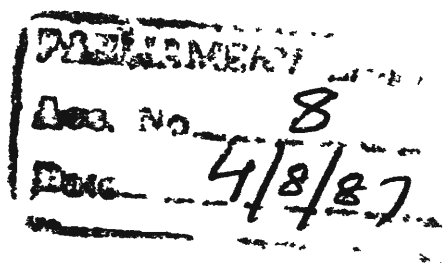


LOK SABHA DEBATES (English Version)

Seventh Session
(Eighth Lok Sabha)



(Vol. XXIII contains Nos. 21 to 26)

LOK SABHA SECRETARIAT
NEW DELHI

Price : Rs. 6.00

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LOK SABHA DEBATES

1

LOK SABHA

Monday, December 8, 1986/Agrahayana
17, 1908 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

[*Translation*]

SHRI INDRAJIT GUPTA (Basirhat) :
Sir, a statement will of course be made.

MR. SPEAKER : It will be made at
1.30 p. m.

[*English*]

SHRI INDRAJIT GUPTA : Now, Delhi
is becoming a disturbed area.

SHRI THAMPAN THOMAS (Maveli-
kara) : Sir, I have also given an adjourn-
ment motion.

MR. SPEAKER : For what ?

SHRI THAMPAN THOMAS : On the
killing of personnel by the truck running over
them and the subsequent events.

MR. SPEAKER : He will make a
statement.

(*Interruptions*)

MR. SPEAKER : Papers laid. Shri K. C.
Pant.

[*Translation*]

SHRI BALKAVI BAIRAGI (Mand-
saur) : There is brotherhood even here.
Balram has called Krishna.

2

MR. SPEAKER : Brotherhood should
be maintained. I do not want to sever
fraternal relationships anywhere and with
anybody.

11.02 hrs.

PAPERS LAID ON THE TABLE

[*English*]

Reviews on the working of and
Annual Reports of Steel Authority of
India Ltd. and its subsidiaries,
Vijayanagar Steel Ltd; Neelachal
Ispat Nigam, Manganese Ore
(India) Ltd. Sponge Iron India
Ltd. for 1985-86 etc. etc.

THE MINISTER OF STEEL AND
MINES (SHRI K. C. PANT) : I beg to lay
on the Table a copy each of the following
(Hindi and English versions) under sub-
section (i) of section 619A of the Companies
Act, 1956 :

- (a) (i) Review by the Government
on the working of Steel
Authority of India Limited and
its subsidiaries, viz. the Indian
Iron and Steel Company
Limited and IISCO Ujjain
Pipe and Foundry Company
Limited for the year 1985-86.
- (ii) Annual Report of the Steel
Authority of India Limited and
its subsidiaries viz. Indian Iron
and Steel Company Limited
and IISCO Ujjain Pipe and
Foundry Company Limited
for the year 1985-86 along
with Audited Accounts and
the comments of the Com-
ptroller and Auditor General
thereon.

[Placed in Library. See No. LT-3562/86]

(b) (i) Review by the Government on the working of the Vijayanagar Steel Limited for the year 1985-86.

(ii) Annual Report of the Vijayanagar Steel Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3563/86.]

(c) (i) Review by the Government on the working of the Neelachal Ispat Nigam Limited for the year 1985-86.

(ii) Annual Report of the Neelachal Ispat Nigam Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3564/86.]

(d) (i) Review by the Government on the working of the Manganese Ore (India) Limited for the year 1985-86.

(ii) Annual Report of the Manganese Ore (India) Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3565/86.]

(c) (i) Review by the Government on the working of the Sponge Iron India Limited for the year 1985-86.

(ii) Annual Report of the Sponge Iron India Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3566/86.]

(f) (i) Review by the Government on the working of the Bharat Refractories Limited for the year 1985-86.

(ii) Annual Report of the Bharat Refractories Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3567/86.]

Review on the working of and Annual Report of Hindustan Prefab Ltd. for 1985-86

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : Sir, on behalf of Shrimati Mohsina Kidwai, I beg to lay on the Table a copy each of the following papers (Hindi and English Versions) under sub section (1) of section 619A of the Companies Act, 1956 :

(1) Review by the Government on the working of the Hindustan Prefab Limited for the year 1985-86.

(2) Annual Report of the Hindustan Prefab Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3568/86.]

Review on the working of and Annual Report of India Tourism Development Corporation for 1985-86.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT): On behalf of Shri Mufti Mohd. Syed, I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :

(1) Review by the Government on the working of the India Tourism Development Corporation Limited for the year 1985-86.

(2) Annual Report of the India Tourism Development Corporation Limited for the year 1985-86 along with Audited Accounts and the com-

ments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3569/86.]

Annual Report and Review on the working of International Airport Authority of India for 1985-86

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT) : Sir, on behalf of Shri Jagdish Tytler, I beg to lay on the Table :

- (1) A copy of the Annual Report (Hindi and English versions) of the International Airport Authority of India for the year 1985-86 along with Audited Accounts under sub-section (4) of section 24 and sub-section (2) of section 25 of the International Airports Authority Act, 1971.
- (2) A copy of the Review (Hindi and English versions) by the Government on the working of the International Airports Authority of India for the year 1985-86.

[Placed in Library. See No. LT-3570/86.]

Annual Reports of National Labour Institute, New Delhi for 1985-86 and Employees' Provident Fund Organisation for 1985-86

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : I beg to lay on the Table :

- (1) A copy of the Annual Report (Hindi and English versions) of the National Labour Institute, New Delhi, for the year 1985-86 along with Audited Accounts.

[Placed in Library. See No. LT-3571/86.]

- (2) A copy of the Annual Report (Hindi and English versions) of the Employees' Provident Fund Organisation for the year 1985-86 on the working of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the Employees' Provident Funds Scheme, 1952, the Employees' Family Pension Scheme, 1971 and the

Employees' Deposit-Linked Insurance Scheme, 1976.

[Placed in Library. See No. LT-3572/86.]

Notifications under Merchant Shipping Act, 1958, Reviews on the working of and Annual Reports of Indian Road Construction Corporation Ltd. and Mormugao Dock Labour Board for 1985-86

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT) : I beg to lay on the Table :

- (1) A copy each of the following Notifications (Hindi and English versions) under Sub-Section (3) of section 458 of the Merchant Shipping Act, 1958 :
 - (i) The merchant Shipping (Examination of Engineers in the Merchant Navy) Amendment Rules, 1986 published in Notification No. G.S.R. 543 in Gazette of India dated the 19th July, 1986.
 - (ii) The Merchant Shipping (Medical Examination) Rules 1986 published in Notification No. G.S.R. 788 in Gazette of India dated the 20th September, 1986.

[Placed in Library. See No. LT-3573/86.]

- (2) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :
 - (i) Review by the Government on the working of the Indian Road Construction Corporation Limited for the year 1985-86.
 - (ii) Annual Report of the Indian Road Construction Corporation Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3574/86.]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Mormugao Dock Labour Board for the year 1985-86 along with Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Mormugao Dock Labour Board for the year 1985-86.

[Placed in Library. See No. LT-3575/86.]

**Notification under Customs Act, 1962,
Annual Reports and Reviews on the
working of Industrial Reconstruc-
tion Bank of India for 1984-85
and 1985-86**

**THE MINISTER OF STATE IN THE
MINISTRY OF FINANCE (SHRI JANAR-
DHANA POOJARY) : I beg to lay on the
Table :**

- (1) A copy of Notification No. G.S.R. 1226 (E), (Hindi and English versions) published in Gazette of India dated the 26th November, 1986 together with an explanatory memorandum making certain amendment to Notification No. 179-Customs dated the 1st March, 1986 so as to make certain editorial amendments in the description of a few drug intermediates under section 159 of the Customs Act, 1962.

[Placed in Library. See No. LT-3576/86.]

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the Industrial Reconstruction Bank of India for the year 1984-85 along with Audited Accounts under sub-section (5) of section 29 and sub-section (5) of section 34 of the Industrial Reconstruction Bank of India Act, 1984.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Industrial Reconstruc-

tion Bank of India for the year 1984-85.

[Placed in Library. See No. LT-3577/86.]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Industrial Reconstruction Bank of India for the year 1985-86 along with Audited Accounts under sub-section (5) of section 29 and sub-section (5) of section 34 of the Industrial Reconstruction Bank of India Act, 1984.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Industrial Reconstruction Bank of India for the year 1985-86.

[Placed in Library. See No. LT. 3578/86.]

**Review on the working of and Annual
Report of Research Development
Corporation for 1985-86.**

**THE MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY
AFFAIRS (SHRIMATI SHEILA
DIKSHIT) : On behalf of Shri K. R.
Narayanan, I beg to lay on the Table a copy
each of the following papers (Hindi and
English versions) under sub-section (1) of
section 619A of the Companies Act, 1956 :**

- (1) Review by the Government on the working of the National Research Development Corporation for the year 1985-86.
- (2) Annual Report of the National Research Development Corporation for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3579/86]

**Annual Reports and Reviews on the
working of Indian Institute of
Packaging and Export Inspection
Council and Export Inspection
Agencies for 1985-86**

**THE MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY**

AFFAIRS (SHRIMATI SHEILA DIKSHIT) :
On behalf of Shri Priya Ranjan Das Munsi,
I beg to lay on the Table :

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Packaging for the year 1985-86 along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Indian Institute of Packaging for the year 1985-86.

[Placed in Library. See No. LT-3580/86.]

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the Export Inspection Council and Export Inspection Agencies for the year 1985-86 (Volume-1).
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Export Inspection Council and Export Inspection Agencies for the year 1985-86.

[Placed in Library. See No. LT-3581/86.]

Review on the working of and Annual Report of Hindustan Latex Ltd.; for 1985-86, All India Institute of Speech and Hearing, Mysore for 1985-86, Statements for delay in laying the Annual Reports and Audited Accounts of Regional Centre for Cancer Research and Treatment Society, Calcutta for 1985-86, Chittaranjan National Cancer Research Centre, Calcutta for 1985-86 and Dr. B. Barooah Cancer Institute Guwahati for 1985-86 etc. etc.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE) : I beg to lay on the Table :

- (1) A copy each of the following papers (Hindi and English versions) under

sub-section (1) of section 619A of the Companies Act, 1956 :

- (i) Review by the Government on the working of the Hindustan Latex Limited for the year 1985-86.
- (ii) Annual Report of the Hindustan Latex Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3582/86.]

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the All India Institute of Speech and Hearing, Mysore, for the year 1985-86 along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the All India Institute of Speech and Hearing, Mysore, for the year 1985-86.

[Placed in Library. See No. LT-3583/86.]

- (3) A statement (Hindi and English versions) explaining the reasons for not laying the Annual Report and Audited Accounts of the Regional Centre for Cancer Research and Treatment Society, Cuttack for the year 1985-86 within the stipulated period of nine months after the close of the Accounting Year.

[Placed in Library. See No. LT-3584/86.]

- (4) A statement (Hindi and English versions) explaining the reasons for not laying the Annual Report and Audited Accounts of the Chittaranjan National Cancer Research Centre, Calcutta for the year 1985-86 within the stipulated period of nine months after the close of the Accounting Year.

[Placed in Library. See No. LT-3585/86.]

- (5) A statement (Hindi and English versions) explaining the reasons for not laying the Annual Report and Audited Accounts of Dr. B. Barooah Cancer Institute, Guwahati, for the year 1985-86 within the stipulated period of nine months after the close of the Accounting Year.

[Placed in Library. See No. LT-3586/86.]

- (6) (i) A copy of the Annual Report (Hindi and English versions) of the Pasteur Institute of India, Coonoor, for the year 1985-86 along with Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Pasteur Institute of India, Coonoor, for the year 1985-86.

[Placed in Library. See No. LT-3587/86.]

Annual Report and Review on the working of Institute of Applied Manpower Research, New Delhi, for 1985-86

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI SUKH RAM): I beg to lay on the Table :

- (1) A copy of the Annual Report (Hindi and English versions) of the Institute of Applied Manpower Research, New Delhi, for the year 1985-86 along with Audited Accounts.
- (2) A copy of the Review (Hindi and English versions) by the Government on the working of the Institute of Applied Manpower Research, New Delhi, for the year 1985-86.

[Placed in Library. See No. LT-3588/86.]

Annual Report and Review on the working of Wool and Woollens Export Promotion Council for 1985-86

THE DEPUTY MINISTER IN THE MINISTRY OF TEXTILES (SHRI S.

KRISHNA KUMAR): I beg to lay on the Table :

- (1) A copy of the Annual Report (Hindi and English versions) of the Wool and Woollens Export Promotion Council for the year 1985-86 along with Audited Accounts.
- (2) A copy of the Review (Hindi and English versions) by the Government on the working of the Wool and Woollens Export Promotion Council for the year 1985-86.

[Placed in Library. See No. LT-3589/86.]

11.03 hrs.

MESSAGE FROM RAJYA SABHA

[English]

SECRETARY GENERAL : Sir, I have to report the following message received from the Secretary General of Rajya Sabha :

"In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 4th December, 1986, agreed without any amendment to the Coal Mines Nationalisation Laws (Amendment) Bill, 1986, which was passed by the Lok Sabha at its sitting held on the 26th November, 1986 "

[English]

MR SPEAKER : Now, Shri Eduardo Faleiro to make a Statement. He is absent. Somebody will have to make a statement on his behalf.

[Translation]

SHRI RAM PYARE PANIKA (Roberts-ganj) : Mr. Speaker, Sir, there will be no zero hour today. Eleven persons have been killed in Tripura and we want that the Home Minister should definitely make a statement in this regard. Moreover, the Tripura Government must also resign. We cannot

allow double standards. The Tripura Government must be dismissed.

