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हिमाचल प्रदेश सरकार

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विभाग H P Secy. , SHIMLA-2
कार्यालय

नस्ति सं० LSG - (TC) - 33-42/57
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विषय MISC CORRESPONDENCE WITH G/I IN
REGARD TO TERRITORIAL COUNCIL

पूर्व संदर्भ

भविष्य संदर्भ

Without Notes

File No.

ASG (TC) 33-42/57
1957

59

Himachal Pradesh Administration

Deptt./Office

Local Self Govt Deptt.

Pros.

Nos.

Serial

ASG (TC) 33-42/57

Subject

Misc. Correspondence

with G/I in regard to the

Territorial Council

Mr. N. L. Bhat
encl.

Previous References

~~Class II
To be retained
for 3 years~~

~~M. K. Bhat
18/6/77~~

Later References

Class I
To be retained for
permanently

M. K. Bhat
24/6/77

SECRET

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Jud. Secy
R.R. Singh, I.A.S.,
Deputy Secretary.

①
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS.
NEW DELHI-2

Dated the 9 November, 1957

SHIMLA

Dear Shri Srivastava,

D.O.No.TC-31-6/
57 dt.5.11.1957

No.TC(LSG)-33-27/
57 dt.5.11.1957

No.TC-33-7/57
dated 5.11.1957

I have received the marginally noted
references from you with regard to the Territorial
Council. The matters relating to the Territorial
Councils are dealt with by Shri P.N.Shinghal and
it might, therefore, be advisable to address
communication which are by name, to him.

Yours sincerely,

M Singh
(R.R. Singh)

14/11/57
suppl. (2 sets)
15 NOV 1957
Shri K.B.Srivastava,
Secretary(Judicial),
Himachal Pradesh, SHIMLA

KRG *15/11*

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Development Commissioner informed me that the Lt. Governor desired to have a resume of the discussions held at Delhi between the representatives of this Administration and the Home Ministry on the 29th August, 1957. The same is submitted herewith.

2. It is submitted that the Chief Executive Officer telephoned me to-day requesting that a copy of the resume be sent to him for the information of the Chairman. I informed him that whatever discussions were held, if at all they were held, were between the Administration and the Home Ministry and it was not proper to send any formal communication to the Territorial Council in regard to the same before any final decision was reached in any matter.

3. This fact is also submitted. The resume mentioned above is enclosed herewith. (A resume of the discussions held by District & Health Service for his Dept. is also submitted).

[Signature]

(P.C. Saxena)
Secretary, Local-self Govt.
2/9/57.

L.G.

CONFIDENTIAL.

L.G. may kindly refer to the copy of ~~the~~ of the letter enclosed which was addressed by him to Shri Hari Sharma, Joint Secretary in the Home Ministry, Government of India.

2. Lt. Col. P. Chandra, Director of Health Services, Shri A.B. Malik, Development Commissioner Shri and K.B. Srivastava, Education Secretary and myself discussed the matters raised therein with Shri Hari Sharma at Delhi on 29-8-57. Shri Raja Roy Singh and Shri Shingal Deputy Secretaries of the Home Ministry were also present. A brief resume of the results of the discussion is submitted hereunder:-

(1) In regard to the suggestion that Government Servants "transferred" to the Council be treated as Government Servants for all intents and purposes, the Home Ministry seem to be of the view that this would not be possible. The Ministry drew our attention to the circumstances in which the re-organisation of States in the Union was undertaken and pointed out that in several cases Government Servants had to suffer on account of the re-organisation and, therefore, this fact alone could not be given too much importance. Attempt would, however, be made to ensure that employees of the Council would have all the privileges that are accorded to Government Servants e.g. Pension, Provident Fund etc.

(ii) The Ministry did not appear to favour the idea of granting deputation allowance to any employees that were sent to the Council but after prolong discussion it appeared that they were prepared to sympathetically consider cases of Government Servants for grant of the allowance whose liens would be kept in the various Government Departments to which they originally belonged. They, however,

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(from overleaf)

desired detailed proposals to be sent to them in this respect.

(iii) In regard to Medical and Health Services, the Ministry tentatively suggested that they would consider the question of manning the posts of D.M.Os with officers lent from the Central Health Services. As for other staff in the Medical and Health Services sphere which was "transferred" to the Council, they would also consider favourably the proposal to allow them avenues of promotion under the Central Health Services. The Ministry did not seem to favour the idea of keeping the appointment, transfer and technical superintendence of such staff ~~staff~~ under the control of the Administration and the day-to-day administrative control under the Council.

(iv) In regard to Education, the Ministry seem to view our proposals favourably and tentatively seem to approve of the proposal that District Inspector of Schools should be retained by the Administration on its own strength and that services of A.D.Is be placed at the disposal of the Council.

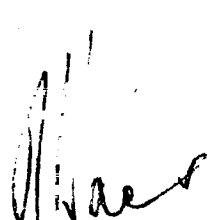
(v) In regard to Veterinary Services, the Ministry did not seem to favour the idea of the Administration retaining any degree of control over institutions or staff transferred to the Council and when it was pointed out that there may be considerable difficulties experienced by the Council in future in the handling of veterinary services, they suggested that this matter may be discussed, if necessary, between the Council and the Administration and an agreed solution be evolved which could be sent to the Central Government for consideration.

(vi) In regard to financial procedure for the interim period during which the Account Code of the Territorial Council would be framed by the Administration in consultation with the Accountant General, the Home Ministry seem to be of the view that such interim procedure could be based on the rules under the Territorial Councils Act already framed by the Central Government

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(from pre-page)

and that if there was any doubt in regard to any particular point, the procedure laid down in the Punjab Municipal Code could be adopted mutatis mutandis.

(vii) In regard to proposal that the amount of Rs.75/- per month should be increased in the matter of house allowance for the Chairman of the Council, the Ministry was of the opinion that this was not possible though the free furnished house that was actually given to the Chairman should be adequate to his status irrespective of the fact that its rent was slightly higher than Rs. 75/- but the rent should not be too high.


(P.C. Saxena)
Secretary, Local-self Govt.
2/9/57.

L.G.

(From page 2)

and that it was any doubt in regard to any particular point, the procedure laid down in the Punjab Municipal Code could be adopted mutatis mutandis.

(vii) In regard to proposed rate the amount of Rs. 75/- per month should be increased in the matter of terms allowance for the Chairman of the Council.

It was of the opinion that this was not possible though the three trustees found that was actually given to the Chairman should be Rs. 75/- per month.

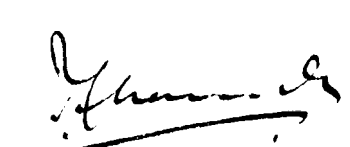
In respect of the fact that the rate was slightly higher than Rs. 75/- but the rate should not be too high.

(Sd/-) (Signature)
2/9/57
2/9/57

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The question of transfer of medical institutions upto district hospitals and staff to the Territorial Council was discussed with Shri Hari Sharma, Joint Secretary, Ministry of Home Affairs on 29th August, 1957, in the light of draft proposals put up by this Administration. No specific results were achieved after discussions, but the following points emerged :-

- (1) that the District Medical Officers, who are shortly to be borne on the Central Health Cadre of the Ministry of Health, should be transferred to the Territorial Council on deputation only;
- (2) that specific proposals should be put up regarding difficulties likely to be met with in the dual control of the medical officers by the Directorate of Health Services, Himachal Pradesh, and by the Territorial Council for examination by the Ministry of Home Affairs;
- (3) that the Director of Health Services will have the authority to visit and inspect institutions transferred to the Territorial Council and report on the administration and on technical matters connected with the running of these institutions, and
- (4) that all the other staff belonging to district hospitals and other institutions to be transferred to the Territorial Council will be transferred in toto and thenceforward this staff will be the employees of the Territorial Council.


Lt.Col.
(P.Chandra)
D.H.S.
2 - 9 - 1957

Shri P.C.Saxena,
Secretary, L.S.Govt.

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Department of Language, Art & Culture
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CONFIDENTIAL.

28th August, 1957.

My dear

I would like to invite your attention to certain difficulties that have arisen in connection with the functioning of the Territorial Council and the various administrative measures that perhaps seem desirable to be taken on the part of Government in the matter.

2. I am briefly recapitulate some of the difficulties relating to the staff or employees of the Council first. As you know, a very large number of staff who have been, upto the 14th of this month, working in various Departments of the Administration have been "transferred" to the Territorial Council on account of the fact that various institutions and functions have now come within the jurisdiction of the latter. The recent instructions received from the Central Government to the effect that Government servants who are appointed for the initial period of 6 months by the Administrator to serve under the Council will be treated as on Foreign Service and will not get any deputation allowance have also led to a certain degree of reluctance on the part of officials whom it is desired to appoint under the Council to serve thereunder. Then again, since I can appoint staff for the Council only for the initial 6 months after its formation, a situation is likely to arise that in case the Council does not desire to retain particular individuals after the period of 6 months is over, it would be difficult for this

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Administration to absorb the personnel in its existing Departments. There is also a feeling amongst a certain portion of the staff that has been "transferred" to the Council that they would be justified in claiming deputation allowance for their period of service under the Council. At the same time, as is obvious, the Council would also be appointing its own staff. There would, thus, arise some difference in the emoluments and service conditions of employees working under the Council - one body enjoying privileges not accorded to the other. I may also mention that the rules framed under the Territorial Councils Act also seem to indicate that employees of the Council would be governed generally by the same rules as govern the service conditions of regular Government servants. As for example, I may quote Rule 53 which says that the Fundamental Rules, the Supplementary Rules and other rules framed by the Central Government with reference to Fundamental Rules governing the conditions of service for Government servants shall apply to all Officers and other employees of the Council in respect of all matters or any of them relating to their leave, pay, leave allowance, subsistence grant and similar other matters, except where the Territorial Council rules provide otherwise. Further, Rule 60 says that the terms and conditions of service of a Government servant transferred to the Council shall not be varied to his disadvantage without the previous approval of the Central Government and that where any disciplinary or other action is required to be taken against any such Government servant, the Council shall make a reference to the Administrator who shall take further action in accordance with the service rules applicable in each

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case.

3. I have consulted my Secretaries in the matter and it is suggested that the solution of the difficulty would perhaps be in treating all employees of the Territorial Council, whether appointed by the Council or "transferred" to it, as Government servants for all intents and purposes. This would, probably, eliminate the difficulty of the large number of Government servants who will necessarily have to go to the Council, for example, school teachers, who may resent the terms and conditions of their service being altered to their disadvantage. Employees appointed by the Council itself in future, would enjoy the same privileges as would be accorded to the Government servants "transferred" and there would, thus, be a uniformity of service conditions among all Council employees.

4. The principle of "transferability" of staff deputed to the Council in various Departments inter-se with staff retained by the existing Departments under the Administration may also be examined in this connection. This would enable all Government employees to retain their "pre-transfer" rights and opportunities of promotion etc.

