the President says that he assumes to himself all the powers; that is to say, in case this Act is to be administered later on by the Union Government, then the word should be "the President", and if it is to be administered by the Kerala Government then the word should be "Governor" or whosoever may be the nominee chosen by the President. Therefore, the word "Government" is not appropriate so far as the composition of this Bill is concerned.

Now, I was looking into the provisions of this Bill. In clause 5, what I find is that blanket powers are given to whatever is the Government, whether it is the Union Government or the Kerala Government. Clause 5 says: "If any difficulty arises..." Whatever may be the difficulties, powers are given to remove those difficulties under clause 5 of this Bill.

Then, I have been trying to look into certain Acts of the Kerala Government, but from the Library I was not able to find which are the Acts that are repealed under clause 7. So far as clause 7 is concerned, the Municipal Laws (Amendment) Act, 1958 and the Madras District Municipalities (Amendment) Act, 1958 are proposed to be repealed under this Bill. What are these Acts, we do not know. I have enquired in the Library, but they are not available. Therefore, what things this Parliament propose to repeal, what are the consequences, they are not known to us. That should also, therefore, be made clear to this hon. House.

Now, if it is the intention of the Government merely to extend the term of office of the Mayor or the Chairmen of the different Standing Committees or the Councillors of different municipalities, such a Bill was not necessary at all. This could have been done by the President under his own authority. He could very well have assumed that power. If it relates to, what is called, law-making, such a Bill could have been brought before the House. I do not think there is any kind of law-making in this Bill. What is sought to be done in the Bill is to extend merely the offices in certain cases.

But I think there is something more which is pushed through under clause 4, because in clause 4 the wording is that "the Government shall cause elections—(i) to be so held, and appointments to be so made..." Whether the Government will carry on the proposed elections

according to the laws in force in Kerala which govern ministerial actions or whether the Union Government propose to have another Bill, in the exercise of the powers which are conferred under the Proclamation, by which the future elections will be governed, that also is not known.

Therefore, even though the Government has stated in the Statement of Objects and Reasons that they merely want to extend the term of office, that is not so. They want to do something more about which this hon. House is not made aware. In the light of these provisions, therefore, I would like to ask the hon. Deputy Minister in charge of the Bill to tell this House whether elections in Kerala to the legislative Assembly are likely to be held earlier than the elections to the municipalities or whether the elections to the Legislative Assembly are going to be held later. In case, Sir, the elections to the Legislative Assembly are to be held earlier, then such a Bill is superfluous, because whosoever will constitute the Government later on, after the elections to the Legislative Assembly take place, that Government will be competent to bring in a Bill to govern the elections to future municipalities. But, if the elections are to take place later, then probably such a thing may be necessary. In view of this, if the hon. Deputy Minister has any information with regard to the holding of elections to the Kerala Legislative Assembly and if that can be also told to this House, it will be much more convenient to understand the provisions of the Bill.

Shrimati Alva: Sir, I want to begin with the last speaker. He said that he does not know what Bills are being repealed. May I refer him to the Lok Sabha Bulletin Part II where five copies of each of the Bills that are to be repealed are stated to be lying in the Library?

13 hrs.

Shri B. C. Kamble: They are not available.

Shrimati Alva: That may be so, but he said that he did not have the list of the Bills. The list is given in the bulletin.

Then, when he refers to the Government, it means the Government of the State. If I now enter into a discussion we would all be going beyond the scope of the Bill. Shri Narayanankutty Menon, of course, went beyond the scope of the Bill. The purpose of this Bill is only to get over the present difficulty of seeing that the terms of the present Corporation and the municipalities do not expire. Therefore, we are proposing to give them a time-limit up to 1st September, 1960. It is not that the election should be held only at the end of six months, eight months, ten months or twelve months. Whenever normalcy prevails and there is calm, election could be held and the new bodies could come into existence.

Then I think there was a measure—I am speaking subject to correction—before the Kerala Assembly which reached up to the Select Committee stage, and then the Ministry went out of office. It is only when a new Assembly is elected and it meets that these measures could be taken up by the State Assembly.