[English]

MR. SPEAKER : Nothing doing.

[Translation]

SHRI RAJ KUMAR RAI (Ghosi) :
Mr. Speaker, Sir, we should know the Government's reaction thereto and what is being done in this regard? This is not a minor issue. It is a very serious issue and is a matter of concern for the whole country because 11 persons have been killed there.

11.04 hrs.

STATEMENT RE : SENIOR OFFICIALS'
MEETING OF THE AFRICA FUND
COMMITTEE HELD IN LUSAKA
FROM NOVEMBER 24 TO 26, 1986

[English]

THE MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY
AFFAIRS (SHRIMATI SHEILA DIKSHIT :
Sir, on behalf of Shri Eduardo Faleiro, I
beg to make Statement.

It would be recalled that the Eighth Conference of Heads of State of Government of Nonaligned countries, held in Harare in September, 1986, had resolved to establish the "AFRICA Fund" (Action for Resisting Invasion, Colonialism and Apartheid Fund) to strengthen the economic and financial capability of the Frontline States, to fight the Apartheid regime of South Africa, to support the liberation movements in South Africa and Namibia in their struggle against racist and colonialist oppression, to assist the Frontline States to enforce sanctions against South Africa and enable them to cope with any retaliatory action by the racist Pretoria regime.

2. Pursuant to this Resolution, senior officials of the Fund Committee Member States, viz. India, Zambia, Algeria, Argentina, Congo, Nigeria, Peru, Yugoslavia and Zimbabwe met in Lusaka from Novem-

ber 24 to 26, 1986 to draw up a Plan of Action for the Fund. The leader of Indian delegation who chaired the Meeting in India's capacity as Chairman of the Fund Committee conveyed on behalf of the Prime Minister of India, Cordial greetings and good wishes for the success of the Meeting.

3. The Meeting expressed its concern at the deteriorating situation in Southern Africa. It condemned the Pretoria regime for having stepped up its oppression and subjugation of the disenfranchised and dispossessed people of South Africa through several repressive measures, continued illegal occupation of Namibia and its policy of destabilisation and State terrorism against the Frontline and other neighbouring countries. The Meeting reaffirmed that Apartheid, a crime against humanity, was the root cause of conflict in the region and reiterated the commitment of the Nonaligned countries for its complete eradication.

4. The Meeting discussed the priority areas of assistance to the Frontline States and the liberation movements in Southern Africa, which will constitute the action of the Fund. The Meeting further discussed ways and means for the mobilisation of public opinion and the raising of resources for the Fund. It also considered the modalities for the Management and operation of the Fund. The discussions were based on the working documents circulated by India in its capacity as Chairman of the Fund Committee which had been prepared following intensive consultations with the leaders of the Frontline States and the liberation movements in Southern Africa, during my visit to the Frontline States in September-October, 1986, India's initiative in having undertaken these consultations less than a month after the Harare Summit and effort in having prepared useful working documents was widely appreciated.

5. The recommendations made by the Meeting are to be submitted to the Ministerial meeting of the Fund Committee followed by a Summit Meeting of the Committee for consideration.

6. In the meantime, the Committee has authorised India, as Chairman, to take necessary action for operationalising the

Fund including the holding of consultations with the Governments, organisations and Institutions concerned.

7. It is hoped that the draft Plan of Action would be approved at a Summit Meeting of the Fund Committee to be held early next year in New Delhi. The appeal of contributions would also be launched on that occasion.

11.07 hrs.

ESTIMATES COMMITTEE

[English]

Action Taken Statements

SHRIMATI CHANDRA TRIPATHI (Chandauli) : I beg to lay on the Table statements (Hindi and English versions) showing action taken by Government on the recommendations contained in Chapter I and final replies in respect of Chapter V of Twenty-First Report of Estimates Committee (8th Lok Sabha) on Action Taken by Government on the recommendations contained in Eighty-fourth Report of the Committee (7th Lok Sabha) on the Ministry of Finance (Department of Economic Affairs) — Banking.

SHRI T. BASHEER (Chirayinkil) : Sir, I request the Hon. Home Minister, through you, to make a statement on the situation in Delhi.

MR. SPEAKER : You are late. You missed the bus.

11.08 hrs.

JOIN COMMITTEE ON RAILWAYS BILL

[English]

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA) : I beg to move :

“Whereas in the motion while referring the Bill to consolidate and amend

the Law relating to Railways to a Joint Committee of the Houses on 5th November, 1986, it was provided that the name of the 30th Member from this House would be announced later :

Now, therefore, this House do appoint Shri Sri Hari Rao to the said Joint Committee.”

MR. SPEAKER : The question is :

“Where as in the motion while referring the Bill to consolidate and amend the Law relating to Railways to a Joint Committee of the Houses on 5th November, 1986, it was provided that the name of the 30th Member from this House would be announced later :

Now, therefore, this House do appoint Shri Sri Hari Rao to the said Joint Committee.”

The motion was adopted.

MERCHANT SHIPPING (SECOND AMENDMENT)* BILL, 1986

[English]

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT) : I beg to move for leave to introduce; a Bill further to amend the Merchant Shipping Act, 1958.

MR. SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Merchant Shipping Act, 1958.”

The motion was adopted.

SHRI RAJESH PILOT : I introduce the Bill.

*Published in Gazette of India Extraordinary, part-II, Section 2 dated 8.12.1986.

11.09 hrs.

**STANDARDS OF WEIGHTS AND
MEASURES (ENFORCEMENT)
AMENDMENT BILL* 1986**

[English]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT) : I beg to move for leave to introduce a Bill to amend the Standards of Weights and Measures (Enforcement) Act, 1985.

MR. SPEAKER : The question is :

“That leave be granted to introduce a Bill to amend the Standards of Weights and Measures (Enforcement) Act, 1985.”

The motion was adopted.

SHRI H. K. L. BHAGAT : I introduce the Bill.

**ESSENTIAL COMMODITIES (SECOND
AMENDMENT) BILL,* 1986**

[English]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT) : I beg to move for leave to introduce a Bill further to amend the Essential Commodities Act, 1955.

MR. SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Essential Commodities Act, 1955.”

The motion was adopted.

SHRI H. K. L. BHAGAT : I introduce the Bill.

**PREVENTION OF FOOD ADULTERATION
(AMENDMENT) BILL*, 1986**

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE) : I beg to move for leave to introduce a Bill further to amend the Prevention of Food Adulteration Act, 1954.

MR. SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Prevention of Food Adulteration Act, 1954.”

The motion was adopted.

KUMARI SAROJ KHAPARDE : I introduce the Bill.

**MONOPOLIES AND RESTRICTIVE
TRADE PRACTICES (AMENDMENT)
BILL*, 1986**

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF INDUSTRIAL DEVELOPMENT IN THE MINISTRY OF INDUSTRY (SHRI M. ARUNACHALAM) : On behalf of Shri J. Vengal Rao, I beg to move for leave to introduce a Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969.

MR. SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969.”

The motion was adopted.

SHRI M. ARUNACHALAM : I introduce the Bill.

*Published in Gazette of India Extraordinary, Part-II, Section 2, dated 8.12.1986.

*Published in Gazette of India Extraordinary, Part-II, Section 2, dated 8.12.1986.

11.10 hrs.

AGRICULTURAL PRODUCE (GRADING AND MARKING) AMENDMENT BILL* 1986

[*English*]

THE MINISTER OF STATE IN THE DEPARTMENT OF RURAL DEVELOPMENT IN THE MINISTRY OF AGRICULTURE (SHRI RAMANAND YADAV) : Sir, I beg to move for leave to introduce a Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937.

MR. SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937.

The motion was adopted.

SHRI RAMANAND YADAV : Sir, I introduce the Bill.

COTTON, COPRA AND VEGETABLE OILS CESS (ABOLITION) BILL* 1986

[*English*]

THE MINISTER OF AGRICULTURE (DR. G. S. DHILLON) : Sir, I beg to move for leave to introduce a Bill further to amend the Produce Cess Act, 1966 and the Coconut Development Board Act, 1979 and to repeal the Copra Cess Act, 1979 and the Vegetable Oils Cess Act, 1983.

MR. SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Produce Cess Act, 1966 and the Coconut Development Board Act, 1979 and to repeal the Copra Cess Act, 1979 and the Vegetable Oils Cess Act, 1983.”

The motion was adopted.

DR. G. S. DHILLON : Sir, I introduce the Bill.

*Published in Gazette of India Extraordinary, Part II, Section 2, dated 8.12.1986.

11.11 hrs.

MATTERS UNDER RULE 377

[*English*]

- (i) Need to Construct trunk roads all along the coastal areas of the country

DR. P. VALLAL PERUMAN (Chidambaram) : Sir, it has been reported that, of late, there has been an increase in the smuggling activities and a large quantity of foreign goods, arms and ammunitions and narcotic drugs are smuggled into the country in a clandestine and surreptitious manner. These activities are volatile on the border areas and along the coastal areas of our country.

Some time back, the Centre had taken a decision to construct trunk roads all along the coastal areas so that quick and faster movements of Prohibition Officers of the Customs Department and the Police personnel are possible and feasible and the culprits engaged in smuggling activities apprehended. Provision of trunk road all along the coastal lines will definitely go a long way in arresting the smuggling activities indulged in by the unscrupulous and anti-social elements in those areas. I would also request the Government to establish industries in the coastal areas which are backward, so that smuggling activities can be combated to a great extent by converting the area into busy industrial one.

It is, therefore, requested that the Central Government should take immediate action for constructing trunk roads all along the coastal lines without any further delay.

[*Translation*]

- (ii) Need to allow generation of electricity in private sector to meet the power requirements of the country

SHRI HAFIZ MOHD. SIDDIQ (Moradabad) : Mr. Speaker, Sir, the shortage of electricity in the country has badly affected our exports and our industries. The farmers have to face extreme difficulties while irrigating their fields because of the non-availability of power. In the

Moradabad district of Uttar Pradesh, there is a flourishing utensil industry and the Government earns foreign exchange by exporting these products. This industry has also been affected due to inadequate power supply.

In my opinion, if the State Governments are unable to supply the required power, then efforts should be made to set up power stations in the private sector, so that power requirements could be met and the industries and the ordinary people are not affected by power shortages.

I would, therefore, request the Hon. Minister of Energy to pay special attention to it and issue necessary instructions to the State Governments in this regard.

[English]

- (iii) Demand for an electronic design and technology centre at Bhubaneshwar in Orissa

SHRIMATI JAYANTI PATNAIK (Cuttack) : Sir, the Department of Electronics have set up centres for electronic design and technology at Srinagar and Bangalore which are catering to the design requirements for the industries around the Northern and Southern zones. It is also learnt that they are intending to set up similar institution in the Eastern Region.

With the activities generated in computer and electronics in Orissa, there is a strong necessity also to generate the knowledge and schemes required for electronic industries and also for imparting education and training at academic institutions to bring up electronic engineers. There is also a necessity to set up a Research and Development Centre in Orissa by the Department of Electronics.

As the climatic condition of Orissa is favourable for the establishment of such electronic design and technology centre and as the Government had a proposal to locate such one centre in the Eastern Zone, I demand that Bhubaneshwar should be selected for the location of such an Institute which will also immediately help to boost industrialisation and would continue to the economic welfare of the people of the state of Orissa.

[Translation]

- (iv) Need to construct an overbridge over Lucknow-Naka Railway crossing on Sultanpur-Lucknow road

SHRI RAJ KARAN SINGH (Sultanpur): Mr. Speaker, Sir, I want to raise the following important matter under Rule 377.

The Sultanpur district of Uttar Pradesh is surrounded by railway lines on its three sides. In the absence of an overbridge over Lucknow-Naka railway crossing on Sultanpur-Lucknow road, the people travelling in buses from the eastern districts are delayed by hours because of frequent closure of the railway crossings.

I would, therefore, request the Hon. Railway Minister to construct an overbridge over Lucknow-Naka railway crossing for the benefit of the commuters.

[English]

- (v) Need to protect the Chambal Valley reservoirs from sedimentation and to take measures to stop the illegal operations in the Chambal catchment area

SHRI JUJHAR SINGH (Jhalawar) : Soil Erosion and Environmental deterioration are the major problems of Agriculture Sector in the rural areas of our country. As much as 998.76 lakh hectares of land is reported to be suffering from soil erosion, out of which 172.65 hectares are in Rajasthan alone. Considering the magnitude of this problem, Government of India is liberally investing funds for checking soil erosion and for improving environmental conditions all over. In Kota and Jhalawar Districts of Rajasthan also, we have an Anti-soil Erosion and Forest Preservation Scheme in the Chambal catchment areas. This is with a view to protect the Chambal reservoirs of Gandhi Sagar of Rana Pratap Sagar and of Jawahar Sagar from sedimentation in the last two decades. Crores of rupees have been spent on this scheme but the result is quite contrary to what had been contemplated.

Forests have been destroyed, illegal mining operations have been permitted and cattle colonies have been allowed to establish since the project came into force.

In view of these unhealthy developments, I would request the Minister of Forests and Environment to take precaution to protect the Chambal Valley reservoirs from sedimentation in future and stop the illegal operations of all sorts in the Chambal catchment area.