5. In the light of the above, this Administration would like to make the following suggestions for the consideration of the Government of India, viz., that there should be at least 3 categories of employees of the Council as given below:-

(1) Such Government employees who will have no lien on any Government appointment if they are transferred to the Council. This category will include officials such as Teachers, Class IV employees etc.

(2) Such Government servants who will be on deputation to the Council and their liens will

be kept in the various Government Departments to which they belong such as Secretariat staff which we can absorb at any time within the Himachal Pradesh Secretariat in case the Council does not desire to retain them or the officials sent on deputation desire to return to their parent Departments.

(3) This category is suggested because of certain peculiar features that pertain to certain cadres and services. As for example, the Medical and Health Services may find it difficult to maintain proper cadres, the normal avenues of promotion etc. for their staff, if there is bifurcation - a certain section passing to the Council and the other being retained by the Administration. It is understood that in certain States such as Punjab and Uttar Pradesh, Medical Officers from the State Medical cadres man the various Hospitals but remain under the day-to-day administrative control of Local Bodies such as District Boards and Municipal Boards. The same principle may be applied to the Veterinary services also. It is suggested that in such cases officers may be appointed by the Administration though the institutions may be under the control of the Territorial Council. The appointment, transfer and technical superintendence of such staff would be under the control of the Administration but the day-to-day administrative control would vest in the Council.

6. In case, the above suggestions find favour with the Government of India, this Administration suggests that the transfer of staff in relating to the under-mentioned Departments should be as under:-

(a) Education Department:

- 1) All Headmasters/Head Mistresses/ Teachers and Mistresses upto and including High Schools may be transferred permanently to the Territorial Council. All Clerical,

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Contingency and Class IV staff of the Schools of the above categories would be transferred permanently to the Council.

- 11) As regards Inspecting Staff, it is felt that though the Council would be needing its own Inspectorate in order to properly supervise the institutions transferred to it, the Administration would itself be needing certain Inspectorate staff in the Education Department in order to implement the Second Development Plan Schemes and perform other administrative duties, besides enabling the Administration be in a position to discharge the obligations laid upon it by virtue of Section 22(2) of the Territorial Councils Act. It is accordingly proposed that as regards Inspectorate staff, the cadre of these Officers may continue to be controlled by the Administration but the services of all A.D.Is. be placed at the disposal of the Council who will direct their day-to-day working. The District Inspectors of Schools, however, will continue to be under the direct control of the Administration and they will continue inspecting High Schools and other Schools under the Council on behalf of the Administration. The Lady Supervisor likewise may continue to remain with the Administration though for purposes of inspection of Girls Schools she may act under the directions of the Council.

(b) Medical and Health Services:

- 1) It is proposed that the cadre of Medical Officers including District Medical Officers, C.A.S. Class I and C.A.S. Class II (Gazetted

Government of India, Ministry of Education, New Delhi
No. 12345/VI-1/1980
Dated: 15.12.1980
To: The Director of Education, Government of Himachal Pradesh, Shimla
From: The Secretary, Ministry of Education, Government of India, New Delhi
Subject: Appointment of a Special Officer for the purpose of the Himachal Pradesh Education Society, Shimla.
Reference: The letter of the Director of Education, Government of Himachal Pradesh, Shimla, dated 10.12.1980, No. 12345/VI-1/1980.
2. The Government of India, Ministry of Education, New Delhi, is pleased to inform you that the Government of India, Ministry of Education, New Delhi, has approved the appointment of a Special Officer for the purpose of the Himachal Pradesh Education Society, Shimla, for a period of one year, with effect from 1.1.1981.
3. The Special Officer shall be appointed from among the officers of the Government of India, Ministry of Education, New Delhi, who are qualified to discharge the duties of the Special Officer.
4. The Special Officer shall be appointed on a full-time basis and shall be responsible for the management and administration of the Himachal Pradesh Education Society, Shimla.
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and Non-Gazetted) should continue to be maintained and controlled by the Administration. Such Officers, however, as are required by the Council for running the institutions transferred to it will be provided by the Administration to the Council. They will be under the technical control and supervision of the Director of Health Services but their day-to-day working will be controlled by the Council.

(ii) As regards District Medical Officers of Health and Medical Officers incharge of Hospitals and Dispensaries not transferred to the Council, they will continue to remain under the direct and exclusive supervision and control of the Director of Health Services as hitherto. Transfer of Officers posted in various institutions under the control of the Council would be under the control of the Director of Health Services. It is understood that this would be analogous to the arrangements prevailing in Uttar Pradesh and Punjab.

(iii) As regards Class III and Class IV staff of Medical and Health Institutions transferred to the Council, they would be under the complete control of the Territorial Council except insofar as the technical control and supervision of the Administration is concerned and in the matter of training of such staff.

(iv) Health:- As regards District Medical Officers of Health, they would be on a cadre maintained and controlled by the Administration but in their day-to-day working they would remain under the control of the Council subject to the technical control and supervision of the Director of Health Services.

ment of the Government of India (Ministry of Health)

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(c) Engineering:

1) It would perhaps not be desirable in view of the quantum of work transferred to the Council in the sphere of engineering to effect wholesale transfer of any P.W.D. staff to the Council. It is, therefore, proposed that in the sphere of engineering the Council may ask for Engineers from the Administration on deputation as and when they require their services. This would apply to the staff upto the rank of Overseers also.

(d) Veterinary:

1) On the analogy of Medical and Health Services it is proposed that the Administration should maintain and control the cadre of V.A.Ss. and above. V.A.Ss. working in institutions transferred to the Council would be under the Council's control in their day-to-day work but the technical guidance and supervision would be that of the Director of Animal Husbandry who would also be able to transfer the V.A.Ss. The lower staff with the institutions transferred to the Council may, however, be transferred permanently to it. For the purpose of training facilities, however, the Administration would continue to have control necessary to that end.

(e) Office staff of the Council:

For the purpose of fulfilling the requirements of the Council for its office, it is proposed to send staff on deputation from the Himachal Pradesh Secretariat till such time as the Council would require their services. It is suggested that they should be allowed to get deputation allowance otherwise it may be difficult to find personnel willing to be transferred to the Council even temporarily.

Figure 1



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Superintendents, Assistants etc. sent from the Secretariat on deputation to the Council would have their liens retained in the Secretariat and there should, therefore, be no difficulty in allowing them to get deputation allowance. 1s

7. I now revert to another topic and that is in connection with the financial procedure that has to be laid down immediately as a short-term and interim measure in order to facilitate the functioning of the Council and enable expenditure to be undertaken till such time as a permanent arrangement is made in this behalf. Under rule 23 the Council shall, as soon as may be after its establishment, elect a Finance Committee consisting of ten members which will generally look after the financial affairs of the Council. Such a Committee has not so far been set up. Under rule 32, the budget for the year 1957-58 has to be prepared and it is specifically laid down that until the said budget is passed, no expenditure shall be incurred except under an order of the Administrator. It is also mentioned that the Chief Executive Officer shall in preparing the budget, have due regard to, and be bound by the instructions, if any, issued by the Central Government. It is presumed that such instructions would soon be following. However, the fact remains that the "permanent arrangement" referred to above seems likely to take some time more. Again, in the matter of payments, rule 76 provides that all cheques shall be signed by the Chief Executive Officer and one Member of the Council nominated for the purpose by the Chairman. This nomination, so far as I know, has not so far been made though rule 75 specifically provides that all sums of Rs.20/- and over shall ordinarily be

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paid by cheque. I may also add that rule 91 lays down that the detailed procedure to be observed in dealing with the transactions relating to the Council and in keeping and rendering accounts of such transactions shall consistently with the provisions in these rules be prescribed by the Administrator in consultation with the Accountant General concerned and embodied in an Account Code. This Account Code is being prepared in the Local-self Government Department but again, I may mention, that in view of the fact that the Accountant General's approval will be necessary before this is finalised, this Code too will take some time.

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8. Meanwhile, the Council has come into existence and the Chief Executive Officer has made several representations to the effect that a large number of items of expenditure have to be incurred at once and that some financial procedure should be laid down regulating such expenditure.

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9. Government employees, numbering thousands, have been transferred to the Council with effect from the 15th August in view of the fact that a large number of Schools, Hospitals and Dispensaries and other institutions have been transferred to the Council. They have to receive their salary on the first of the next month. It may, perhaps, be open to objection if their salaries are met out of their previous Departments budgets but some such step will perhaps have to be authorised immediately in order to avoid any difficulty in this matter. This is, however, only one example.

10. For the solution of this difficulty, which has arisen in this interim period, it is suggested that the Central Government may consider the feasibility of passing immediately some order, whether under

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Section 63 of the Act or otherwise, laying down some clear-cut and brief procedure which would facilitate and enable the immediate incurring of expenditure in this interim period. The Territorial Councils Act and rules thereunder, as they stand at present, do not seem to provide for this Administration exercising any authority in this respect.

11. I would also request you to kindly consider the following point that has arisen in regard to providing the Chairman of the Council with a free furnished house. Government of India have decided that the Chairman should get either a free furnished house or Rs.75/- per month as an allowance. The difficulty is that in Simla it would be difficult to find a house for Rs.75/- a month adequate to the status of the Chairman of the Council. I would, therefore, request you to give some thought to this point also and decide whether this amount could not be raised to a suitable figure or in the alternative, he may be provided free furnished house of a higher rental value.

12. I have deputed Shri P.C.Saxena, Secretary, Local-self Government, alongwith Lt. Col. P. Chandra, Director of Health Services, Shri A.B. Malik, Development Commissioner and Shri K.B. Srivastava, Education Secretary to hand over this letter to you personally and to put the various suggestions referred to above before you or any Officer in the Home Ministry as you may direct and explain any point on which you might require clarification.

13. I would request that the matter may please be given priority in order that the difficulties being

position of the Act on other day, having down
some elements and dated documents which would
be available and enable the Committee to determine of
existence in this interim period. The Committee
Councils Act and other provisions, as they stand
at present, do not seem to provide for this
an institution exercising any authority in this
respect.

17. I would also request you to kindly consider
the following point that has arisen in regard to
provision of the Chairman of the Council with a free
furnished house. Government of India have decided
that the Chairman should get either a free furnished
house or Rs. 75/- per month as an allowance. The
difficulty is that in State it would be difficult to
find a house for Rs. 75/- a month adequate to the
status of the Chairman of the Council. I would,
therefore, request you to give some thought to this
point also and decide whether this amount could not
be added to a stipend figure or in the alternative,
it may be provided free furnished house of a higher
rental value.

18. I have quoted Shri P. G. Saxena, Secretary,
Local Self Government, alongwith Mr. Col. N. Chandra,
Director of Health Services, and Mr. A. S. Malik,
Development Commissioner and Shri L. S. Dwivedi,
Additional Secretary to head over this letter to you
personally and to put the various suggestions referred
to above before you or any Officer in the Home Ministry
as you may direct and explain any point on which you
may require clarification.