Shri Narayanankutty Menon spoke about public opinion and the role that the local self-government bodies took unto themselves. I do not wish to go into controversies again because it is a subject on which, even when a harmless Bill like this is discussed, we go into controversies. I think now at least calmness should prevail and we should give time to the Corporation and the other municipalities to carry on their function. We all know how important these functions are for the local self-government bodies, and we know how important it is even in other cities

even without the promulgation of such measures of far-reaching importance—even in the Bombay Municipality, in times of trouble, they have carried on for two or three terms. Therefore, here, in this measure, we only want to extend the time-limit by which they could go on functioning in the proper manner so that when the time for election comes, they could again be elected.

Shri Kuttikrishnan Nair on this side, I think, has answered Shri Narayanankutty Menon fully, and it is no use going into these points again, namely, how the municipalities and the panchayats passed resolutions and how they either scuttled the local Ministry or the local Government, etc. I need not go into these points today.

Sir, I have nothing more to say except that, without going into all these detailed facts, we want, by this measure, to extend the lifetime of the municipalities and the panchayats. I commend the Bill.

Mr. Speaker: The question is:

“That the Bill to provide for the further extension of the term of Office of the Mayor and other councillors and chairmen of standing committees of the Corporation of Trivandrum, and of the councillors of municipalities; and to provide for the recovery in certain cases of arrears of cesses, rates, taxes, fees or other sums due to Panchayats, be taken into consideration”.

The motion was adopted.

Mr. Speaker: There are no amendments. The question is:

“That clauses 2 to 7, clause 1, the Enacting Formula, the Preamble and the Title stand part of the Bill”.

The motion was adopted.

Clauses 2 to 7, clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.

Shrimati Alva: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

13.04 hrs.

PREVENTION OF CRUELTY TO ANIMALS BILL

Mr. Speaker: Shri Ajit Prasad Jain—Shri M. V. Krishnappa. The question may arise as to what happens when a Minister has tabled a motion and has subsequently resigned and whether another Minister may move the motion.

Shri Narayanankutty Menon (Mukandapuram): The motion goes phut.

Mr. Speaker: The Deputy Minister steps into the shoes of the Minister.

Shri Warlor (Trichur): If it is an ordinary Member and if he is absent or has resigned, can the motion be moved?

Mr. Speaker: There is a special provision in the rules which says that a 'Minister' means any Member of the Government.

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): Since this morning I have answered all the questions that were in the name of Shri A. P. Jain, it means I am already acting as Minister!

Mr. Speaker: The House wishes that the Deputy Minister may become a senior Minister!

Shri M. V. Krishnappa: I beg to move:

That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals, made in the motion adopted by Rajya Sabha at its sitting held on the 13th August, 1959 and communicated to this House on the 17th August, 1959 and resolves that the following members of Lok Sabha be nominated to serve on the said Joint Committee, namely Pandit Thakur Das Bhargava, Shri M. L. Dwivedi, Shri Masuriya Din, Shri Har Prasad Singh, Shri K. G. Wodeyar, Shrimati Mafida Ahmed, Shrimati Subhadra Joshi, Shri Chapalakanta Bhattacharyya, Kumari Mothey Vedakumari, Shri C. R. Narasimhan, Shri M. K. Jinchandran, Shri Kanhaiyalal Khadiwala, Shri Mohanlal Bakliwal, Shri Inder J. Malhotra, Shri Laxmanrao Shrawanji Bhatkar, Shri Akbarbhai Chavda, Shri Anirudha Sinha, Shri Chandramani Lal Choudhry, Shri K. S. Ramaswamy, Shrimati Uma Nehru, Shri T. C. N. Menon, Shri Baishnab Charan Mullick, Shri Jagdish Awasthi, Shri Amjad Ali, Shri Kamal Singh, Shri Balasaheb Salunke, Shri Atal Bihari Vajpayee, Shri Prakash Vir Shastri, Dr. Sushila Nayar; and Shri S. K. Patil.

Shri Braj Raj Singh (Firozabad): Has he obtained the consent of all those Members?

Shri M. V. Krishnappa: Yes, Sir. Only with the consent of the Members I made the motion.

Hon. Members are aware that this Bill is the outcome of long and varied discussions in the past. On the 5th