- (vi) Need to fix the support price of groundnut at Rupees Six Hundred and fifty per quintal

SHRI K. RAMACHANDRA REDDY (Hindupur) : Agricultural Prices Commission is not able to take a realistic view in fixing the prices for agricultural commodities. Because of the lack of rural background, the Members of this Commission are not in a position to understand the travails and tribulations of the cultivators. It is highly necessary that somebody with rural background should be associated with the working of this Commission so as to fix remunerative prices for agricultural products. This year the Government had increased the price for sugar cane from Rs. 170 to Rs. 180 per tonne. The unrealistic attitude of the Agricultural Prices Commission is reflected in the fixation of prices of sugar cane and groundnut. Last year itself, the Government of Andhra Pradesh paid Rs. 65 more i. e. Rs. 235/- per tonne for sugar cane and even that was supposed to be unremunerative. So, increase in the price from Rs. 170 to Rs. 180 will not give any solace to the agriculturists. If the price of sugar per kg is increased by 50 NP, the agriculturists can be given Rs. 50 per tonne more. Moreover, with regard to the groundnut prices, the Centre has increased the price from Rs. 350/- to Rs. 370/- per quintal. Last year, the market price was Rs. 500/- per quintal and this year it is more than Rs. 550/- per quintal. So, the price of Rs. 370/- per quintal will not act as an incentive for the agriculturists to grow more groundnut. So, I request the Central Government to fix up the support price of groundnut at Rs. 650/- per quintal so that it may act as an incentive for cultivators to grow more groundnut in the country.

[Translation]

- (vii) Need to install effluent treatment plants throughout the country particularly at Ranipet in Tamil Nadu to check pollution in the country

*SHRI R. JEEVARATHINAM (Arakkonam) : It has been mentioned in the Consultative Committee held very recently under the auspices of the Ministry of Industry that in the industrial complex in Baroda, the Gujarat State Government in cooperation with the Indian Petro-Chemicals Ltd. and the industrial units of the area, has successfully made arrangements for treating the effluents of various chemical and other industrial units there. It has also been informed that in Bombay also similar successful arrangement has been made in cooperation with the Indian Organic Chemicals Ltd.

Sir, in Tamil Nadu, in Vaniambadi, Ambur and in Ranipet, there are a large number of tanneries and other chemical units working both under the Government and the private sector, the effluences of which have been a great health hazard to thousands of people living there. The surface water, subsoil water, vegetation and paddy fields covering vast square miles are already greatly affected and becoming useless.

I would, therefore, request the Government to make similar arrangements for installation of effluents treatment plants in other parts of the country, particularly in my constituency, that is, Ranipet, so that fast pollution of land, water and the air is arrested and the people and the people and the vegetation in those areas are saved.

11.20 hrs.

SUSPENSION OF PROVISO TO
RULE 66

[English]

THE MINISTER OF HOME AFFAIRS
(S. BUTA SINGH) : Sir, I beg to move :

*The Speech was originally delivered in Tamil.

25 *Suspension of Proviso* AGRAHAYANA 17, 1908 (SAKA) *Const. (55th Amdt.) Bill* 26
Rule 66 *and State of Arunachal Pradesh Bill*

“That this House do suspend the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing of the Constitution (Fifty-fifth Amendment) Bill, 1986, and the State of Arunachal Pradesh Bill, 1986 inasmuch as these are dependent on each other.”

MR. SPEAKER : The question is :

“That this House do suspend the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing of the Constitution (Fifty-fifth Amendment) Bill, 1986, and the State of Arunachal Pradesh Bill, 1986 inasmuch as these are dependent on each other.”

The motion was adopted.

SHRI INDRAJIT GUPTA (Basirhat) :
What happened to the statement ?

MR. SPEAKER : He will be making at 1.30.

SHRI INDRAJIT GUPTA : Why ?

MR. SPEAKER : There was some difficulty. He will have to go to Rajya Sabha. He will make it here and then go to Rajya Sabha ...

THE MINISTER OF HOME AFFAIRS
(S. BUTA SINGH) : My colleague, the Minister of State, will do it in Rajya Sabha and I will do it here.

SHRI INDRAJIT GUPTA : Why don't you finish it now ?

SHRI SAIFUDDIN CHOWDHARY
(Katwa) : Why to delay ?

SHRI INDRAJIT GUPTA : If the statement is ready, I would suggest that he may make it now. If it is not ready, then he should say so.

SHRI SAIFUDDIN CHOWDHARY :
If it is not ready, why is it not ready ?

S. BUTA SINGH : The translation is being made available. As soon as it comes, I will make it.

11.22 hrs.

CONSTITUTION (FIFTY-FIFTH
AMENDMENT) BILL, 1986
AND
STATE OF ARUNACHAL PRADESH
BILL, 1986

[English]

MR. SPEAKER : Items 25 and 26 will be discussed together. Minister may move both for consideration.

THE MINISTER OF HOME AFFAIRS
(S. BUTA SINGH) : Sir, I beg to move :

“That the Bill further to amend the Constitution of India, be taken into consideration.”

The State of Arunachal Pradesh Bill for the establishment of the new State of Arunachal Pradesh is also being introduced in this House. In that Bill, a provision has been made that the Legislative Assembly of the State of Arunachal Pradesh shall consist of forty members. To give effect to this proposal, it is necessary to make special provision in the Constitution as Article 170 (1) of the Constitution provides that the Legislative Assembly of each State shall consist of not less than sixty members. Further, the existing 30-elected member Legislative Assembly of the Union Territory of Arunachal Pradesh is proposed to be made the provisional Legislative Assembly for the new State of Arunachal Pradesh until elections are held on the expiry of the five-year term of the existing Assembly. This Bill, therefore, seeks to provide that the Legislative Assembly of the new State of Arunachal Pradesh shall consist of not less than thirty members.

The Bill also seeks to insert Article 371 H. This provision is sought to be made

having regard to the sensitive location of Arunachal Pradesh. It is considered necessary and desirable that the Governor of the State of Arunachal Pradesh should be vested with special responsibility of law and order. In the discharge of his functions, the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken. It is also sought to provide that this special responsibility of the Governor shall cease when the President, by order, directs.

With these words, Sir, I beg to move that the Bill be taken into consideration.

Sir, I also beg to move* :

“That the Bill to provide for the establishment of the State of Arunachal Pradesh and for matters connected thereto, be taken into consideration.”

The Bill seeks to establish a new State of Arunachal Pradesh comprising the territories of the existing Union Territory of Arunachal Pradesh.

With the enactment of the State of Mizoram Act, 1986, Arunachal Pradesh is left as the only Union Territory in the north eastern region. Arunachal Pradesh has the largest area among all the States/Union Territories of the north eastern region and has much larger population than Mizoram. The people of Arunachal Pradesh have been aspiring for Statehood for quite sometime. With a fairly deep-rooted history of grass-root democratic functioning, nationalistic outlook and peace loving nature, the people of Arunachal Pradesh rightly felt that with the grant of Statehood to Mizoram, their demand for Statehood to Arunachal Pradesh should be given due consideration. The Chief Minister of Arunachal Pradesh also wrote to the Government of India strongly pressing for grant of Statehood to Arunachal Pradesh. Accordingly, the Government of India after considering the various factors decided to accept their demand for Statehood. The Bill seeks to give effect to this decision. The Bill is a recognition of the just and genuine demand of this enchanting land of beautiful mountainous area of north eastern region,

*Moved with the recommendation of the President.

an ancient land where traditions have been preserved and cultural continuity maintained by a colourful, hardy and hospitable people. The people of this rich area are of many faiths and speak many tongues.

The Bill is modelled on the lines of earlier Reorganisation Acts. The new State of Arunachal Pradesh will be established from a date to be notified by the Central Government. It seeks to provide that the total number of seats in the Legislative Assembly in the new State of Arunachal Pradesh shall be forty. The Bill further provides that the present Assembly of the Union Territory will be deemed to be the provisional Legislative Assembly of the new State until elections are held on expiry of the five year term of the existing Assembly referred to in article 172 of the Constitution.

Provisions empowering the Election Commission to undertake delimitation of constituencies according to the procedure generally followed by the Delimitation Commission have also been made in the Bill. The existing common High Court for the States of Assam, Nagaland, Meghalaya, Manipur Tripura and Mizoram will be the common High Court for the State of Arunachal Pradesh also. The Bill also contains provisions regarding Services. Consequential amendments in various Articles of the Constitution and other enactments have also been provided for in the Bill.

I extend my hearty welcome to the new State of Arunachal Pradesh. I am sure that development of this far-flung backward area of our country will receive a fillip with the grant of Statehood and the people of this new State will dedicate themselves to the task of nation building, facing new challenges in their march towards progress—social, economic and political. I would like to conclude by recalling the words of our beloved leader late Shrimati Indira Gandhi :

“I have no doubt that Arunachal Pradesh will develop further. But let me add a word of caution. In our efforts to bring social and economic changes, the beauty of the land, the values of life, the traditions of the area must not be affected. Let the

29 *Const. (55th Amdt.) Bill AGRAHAYANA 17, 1908 (SAKA) Const. (55th Amdt.) Bill 30 and State of Arunachal Pradesh Bill*

life of the people of Arunachal continue to remain rich and colourful.”

MR. SPEAKER : Motions moved :

“That the Bill further to amend the Constitution of India, be taken into consideration”

AND

“That the Bill to provide for the establishment of the State of Arunachal Pradesh and for matters connected thereto, be taken into consideration”.

SHRI C. MADHAV REDDI (Adilabad) : Mr Speaker Sir, At the outset I welcome the 24th State to join the fraternity of the States in this country.

Sir, with this the Union Territories get reduced to seven. I hope, very soon many more are going to join this fraternity. It was reported in the Press that the Government of India has already agreed to grant Statehood to Goa also.

Sir, I hope we are going to discuss both things together. We have allotted three hours for these two Bills. It would be appropriate if we first take up discussion on the Constitution (Fifty fifth Amendment) Bill and then take up State of Arunachal Pradesh Bill because there are lot of controversial clauses in the State of Arunachal Pradesh Bill.

MR. SPEAKER : Let us discuss both together but we will pass Constitution (Fifty-fifth Amendment) Bill first. So you please carry on.

SHRI C. MADHAV REDDI : I will make some comments first on the Constitution (Fifty-fifth Amendment) Bill. Clause 2 of the Bill deals with the special powers to be given to the Governor in the matter of law and order pertaining to the State. I feel in this there should be a time-limit fixed, that is, the Governor will have these powers only for a specific period and not permanently. There is no time-limit fixed now.

Then, Sir, we have Clause 2 under which we have amended Article 371 and inserted new Article 371(G). The point is when we amend Article 371 I do not know how many amendments we are going to carry to this Article 371 and, I fear, all the alphabets will be exhausted by the time....

MR. SPEAKER : Then we will have 'FF' and 'GG'.

SHRI C. MADHAV REDDI : Sir, I am in favour of fixing a time-limit under this within which the Governor of that State will have functions with regard to law and order. I admit considering the special situation of the State for some time Governor must have such powers but he should not have these powers permanently.

Similarly I come to sub-clause (b) which is also a very cotroversial clause. It says that the legislative Assembly of the State of Arunachal Pradesh shall consist of not less than 30 members. I do not think there is any necessity of amending the Act like this because you are in any case providing this in the State of Arunachal Pradesh Bill. There is no need. In any case you are not going to have 30 members. You have agreed to have 40 members and, I feel, even that number is not sufficient. We must have 60 members so that you may not be inconsistent with Article 171 which says that the strength of the Assembly should not be less than sixty. So unless you amend that Article you cannot say you will have 40 members. We are saying 30 members should be there. Where is the need to say this? The argument is that the strength of the existing members is 30 and we should protect this. I cannot understand how you are going to keep 10 vacancies over the next 4 years. Are you not going to hold bye-elections? If the strength of the Assembly is 40 and you are going to have 30 members who have been elected earlier in 1984 are you going to carry these vacancies over the next 4 years? It is not possible because it is against the Representation of peoples' Act. You have got to hold elections within six months. So, there is a lot of confusion in this. I feel that this clause should be removed and there is no need to say that you will have 40 seats.

[Shri C. Madhav Reddi]

Coming to the Bill, Sir, I am opposed to the existing Assembly which has no validity to be converted into a regular Assembly. It is deemed to having an Assembly elected under this particular law. Now, why should you do that? Why not straightaway hold the elections? When you say that this is a provisional Assembly, you cannot have provisional Assembly for four years. Provisional Assembly is only for a short period. It should be specifically mentioned here that it is going to be a provisional Assembly. The provisional Assembly 'to continue for four years' is something which is unheard of. The best course would be to treat this Assembly as a provisional Assembly for a period of about three to four months and then hold the elections in February or March. That is understandable but to say that we should allow this Assembly to continue for four years is not proper.

PROF. N. G. RANGA (Guntur) : It was elected.

SHRI C. MADHAV REDDI : I know it is an elected Assembly. It was elected when the status of the State was different, when it was only a Union Territory. You have got four months within which you can take up the delimitation work and hold an election. But my point is if you hold the delimitation, how are you going to hold the elections for ten seats because you are agreeing that we will have 40 seats in the Assembly. We have now 30 and not 40. Ten seats are going to be vacant. If the delimitation is held, which constituencies are going to elect these ten seats, is not known... (Interruptions) Not less than 30 is mentioned in the Constitution (Amendment) Bill. But actually in the Bill it is stated that the Assembly is going to have a strength of 40 and that is going to be a provisional Assembly. But when you say 'provisional Assembly', I feel, it should not continue for more than 4 or 5 months, that is, till the elections are held because the whole object of provisional Assembly is to see that there should be an Assembly. It may be provisional for a temporary period and then the elections should take place. Unless that is contemplated, you cannot say that it is a provisional Assembly... (Interruptions).