19. I would request that the matter may please be
given priority in order that the matter may please be

experienced at present may be removed immediately.

Yours

11s



(BHADRI)

Shri Hari Sharma,
Joint Secretary
to the Govt. of India,
Ministry of Home Affairs,
New Delhi.

RR

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...continued at present but be removed to ...

Yours (1)

128

(12/12/11)

Joint Secretary
to the Govt. of India
Ministry of Home Affairs
New Delhi.

CONFIDENTIAL.

The following points are submitted for favour of orders:-

(1) Under Section 11 of the Territorial Councils Act the names of all persons elected or nominated to be members of the Territorial Council shall be published by the Administrator in the Official Gazette. Nomination of members may be made by the Central Government under Section 3(3) of the Act. I am not aware as to whether the Central Government has decided or not to nominate any members and I apprehend that unless the decision to that effect is known to us, the Gazette notification in publishing the names of persons elected or nominated to be members under section 11 cannot issue.

Action proposed:- Since there are no previous papers with me on the subject, I may discuss the question with Secretary Judicial immediately on his return from Solan and the point may also be discussed by the C.E.O. designate in the Ministry of Home Affairs who is proceeding to Delhi this evening too. The attention of the Central Govt. may also be drawn to Section 63 of the Act under which that Government may, by order, do anything necessary or expedient for the purpose of removing any difficulties which may arise in giving effect to the provisions of this Act.

(2) Under Section 3(1) of the Act, there shall be a Council from such date as the Administrator, by notification in the official gazette, may appoint in this behalf. A separate notification to this effect will, therefore, have to issue.

Action proposed:- The point may be discussed by me with Secretary Judicial on his return from Solan and C.E.O. designate may also discuss it at Delhi in the Ministry of Home Affairs.

(3) Under Section 22(1), the Central Government may nominate the first Chairman who would hold office for a

period not exceeding one year. Previous papers, if any, are not available with me and I am accordingly not aware as to whether there will be any such nomination or not.

Action proposed:- C.E.O. designate may discuss this point in the Ministry of Home Affairs and obtain an early decision of the Central Government in the matter.

(8) The Central Government have informed us that the Council is proposed to be "constituted" with effect from 15-8-57. I have gone through the Territorial Councils Act and the rules thereunder carefully and confess that I am not exactly clear as to the legal implication of the term "constituted". If it implies that it merely means notification by the Administrator that the Council will "come into existence" with effect from 15-8-57 and not that there will be "inauguration" of the Council on that date in the sense that all the members will be summoned for the first meeting, the practical result would be that on that date (15-8-57) the Council would have come into existence but various essential acts relating to the transfer of functions given to the Council would not be able to be formally completed on that date though certain legal consequences would immediately ensue such as the abolition of Zilla Panchayats in Himachal Pradesh under Section 64 of the Act. If, on the other hand, a meeting of the Council is held on the day of its constitution, the formal handing over of charge of subjects transferred to it could also take place on that date. In this connection, it may be pointed out that the 15th of August would be a public holiday and under rule 100 of the Act, the office of the Council is expected to be closed on public holidays.

Action proposed:- I suggest that the Central Govt. may be moved to agree that the Council for Himachal Pradesh may be allowed to be "constituted" with effect from 15-8-57 (and not 15.8.57) and on that date the first meeting of the Council be also

called on which the formal inauguration by the Administrator, the swearing in of members and formal handing over of charge etc. may be arranged.

(5) Under Section 29 of the Act it would appear that the Chairman of the Council, or in his absence the Vice-Chairman, have the authority to convene a meeting whenever he thinks fit. I have gone through the Act and the rules carefully and it would appear that the Administrator, as such, ~~has~~ ^{is} not being given the authority to convene a meeting of the Council. I, am, therefore, unable to indicate the provision of law under which the Administrator would summon the first, inaugural meeting. The legal difficulty would be that unless and until the Council has elected its Chairman (in case none has been appointed by the Central Government) a meeting of the Council could not be convened, and unless the meeting was convened, the swearing in of members could not take place and unless and until all the members had been sworn in, there could not be said to be any Territorial Council functioning.

Action proposed:- I may discuss this point with Secretary Judicial on his return from Selan and C.E.O. designate may discuss it with the Ministry of Home Affairs with a view to have the legal hitch removed. In this connection I may add that under section 23 of the Act, every member of ^{the} Territorial Council shall, before taking his seat, make and subscribe at a meeting of the Council, an oath or affirmation in the prescribed form. It would, thus, appear that a meeting of the Council would actually have to take place before the Members could take their oaths and if the meeting could only be legally convened by the Chairman or Vice-Chairman and not by the Administrator, legal hitch would certainly arise.

(6) Under rule 3, the election of a Chairman

(if the Chairman is not going to be nominated by the Central Government) shall be held on such date as the Administrator may fix and the Secretary shall send to every member notice of this date and before the election takes place, the Administrator shall appoint a member of the Council who does not intend to contest the election to preside at the meeting.

Action proposed:- The election of the Chairman (if to be held) may not be held on the date the Council is inaugurated but at the second subsequent meeting. Since the Administrator will have to appoint one of the Members to preside on the condition that he does not intend to contest the election, I am of opinion that this could be done only if after the inaugural meeting, declarations in writing are taken from such of the Members who do not intend to contest the election and the Administrator may ask the other Members to select one of such members to preside over their next meeting in which the election of the Chairman would take place.

In case L.G. (Administrator) does not agree with the above and decides that the election of the Chairman would take place in the ⁱⁿ inaugural meeting, the Secretary of the Council would have to ^{inform} ~~inform~~ all Members in advance of the fact that such election would take place and in that case the Administrator, after inaugurating the Council would himself appoint one of the members of the Council whose name neither proposed nor seconded for the post of the Chairman by the members to preside at the election of the Chairman which would be held immediately after the inauguration.

(7) In rule 5, the Chairman shall nominate, that the commencement of the Council, from among the members a panel of two deputy Chairmen, any one of whom may preside over the Council in the absence of the Chairman and the Vice-Chairman.

Action proposed:- Immediately after the election (or nomination as the case may be) of the Chairman, the Administrator may formally request him to nominate not more than two Deputy Chairman.

(8) It is submitted that the Administrator may kindly inaugurate the Territorial Council. In the inaugural speech, which, if approved, may be prepared in Hindi by me for approval, the attention of the Territorial Council may be drawn besides other points to certain relevant sections of the Act and certain rules such as for example:-

(a) Section 29 under which the rules of business have to be drawn up by the Council with the previous approval of the Administrator.

(b) The appointment of Principal Officers incharge of Engineering, Health services and Education which have to be made by the Council with the approval of the Administrator under section 32(3).

(c) The appointment of staff by the Council for the exercise of their functions under Section 32(4).

(d) The appointment of a Finance Committee under Section 50 of the Act.

(e) The necessity to make bye-laws for certain purposes specified in Section 55.

(f) The administrative arrangements required to be considered by them consequent on the abolition of Zilla Panchayats under Section 64 of the Act.

(g) The election of vice-Chairman by the Council under rule 4.

(h) The determination of the ^{sitting} ~~sitting~~ order for Members by the Chairman under rule ~~23~~ 18(m).

(i) The rules to be framed under Rule 19 by the Council regulating the admission to their meetings of visitors and representatives of the Press.

(j) Rules to be framed by the Council under rule 20 regulating the publication of minutes of their meetings.

(k) The appointment of standing committees under rule 24.

(l) The necessity of calling a special meeting

under rule 48(ii) for the purpose of dividing of the work of the Council into different departments and assigning one or more departments to the Principal Officers incharge of Engineering, Health services and Education and other Officers of the Council.

(a) The designation by resolution of the person by whom receipts in the prescribed form may be signed on behalf of the Council for sums received by the Council, such designation being necessary under rule 65.

(9) Programme and speech for the inaugural meeting may be prepared and submitted for approval if L.G. (Administrator) desires.

(10) Under Section 32(3) and(4) the ~~minimum~~ appointment of the Principal Officers incharge of Engineering, Health Services and Education shall be made by the Council with the approval of the Administrator and the Council would also appoint such staff as may be necessary for the proper and efficient execution of its duties. In this connection it is pointed out, that for the efficient taking over of charge of the functions transferred to it by the Council, it would be necessary to post certain staff and Officers immediately i.e. before the formation of the Council in order that the handing over may be ^{smoothly} carefully accomplished. Under Section 32, it would appear that the Administrator has not been empowered to appoint Officers and staff of the Council (except of course the C.E.O). The legal position would thus seem to be that the Council will first be formed and with the help of the C.E.O. it would then proceed to make its appointments of officers and staff. Under Section 32(5), no person could be appointed by the Council to a post the minimum monthly salary (exclusive of allowances) for which is Rs.300 per mensem or more with^{out} the consultation of the U.P.S.C. It would thus seem that the appointment of Principal Officers who would probably be receiving more than Rs. 300/- per month would be a long process as the U.P.S.C. would have to be consulted in their appointment. I apprehend

that the work of the Council would be helped up considerably. In the case of staff too, I feel it is essential that for certain staff to be appointed and to start working in anticipation of the approval of the Council.

Action proposed:- C.E.O. designate may discuss this point in the Ministry of Home Affairs and attempt to obtain orders of the Central Government under Section 63 of the Act in order to remove this difficulty.

(11) The renting of a suitable building for the Council headquarters in Simla would also be necessary before the formation of the Council. Its proper furnishing with a view to arranging office facilities for the staff, sitting and meeting arrangements for the members, office of the chairman and the C.E.O., offices of the Principal Officers of various Departments, offices of Supts. Assistants and Clerks, their furniture, stationary, typewriters etc. all have to be done, in my opinion, before hand. If we expect the Council to start functioning without even skeleton staff that may be placed at the disposal at the time of the formation of the Council, it would create numerous difficulties. ~~with~~ in view of the legal position ^{whereunder} it is the Council which can appoint its staff. In case, the Government of India may be moved to remove this difficulty, I may also point out that large numbers of files will have to be transferred from various Administrative Departments to the charge of the Council on the date ~~on~~ of handing over charge in respect of the functions that are being transferred to the Council. The legal position, in my opinion, would be that on and from the date of constitution of the Council, the Administrative Departments concerned would not legally be entitled to deal with the subjects that have been transferred to the Council and if the Council is not immediately in a position to carry on the day to day and routine work

in regard to those functions, there would be an administrative dead-lock. As to the complete files that may be transferred, there would not be much difficulty but I apprehend that there may be a few hundred or thousand files which may, by the very nature of their contents, require only partially to be transferred to the Council and partially to be retained by the Administrative Departments concerned. There seems, thus, to be an immediate necessity to start work of duplication of files in those cases where the Council would be concerned only partially with certain files. To avoid dislocation, I suggest that this work be taken up immediately. This cannot, however, be done unless certain skeleton staff which will be working in the Council on its constitution is immediately removed from their present posts and, in anticipation of the constitution of the Council, put to start work on behalf of the Council in this respect.

Action proposed:- The legal and financial difficulties in the above may be brought to the notice of the Home Ministry by C.E.O. designate and their orders obtained.

(12) Under Section 38, 39 etc. the Council has been authorised to publish certain classes of notices in the official gazette.

Action proposed:- The concerned Department may be moved by me formally to allow the Council to use the facilities of the gazette.

(13) Under Section 42(1) of the Act, in matters connected with the assessment and collection of any tax, rate or fee an appeal shall lie from the order of any person authorised to make assessment or collections, to such person as the Administrator may appoint or designate for the purpose. Immediately after the constitution of the Council, the authority will have to be

specified by the Administrator.

Action proposed:- The Financial Commissioner may be moved formally to propose the authority to hear such appeals.

(14) One of the buildings in Simla is being hired by the Administration for the purpose of the headquarters of the Council. I feel that this should be a charge on the revenues of the Council and not of the Administration.

Action proposed:- The Central Government may be moved to pass orders under Section 49 of the Act or any other provision of law which they may deem fit to make the building a charge on the revenues of the Council.

(15) Under Section 52(2) of the Act, the Administrator shall have the power to give to the Territorial Council all such directions as he may consider necessary in respect of subjects, curricula, text-books and standards of teaching in schools vested wholly or partly in the Council and in schools wholly or partly maintained by grants payable from the Council fund.

Action proposed:- The Secretary Education may be moved to submit his proposals in this regard to L.G. (Administrator) in order that such directions may be issued to the Council immediately on its constitution in view of the fact that a large number of educational institutions are being transferred.

(16) Under rule 7 a notice in writing of the intention to move a resolution for the removal of a Chairman from his office shall be delivered to the Secretary of the Administrator in charge of the work relating to the Council in person. It needs clarification as to whether a gazette notification is necessary nominating the person to be the Secretary to the Administrator for this purpose.

Action proposed:- C.E.O. designate may discuss

this point with the Ministry of Home Affairs and obtain the views of the Government of India.

(17) Under rule 18 the Chairman has been given the power to preserve order at the meeting of the Council. Legislatures have usually persons known as "Marshals" which are used by the Speakers for the purpose of removing members from the floor of the House when the situation so requires it. It is ^{legislature} ~~substantive~~ whether a "Marshal" be provided ~~for~~ ^{to} the Council.

Action proposed:- C.E.O. may discuss this point and obtain the views of the Home Ministry.

(18) Under rule 53(a) a substitute will be appointed by the Administrator in case of regular leave granted by him to the C.E.O. It has not been defined as to who will act for the C.E.O. in the case of casual leave granted to him by the Chairman.

Action proposed:- This point may be got clarified by C.E.O. designate in the Ministry of Home Affairs.

(19) Under rule 61, at the end of each month a monthly account in the prescribed form shall be drawn up and laid before the Council and if the Administrator so directs a copy shall be forwarded to him for information.

Action proposed:- A general direction be issued to the Council immediately on its formation that such monthly accounts should invariably be forwarded to the Administrator for information.

(20) Under rule 73(2), all cheques shall be signed by the C.E.O. and one Member of the Council nominated for the purpose by the Chairman. I presume that the signing of such cheques will be a very routine affair in the sense that cheques may have to be signed practically every day and this would mean that one Member of the Council would have permanently to be stationed at Simla in order to implement the provisions of this rule. This may possibly

create difficulties in practical working and involve unnecessary expense in the payment of D.A. to one Member of the Council nominated for the purpose who would have to stay in Simla and who would do no other work excepting signing a few cheques. I would suggest that the C.E.O. may be authorised to sign all cheques or if joint signatures are considered necessary, the Chairman ^{and} the C.E.O. may sign.

Action proposed:- C.E.O. designate may discuss this point also in the Ministry of Home Affairs.

(21) Under rule 103, in every case in which a notice is required to be published by the Council, it would be necessary to publish the same both by beat of drum and by exhibiting a copy thereof at some conspicuous spot accessible to the public at the place of meeting of the Council. In this connection, I may submit that so-far-as Himachal Pradesh is concerned, the Headquarters of the Council would be in Simla and not within the Territory of Himachal Pradesh. It is not clear as to ^{where} whether the beat of drum would have to take place. Also, the place of meeting of the Council would not ordinarily be accessible to the public of Himachal Pradesh as such as it would be situated in Simla and it is possible that legal objection may be raised. If beat of drum also takes place in Simla, I do not think it would serve any useful purpose.

Action proposed:- This difficulty may be brought to the notice of the Ministry of Home Affairs by the C.E.O. designate and their views obtained.

(22) It is also submitted for orders as to whether an Armed Guard be arranged for the office of the Council as has been arranged for each of the offices of the Administration stationed in Simla.

29
A copy of this note has been handed over
by me to C.E.O. designate for discussions with L.G.
(Administrator) before he leaves for Delhi to-day
and for discussions at Delhi.

(P. G. Saxena)
Secretary, Local-self Govt.,

26/7/57.

L.G. (Administrator)

30
No: LG/GENL-101/57

28TH SEPT. '57
4th Oct

My dear

Kindly refer to your D.O. letter No. 26/35/57-SR
(R) dated the 19th September '57.

As indicated by you to my officers who met you
on the 29th August, 1957, the rough detailed proposals
in respect of the departments the staff of which is
affected on account of transfer of certain functions of
the Territorial Council viz. Education, Medical & Health,
Veterinary and P.W.D. are at Appendices A, B, C & D.

You will notice a difference in the proposals
in respect of the Education Deptt. and other departments,
in as much as that it has been suggested to retain
provincial cadres in respect of the technical staff of
the PWD, Medical and Animal Husbandry Departments, but
in respect of the Education Deptt. all staff except the
Distt. Inspectors of Schools have been proposed to be
transferred to the Territorial Council. The reason is
that in the technical Departments only the main difficulty
of getting staff arises.

It is now for the consideration of the Govt. of
India but the main difficulty which is generally felt is
hesitancy that the staff is feeling in losing the
privilege of a Gvt. service by going to the Territorial
Council. Most of them can, of course, be forced to go
but the resentment and rather unhappy feeling is there
and is quite understandable. I would, therefore, like
to take this opportunity to draw your attention to the
recommendations of the Committee on Plan Projects which
was constituted by the National Development Council
under the chairmanship of the Union Home Minister. The

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Committee has given recommendations for democratic decentralization in which they have dealt with the formation of statutory local bodies with adequate powers at all levels vide their recommendations at chapter DD while dealing with Statutory Block Advisory Committee.

The main thing is, if I have understood it correctly, that the staff required by the local bodies for manning the institutions would remain Government servants and, therefore, the question of deputation or losing the advantage of a Govt. service does not arise, yet they will remain under the control of the local body for day-to-day working. I wonder if these recommendations can be made use of for the Territorial Council as well. However, this suggestion is just to overcome the frustration that the staff seems to be feeling. But, this will require our maintaining a Provincial Cadre in respect of the institutions which have been transferred to the Territorial Council and if it is agreed to, it will solve the difficulties of posting the Govt. servants in the Territorial Council. This may help the Territorial Council to function more satisfactorily in discharge of their duties if the responsibility of training and provision of staff is left with the State Administration and the Territorial Council has complete control over them for the operational purposes under Govt. orders.

Shri D.D. Gothi, Under Secretary in the Ministry of Home Affairs, has written to Shri Channa vide his letter No. 26/35/57-SR (R) dated the 3rd September, 1957, that the proposals may be formulated in consultation with the Territorial Council. I am afraid it will not have solved the problem if we had done that at this stage till the basic principles are approved by you. There will, of course, always be room for minor adjustments in consultation with the Territorial Council and with the approval of the Govt. of India if you so desire, but the

possibilities of complications cannot be ruled out.

I had, however, a casual talk with the Chairman about the Distt. Inspectors of Schools. His idea is that the entire staff should be transferred to the Territorial Council. I feel that it will solve the problem if the Distt. Inspectors of Schools while remaining with the Administration as has been suggested continue to inspect all the schools as they are doing now for the purpose of keeping the administration informed and send their inspection reports to the Territorial Council as well. As has been pointed out by the Deptt. there will be no machinery left with the administration to keep a proper check and discharge functions left with the administration. Considering the possibility of difference of opinion on such minor points, I thought it proper to have the Home Ministry's direction first.

Yours

(BHADRI)

Shri Hari Sharma,
Joint Secretary to the Govt. of India,
Ministry of Home Affairs,
NEW DELHI.

[illegible]

ENCLOSURE

(DECLASS)

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APPENDIX 'A'

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EDUCATION DEPARTMENT

I. Staff that will stand transferred to the Territorial Council and no lien will remain in the Administration.

(1) All Headmasters/Head-mistresses, Teachers/Mistresses, clerks, etc. etc. i.e., to say, all Class II and Class III employees of all the schools transferred to the control and jurisdiction of the Territorial Council without exception.

(ii) All Class IV and contingent-paid employees of all such schools, as mentioned in No. (1) above, which have been transferred to the control of the Council.

(iii) P.T. Supervisor, Assistant P.T. Supervisor and one peon attached with the P.T. Supervisor.

(iv) All peons attached with the A.D.Is. of schools.

The above staff will no longer remain Government servants and they will have no lien on any posts under the Government. They will become exclusive employees of the Territorial Council, permanent or temporary, as the case may be.

II. Those who will continue to be in Govt. service but who will be sent on deputation to the Territorial Council and who will retain their liens against their substantive posts in the Administration, if any.

(1) 14 A.D.Is of Schools.

(ii) Some clerical staff in the office of the Principal Education Officer, Territorial Council.

III. Those who will continue to remain with the Administration.

(1) All District Inspectors of Schools and their office staff.

(ii) Lady Supervisor and her staff.

It is proposed to keep all District Inspectors of Schools with the Administration on account of the fact that the Administrator, under Section 252 of the

Territorial Council is required to discharge certain responsibilities in educational matters. It is, therefore, necessary that some independent inspecting agency should be maintained to enable the Administrator to discharge his functions.

Under this proposal, the services of the District Inspector of Schools would be available to the Territorial Council for purposes of inspecting such institutions under them as may not be inspected by the A.D.Is. Such institutions would be, broadly speaking, Higher Secondary Schools. It is envisaged that the A.D.Is. would inspect schools upto the Middle standard.

(iii) Audio Visual Officer and his staff.

(iv) Development and Planning Officer and his staff.

It is proposed to retain the staff detailed at Nos. (i), (ii), (iii) and (iv) with the Administration, as functions at present being discharged by those officers have not been transferred to the Territorial Council.