Sir, this particular State had witnessed some trouble in the past. But subsequently we held the elections. There were peaceful conditions and today we have the Assembly. But there are reports that the democratic process has not been properly adopted in various administrative functions. It is only fair that elections are held and opportunity is given to the people of that State to elect their own Assembly in a proper manner and to have their own proper Government.

Now coming to the other provisions in the Bill particularly relating to the Rajya Sabha Members, it is said that a Rajya Sabha Member who is sitting today in the Rajya Sabha is a sitting Member. He should also be deemed to be elected under the new Assembly. Now, that is something which I cannot understand. The moment this Bill is passed and Arunachal Pradesh becomes a State, the Member of the Rajya Sabha has to vacate his seat. He can be elected again.

SHRI G. G. SWELL (Shillong) : It has never been done.

MR. SPEAKER : It is his point of view.

SHRI C. MADHAV REDDI : Now, Sir, there are a number of clauses which require amendments and when the amendments are going to be taken up, we can discuss this. I welcome the Constitution (Amendment) Bill. With these comments and slight modifications, I am in support of the Bill.

PROF. N. G. RANGA (Guntur) : Mr. Speaker, Sir, I also join the Leader of the Opposition in welcoming this Bill. But it has to be remembered that there is a provision in the Constitution according to which certain Bills passed here have to be accepted by a majority of the States and assented to by the President before they are placed on the Statute Book. I would like the Government to keep in mind that as they go on increasing the number of States irrespective of their population, each State going to be treated as equal to every other State, however big or small it may be, what kind of effect it is likely to have upon the working of our Constitution,

Secondly, I am not able to agree with my Hon. friend, Shri Madhav Reddi when he says why this time limit and so on. You know the conditions in Arunachal Pradesh, we also know the atmosphere there on the borders...(*Interruptions*). I am trying to be as brief as possible. We know the situation there. Of course, we are trying to reach an agreement on the borders also. That is why it is best for us to accept the provisions that are already suggested in this Bill and not to have any kind of opportunity for a disturbance in that area, for allowing people to go on disputing in various ways and upsetting the minds of the people. It is not as if it has been under Governor's rule, and, therefore, elections must be speeded up and so on. It has its Governor, it has its status also, the elections were held and the Legislative Assembly is functioning. It is not suggested that the present Legislative Assembly strength should be reduced. Only its strength has got to be increased. Even though ten more Members would be available there, it is not as if their area is not represented in the Assembly. The present set of M.L.As are representing the whole of the State and they come from the various constituencies. Smaller or bigger constituencies will come to be formulated, or will be carved out by the Election Commission later on and new Members would be elected. Let the peace prevail in that area, let the present Assembly continue as it is now, and after its full term is completed, thereafter they can have fifty or sixty Members instead of the present thirty Members, in their Legislative Assembly.

Lastly, everything depends upon the amount of money that the Government is going to place for the development of that area. There are no roads, no bridges and no railways anywhere. We have got to think of strengthening that area for the defence of the country. Heavy vehicles have got to move at top speed when the necessity comes. What is it that the Government propose to do? I would have expected my Hon. friend, the Home Minister, to come forward and say that not only the statehood is going to be conferred upon them, but to make it a meaningful thing, so much more money is going to be placed at their disposal. I hope, he would be able to give that assurance. I have been pressing for all this kind of development in that area for many years. I have

spoken to our Prime Minister, I mentioned it here the other day, have written to him also as also to the Defence Minister and I make my appeal once again to the Planning Commission to see that sufficient funds are placed at the disposal of the new State not exactly in proportion to the area of the State, or population of the State, but keeping in view the defence requirements of that area.

Further, the Governor is going to be given special powers and these special powers are absolutely necessary because this is a special State. Its name itself is special; it is very romantic, it has got special geographical position in our country and, therefore, the Governor must be conferred with the special powers that are proposed in this Bill.

SHRI G. G. SWELL (Shillong): Mr. Speaker, it is a matter of gratification that the Government had expeditiously come to a decision to confer statehood on the Union Territory of Arunachal. It has done that in response to the hopes, aspirations, and very quiet, very respectful and very disciplined demand of the Government and the people of Arunachal, and the Government has not waited until the people's demand had taken a militant form. The Nagas had to undergo insurrection and years of insurgency and had paid with blood and life and destruction of property. The Mizos had gone through the same experience. And the people in Meghalaya had to go through years of agitation, processions, *bandhs* and fights royal in this House and in the media before their demands were conceded. Here the Government has been quick enough and expeditious to respond to the people's desire. It is a wholesome development and I welcome it. And I think that it will save us a lot of trouble in many areas, if we are responsive to the people's demand in this manner.

Sir, there are two Bills in front of us the Constitution (Amendment) Bill and of course, the State of Arunachal Bill. I shall confine my remarks to the first Bill, which is the parent Bill. I leave out, because of shortness of time, any observations in relation to the second Bill, which as my friend Mr. Reddi has stated, can be best taken up during the Clause by Clause consideration of the Bill,

[Shri G. G. Swell]

In regard to the Constitution (Amendment) Bill, I am not quite sure whether the Home Minister deserves our unqualified congratulations; and to be honest to myself, if I am to congratulate him, I do so with tongue in cheek and that is because of the extraordinary provision of endowing the Governor of that State with special powers in regard to law and order which he has to decide in his individual judgment, to the exclusion of the Cabinet of the State.

SHRI JAGANNATH RAO (Berhampur) :
It is inconsultation.

AN HON. MEMBER : What Consultation ?

SHRI G. G. SWELL : Not only that ! He will also take his own discretionary individual judgment in any matter if he thinks that that relates to his special powers and for this decision he will not be called into question. Now I think this is a very draconian, provision which is uncalled for. Every thing can be related to law and order. Even if you agitate for your food because people are hungry, that can be interpreted as a question of law and order. The Governor has absolute special discretion in the matter. You have not done that in the case of Mizoram State. Why have you done it here ? This is my question. We shall pass this Bill and of course, I shall vote for this Bill. But that does not prevent me from expressing my doubt. Why have you done this here and why have you not done so in the case of Mizoram ? I think the Home Minister owes to us and to the House to satisfy us on this score. My fear Sir is that the whole grace and goodwill which this Bill is going to create in Arunachal will be taken away by another hand. You will leave in your trail a humiliated people with a deep feeling of injury that they have been discriminated against vis-a-vis the Mizo. All right, we recognise that Arunachal is a special territory, because of the Chinese across the border, because of certain intrusions that have taken place. But I ask this question, is Kashmir less exposed and less vulnerable to Pakistan and China than Arunachal is ? Is Sikkim less exposed and less vulnerable to the Chinese intrusions than Arunachal is ? And should we forget Sir, the patriotism of these people ? When we were mumbly and

jumbly, it was the Chief Minister of Arunachal Pradesh who called national attention to the presence of the Chinese Helipad in the Sum-Dorung Chu valley, Arunachal has not been known of any insurgency. It has been peaceful. Then why this kind of provision ? Why this kind of thing that will leave in them a feeling of humiliation ? When I say this, I am not opposing the Bill, I am just drawing your attention to something which will defeat the purpose. We have seen in today's newspapers that the students of Arunachal Pradesh are not satisfied even with this Bill. They think they should have the special status like Kashmir. That of course is the tall demand with which we cannot agree. Sir, I know my time is short, but I want to mention two more points.

My second point is that you have not provided any kind of constitutional safeguard and protection for the religious and social practices of the Arunachalese for their customary laws, for their civil and criminal procedures and for the ownership and transfer of the land which you have done in the case of Mizoram. What is the State for, if it is not to safeguard the identity of the people in this sensitive region ? Land is the basis of their existence. You have given no constitutional protection to them which you have given to the Mizos. It means that the entire land of Arunachal is exposed to alienation to outsiders who have got money and who have got power. Why have you not done this ? This is my second question and my objection.

My third and last point is, you have provided only for 40 seats in the proposed Arunachal Pradesh Legislative Assembly. Article 170(1) of the Constitution says clearly and categorically that a State Assembly should not have less than 60 Members. Here you have introduced another element. Of course, you could justify it and say that this is also an Amendment of the Constitution.

I hope the Home Minister is familiar with the universal legal dictum '*generalis specialibus non-derogant*'. The general provisions cannot overrule special provisions. It means that by this provision, you are rendering Article 170(1) of the Constitution

meaningless altogether. You can as well do away with it. I do not like this manner of treating our Constitution. The Constitution should be treated with more respect. It should not be treated as a peg on which you hang all your soiled clothes, according to your convenience. Either you have 30, or you have 60. You cannot have two provisions for the same thing.

Arunachal is a very big area, more than 80,000 sq. Kms., larger than the State of Assam, and one-third of the entire land mass of the north-east. Of course, population is a consideration, but the vastness of the territory, its difficult terrain are also relevant factors, in deciding the number of seats.

I represent in this House, half a million people, whereas in the rest of the country, it is generally one million and more, for one Member of the Lok Sabha....*(Interruptions)* Whatever it is, I represent about 5 lakh people.

As I said, Arunachal is a vast area. It is a country of high mountains and low valleys, difficult to traverse. Climatically, it ranges from the Arctic to the Scandinavian, to the European, to the Mediterranean, and to the Tropical. The whole idea is to let as many people to come close to the centre of legislative and executive authority, as possible. Therefore, I would make this appeal to you to reconsider this, in view of the vastness, difficult terrain and topography of the place, and have 60 seats in the Arunachal Legislative Assembly.

With these few words, and my note of dissent, I support the Bill.

DR. SUDHIR ROY (Burdwan) : Mr. Speaker, Sir : I welcome the Bill. The Bill is long over-due. I am happy that at last Statehood is being conferred on Arunachal Pradesh. But I have some objections to the provisions of the Bill.

First of all, as Prof. Swell has said, I am very much opposed to the special powers being given in the hands of Governors. If we go through the debates of the Constituent Assembly, it was pointed out then that Governors should act in a most non-partisan manner, and they would be above contro-

versy. But what is the present situation ? Ministers who are defeated in Lok Sabha elections, politicians who are ousted from State politics are always offered the post of Governor; and** when there is a Congress Government in the State, they behave as Hindu widows, as Dr. Pattabhi Sitaramayya argued. But whenever there is a non-Congress Government, the Governors** and we experienced this in Andhra and Kashmir.

MR. SPEAKER : Dr. Sudhir Roy...

DR. SUDHIR ROY : Therefore, we are opposed to the special powers or discretionary powers in the hands of the Governor.

MR. SPEAKER : Mr. Sudhir Roy, don't be derogatory to the Governors. It does not behave you.

DR. SUDHIR ROY : These are facts. I have not named anyone. Sir, I have not named anyone.

MR. SPEAKER : They have to work under the Constitution.

DR. SUDHIR ROY : These are merely constitutional points...*(Interruptions)*

SHRI INDRAJIT GUPTA (Basirhat) : The office of the Governor may be misused. He is not referring to any particular Governor, or any particular person.

MR. SPEAKER : He says the present Governors are** That is what he is saying.

(Interruptions)

DR. SUDHIR ROY : I have not mentioned the name of any Governor.

(Interruptions)

MR. SPEAKER : Tomorrow you might be a Governor.

(Interruptions)

SHRI SAIFUDDIN CHOWDHARY (Katwa) : The name of the Central Government—is it derogatory?...*(Interruptions)*

**Expunged as ordered by the Chair,

SHRI INDRAJIT GUPTA : What one Governor did in Mr. Reddy's State the other day? You know what it led to later on?

MR. SPEAKER : Well, he had to go. But you cannot do it under the Constitution and the rules. That is what you have done. It is your own creation, not mine.

(Interruptions)

DR. SUDHIR ROY : I have not mentioned the name of any particular Governor. ...*(Interruptions)*

MR. SPEAKER : Yesterday somebody said against the judges. So, I had to expunge that.

(Interruptions)

MR. SPEAKER : It will not form part of the proceedings.

(Interruptions)

DR. SUDHIR ROY : My point is that the elected President has no discretionary powers, but the nominated Governor will have discretionary powers and they may dispense with the order of any elected government; this is most objectionable. Arunachal Pradesh will be a State and will have a large area. I am opposed to the concept of a common High Court for all the States. Already Mr. P. N. Bhagawati has said that the whole system is near collapse because of so much chaos. Therefore, in all the States there should be a separate High Court; at least there should be a Special Bench. Otherwise, as Mr. Bhagawati has observed that because of staggering cases the judiciary is going to collapse. The number of members of the Legislative Assembly should be at least 60. Otherwise, people will be deprived of their legitimate dues. Thank you.

SHRI P. K. THUNGON (Arunachal West) : At the outset, on behalf of the people of Arunachal Pradesh, I would like to thank the Prime Minister and the Home Minister for bringing in this Bill. It indicates their commitment and sincere effort for the development of People of Arunachal Pradesh.

You are aware that Arunachal Pradesh was earlier known as NEFA (North East Frontier Agency), prior to that, it was known as Balipara Frontier Track, Sedia Frontier Track, Subensiri Frontier Track and Tirap Frontier Track.

During the time when its name was NEFA, even some part of Nagaland was within NEFA. It was administered by the Governor of Assam as a direct agent of the President of India. It was under the Ministry of External Affairs in the Centre. Today, we have a Union Territory and we are going to have it as a State.