(v) Deputy Director of Education and Assistant Director of Education and their Stenographers and orderlies.

The Education Directorate at the Administration level will be required to be adequately staffed with certain ministerial and inferior staff, such as Supdts, Assistants, Senior Clerks, Junior Clerks and Peons. The details would be worked out after determining the work load.

[illegible]

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APPENDIX 'B'

PUBLIC WORKS DEPARTMENT

The Public Works Deptt. is of the opinion that in view of the increased work load of Rs.3,82,78,000 for the year 1957-58, there will be no surplus staff with them which could be easily transferred to the Territorial Council. The Chief Engineer instead requires additional staff to cope with the additional work. The work load for the year 1957-58 is more by Rs. one crore approximately to the work load for the year 1956-57.

There is a general shortage of Engineers and Overseers in Himachal Pradesh on account of lack of availability of trained personnel and the difficult terrain in which they have to work. It is felt that it will be better for administrative efficiency if the Engineers and Overseers who are required to execute the engineering works of the Territorial Council may remain on the Provincial Cadre of the PWD Himachal Pradesh. The officers could, however, be asked to work under orders of the Territorial Council.

The exact quantum of work which is to be executed by the Territorial Council does not appear to be of any great magnitude. For this reason it has not been possible to work out the exact number of persons which the Territorial Council would require for carrying out their engineering works. It is, therefore, felt that such technical staff as the Territorial Council may require would be deputed by the PWD to work in their areas. For the time being one XEN has been deputed to work as the Principal Engineering Officer to the Territorial Council. He is expected to organise the works programme to be executed by the Territorial Council.

THE HINDU RELIGION

The Hindu religion is one of the oldest in the world. It is a religion of peace and love, and it is a religion of wisdom and knowledge. It is a religion that has been practiced for thousands of years, and it is a religion that has been the source of inspiration and strength for millions of people. The Hindu religion is a religion of many gods, but it is a religion that believes in the unity of all gods. It is a religion that believes in the cycle of birth, death, and rebirth, and it is a religion that believes in the ultimate goal of liberation from this cycle. The Hindu religion is a religion of many traditions, but it is a religion that believes in the unity of all traditions. It is a religion that has been the source of many great works of art and literature, and it is a religion that has been the source of many great leaders and teachers. The Hindu religion is a religion of many mysteries, but it is a religion that believes in the power of knowledge and wisdom to unlock these mysteries. It is a religion that has been the source of many great discoveries and inventions, and it is a religion that has been the source of many great achievements in science and technology. The Hindu religion is a religion of many wonders, but it is a religion that believes in the power of the human mind to create these wonders. It is a religion that has been the source of many great works of art and literature, and it is a religion that has been the source of many great leaders and teachers. The Hindu religion is a religion of many mysteries, but it is a religion that believes in the power of knowledge and wisdom to unlock these mysteries. It is a religion that has been the source of many great discoveries and inventions, and it is a religion that has been the source of many great achievements in science and technology. The Hindu religion is a religion of many wonders, but it is a religion that believes in the power of the human mind to create these wonders.

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APPENDIX 'C'

ANIMAL HUSBANDRY DEPTT.

It is proposed to transfer the following institutions to the Territorial Council:-

- (i) Veterinary Hospitals and Dispensaries numbering 33, which were opened upto the period ending March 31, 1956, under the Firest Five Year Plan.
- (ii) Breeding Operation numbering about 40.
- (iii) Vetrinary Education grant of stipend to 10 Supervisors at Rs. 50/- p.m. and to 14 B.V.Sc. Trainees at Rs. 60/- p.m. plus tuition and other fee at Rs. 144/- P.A.

The following officers are manning the institutions dealing with the aforesaid subjects:-

(i)	Assistant Animal Husbandry Officers	-	2
(ii)	Clerks in the offices of the A.S.H.O.	-	7
(iii)	Veterinary Assistantx Surgeons	-	34
(iv)	Stock Assistants.	-	39
(v)	Compounders	-	33
(vi)	Class IV servants.	-	84

It is proposed to transfer the staff at (iv), (v) and (vi) permanently to the Territorial Council. The staff at (i), (ii) and (iii) would form part of a Provincial Cadre. Such staff in the adjoining States of the Punjab also forms part of a Provincial Cadre. The staff, however, is posted to Hospitals and Dispensaries that are run by the local bodies. This will ensure adequate technical control of the personnel by the State Directorate of Animal Husbandry and adequate training facilities. It is felt that, in case of such technical personnel, such as Veterinary Assistant Surgeons, who are in short supply on an all India Basis, it would become more difficult to obtain the services of Veterinary Assistant Surgeons if they are to be transferred permanently to the Territorial Council. It is also feared that the existing Veterinary Assistantx Surgeons may also ^{leave} ~~lose~~ the services

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

1. The above information was obtained from the files of the FBI, New York Office, dated 1/15/68.

1. It is suggested to change "collected" to "received" (110)
 of V.S. Aircraft Eng. Co. - 100.00 to "received"
 "received" "collected" and "received" to "received"
 1.00 - 1.00 to "received"

6	-		(i)
7	-		(ii)
8	-		(iii)
9	-		(iv)
10	-		(v)
11	-		(vi)

[illegible]

on one ~~particular~~ preterb or the other.

It is felt that some staff would be required for the office of the Principapl Veterinary Officer of the Territorial Council, if some one is appointed. It may, however, not be necessary to have a principal Veterinary Officer as the Veterinary Directorate of the State will be able to provide directional control for the intitutions run by the Territorial Council. The details would be worked out later, on the basis of the work load.

to be done by the other.

It is also to be noted that the

for the office of the Principal Veterinary Officer
of the Veterinary Council, it seems one is appointed.
It may, however, not be necessary to have a principal
Veterinary Officer as the Veterinary Director is of
that will be able to give to the Veterinary Council
for the institution and by the Veterinary Council.
The details would be worked out later, on the basis
of the work done.

MEDICAL AND PUBLIC HEALTH DEPARTMENT.

Under the Territorial Act, all medical institutions, except the institutions at the State Headquarters are required to be transferred to the Territorial Council. It is felt that the staff comprising of Medical Officers, Assistant Surgeons, Nurses, Mid-wives, Dais, and Health Visitors, should form part of a Provincial Cadre under the technical and directional control of the Directorate of Medical & ~~Public~~ Health Services of the Administration. The staff working in the institutions transferred to the Territorial Council would, however, be under the immediate disciplinary control of the Territorial Council by an executive order. In the neighbouring States of the Punjab and U.P., all medical personnel serving in medical institutions run by the Local Bodies form part of a Provincial Cadre in their respective Directorate^{ter}

It is felt that some staff for the officeⁱⁿ of Principal Medical Officer of the Territorial Council would be required. This could be provided^{on} for by the Administration on deputation.

1. *Chlorophyll a* (Chl *a*)

Under the provisions of the Internal Revenue Code, the taxpayer is required to file a return of income for each year. The return must be filed by the due date, which is generally the 15th day of the month following the end of the year. If the taxpayer fails to file a return by the due date, the IRS may assess a penalty for failure to file. The penalty is generally 5% of the amount of tax owed, plus interest. If the taxpayer fails to file a return for three consecutive years, the IRS may assume that the taxpayer is delinquent and may take action to collect the tax. The taxpayer may avoid the penalty by filing a return by the due date, even if the return is not accurate. The IRS will then assess the tax and the taxpayer may dispute the assessment. The taxpayer may also avoid the penalty by filing a return that is substantially correct. The IRS will then assess the tax and the taxpayer may dispute the assessment. The taxpayer may also avoid the penalty by filing a return that is substantially correct. The IRS will then assess the tax and the taxpayer may dispute the assessment.

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Dy No 270-LSC
21/1

D.O. No. LG/PA-II/284-57

Registered 21

This spare copy of the letter was handed over to me by Secy (L.S.G.) personally on 18.1.58 at Raj Niwas & verbally directed that action on the various points mentioned therein may be initiated. Early

M.
J.M.
19/1/58
S.M.M. Shastri

Dated January 14, 1958.

Will you kindly refer to your D.O. letter No.F.26/35/57-SR(R), dated December 21, 1957, regarding the transfer of staff to the Himachal Pradesh Territorial Council?

2. I am enclosing a copy of this Administration letter No.TC(LSC)-33-46/57, dated November 27, 1957, together with its enclosures, which will make the position, regarding all institutions and categories of staff already transferred to the Council, clear to you.

3. The position in regard to the various points raised in your D.O. letter, under reference, is indicated below.

4. The original idea, when I wrote my D.O. letter No.LG-Genl.101/57, dated the 4th October, 1957, was after retain all the five District Inspectors of Schools in the Administration. This matter was reconsidered, in view of the discussions with the Home Minister and on November 27, 1957, the decision taken and communicated to the Council was that the District Inspector of Schools Bilaspur, Mandi, Chamba and Sirmur, stood transferred to the Council and with regard to the District Inspector of Schools, Mahasu, it was intimated to the Council that this officer will be retained by the Administration as Inspector of Education, Headquarters, and separation of staff attached to his office will be effected and after retaining the minimum staff required for the office of the Inspector of Education, Headquarters, the remainder

will also be transferred to the Council. Since then, the matter has again been reviewed and it has been decided to release this District Inspector of Schools and his office also for the purpose of the Council.

There will now remain with the Administration only the Director of Education, one Assistant Director of Education, one Audiovisual Officer and one Planning and Development Officer (Education). The temporary post of Deputy Director of Education is going to be

abolished and a formal approach will be made to the Council to absorb him at its headquarters, as it is reported that it is likely to recruit another Officer-in-Charge of Education for its work at headquarters.

On the clerical side, the Education Department has retained only 9 clerks including one Superintendent, besides two clerks with the Audiovisual Officer and six clerks with the Planning and Development Officer (Education). The Department of Education genuinely is in need of 9 clerks in the Directorate not only to run the institutions retained by it but also to look after the voluminous correspondence that it carries on with the Government of India, Ministry of Education. Two clerks attached with the Audiovisual Officer will necessarily have to remain with him as the entire audiovisual work has been retained by the Administration.