On this day, we remember Shrimati Indira Gandhi who gave us the status of Union Territoryhood without asking by the People of Arunachal Pradesh, because she knew the aspirations of the People of Arunachal Pradesh. We are very grateful because of very quick action on the part of the government. But, at the same time, I would like to point out that there are certain infirmities in these two Bills. I think my work has been made easier by our good friend Prof. Swell. The people of Arunachal Pradesh feel very very strongly that there should not be any discrimination amongst neighbouring States.

You remember—I am grateful to the members of this august House who cooperated with me at the time of passing Mizoram Bill—that I strongly urged the government to bring forward a Bill for Statehood for Arunachal Pradesh also. At that time, it was seen that Constitution had 53rd amendment and Mizoram was granted protection which Prof. Swell just now mentioned.

Without taking a circuitous way, straight-away, I would like to put it, as the Hon. Home Minister has stated, in the words of our beloved late Prime Minister, Shrimati Gandhi that the culture and custom and values of life of tribals should be safeguarded. But at the same time, while reading out the statement of our late Prime Minister, the Hon. Home Minister should have thought about the provisions made in this regard. I have given an amendment in this regard and I hope that the House will bear with me and support the amendment.

As Prof. Swell has stated, there are forces inside Arunachal Pradesh, if we do not make the interest, the land, the custom, the rights in respect of culture safe, it will be very difficult on our part to stop those forces, anti-national forces, subversive forces. They will go against us. And that is why we need a handle and if this handle is given to them then they can blame us and say our people. Please do not hold us responsible in Arunachal for this if so happens.

You know, that at this stage of development the people of Arunachal Pradesh are prone to allurements. They are not only simple, but they are prone to allurements. Therefore, if the protection is not given, there may be a danger to the land and identity of the people of that area.

My second point is about the number of seats allocated as proposed in one of the Bills. Arunachal Pradesh is 84,000 sq. km. and Nagaland is 16,000 sq. km., area. At the time of grant of Statehood to Nagaland the population of Nagaland was only five lakhs. Today, we have a population of about seven lakhs. Then, certainly there is a kind of discrimination because—shall we take this in this way that because—there was insurgency, there were disturbances, in the State of Nagaland and Mizoram such kind of a provision was given as a reward to them. This question is sometimes asked by the people. We will not be able to answer. More so, as the Hon. Members have stated, and the Home Minister himself has stated, that our State is located in a very sensitive border area, until and unless we take the people into confidence, we take the help of the people, we will not be able to maintain law and order and peace.

There are two control systems: One is the internal control system and the other is the external control system. The law which is providing more powers to the Governor is a kind of external control system, while the Governor has been equipped with more powers to deal with law and order in whatever manner he thinks fit. The people have been denied the constitutional right of defence, in respect of land, culture and social and religious practices and minimum number of 60 seats in the Assembly.

Therefore, I would ardently like to appeal to this august House that in this regard also I have given an amendment and I will solicit your support.

Thirdly, as I said, in the North-Eastern region it is quite understandable that in Nagaland and Mizoram special powers to the Governor have been given. In the case of Mizoram even this special power to the Governor was not given, in the case of Nagaland only it was given. It is right that these two States were born out of insurgency and law and order problem. But in the case of Arunachal Pradesh, you will be happy to know that not even a single case of major break down of law and order has ever happened. Therefore, it is much more appropriate that the right of the people, feelings of the people and cooperation of the people should be protected more than to equip the Government and the Governor with more powers and use all the strong arm methods and antagonise the people more and more. In this august House while participating in the discussion on terrorism recently I had stated that there are so many reasons for making people terrorists. If we do not check all these activities at a proper time, if we give handle to vested interests, anti-national and anti-social elements, certainly we will be later on responsible for creating terrorism or secessionist groups there. Therefore, I would very strongly urge that this amendment providing protection to the people and divesting the Governor of his powers may be accepted. I hope, the Hon. Home Minister will not make it a prestige point and come out largeheartedly to accept my amendment.

In 1971 when the North Eastern Regional Re-organisation Bill was enacted, injustice was done to the people of Arunachal. An area of 3545 sq. kms. was transferred to Assam, which is known as 51 notification area. I would like to put it on record that the people of Arunachal, the tribal people are there. These areas may be given back to Arunachal so that Arunachal's right over that land is regained and protected.

Without taking much of the time of the august House, as I said earlier, my work has been made easy by Prof. Swell's arguments. On these lines, I would like to further stress that the Hon. Home Minister will not make

[Shri P. K. Thungon]

it a prestige point but will be kind-hearted in accepting amendments which I have put forward.

Finally, I would once again thank the Hon. Prime Minister, the Hon. Home Minister and the Members who support the Bill for granting statehood to Arunachal Pradesh.

SHRI WANGPHA LOWANG (Arunachal East) : Sir, at the outset, I express my gratitude to the Hon. Prime Minister Shri Rajiv Gandhi for considering to grant Statehood to Arunachal Pradesh. He has visited the entire Arunachal Pradesh and met the people there. Since he had seen the things himself, he was convinced that the aspirations of the people of Arunachal Pradesh could be fulfilled only by granting Statehood to Arunachal Pradesh. As a result of that, this Bill has come up. I also congratulate the Home Minister for piloting the Bill and introducing it in the Parliament.

Political transformation of Arunachal Pradesh is unique in the sense that as the people of Arunachal Pradesh are very peaceful and peace-loving, so also the political changes that have been taking place in Arunachal Pradesh have been very smooth and very peaceful. As you know, just after the Independence, Arunachal Pradesh was under the Ministry of External Affairs. Subsequently it was transferred to the Home Ministry and the *Panchayati Raj* system was introduced. Thereafter Agency, Councils came in. In 1972 it was declared as a Union Territory, and today we are going to have Statehood for Arunachal Pradesh. All these changes that have taken place have been very peaceful. There was no violent agitation. There was no bloodshed. That is why I said it is a unique one. This has proved that if the cause is genuine, the Government of India do listen to the demand and fulfil the aspirations of the people, and I have no doubt that there would be further concessions in this respect.

The Hon. Members who have spoken before me have pointed out many things. I would just point out two things. One is that in the Bill, only 40-Member Legislative

Assembly has been provided. This is not at all sufficient for a territory like Arunachal Pradesh which has a very vast area. It has a total area of 84,000 kilometers. Forty-Member Assembly has been provided for Mizoram also whose area is only 21,080 kilometers. As a result, I find that each member of the Arunachal Pradesh Assembly will have to cover an area of 2,100 sq. kilometers and will have to represent 15,700 people, whereas in the case of Mizoram, with a 40-Member Assembly, each Member will represent only 525 sq. kilometers and just 12,000 people. So, this is not justified. There is still time and I request the Hon. Home Minister to think over this and accept the amendments proposed by my colleague Mr. Thungon Arunachal Pradesh, as you know, is a very sensitive area which has a vast boundary with China as well as Burma, and the MLA, will have to look after the entire population which may be less but scattered over the entire vast area. He will have to visit the entire constituency all the time. He will have to always be vigilant being in the border area. That is why forty Members will not be sufficient. It should be sixty Members minimum as provided in the Constitution.

Secondly in the Bill guarantee has been given in the case of Mizoram in the matter of religious and social practices, customary law and procedure, administration of civil and criminal justice involving decisions according to Arunachalese customary law; and ownership and transfer of land and its resources. These have been provided in the case of Mizoram, whereas in the case of Arunachal this has not been provided. This should also be provided to Arunachal so that Arunachal people feel that they are very much protected, so that they can come up according to their wishes and so that they can work hard for the progress of the area unless they feel confident, hesitation may remain. So, this entire provision may be given in the case of Arunachal Pradesh also. When you are giving something, it is better that one should give whole heartedly because it is the same area viz. the North Eastern whether Mizoram, Nagaland or Arunachal. Of course, by having fulfilled statehood, people of Arunachal particularly the leaders will have more responsibility and more opportunity to work. I am sure they will do justice and definitely contribute something to the nation to their fullest extent.

45 *Const. (55th Amdt.) Bill* AGRAHAYANA 17, 1908 (SAKA) *Const. (55th Amdt.) Bill 46 and State of Arunachal Pradesh Bill*

I do not want to lengthen my speech. I once again implore the Government or the Home Minister to think about this matter. Still there is time. Kindly bring some amendment to effect some changes—from 40 members to 60 members and also about social customs and others as I have stated.

I implore all the Members including the Opposition to support this whole-heartedly.

12.23 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

SHRI SHANTARAM NAIK (Panaji) : Last time when the Bill with respect to Mizoram was introduced, you were very kind enough to consider the case of Arunachal Pradesh and you had indirectly hinted in the course of your speech that Arunachal Pradesh will be given statehood. I am happy and I have already congratulated my colleagues. Now in reply I would very much like to thank you and say something in respect of Union Territory of Goa Daman and Diu. If you consider the economic as a whole, no doubt Arunachal Pradesh deserves it on other grounds, but Goa Daman and Diu deserves statehood in the first place.

MR. DEPUTY SPEAKER : Please be brief.

SHRI SHANTARAM NAIK : Another thing is, with respect to Union Territories we should have a policy as such on economic basis, as to what we are going to do with respect to Union Territories in future for their becoming self-sufficient. In fact, it is very kind of you, Sir, that you have extended the powers of Union Territories from Rs. 50 lakhs to Rs 3 crores very recently and therefore, I am grateful to you for this. Similarly, you should also increase the administrative powers of the Union Territories. What is the position today? If the Council of Ministers in a Union Territory takes a decision, it goes to the Administrator and the Administrator can reject the proposal of the Council of Ministers. No doubt we have got a good Administrator in Goa, Daman and Diu, but it is a different thing. However, if the Administrator wants, he can just throw away any decision taken by the Council of Ministers.

You have introduced some special powers under the Constitution. I would suggest that a similar provision should be included in the Union Territories Act so that the Council of Ministers in a Union Territory administers the Territory in general and the Governor should be given exclusive power of law and order. So, that provision should be included in the Union Territories Act.

At this juncture, I would suggest another thing. We are talking of Punjab. The powers which have been given to the Governor of Arunachal Pradesh should also be given to the Governor of Punjab. Of course, Arunachal Pradesh colleagues of mine may differ in this. A Constitution Amendment should be made accordingly and power should be given to the Punjab Governor. I wholeheartedly support this. That is the exact power that is required today.

Lastly, I would say with respect to the Assembly seats. No doubt there can be a difference of opinion with respect to 60 seats. Although we have not got the Statehood as yet, since we are at the threshold of getting it, we have discussed generally about the seats we should have and a number of people favoured 40 to 45 seats as they would not like the present Assembly constituencies to be reduced to panchayats. However, we can decide it later on.

With these words, I conclude

SHRI Y. S. MAHAJAN (Jalgaon) : Sir, I support the Constitution (Fifty-fifth Amendment) Bill and the State of Arunachal Pradesh Bill.

Sir, I had the privilege of seeing this beautiful land of sunlit mountains and ever since then, I have been of the view that Arunachal Pradesh should have Statehood conferred unit.

In 1965 there was no Legislative Assembly to make laws for the Government of NEFA—that is how the area was called formerly. NEFA was represented by one Member in the Lok Sabha nominated by the President. Laws made by Assam Legislative Assembly were not applicable to NEFA. Laws made by Parliament were automati-

[Shri Y. S. Mahajan]

cally applicable unless there were specific orders against the application. Except the village councils which existed from times immemorial, there were no representative bodies in Arunachal Pradesh. But the area is of great strategic importance and it deserves still greater attention from the Central Government, which has always been anxious to develop its resources and raise the standards of living of the tribal people inhabiting it.

Sir, till 1947 there was hardly any development in this part of the country. There were no educational facilities, no medical services or communications. The only thing that existed by way of communication was 160 kilometre long road in the plains mostly along the foot hills and there were only two primary schools at that time which were also located at the foot of the hills. Therefore, the development in the area began only when we accepted planning on a national level. It gained momentum in the Second Five-Year Plan. In the last year, i. e., in 1985-86, the allocation for the development of this area was Rs. 73 crores. The area is 84,000 square kilometres and is rich in forest wealth. Agriculture is carried on by traditional methods, mostly by jhooming, which is thrust upon the people by circumstances. If this Territory is supplied with high yielding varieties of seeds and fertilizers, the State could become self-sufficient in foodgrains. It has a population of only 6 and a half lakhs. The Regional Finance and Development Corporation has begun to develop electronic goods and watch making industries. It has great potential for small scale industry also. Considerable development is expected from exploitation of oil reserves in some parts of that territory and also from coal deposit in Namchik and Namphok areas. It is the potential wealth of this area which is responsible for China casting a hungry look on it. Therefore, it is all the more necessary that we should develop it as a State of the Indian Union, we should strengthen the apparatus of the State so that the destiny of the area will lie in the hands of the people and they will come in the mainstream of politics. It may be noted that Arunachal Pradesh is the only area in the North East which has so far not been endowed with Statehood. It is among

the 7 sisters, i. e. 7 small States from the North Eastern region. That lapse on our part should be made good.

While supporting the Bill for granting statehood, I agree with the suggestion made by Shri Thungon that provision should be made to secure or to safeguard the cultural identity and ethos of this region. This is necessary in view of the peculiar conditions in that part of the country. It is also necessary to strengthen it in view of the geo political considerations and backwardness of that area.

With these words, I support both the Bills brought forward by the Hon. Home Minister.

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Chairman, Sir, I approach the Bill with mixed feeling. The Hon. Home Minister has stated in his opening remarks that the *raison d'être* of the Bill is to satisfy the desire and aspirations of the people of Arunachal. With this object, the whole House agrees. But in view of what has been said on the floor of the House, one begins to question to what extent this Bill, as it is, is going to satisfy the desires and aspirations of the people of Arunachal. And what political purpose will be served, if the ultimate object is consolidate the integrity of the nation and if this Bill leaves a residue of mistrust and ill-feeling behind it.

As has been stated here by my Hon. colleague, if something is to be given, let it be given with an open hand, with an open heart and not in piecemeal measures.

Sir, I agree with some of the views that have been expressed here on the floor of the House with respect to inadequacy of this Bill. I know that Arunachal has a very special position. Arunachal is not one single ethnic group. I saw in the *India—1985, reference Manual*, this morning that there are 12 major tribes, there are 14 major languages listed in this Reference Manual. Ethnically, it has a special position. And yet, by virtue of having been together for a period of time, they have certainly developed a measure of identity and it is to this sense of identity that we are addressing ourselves.

We hope that by consolidating them in the form of a State, their integration will be accelerated and they will develop a common ethnic identity.

On the other hand, I do not know why the ethnic respect that we have accorded to the other States and Territories in the same situation has been denied to the people of Arunachal. I am particularly conscious of it because the Hon. Member representing Arunachal has not only spoken out before the House but has moved a formal amendment that the religious and social practices of the people of Arunachal, their customary laws, particularly these related to property matters, the customary procedures for the administration of civil and criminal justice should be recognised and respected. We have done this with regard to all other Territories and I do not see any reason why this concession or this privilege should be denied to the people of Arunachal. I also endorse the view but with a difference about the size of the legislature. The Constitution has laid down the minimum number of seats in an Assembly as 60, as a limit. There was a certain pattern of States at that time. Today that pattern no longer applies. There is, therefore, a good case for reducing the limit of 60. But so long as the number 60 remains there, there is no reason for having a double or parallel system or a double or parallel classification of States for this purpose. I would be in favour if the Hon. Home Minister were to bring an amendment to the Constitution reducing the number 60 itself as a limiting number. But so long as the number 60 remains there and we do not apply it to Arunachal, it would create a certain degree of mistrust in the minds of the people of Arunachal.

I find something really extraordinary about the Governor's powers. I know the very sensitive and strategic position of Arunachal. But the Constitution does provide a remedy. After all, the elected representatives of the people and the Government formed by them must be responsible for maintaining law and order in normal circumstances. Therefore, that power simply can not be whittled away. That power was not taken away even by the British in the normal circumstances from elected Governments. Now we are according this area the

status of a full State, there is no reason not to entrust the State's elected Government with the power of law and order and if an emergent situation arises, let me say it very frankly, if an external aggression takes place, the constitution does provide a remedy. We can declare the entire area under emergency and the Centre has every authority and every right and indeed a responsibility to take over the administration of the State in those circumstances. I am certain in my mind that the people of Arunachal will not object to this sort of take over in emergency circumstances.

Therefore, this idea of Governor's special powers is absolutely misconceived and it ignores the existing provisions of the Constitution.

Apart from these ideas, I would like to make one general point with your permission. A time has come when we must take a fresh look at the map of India. We have increased now the number of States to 23 and the number of Union Territories has gone down to 7. Some of them are on the threshold of statehood. Many of them have achieved it. I must say it very frankly as I am personally convinced that such territories which are distant from the shores of India like the Lakshadweep or the Andaman and Nicobar Islands must remain under the direct responsibility of Central Government. Delhi must achieve Statehood. Almost everybody agrees. We can carve out a small federal enclave for housing the Central Government. That may be considered at the appropriate time.

Goa will have Statehood today or tomorrow.

Dadara and Nagar Haveli must be absorbed into the neighbouring State as it cannot have a viable structure.

A time has come when we have a fresh look at the map of India. There is growing public opinion in favour of small State but not in favour of micro States or mini States, though we have some for various special and historic reasons.

A time has come therefore, to appoint a National Commission to go into this question,

[Shri Syed Shahabuddin]

to work out the criterion for creating small States, for the division of the giant States into more manageable, Socio-economically homogenous units, in order that the balance between the States of the union is maintained. Otherwise, today if you take population, the proportion between the largest and the smallest State is of the order of 1 : 300. If you take area, it is of the order of 1 : 30. If you take in terms of density of population, it is of the order of 1:80. This is a very wide range of diversity. I also feel that some of the mini-States may not be in a position, some of the micro States will not be in a position, to have a viable political structure or the administrative paraphernalia or afford all the symbols of the Statehood. Therefore, we have to strike a balance. We have to lay down the criterion for Statehood. We have to redraw the map of India so that, by and large, the diversity, the range, between the biggest and the smallest State is not so high is within tolerable limits.

I also endorse the view expressed by Prof N. G. Ranga on the floor of the House that since there are certain provisions in the Constitution which enable a group of States to have a veto on the application of parliamentary enactments. This also must be kept in view in creating more States.

Having said that, I feel that people of Arunachal deserve their Statehood. We must grant it with an open heart and an open mind. We must trust them, they have earned our trust. We must respect them; they have won our respect.

Therefore, I urge that the obnoxious elements in the Bill should be reviewed by the Hon. Minister and be done away with and the omissions should be remedied. The amendments that have been proposed should be accepted in relation to the powers of the Governor and in relation to the protection of the ethnic identity and customary laws of the people of Arunachal Pradesh.

With these words, I give qualified support to the Bill. At the same time, I once again request the Hon. Minister that an effort should now be indicated by the Central Government to create a national consensus

about redrawing the map of India on appropriate lines so that we have a true sense of fraternity and not just a legal sense of equality among the States of the Union.

PROF. MEIJINLUNG KAMSON (Outer Manipur) : Mr. Chairman, Sir, I welcome the Bill conferring Statehood to Arunachal Pradesh. Also, at the same time, I must thank the Prime Minister as well as the Home Minister for conferring Statehood to Arunachal Pradesh even without any type of militant agitation or armed struggle on their part. This has created a good impression that Government of India can think of conceding any reasonable and just demand, even though there is no blood-shed and militant agitation.

As you know, there has been some impression, particularly in the North-East that if you are to get something you shall have to shed blood and sweat and sometimes resort to violence. This impression is done away with by this novel gesture on the part of the Government of India when they have come forward—timely—for conferring Statehood to this Union Territory. Moreover, it is very important in the present juncture when the neighbouring country like China has got some covetous eye on the territory. Therefore, in such a situation, conferring Statehood to Arunachal Pradesh is not only beneficial to the State itself but also for the whole nation because we are strengthening our own hands in that area. Unless you give some power to the people themselves, the Government forces and the law and order agencies alone cannot check the country, cannot defend the country. Only, the people can come forward and defend the country.

I would also like to give some information to the Hon. Home Minister, through you that there has been secret agreement between the Chinese and the anti-national forces to apportion Arunachal Pradesh territory whenever their scheme of things become successful. This is a very important information which, I think, the Home Minister must be getting or if he does not get at all, I request the Home Minister to take note of this information very seriously. There is an impression in the eyes of the Chinese that this land of Arunachal Pradesh is not in the Indian territory. They have secret understanding with the anti-national

forces of India, that is in the North-East, to have some amount of apportionment of this land between the Chinese and these anti-national forces. In such a juncture, to give Statehood to Arunachal Pradesh is something which strengthens our hands in the North-East region. So, from this point of view, I welcome this Bill as very important. At the same time, I must congratulate the Honourable Members from that area and the people on getting Statehood.

Now, I must also like to bring some points. Three points have been raised by the members here. The first point is regarding special power of the Governor; the second point is regarding protection of the people in respect of their land law and customary laws and the third point is about the number of seats in that State Assembly.

I think, these are three points on which most of the Members have dwelt.

First of all I would like to speak about the provision relating to the special responsibility given to the Governor in respect of law and order. I think, this provision is not necessary; even though I would not like to call it 'Draconian' as has been referred to by Prof. Swell, I must say that it is unnecessary. This provision has been copied from the Nagaland Act of 1962 when Statehood was granted to Nagaland. At that time the situation in Nagaland was quite different from the situation that is now prevailing in Arunachal Pradesh. In Nagaland at that time the anti-national elements were much stronger than the national forces of Nagaland who were wanting Statehood. Therefore, the Nagaland leaders themselves asked the Government of India to include such a power for the Governor so that the Governor may come to their help whenever there was a crisis between the nationalist forces and the anti-national elements. To save the situation politically from inside, this provision was inserted in the Nagaland Act of 1962. But in the case of Arunachal Pradesh, this situation is not there. Even though there is intrusion from the Chinese, this has to be checked by Defence, by the Government of India forces. That means, you can make use of the provisions in the Constitution like the Emergency provisions and not through the Governors special powers. This provision of

special responsibility to the Governor will do nothing. Moreover, I wish to bring to the notice of the Home Minister that this provision of special powers to the Governor has never been used on any occasion so far because it was quite useless. This was given there so that the nationalist forces in the State can make use of the power of the Governor against the anti-national elements. But the situation in Arunachal Pradesh is not such. The whole people in Arunachal Pradesh are nationalists, they have the nationalist feelings and also they are peaceful; they are also very cooperative with the Government of India. The special responsibility given to the Governor, as we have been discussing here, only gives a semblance of imposition of power from the Centre which hurts the people there without being of any practical use. Therefore, it will be in the wisdom of the Government of India to withdraw this because it is quite useless. As you have seen, in Nagaland,—from 1962 to 1986, it is now almost 25 years—during these 25 years it has not been used at all. Then how can we assume that this special power to the Governor will be necessary for Arunachal Pradesh? It is useless. Even though I would not like to call it 'Draconian', I would say that it is unnecessary from the practical point of view.

Secondly, I would like to refer to the special protection clause, protection of land and social customs of the area. This is very necessary for an area like Arunachal Pradesh because, as you know, it has a long history. Why has this been given to Mizoram and Nagaland? It is not something just given as some sort of a present. It has a historical background. As you know, the north-east area was first termed as a 'backward tract' in 1765 when the British East India Company was established. In 1870 it was again termed as a 'backward tract' with separate legislation. In 1874 it was termed as a 'Scheduled District' under the Scheduled Districts Act. In the 1919 Government of India Act, it was termed as a 'frontier tract' having a separate legal system. In the 1935 Government of India Act, on the recommendation of the Simon Commission of 1930, it was termed as 'excluded area'. So, it has a long history of separate treatment. The late Prime Minister of India, Pandit Nehru referred to the special attachment of the tribal people to their land. So, special protection was necessary.

[Prof. Meijinlung Kamson]

I would like to refer to the reference made by our Home Minister a few moments ago about Smt. Indira Gandhi's desire for protection of the customary and traditional values of the area. The SC and ST Commission Report also says that all the troubles which have been happening in SC and ST areas relate to the land disputes in a major percentage. A majority of cases relates to land disputes. From this background we should say that the protection of land, customary laws and social customs should be there as it is given to Mizoram and Nagaland. Therefore, Arunachal Pradesh also requires this.

I must request the Home Minister that instead of any amendments moved by the individual's side, some amendments should be brought from his own side, so that this protection clause be given to Arunachal Pradesh and the special power of the Governor be removed, so that a good impression is created there.

The third point which has taken very much importance is the number of seats for the Assembly of Arunachal Pradesh. Nagaland has less population and smaller area, but they have got 60 seats. So, why Arunachal Pradesh also should not have 60 seats? We must have parity and equality of standard under the same Constitution. On account of this fact, I should say that at least 60 seats should be given to Arunachal Pradesh.

With these words I support the Bill and I hope that the Home Minister will move amendments from his own side without waiting for the individual members to move for making amendments to these three provisions.

SHRI INDRAJIT GUPTA (Basirhat) :
Mr. Chairman Sir : On behalf of my party, I extend a warm fraternal welcome to the people of Arunachal Pradesh on this occasion of their being conferred full Statehood and thereby taking their rightful place in the family of peoples who make up the Indian Union. It is good that the Government of India has taken this step.

Having said this, I regret to say that I cannot extend my support to the constitutional amendment Bill which in my opinion takes away a great deal of grace from the gesture which the Government has made and will leave, I am afraid, a bad taste in the mouth.

Many Members have already spoken, I don't want to dilate on this. But the Home Minister has got to explain to the House and the country in general as to why these discriminatory provisions have been brought in here. For what reason this has been brought? It is not enough to say that this is a sensitive area. Which of the border areas is not sensitive today, please explain to me. Which of the border States, particularly in the north-eastern region—I am not referring to the Jammu and Kashmir at the moment, though I am sure it is no less sensitive from the point of view of the security of the country—can be described as not being sensitive and crucial for our strategy of guarding our borders? So, why only in the case of Arunachal Pradesh these special powers are being given to the Governor? It cannot be questioned under any circumstances! He is free to do what he likes on any matters which he considers to be connected with law and order.

For example, I have received—many Members must have also received—a sort of Memorandum which is being submitted to the Prime Minister on behalf of the Arunachal Pradesh Students' Union. In the course of that they stated in one place that recently the students wanted to organise a protest rally against the Chinese intrusion. But that was banned by the Government of Arunachal Pradesh. Actually there is a confusion here because the question of Chinese intrusion is not a question of law and order at all. Problems of law and order should be distinguished from problems which are directly concerned with the security or territorial integrity of the country as a whole. The border of Arunachal Pradesh is the border of India. It is not the border of a State only. If there is an intrusion by a foreign force into that territory well to deal with that, of course, Government of India has to take necessary steps but as far as ordinary law and order questions are concerned as so many members including members from that area have poin-

ted out there has never been a law and order problem here unlike what took place in Nagaland and Mizoram. In fact, in Nagaland also at the time of conferring Statehood, I think, in 1961 it was only because of the conditions which had been created in one part of Nagaland that this power was given to the Governor. I do not know whether those powers are still in force or not. But as regards Mizoram the bill of which we passed only the other day no such power was taken by the Governor. So why it is there in this case? Are we wanting to teach a lesson to our people especially tribal people on the border that unless you go in for insurgency and armed rebellion against the Centre you are not going to get full rights and Statehood? I do not understand this. You have to convince people of that area why this discrimination is being made. I am not in favour of some Governor sitting as a super-despot to decide at his own individual discretion what he will do or will not do.