Now that some of the plan schemes of the Education Department have been transferred to the Council, the Administration will retain only three out of the six clerks in the Office of the Planning and Development Officer (Education) and will be transferring the remaining three clerks to the Council shortly. Besides the aforesaid officers and staff at the Secretariat Headquarters of this Administration, only such other officers and staff have been retained who are actually working in the educational institutions which have been

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retained by the Administration, viz. the three Colleges, the two training institutions, and one Sanskrit Pathshala, and which were exempted from the jurisdiction of the Council. All other officers and staff, of all categories, have been transferred to the Council, as will appear from the enclosures. I think, you will agree with me that the staff, as at present retained by the Education Department, is not on the high side. With regard to the Animal Husbandry Department, it has retained only one Deputy Director of Animal Husbandry and five clerks in his office at the State headquarters and the remaining staff, of all categories, in respect of subjects and institutions transferred to the Council, have already been transferred to it in their entirety. As regards the Second Five Year Plan Schemes, all such staff pertaining to such schemes, as have been transferred to the Council, have already been transferred to it in their entirety. However, five plan schemes have been retained by this Department and the field staff relating to those five schemes will naturally remain under this Administration. It may be mentioned here that the staff provided for these schemes has been approved by the Ministry of Food and Agriculture Government of India, therefore, the question of the staff of Animal Husbandry Department being on the high side is, perhaps, not correct. With reference to the Medical and Public Health, Department, the Directorate of Medical and Public Health, at the State headquarters has got the following officers:-

- i) Director of Health Services. ... 1.
- ii) Assistant Director of Health Services (Public Health). ... 1.
- iii) Assistant Director of Health Services (M. & C. Welfare and Family Planning). ... 1.

The clerical strength of the Directorate of Medical and Public Health as well as the Secretariat office comes to 14. The Administration is of the view that this strength of the staff, of officers and establishment alike,

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is of the barest minimum. The Medical and Public Health Department has retained about 50% of the plan schemes and efficient and smooth implementation of these schemes requires that there should be no further reduction in this staff. The Director of Health Services and two Assistant Directors of Health Services, have, in addition to their normal duties, to make inspections of medical and public health institutions that have been transferred to the Council and such a large number of institutions cannot be inspected efficiently and regularly without the staff that has been retained.

5. The Council was, from time to time, making requests for transference of some P.W.D. officers and staff to it in order to look after its own engineering works. The matter was examined by this Administration. The work-load performance of the P.W.D. of this Administration for the year 1956-57 was to the tune of Rs. 2,78,09,500/-. Eight Divisions were functioning for the buildings and roads section during 1956-57 and are continuing to function in the current financial year also. In addition to the above mentioned eight Divisions, six other Divisions (2 Hydro Electrical Divisions, 2 Public Health Divisions and 2 Irrigation Divisions) were in existence last year and are continuing this year also. One B.&R. Circle, HPPWD at Jogindernagar and one Hydro Electrical Circle at Simla existed last year and are still functioning. An addition of one B. & R. Circle at Simla has been made this year. The total work-load performance fixed for the current year is to the tune of Rs. 3,82,78,000/-. From the above it will be seen that the work-load of this Department for the current year is Rs. 3.83 crores as against Rs. 2.79 crores for the last year and, therefore, the continuance of the Divisions and Circles already functioning is fully justified. This Administration is, therefore, hard put to sparing any P.W.D. officers and staff for the Territorial

[illegible]

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Council. On the other hand, I quite see that since buildings, schemes, kuhl and roads have been transferred to the Council, it will require engineering officers and staff not only to construct new buildings and roads but also to keep the existing ones in good repairs. The position of the P.W.D. and other technical staff of this Administration is rather a tight one. We are already short of Overseers and it has become very difficult for us to obtain the requisite strength. Our Overseers do not like to stick to Himachal Pradesh and frequently resign and go away. It is, therefore, recommended that the Administration should be permitted to spare the requisite staff from its existing staff so that the same may be placed on deputation with the Council. The Administration will recoup itself by requisitioning the necessary staff from the C.P.W.D. It is essential, however, that the staff must get deputation allowance or otherwise not only the Administration but the Council are likely to face the situation that the staff placed on deputation may resign and go away.

6. It was indicated in Shri D.D. Gothi, Under Secretary to the Government of India's letter No. 26/35/57-SR(R), dated September 3, 1957, that as the posts on which the staff was employed are being transferred to the Territorial Council, it would not be possible to treat the staff on deputation to the Council for in that case it would be necessary to retain their liens on posts in the Administration which would not be possible for obvious reasons. This position was explained to the Chairman of the Territorial Council, but in spite of that he is of the view that there should be no change

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in the status of Government servants on their transfer to the Council. There is some agitation also about it in the news papers and in certain associations of the staff that have been transferred to the Council. It was, under these circumstances, that it was recommended to the Government of India that the matter should be considered sympathetically. However, the matter has again been reviewed by me and the position with regard to the respective departments concerned is as follows:-

ANIMAL HUSBANDRY DEPARTMENT.

This Department was facing an acute shortage of technical personnel such as Veterinary Assistant Surgeons even before the constitution of the Council, so much so that a large number of Veterinary Hospitals were without Veterinary Assistant Surgeons. The Administration feels that the position is likely to worsen in the case of the Council now that the Veterinary Assistant Surgeons will no longer be Government servants, but will be treated as employees of the Council, which has only a Body Corporate status. The Administration is, therefore, of the view that some way out has to be found out to ensure recruitment of the requisite staff for the Council and this can only be brought about if the Veterinary Assistant Surgeons and the Assistant Animal Husbandry Officers are continued to be borne on the Administration cadre and their services are loaned only to the Council. Perhaps their encadring in some Centrally Administered Territories pool for such officers will meet the end in view. The rest of the staff of this Department that has been transferred to the Council should no longer remain Government servants and consequently there will be no retention of liens in their cases.

MEDICAL & PUBLIC HEALTH DEPARTMENT.

All the officers and staff of the Medical and Public Health that have been transferred to the Council should be treated as Council's employees with the exception of such medical staff as has been envisaged

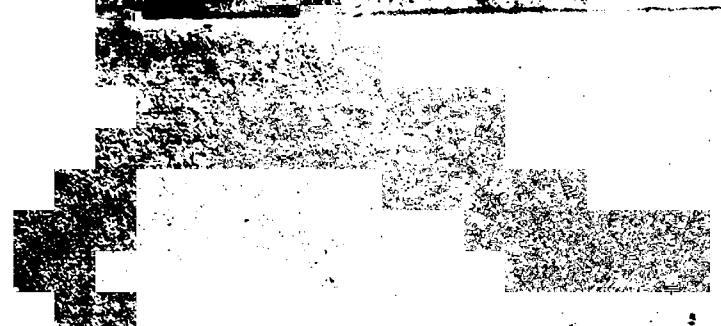
45

to form part of the Central Health Cadre. It is assumed that officers of the rank of District Medical Officers, Civil Assistant Surgeons Class I (Gazetted) and Civil Assistant Surgeons Class II (Non-Gazetted) would form part of this cadre. The Administration itself is facing shortage of this category of officers with the result that several medical institutions remain unmanned and the position of the Council in this respect also is likely to worsen unless doctors have a reasonable expectation of security of tenure and continued enjoyment of their status as Government servants.

EDUCATION DEPARTMENT.

All officers and staff that have been transferred to the Council should be treated as employees of the Council and not as Government servants, because there will be no corresponding posts left in the Administration over which they can retain their liens. The staff in the field certainly grumbles the change over in their status but the Council is not expected to face any shortages on that account. The Administration is of the opinion that in view of the decision of the Government of India conveyed in their letter dated November 3, 1957, and reiterated in their letter dated December 21, 1957, there is no point left in pressing for such officers and staff being retained as Government servants.

7. The presumption that only such staff as was engaged on the work now assigned to the Council has been transferred, alongwith their work, is not correct. As pointed out in this Administration letter No. SAD.1-879/57, dated November 21, 1957, only 26 clerks were rendered surplus and these only were transferred to the Council. But besides these 26, 56 clerks, who were not rendered surplus, were also transferred to the Council at its request so that its work may not suffer on account of



to the fact that the Government of India has decided to take steps to improve the position of the Scheduled Caste and Scheduled Tribes in the field of education and employment. The Government has decided to set up a Commission to inquire into the conditions of the Scheduled Caste and Scheduled Tribes and to report to the Government on the steps to be taken to improve their position. The Commission has been set up and is now working. The Government has also decided to set up a Special Officer to look after the interests of the Scheduled Caste and Scheduled Tribes in the field of education and employment. The Special Officer has been appointed and is now working. The Government has also decided to set up a Special Officer to look after the interests of the Scheduled Caste and Scheduled Tribes in the field of education and employment. The Special Officer has been appointed and is now working.

RECOMMENDATIONS

All officers and staff who have been transferred to the Government of India should be treated as employees of the Government. The Government should take steps to improve the position of the Scheduled Caste and Scheduled Tribes in the field of education and employment. The Government should set up a Commission to inquire into the conditions of the Scheduled Caste and Scheduled Tribes and to report to the Government on the steps to be taken to improve their position. The Commission has been set up and is now working. The Government has also decided to set up a Special Officer to look after the interests of the Scheduled Caste and Scheduled Tribes in the field of education and employment. The Special Officer has been appointed and is now working. The Government has also decided to set up a Special Officer to look after the interests of the Scheduled Caste and Scheduled Tribes in the field of education and employment. The Special Officer has been appointed and is now working.

The Government should take steps to improve the position of the Scheduled Caste and Scheduled Tribes in the field of education and employment. The Government should set up a Commission to inquire into the conditions of the Scheduled Caste and Scheduled Tribes and to report to the Government on the steps to be taken to improve their position. The Commission has been set up and is now working. The Government has also decided to set up a Special Officer to look after the interests of the Scheduled Caste and Scheduled Tribes in the field of education and employment. The Special Officer has been appointed and is now working. The Government has also decided to set up a Special Officer to look after the interests of the Scheduled Caste and Scheduled Tribes in the field of education and employment. The Special Officer has been appointed and is now working.

16

paucity of staff. This explains why further recruitment is necessary at the lowest level for the work of this Administration.

8. No question of retrenchment of Government servants has arisen so far and consequently no proposals in that regard are being made. If and when such a contingency arises, the terms of retrenchment already sent in this Administration's letter No. SAD.1-879/57, dated the 21st November, 1957, will be kept in view.

Yours

Pc. (BHADRI).

Shri Hari Sharma,
Joint Secretary to the
Government of India,
Ministry of Home Affairs,
NEW DELHI.

Copy of D.O. letter No. 23/35/57-SR(R), dated the 14th February, 1958 from Shri Hari Sharma, Joint Secretary to the Government of India, Ministry of Home Affairs, New Delhi to Raja Bajrang Bahadur Singh (of Bhadri), Lieutenant Governor, Himachal Pradesh, Simla.

=====

Will you kindly refer to your demi-official letter No. LG/PA-II/284-57, dated January 14, 1958, regarding transfer of staff to the Himachal Pradesh Territorial Council? We have examined the matter and would like to make the following suggestions:-

(i) Education Department: We understand that the Audiovisual Officer and the Planning and Development Officer have been appointed for the work relating to the Second Five Year Plan schemes. Since their services will be required for looking after the plan schemes which are still with the Administration, there is no objection to the retention of these two posts, as also the post of the Director of Education, with the Administration. As regards the post of Assistant Director, it seems it would be better if one post of Inspector of Schools is retained instead, so that there may be more facility in carrying on the inspection of educational institutions. You may, however, review the position after six months.

Regarding the clerical staff, we have no comments.