There will be an elected Assembly. Don't you trust the people of Arunachal Pradesh? Don't you trust the Government that they will bring into power to look after the law and order problem? One should not give with one hand and behave in such a way that it takes away the grace of the whole thing with the other. So we are totally opposed to it. My party cannot support this Constitution (Fifty-fifth Amendment) Bill on the question of special powers to the Governor.

Sir, it has been pointed out quite correctly and I also looked up the figures that the Arunachal Pradesh area is five times more, as compared to Nagaland. Nagaland has sixty seats as provided under the Constitution. You have given 60 seats to Nagaland. In this case the future Assembly will have 40 seats but for the time being they must be content with 30 seats. What is the principle involved in this? We cannot understand. At least you must carry conviction to the people of Arunachal Pradesh otherwise you will be creating a dangerous situation which could be exploited in future by forces who want to create trouble.

This is a very ill-advised thing and I should say some bureaucrats, perhaps of the

Law Ministry, who drafted this Bill seems to be still suffering from some kind of old colonial mentality. We have finished with colonialism long ago but some people, unfortunately, suffer from some kind of colonial outlook towards these tribal people who are situated on the borders of our country. That is why somebody thought of this idea of the Governor sitting on the top of State Assembly. How will it help you? This is not the way to deal with Chinese intrusion. Is the Governor going to deal with Chinese intrusion? That is a different matter which Government of India has to deal with.

So, Sir, I would beg of the Minister. Of course, he will explain the whole thing but when you are doing something after so many years against the whole background which we know earlier in respect of Nagaland and Mizoram do not do things in this kind of halting, hesitant and reluctant way which creates a bad impression among the people of Arunachal Pradesh whom we are trying to benefit. Therefore, I would argue strongly against those special powers being given to the Governor.

13.00 hrs.

As regards the seats in the Assembly, I do not understand why a constitutional provision, which is there already, should not be applied in this case. In fact, here is a much bigger area than Nagaland—five times bigger—and many more constituencies will be required. There are many more tribals living here. Tribal people of different ethnic groups inhabit this area. They must all find proper representation in the Assembly, if that Assembly is to reflect properly the composition of the various tribes in Arunachal Pradesh. Instead of providing for that, you are moving in the opposite direction and trying to truncate the size of the Assembly and the representation which will be there. So, why is this being done? I think, this is not a correct step which is being taken at all and, therefore, I cannot support these provisions.

13.01 hrs

[MR. SPEAKER *in the Chair*]

Finally, I would say that a very important point has been raised by many Members about what we have provided in the

[Shri Indrajit Gupta]

Bill on Mizoram. In fact, I remember many of those points were adopted to here and the Minister explained them. A general protection clause was inserted which assured those tribal people that their various customs and usages, their rights regarding land, ownership of land, holding of land their local customs and so many other things would be protected. Here why is it that such a clause should not be included in this case? I don't understand that. We do not want tribal people's land to be alienated from them or other customs and things. They feel that their customs are not being respected. If it could be done in the case of people of Mizoram, why not in the case of people of Arunachal who are also tribal people? They have got centuries old customs and things which you may not agree with. All of them we may not agree with. But you cannot ride roughshod over these things if you want to assimilate all these people really into our common family of Indian people. Therefore, I do not know why this has been left out.

As far as development is concerned, it is for the Central Government mainly because the State Government will not have resources—I am quite sure. The Central Government must pay special attention for allotting adequate resources. There are so many other things done here. As Prof. Ranga himself has pointed out, it is a place which has no communications at all. You will have to provide for subsidised food and subsidised distribution of food and transport. Freight rates will have to be subsidised; roads will have to be built. There is also the whole question of intensive development of agriculture, horticulture, poultry farming, animal husbandry and so many other things.

Then, Sir, there are certain mineral resources available in Arunachal Pradesh on the basis of which studies have to be made. They have to be helped to develop certain industries—small scale industries perhaps—extensive electrification, irrigation. All these things will be required. In addition to roads, ropeway communications will be required. Without that, we cannot even open up this area.

Therefore, I would say that the lacuna in the Bill—I am talking not of the Constitution (Amendment) Bill but the other Bill—centres round the question of the Assembly. An Assembly is going to be set up. There should be a provision for early elections. There is no provision as to when the elections are going to be held. The election should be held (and why not?) as soon as possible. The total number of seats should be what is prescribed in the Constitution, that is, not less than 60 which has been given in the case of other States. Why not in the case of Arunachal Pradesh?

Sir, I would remind the House that during the 1962 events when the Chinese forces had come right down through Arunachal almost to the border of Assam, a large part of Arunachal had been penetrated. We did not get any such reports of people of Arunachal siding with the Chinese forces, nor do we subsequently get any reports of their having developed some kind of affinity with the Chinese and to consider themselves to be less Indians than to be with them. They have never done that. At that time also, they had resisted and now they want to resist. I have told you about the demonstrations which they wanted to take out protesting against the Chinese intrusion. It has been banned. Permission was, of course, not given by the present State Government of Arunachal Pradesh. We have no grounds on which we can, in any way, mistrust these people or doubt them or suspect their bonafides, their nationalism or their patriotism, and, therefore, I would say that it is very wrong to come forward with such a provision which will make them feel humiliated. I was not going to say 'humiliated', but Prof. Swell has used that word, because he belongs to that tribal family and he says that they would feel a sense of humiliation, or being discriminated against; because of what is already there in Mizoram, Nagaland and other places.

I am sorry, we cannot support this Constitutional Amendment Bill; it has nothing to do with the creation of a new State. The new statehood will be welcome fully, but to this question of putting on the top, the head of that State, this kind of special Governor with special powers, we are totally opposed.

As far as the forming of the statehood is concerned, once again, on behalf of my

**61 Const. (55th Amdt.) Bill AGRAHAYANA 17, 1908 (SAKA) Const. (55th Amdt.) Bill 62
and State of Arunachal Pradesh Bill**

party, I warmly welcome it and we wish the people of Arunachal well and hope that they will become really prosperous and a strong unit of the Indian union.

THE PRIME MINISTER (SHRI RAJIV GANDHI) : Mr. Speaker, Sir, today is indeed a great day Arunachal Pradesh and I would like first to congratulate all the residents of Arunachal Pradesh.

Arunachal Pradesh is a very beautiful and lush part of our country with a great peace-loving people, a people who have stood strongly with the rest of India at the most difficult times. They have, for a long time, been cherishing their political aspirations for full statehood and today we pass a Bill to give them their status.

There can be no question of mistrusting or not trusting the people of Arunachal Pradesh. As I said, the people of Arunachal Pradesh have stood and demonstrated very strongly their adherence to our national integrity and our unity.

When a Union Territory such as Arunachal Pradesh changes over from being a Union Territory to a State, perhaps the most important aspect is the preservation of their independent cultural identities, independent not just as Arunachal Pradesh as one unit, but within Arunachal Pradesh the numerous different tribal identities that are there, their numerous cultures, the numerous customs that are there, must be preserved. And I hope, that the new Government, the State Government will take steps to see that there is no encroachment on these traditional areas. Simultaneously, we must see that the customary law that prevails is protected. I just heard an Hon. Member speaking of a fear that this will not be there, but I have no doubt that the provisions already exist under the Constitution to give full protection to these customary laws and customary rights and we have been into this detail, if I remember correctly....

SHRI INDRAJIT GUPTA : Specific provision was, therefore, made in the Mizoram Bill, why not here ?

SHRI RAJIV GANDHI : We made the specific provision in Mizoram only because

Mizoram wanted it in the Accord. We have checked it up, there is nothing that is given in those special provisions that is not available otherwise under our Constitution. The special right for customary law is available for tribals and I have no doubt that it will be available to Arunachal Pradesh and if there is any doubt, I will not hesitate to give that protection.

Arunachal Pradesh has developed from what was originally unadministered areas to the North-East Frontier Agency, to Union Territory and now to a State. The people have slowly developed and gained experience and I feel that they are fully ready to take over this new task of looking after their own development and destinies. I have no doubt that this major step for Arunachal will be one more step in the advance of the integration of our nation into a more cohesive and more united entity. The far-flung areas must be brought into the mainstream; Arunachal comes into the mainstream of India today.

Let me once more greet the people of Arunachal on this historic occasion. I hope that the fulfilment of their political aspirations will enable them to purposefully develop culturally, develop economically and develop as one integrated part of India. Thank you very much.

SHRI INDRAJIT GUPTA : Will you throw light on this question of special powers being given to the Governor ? Why is it necessary ?

SHRI RAJIV GANDHI : If the Hon. Member is really interested, I will ask the Law Minister to call him over to interpret it.

We discussed this at great length on the floor of the House earlier. Hon. Members argued about the legal technicalities and when we talked with them, it was patently clear that what we were saying was correct. There was no technicality involved. Again, I would not like to reduce the level of the debate to technicalities. I would not like to do it. Instead of wasting the time of the House, the Hon. Members are most welcome to come to the Law Minister; he will discuss the technicalities. They can come to the Home Minister and discuss the technicalities.

[Shri Rajiv Gandhi]

If they are really interested, instead of just talking in the House, I would request them to come and talk. Because, I have seen on past occasions that they make a statement in the House, but when it comes to actually going and talking about it and getting into depth, then suddenly everybody disappears. Nobody is willing to take a positive stand on the issues. I would welcome it.

SHRI INDRAJIT GUPTA : Mr. Prime Minister, do you consider this investing the Governor with special powers over the State Assembly to be a technicality ?

SHRI RAJIV GANDHI : Sorry. I did not talk about the special powers. I talked about the customary laws. The Governor has the same special powers as are available in Nagaland. If you listened to what I have said, this is what I have said very specifically about cultural identity and customary laws: The Governor in Nagaland has similar powers. They have not been used. I have no doubt that the Governor in Arunachal will not use these powers.

SHRI BASUDEB ACHARIA (Bankura): Then, why should there be this clause about special powers ?

SHRI RAJIV GANDHI : We have kept the powers because this is a very sensitive area. We have a major border question in that area, unlike any other part of the country, where we do not have a border question of that magnitude. We have felt that it is necessary in this transition phase for the Governor to have certain powers. Like I have said, we have not used these powers in Nagaland and I do not envisage the Governor using these powers at all. But if the Hon. Members have a true feeling for national integrity and unity of this nation, they would not request us to weaken the provision in a very sensitive border area at this critical stage in the border areas.

13.15 hrs.

**STATEMENT RE : INCIDENTS THAT
TOOK PLACE IN DELHI ON 5TH
DECEMBER, 1986**

[English]

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : Guru Teg Bahadur martyrdom day is traditionally observed by taking out a procession from Gurdwara Sis Ganj to Gurudwara Rakabganj. Since tension prevailed in the Chandni Chowk after the incidents of 2nd December, 1986, the organisers of the procession in their discussions with the Delhi Administration on the night of 4th December, 1986 agreed not to take out any procession from Gurdwara Sisganj. Consequently curfew was also imposed in the Chandni Chowk area from 7.00 A.M. on 5th December, 1986. However, later in the morning of 5th December the organisers insisted on taking out the procession and the Delhi Administration keeping in view the religious sentiments agreed to allow a symbolic procession for which an alternate route was worked out by the Delhi Police in consultation with the organisers.

2. When the procession started forming at about noon, a large number of people started collecting from all sides of Chandni Chowk and indulged in heavy brickbattling and stone throwing. The Police, however, managed to disperse the violent mob. In the process of dispersing the crowd and providing clear passage to the processionist, Police had to first resort to lathi charge at 3 places and later 13 rounds were fired as warning shots.

3. At about 2.25 P.M. when the procession was fully formed and was about to move towards Red Fort, a crowd again started forming. The Police arrangements enabled the procession to move without hindrance.

4. Meanwhile, a few hundred persons collected inside the Gurdwara Bangla Sahib for taking out the martyrdom procession. The Police persuaded them to take out the procession from Bangla Sahib to Gurdwara Rakab Ganj which is a short distance, without waiting for the main procession from

Gurdwara Sis Ganj as the progress of the main procession was very slow. When the procession reached near Goldakhana at about 3.00 P.M., two persons on a motor-cycle are reported to have told the processionists that two Sikhs had been killed in Police firing near the Red Fort. This inflamed the processionists and they ran back to the Gurdwara Bangla Sahib and started pelting stones on the vehicles passing by. The Police used tear gas and the situation was brought under control.

5. At about 3.15 P.M., a truck driven by a young man came out of the Gurdwara and ploughed into a CRPF picket, which was stationed on the outer ring of the roundabout. Three CRPF personnel and one occupant of the vehicle were killed in this incident. The situation again took an ugly turn and the Police had to use tear-gas and resort to firing. Two more persons were killed bringing the total number to six. Twentyeight persons, including 18 police officials, were injured. One Sub-Inspector received gun shot injuries.

6. The procession from Bangla Sahib Gurdwara was safely escorted to the Gurdwara Rakabganj where it terminated at about 6.00 P.M.