(ii) Animal Husbandry Department: We have no objection to the retention of the post of Deputy Director and 5 clerks.

(iii) Medical and Public Health Department: You may retain the staff with the Administration as suggested by you. The position may, however, be reviewed after six months - particularly to examine whether two posts of Assistant Director are necessary.

(iv) Public Works Department: We understand from Srivastava that except for one Executive Engineer who has been appointed as Principal Officer in charge of engineering works in the office of the Territorial Council, no other officer or staff has been transferred to the Council on the ground that there is an acute shortage of technical personnel and the Administration is not in a position to spare any staff. The Territorial Council intend to create two divisions and in any case, one division will be absolutely necessary. The Administration may therefore accommodate the Council by transferring staff proportionate to the work load placed under the control of the Council so that the Council may be able to set up one Public Works Division without delay.

2. We agree that it will be necessary to provide a central cadre in respect of Medical and Public Health Officers and Engineers and that without this it would not be possible to man the posts under the Territorial Council. The entire question is being examined and until a final decision is taken in this regard, the officers to be transferred to the Territorial Council may be treated as on deputation.

3. We do not think that it would be necessary or possible to create a cadre of Overseers, Veterinary Assistant Surgeons and Assistant Animal Husbandry Officers. In order however, to attract suitable officers for service under the Council, the question of giving a higher scale of pay, or a special pay, to these officers may be examined by you.

4. The staff belonging to other departments and institutions may be transferred to the Territorial Council without any lien being kept under the Administration.

=====
(PTO)

No. LG/PA-II/284-57. Simla-4, the 13th March, 1958.

Copy to:-

1. All Secretaries to Himachal Pradesh Administration.
2. All Heads of Departments in Himachal Pradesh.

K. B. Bhatnagar
Secretary to
Lieutenant Governor,
Himachal Pradesh.

Gupta.

Sy. No. 1001-259/58
13/3

49
D.O.No.F.26/35/57-SR(R).

Government of India
Ministry of Home Affairs,
New Delhi.

Dated February 19, 1958.

My dear Raja Sahib,

8.47
This is in continuation of my D.O.
letter No.23/35/57-SR(R), dated February 14, 1958.
On a reconsideration of the matter, I have no
objection to your retaining the post of Assistant
Director of Education in addition to the post of
Director and Inspector of Schools for which I have
already written to you in my letter under reference.
The arrangements can be reviewed later in the
light of actual experience.

Yours sincerely,

Sd/- Hari Sharma.

Raja Bajrang Bahadur Singh of Bhadri,
Lieutenant Governor, Himachal Pradesh,
Simla.

No. LG/PA-II/284-57.
LIEUTENANT GOVERNOR'S SECRETARIAT,
HIMACHAL PRADESH.

Dated Simla-4, the 13th March, 1958.

Copy forwarded to:-

1. ✓ The Secretary(L.S.G.) to Himachal Pradesh Administration, Simla-4,
 2. The Secretary(Education) to Himachal Pradesh Administration, Simla-4,
- for information and necessary action.

Kunj Behari Srivastava

(Kunj Behari Srivastava).
Secretary to the Lieut. Governor,
Himachal Pradesh.

U.O. No. 11/55/57-58 (H).

Government of India
Ministry of Home Affairs,
New Delhi.

Dated February 13, 1958.

My dear Mr. Singh,

This is in continuation of my U.O.

Letter No. 11/55/57-58 (H), dated February 14, 1958.

On a reconsideration of the matter, I have no objection to your retaining the post of Assistant Director of Education in addition to the post of Director and Inspector of Schools for which I have already written to you in my letter under reference. The arrangements can be reviewed later in the light of actual experience.

Yours sincerely,

sd/- Hari Sharma.

Major Bahadur Singh of Bharat,
Lieutenant Governor, Himachal Pradesh,
Shimla.

No. 11/55/57-58 (H).

LIEUTENANT GOVERNOR'S SECRETARIAT,
HIMACHAL PRADESH.

Dated Shimla-4, the March, 1958.

Copy forwarded to:-

1. The Secretary (D.O.), to Himachal Pradesh Administration, Shimla-4.

2. The Secretary (Education) to Himachal Pradesh Administration, Shimla-4.

for information and necessary action.

Yours faithfully,

(Major Bahadur Singh)
Secretary to the Lieut. Governor,
Himachal Pradesh.

259-182/58
(copy)
A.V. Venkatasubban)
Deputy Secretary.

D.O.No.26/43/58-SR(R)
Government of India,
Ministry of Home Affairs,

New Delhi-11, the
12 January, 1960.
22 Paus, 1881.

Subject:- Grant-in-aid to schools in Tripura and
Himachal Pradesh.

My dear Maheshwari,

*send in original
to D.F. for action
keep a copy for
reference*

I enclose a copy of D.O. letter No.22-61/58-D.5 dated the 31st December, 1960 received from Shri R.K. Kapur of Ministry of Education, on the above subj ct. As you are aware, the Territorial Councils are anxious that the work relating to the payment of grants-in-aid to private aided schools should be transferred to them as early as possible. It is therefore, necessary that the rules governing the payment of such grants should be finalised without any avoidable delay. We shall be grateful if you would kindly have the draft rules for payment of grants-in-aid to the private primary and High schools prepared and sent to the Ministry of Education, as already requested by that Ministry, under intimation to us.

Yours sincerely,

Sd/- A.V. Venkatasubban

Shri B.N. Maheshwari, I.A.S.,
Chief Secretary,
H.P. Administration,
Simla.

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Copy of D.O. No.F.22-61/58-D.5, dated 31.12.59
from Shri R.K. Kapur, Ministry of Education, India New
Delhi to Shri R.R. Bahl, I.CS, Joint Secy. M.H.A., New Delhi.

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Will you kindly refer to your D.O. letter
No.F.26/43/59-SR(R) dated the 18th December, 1959, to Shri
Saiyidain, regarding grant-in-aid to private aided primary
schools in Tripura and Himachal Pradesh.

2. We have already issued rules governing the payment of grant-in-aid to private Higher, High and Junior Schools in Tripura. We also asked the Tripura Administration to prepare draft rules for grant-in-aid to private primary schools but the Administration replied that there was no need to prepare any rules for such schools and that the present arrangements for payment of Rs.30/- p.m. to these schools should continue. We did not agree with the views expressed by them and in consultation with the Ministry of Home Affairs (Ministry of Home Affairs' U.O. No. 3185/59-SR(R) dated 5th October 1959 refers), the Chief Commissioner was requested to reconsider the matter and frame draft rules for primary schools also. The Administration have not furnished the draft rules so far. I shall be grateful if you would kindly ask the Chief Commissioner to expedite the submission of the rules.

3. The draft grant-in-aid rules for Himachal Pradesh

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Administration are also awaited. The Administration informed us that the draft rules have been prepared and they are at present under consideration by their Finance Department. Here also we would appreciate you writing to the Administration to expedite the submission of the rules.

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CONFIDENTIAL.

28th August, 1957.

My dear

I would like to invite your attention to certain difficulties that have arisen in connection with the functioning of the Territorial Council and the various administrative measures that perhaps seem desirable to be taken on the part of Government in the matter.

2. I am briefly recapitulate some of the difficulties relating to the staff or employees of the Council first. As you know, a very large number of staff who have been, upto the 14th of this month, working in various Departments of the Administration have been "transferred" to the Territorial Council on account of the fact that various institutions and functions have now come within the jurisdiction of the latter. The recent instructions received from the Central Government to the effect that Government servants who are appointed for the initial period of 6 months by the Administrator to serve under the Council will be treated as on Foreign Service and will not get any deputation allowance have also led to a certain degree of reluctance on the part of officials whom it is desired to appoint under the Council to serve thereunder. Then again, since I can appoint staff for the Council only for the initial 6 months after its formation, a situation is likely to arise that in case the Council does not desire to retain particular individuals after the period of 6 months is over, it would be difficult for this

Administration to absorb the personnel in its existing Departments. There is also a feeling amongst a certain portion of the staff that has been "transferred" to the Council that they would be justified in claiming deputation allowance for their period of service under the Council. At the same time, as is obvious, the Council would also be appointing its own staff. There would, thus, arise some difference in the emoluments and service conditions of employees working under the Council - one body enjoying privileges not accorded to the other. I may also mention that the rules framed under the Territorial Councils Act also seem to indicate that employees of the Council would be governed generally by the same rules as govern the service conditions of regular Government servants. As for example, I may quote Rule 53 which says that the Fundamental Rules, the Supplementary Rules and other rules framed by the Central Government with reference to Fundamental Rules governing the conditions of service for Government servants shall apply to all Officers and other employees of the Council in respect of all matters or any of them relating to their leave, pay, leave allowance, subsistence grant and similar other matters, except where the Territorial Council rules provide otherwise. Further, Rule 60 says that the terms and conditions of service of a Government servant transferred to the Council shall not be varied to his disadvantage without the previous approval of the Central Government and that where any disciplinary or other action is required to be taken against any such Government servant, the Council shall make a reference to the Administrator who shall take further action in accordance with the service rules applicable in each

case.

3. I have consulted my Secretaries in the matter and it is suggested that the solution of the difficulty would perhaps be in treating all employees of the Territorial Council, whether appointed by the Council or "transferred" to it, as Government servants for all intents and purposes. This would, probably, eliminate the difficulty of the large number of Government servants who will necessarily have to go to the Council, for example, school teachers, who may resent the terms and conditions of their service being altered to their disadvantage. Employees appointed by the Council itself in future, would enjoy the same privileges as would be accorded to the Government servants "transferred" and there would, thus, be a uniformity of service conditions among all Council employees.

4. The principle of "transferability" of staff deputed to the Council in various Departments inter-se with staff retained by the existing Departments under the Administration may also be examined in this connection. This would enable all Government employees to retain their "pre-transfer" rights and opportunities of promotion etc.

5. In the light of the above, this Administration would like to make the following suggestions for the consideration of the Government of India, viz., that there should be at least 3 categories of employees of the Council as given below:-

(1) Such Government employees who will have no lien on any Government appointment if they are transferred to the Council. This category will include officials such as Teachers, Class IV employees etc.

(2) Such Government servants who will be on deputation to the Council and their liens will

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- 4 -

be kept in the various Government Departments to which they belong such as Secretariat staff which we can absorb at any time within the Himachal Pradesh Secretariat in case the Council does not desire to retain them or the officials sent on deputation desire to return to their parent Departments.

(3) This category is suggested because of certain peculiar features that pertain to certain cadres and services. As for example, the Medical and Health Services may find it difficult to maintain proper cadres, the normal avenues of promotion etc. for their staff, if there is bifurcation - a certain section passing to the Council and the other being retained by the Administration. It is understood that in certain States such as Punjab and Uttar Pradesh, Medical Officers from the State Medical cadres man the various Hospitals but remain under the day-to-day administrative control of Local Bodies such as District Boards and Municipal Boards. The same principle may be applied to the Veterinary services also. It is suggested that in such cases officers may be appointed by the Administration though the institutions may be under the control of the Territorial Council. The appointment, transfer and technical superintendence of such staff would be under the control of the Administration but the day-to-day administrative control would vest in the Council.

6. In case, the above suggestions find favour with the Government of India, this Administration suggests that the transfer of staff in relating to the under-mentioned Departments should be as under:-

(a) Education Department:

- 1) All Headmasters/Head Mistresses/ Teachers and Mistresses upto and including High Schools may be transferred permanently to the Territorial Council. All Clerical,

[illegible]

This image shows a blank white page with numerous dark specks and streaks, likely due to scanning artifacts or dust. There is no legible text or other graphical elements present.

1. *Pharmaceutical industry* – The pharmaceutical industry is the largest of the three industries, with sales of \$10.5 billion in 1997. It is the only industry that has a significant presence in all three markets. The industry is dominated by a few large firms, with the top five firms accounting for 40% of sales. The industry is highly competitive, with many firms competing for market share. The industry is also highly regulated, with strict rules governing the development and marketing of drugs.

A black and white photograph showing a rough, textured surface, likely a wall or ground. A small, light-colored rectangular object, possibly a tag or label, is attached to the surface. The tag has the handwritten text "A-85" on it. The overall image is grainy and has high contrast.

Contingency and Class IV staff of the Schools of the above categories would be transferred permanently to the Council.

- ii) As regards Inspecting Staff, it is felt that though the Council would be needing its own Inspectorate in order to properly supervise the institutions transferred to it, the Administration would itself be needing certain Inspectorate staff in the Education Department in order to implement the Second Development Plan Schemes and perform other administrative duties, besides enabling the Administration be in a position to discharge the obligations laid upon it by virtue of Section 22(2) of the Territorial Councils Act. It is accordingly proposed that as regards Inspectorate staff, the cadre of these Officers may continue to be controlled by the Administration but the services of all A.D.Is. be placed at the disposal of the Council who will direct their day-to-day working. The District Inspectors of Schools, however, will continue to be under the direct control of the Administration and they will continue inspecting High Schools and other Schools under the Council on behalf of the Administration. The Lady Supervisor likewise may continue to remain with the Administration though for purposes of inspection of Girls Schools she may act under the directions of the Council.

(b) Medical and Health Services:

- i) It is proposed that the cadre of Medical Officers including District Medical Officers, C.A.S. Class I and C.A.S. Class II (Gazetted

The lady supervisor likewise as, continue to
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 purposes of instruction of girls schools she
 may not be directly connected with the same.

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and Non-Gazetted) should continue to be maintained and controlled by the Administration. Such Officers, however, as are required by the Council for running the institutions transferred to it will be provided by the Administration to the Council. They will be under the technical control and supervision of the Director of Health Services but their day-to-day working will be controlled by the Council.

(ii) As regards District Medical Officers of Health and Medical Officers incharge of Hospitals and Dispensaries not transferred to the Council, they will continue to remain under the direct and exclusive supervision and control of the Director of Health Services as hitherto. Transfer of Officers posted in various institutions under the control of the Council would be under the control of the Director of Health Services. It is understood that this would be analogous to the arrangements prevailing in Uttar Pradesh and Punjab.

(iii) As regards Class III and Class IV staff of Medical and Health Institutions transferred to the Council, they would be under the complete control of the Territorial Council except insofar as the technical control and supervision of the Administration is concerned and in the matter of training of such staff.

(iv) Health:- As regards District Medical Officers of Health, they would be on a cadre maintained and controlled by the Administration but in their day-to-day working they would remain under the control of the Council subject to the technical control and supervision of the Director of Health Services.

(c) Engineering:

1) It would perhaps not be desirable in view of the quantum of work transferred to the Council in the sphere of engineering to effect wholesale transfer of any P.W.D. staff to the Council. It is, therefore, proposed that in the sphere of engineering the Council may ask for Engineers from the Administration on deputation as and when they require their services. This would apply to the staff upto the rank of Overseers also.

(d) Veterinary:

1) On the analogy of Medical and Health Services it is proposed that the Administration should maintain and control the cadre of V.A.Ss. and above. V.A.Ss. working in institutions transferred to the Council would be under the Council's control in their day-to-day work but the technical guidance and supervision would be that of the Director of Animal Husbandry who would also be able to transfer the V.A.Ss. The lower staff with the institutions transferred to the Council may, however, be transferred permanently to it. For the purpose of training facilities, however, the Administration would continue to have control necessary to that end.

(e) Office staff of the Council:

For the purpose of fulfilling the requirements of the Council for its office, it is proposed to send staff on deputation from the Himachal Pradesh Secretariat till such time as the Council would require their services. It is suggested that they should be allowed to get deputation allowance otherwise it may be difficult to find personnel willing to be transferred to the Council even temporarily.

Superintendents, Assistants etc. sent from the Secretariat on deputation to the Council would have their liens retained in the Secretariat and there should, therefore, be no difficulty in allowing them to get deputation allowance.

7. I now revert to another topic and that is in connection with the financial procedure that has to be laid down immediately as a short-term and interim measure in order to facilitate the functioning of the Council and enable expenditure to be undertaken till such time as a permanent arrangement is made in this behalf. Under rule 23 the Council shall, as soon as may be after its establishment, elect a Finance Committee consisting of ten members which will generally look after the financial affairs of the Council. Such a Committee has not so far been set up. Under rule 32, the budget for the year 1957-58 has to be prepared and it is specifically laid down that until the said budget is passed, no expenditure shall be incurred except under an order of the Administrator. It is also mentioned that the Chief Executive Officer shall in preparing the budget, have due regard to, and be bound by the instructions, if any, issued by the Central Government. It is presumed that such instructions would soon be following. However, the fact remains that the "permanent arrangement" referred to above seems likely to take some time more. Again, in the matter of payments, rule 76 provides that all cheques shall be signed by the Chief Executive Officer and one Member of the Council nominated for the purpose by the Chairman. This nomination, so far as I know, has not so far been made though rule 75 specifically provides that all sums of Rs. 20/- and over shall ordinarily be

Government, Assistant Secretary of the Council would have been in the Secretary's office and there should be no difficulty in allowing him to get some information.

7. I now revert to another point and that is in connection with the proposed procedure that has to be followed in order to facilitate the functioning of the Council and enable expenditure to be undertaken at all times as a permanent arrangement is made in this behalf. Under rule 23 the Council shall, as soon as may be after its establishment, elect a Finance Committee consisting of ten members who will generally look after the financial affairs of the Council. Under rule 24, the budget for the year 1977-78 has to be prepared and it is specifically mentioned that until the said budget is passed, no expenditure shall be incurred except under an order of the Administrator. It is also mentioned that the Chief Executive Officer shall in preparing the budget, have due regard to the instructions, if any, issued by the General Government. It is proposed that such instructions would soon be formulated. However, the fact remains that the Government arrangements referred to above seem likely to take some time. Again, in the matter of payments, rule 76 provides that all cheques shall be signed by the Chief Executive Officer and one Member of the Council nominated for the purpose by the Chairman. This provision, so far as I know, has not so far been made though rule 76 specifically provides that all sums of Rs. 10/- and over shall ordinarily be

paid by cheque. I may also add that rule 91 lays down that the detailed procedure to be observed in dealing with the transactions relating to the Council and in keeping and rendering accounts of such transactions shall consistently with the provisions in these rules be prescribed by the Administrator in consultation with the Accountant General concerned and embodied in an Account Code. This Account Code is being prepared in the Local-self Government Department but again, I may mention, that in view of the fact that the Accountant General's approval will be necessary before this is finalised, this Code too will take some time.

8. Meanwhile, the Council has come into existence and the Chief Executive Officer has made several representations to the effect that a large number of items of expenditure have to be incurred at once and that some financial procedure should be laid down regulating such expenditure.

9. Government employees, numbering thousands, have been transferred to the Council with effect from the 15th August in view of the fact that a large number of Schools, Hospitals and Dispensaries and other institutions have been transferred to the Council. They have to receive their salary on the first of the next month. It may, perhaps, be open to objection if their salaries are met out of their previous Departments budgets but some such step will perhaps have to be authorised immediately in order to avoid any difficulty in this matter. This is, however, only one example.

10. For the solution of this difficulty, which has arisen in this interim period, it is suggested that the Central Government may consider the feasibility of passing immediately some order, whether under

held by the Council of the Government of the State of New York.

It is the policy of the Government of the State of New York to

in dealing with the various matters relating to the

Council and the various matters relating to the

such transactions shall consistently with the

provisions of the laws which be prescribed by the

Administration in conformity with the Act which

General Counsel and approved in an Account Book.

This Account Book is being prepared in the

Government Department and it is the policy of the

in view of the fact that the Account Book is

approval will be necessary before the

this date the will take place.

Accordingly, the Council is a

and the Chief Executive Officer has made

representations to the Council and it is the

items of expenditures have to be incurred at once

and that some financial procedure should be

resulting in an expenditure.

Government employees, including

have been transferred to the Council with effect

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number of employees, including and

institutions have been transferred to the Council.

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next month. It may, however, be open to objection

if this salary is not out of the

Department's funds but a step

have to be authorized immediately in order to

any difficulty in this matter. This is, however,

only one aspect.

For the solution of this difficulty, which has

arisen in the interim period, it is suggested that

the Council Government may consider the

it is suggested that the Council

Section 63 of the Act or otherwise, laying down some clear-cut and brief procedure which would facilitate and enable the immediate incurring of expenditure in this interim period. The Territorial Councils Act and rules thereunder, as they stand at present, do not seem to provide for this Administration exercising any authority in this respect.

11. I would also request you to kindly consider the following point that has arisen in regard to providing the Chairman of the Council with a free furnished house. Government of India have decided that the Chairman should get either a free furnished house or Rs.75/- per month as an allowance. The difficulty is that in Simla it would be difficult to find a house for Rs.75/- a month adequate to the status of the Chairman of the Council. I would, therefore, request you to give some thought to this point also and decide whether this amount could not be raised to a suitable figure or in the alternative, he may be provided free furnished house of a higher rental value.

12. I have deputed Shri P.C.Saxena, Secretary, Local-self Government, alongwith Lt. Col. P. Chandra, Director of Health Services, Shri A.B. Malik, Development Commissioner and Shri K.B. Srivastava, Education Secretary to hand over this letter to you personally and to put the various suggestions referred to above before you or any Officer in the Home Ministry as you may direct and explain any point on which you might require clarification.

13. I would request that the matter may please be given priority in order that the difficulties being

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experienced at present may be removed immediately.

Yours

(BHADRI)

Shri Hari Sharma,
Joint Secretary
to the Govt. of India,
Ministry of Home Affairs,
New Delhi.

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