7. A Magisterial inquiry into the incidents of violence around Gurdwara Bangla Sahib has been ordered by the Lt. Governor, Delhi. The inquiry will determine the facts including the sequence of events leading to the incidents of violence resulting in the death and injuries to police personnel and others and will also fix responsibility for the incidents. Three cases of rioting and one case of murder have already been registered in connection with the above incidents. 61 persons were arrested in these 4 cases on the same day.

8. Curfew which was imposed in the Chandni Chowk area on the morning of 5th December, 1986 was relaxed for two hours on 6th and five hours on 7th December, 1986. Curfew was also clamped around Gurdwara Bangla Sahib on the evening of 5th and around Gurdwara Rakab Ganj on the night of 5/6th December, 1986. Curfew has now been withdrawn from all the areas.

9. The situation is still tense but is fully under control. The Police is intensively patrolling the city and maintaining very strict vigil. The Army was positioned in sensitive areas of West and East Delhi as a stand-by measures on 6th and 7th, but it has since been withdrawn.

10. I would like to take this opportunity to express my thanks and appreciation for the co-operation and restraint shown by all sections of the society. Because of this, the Delhi Administration was able to contain the situation and to bring it quickly under control. I am confident that this active support will always be forthcoming in order to maintain peace and tranquility in the capital and I would also appeal to the Hon'ble Members of this august House for their continued support in this direction.

11. It is a matter of deep regret that three brave men of CRPF were killed while performing their duties. It is also regretted that three more lives were lost in the incidents of 5th December, 1986. The House would, I am sure, like to join me in extending our deepest sympathies to the families of those who died in the unfortunate incidents.

[English]

MR. SPEAKER : Now we will adjourn for lunch and will reassemble at 14.20 hrs.

13 19 hrs.

The Lok Sabha then adjourned for lunch till twenty minutes past Fourteen of the Clock.

The Lok Sabha reassembled, after lunch, at Twenty Four minutes past Fourteen of the Clock.

[SHRI SHARAD DIGHE : *in the Chair*]

SHRI THAMPAN THOMAS (Mavelikara) : Sir, there was a statement made by the Home Minister, and we would like to have some clarifications, and also a discussion on these points,

MR. CHAIRMAN : Not now. We are now discussing the Constitution (Amendment) Bill.

SHRI THAMPAN THOMAS : I have a paper with me, Sir. I want to furnish certain information. This is a paper which has come up with a photograph....

MR. CHAIRMAN : Not at this stage...

SHRI THAMPAN THOMAS : This paper shows a photograph about the incident. Just prior to that, a lorry was dashing against the Jawans. If the Police had the intelligence to shoot down....I mean to burst the tyres, this would not have happened. That is the first thing. So. I would like to get the clarification from the Home Minister on this subject.

One more thing I would like to submit, Sir, about compensation. What compensation has been paid to people who died ?

14.25 hrs.

CONSTITUTION (FIFTY-FIFTH AMENDMENT) BILL, 1986
AND
STATE OF ARUNACHAL PRADESH BILL, 1986

—Contd.

[English]

MR. CHAIRMAN : Mr. Tombi Singh.

SHRI N. TOMBI SINGH (Inner Manipur) : I consider it really a privilege on the Floor of this House to support and welcome the two Bills with regard to Arunachal Pradesh. This after passing the two Bills, will be completing a glorious process of organising the north eastern area comprising the States of Assam, Nagaland, Arunachal Pradesh, Manipur, Meghalaya, Mizoram and Tripura. They are popularly known as seven sisters. Arunachal had deserved this status much long ago when I recollect my participation in the debate when in 1971. 15 years ago in the month of December the North Eastern Area Reorganisation Bill was passed I had remarked emphatically that Arunachal Pradesh and Mizoram also should become States like the rest of the neighbours, I can quite appreciate the

wisdom of the Government of India for having waited to give time to a very important unit of the north eastern region. When Mizoram Bill was passed some time back, a few months back, I had also the privilege to make this observation that Arunachal Pradesh should not be left behind. It was already time that Arunachal Pradesh should have a status. Similarly, I had also observed that Goa, with all its economic possession and justification, should also come—sooner the better—to north eastern area after the completion of this reorganisation.

Now I would like to make an appeal to the Government of India, to the Home Minister that the wisdom, the idea which caught imagination and foresight of Pandit Jawahar Lal Nehru in the early 60s when Nagaland was made State followed by the reorganisation of the north eastern area in 1979, then Mizoram and now Arunachal, the emphasis should now be on the economic reconstruction and economic development of this area.

Mention has been made of the viability of the small units, political fulfilment, fulfilment of the desire and the aspirations of these people, small units which have been separated, which have to remain separate from each other in order to preserve their identity that is there.

Now the second emphasis which has to come from the government's initiative is that this area has to be given the necessary economic consideration. Now many of these States are far flung; they are very remote from Delhi; and these States like our Mizoram, Manipur, Nagaland, Meghalaya and Arunachal Pradesh are hilly States. So, naturally, big industries cannot be established over there. But what should be attempted is that small industries small projects should be established there where people can be profitable engaged to make themselves self-sufficient, self-existent. As far as Arunachal Pradesh is concerned, I would like to observe that this is a State with big area and very scanty population. It has got rich natural resources; naturally, this can be developed as one of the richest States of the country. Taking into consideration this aspect, one has to see the working of the North Eastern Council which has been

assigned a very important work of coordinating the development of the small States in the north eastern area. In this respect, I would like to suggest that the North Eastern Council is doing a good work. But then it should be made to work better and more effective by organising units in the State Capitals. We have seven State Capitals and Shillong occupies a very important position and also the other States. But Shillong in a way is far away from many of the State Capitals, for instance, Agartala, Aizawl, Itanagar, Imphal and Nagaland for that matter. I do not propose that the headquarters of the North Eastern Council should be shifted from Shillong, but I only propose that in order to develop these small States—particularly Mizoram, State like Arunachal Pradesh which have come up just in the process of the State, it should have units which can look after the development of these small States with more or less their own equipment, with their administration efficiently. Now, what happens is that everybody has to go Shillong which is in a way much far away than Delhi. For instance for postal delivery, from Shillong there is a class of mail known as second mail despatch, message, decision conveyed from the North Eastern Council to far flung places like Agartala, Aizawl, Itanagar, which takes as many as 15 days to 20 days. This means that the North Eastern Council has to be made much closer and that it should be provided with better communications, not only by way of roads but also by way of telephone, telegrams and postal facilities. Of course, railway facilities in between these seven States are not adequate. Therefore, I would like to suggest in this context to the Home Minister that the North Eastern Council should coordinate the development of these States; more fund should also be given; also more staff and more expertise should be provided so that they can distribute their staff and fund among each of the State Capitals by opening small units.

Now the Guwahati High Court is taking care of all the States. Now Arunachal Pradesh Bill has incorporated that the Guwahati High Court will be incharge, will be taking care of the legal and judicial requirements of the seven States. There are so many cases pending before the High Court in respect of certain States. There

are some States which are not as litigants as their neighbours. But States like Tripura, Manipur—I have no particular information about Arunachal Pradesh—Mizoram may be also more or less on the same footing. I am better informed about Tripura and Manipur. I would like to observe that the Guwahati High Court is not at all sufficient now to take care of the judicial requirements of the seven States. So, to this end, either government opens or establishes separate High Courts for States which may not be possible at the moment so quickly in which case the alternative I would suggest to the Government of India is that these States should have permanent benches, not a single bench, permanent bench with more than one member so that they can on their own—they should be permanent also—take cases and decide them so that people from Itanagar, from Tripura, Aizawl, Manipur and Nagaland do not have to come to Guwahati for these cases because the expenses are very prohibitive and at the same time people do not get easy and quick remedy of these things.

The Government of India has a special responsibility for the establishment of harmonious relations among these sisters, so called seven sisters. So far we have seen that there is lack of understanding, lack of communication, lack of much needed harmony among the States. And this stands in the way of coordinated development of the States. If you have an aerial view, they look very close to each other apparently. But each member-state has got its own aspirations, so much so that some member states dream expanding their areas such as Greater Mizoram, Greater Nagaland and like that. The result is that it puts obstacles in the development those areas and also spoils the much needed neighbourly harmonious relations among States. There is also a constant tendency on the part of police organisations and law and order agencies of the neighbouring States to work towards that end. This way, much needed money and energy is wasted. I think, the Hon. Home Minister's knowledge and information of the problems and the requirements of the north-eastern areas is perfect. I would suggest to him that by utilising all this information and experience, he should strengthen the hands of the North Eastern Regional Council on the one hand, and on

[Shri N. Tombi Singh]

the other, open more permanent benches of the High Court and also see that there is better coordination and much needed harmonious relationship among the States so that there is proper development of the area, and this development is not hampered.

I would like to congratulate the people of Arunachal Pradesh on this glorious day. I wish them all prosperity and best of relationship in future among the States.

SHRI THAMPAN THOMAS (Mavelikara) : I am on a point of order. Before lunch, the Hon. Home Minister was making a statement with regard to the law and order situation on the 5th in this city. We wanted certain clarifications. And we wanted to have a discussion on that. I have a very valid point which is to be raised, and that is, the two jawans who died, belonged to my State. I would like to know whether any compensation has been paid to them ..
(Interruptions).

MR. CHAIRMAN : No discussion on this. That is over now. There is no point of order. After the statement there is no question of clarification. Shri Sunder Rajan.

SHRI THAMPAN THOMAS : This is not fair. In Rajya Sabha, the Hon. Minister has agreed to give clarifications. We are also entitled to have it. Something is being hidden from the Members.

MR. CHAIRMAN : Nothing goes on record. I have not allowed you. I have not allowed anybody. Nothing will go on record.

(Interruptions)**

MR. CHAIRMAN : There is no discussion here on the statement made by the Home Minister.

**THE MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY
AFFAIRS (SHRIMATI SHIELA DIKSHIT)** :
There is a discussion going on on the Consti-

** Not recorded.

tution (Amdt.) Bill for grant of statehood to Arunachal Pradesh. There is no precedent which says that you must discuss that statement right now. I would request you to kindly keep quiet right now. Let us go through the discussion on the Constitution (Amendment) Bill and thereafter we will see what he can do.

(Interruptions)

MR. CHAIRMAN : It is all right. That is sufficient. You may discuss with the Minister thereafter please...

(Interruptions)**

MR. CHAIRMAN : At the moment, there is no discussion please...

(Interruptions)**

MR. CHAIRMAN : We are discussing the Constitution Amendment Bill. Mr. Soundararajan...

(Interruptions)**

SHRI SAIFUDDIN CHOWDHARY (Katwa) : We want a word of assurance that there would be a discussion...(Interruptions)

MR. CHAIRMAN : That is for you. I do not say anything ..

(Interruptions)**

MR. CHAIRMAN : Yes, Mr. Soundararajan, you go on please...

(Interruptions)**

MR. CHAIRMAN : Nothing goes on record now...

(Interruptions)**

SHRI N. SOUNDARARAJAN (Sivakasi) : Sir, on behalf of my party AIDMK and our leader Shri M. G. Ramachandran, I wholeheartedly support this Bill which provides for Statehood to the Union Territory of Arunachal Pradesh. Really speaking, it is an historic event for the people of Arunachal Pradesh. I also congratulate the Central Government for bringing this piece of legislation which is a

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long-standing demand of the people of Arunachal Pradesh. The people of Arunachal Pradesh have a distinct cultural and religious identities as also their own customary laws. Keeping this in view, the Central Government has come forward with this piece of legislation which will help the people of Arunachal Pradesh to preserve their cultural and religious identity and also their customary laws. I also request the Central Government to provide all possible help to the people of Arunachal Pradesh for their development as it is a sensitive area. In this piece of legislation, the law and order power is vested with the Governor, which is an unknown thing to the States. So, I request the Central Government to reconsider placing the law and order power in the hands of the Governor. No time limit for vesting in the Governor the law and order power has also been mentioned in the Bill. I request the Central Government to prescribe the time limit for the Governor to handle the law and order situation. With these words, I thank you very much for giving me this opportunity to speak.

[Translation]

*SHRI P. SHANMUGAM (Pondicherry) : Mr. Chairman, Sir, I am thankful to you for giving me an opportunity to take part in this debate on the Constitution Amendment Bill providing for the establishment of the State of Arunachal Pradesh as the 24th State in the country. I welcome this Bill.

Sir, in this context, I would like to draw the attention of the Hon. Minister, Shri Buta Singh, that there are other Union Territories under the administration of the Centre. There are Union Territories like Pondicherry, Goa, Diu and Daman, etc. which have not been considered for statehood. I may point out that the people of my Constituency, that is, Pondicherry, have been demanding since long that Pondicherry should be given the statehood. Pondicherry Assembly has also been requesting the Centre to declare Pondicherry as a State. Sir, it is a genuine demand because Pondicherry has its distinct culture, customs and heritage. It has a distinct identity. In the freedom

movement, great freedom fighters like 'Mahan Arivind', the great Tamil Poet, Subramanya Bharatiar; and Subramanya Siva took asylum in Pondicherry. Many other freedom fighters also took shelter in Pondicherry during freedom movement. These freedom fighters worked for the cause of India's independence from Pondicherry.

In this connection, I may bring to the notice of the Hon. Home Minister, Shri Buta Singh, that Pandit Jawaharlal Nehru had paid special attention to the Union Territory of Pondicherry and also to the people of Pondicherry for maintaining its distinct identity, culture and heritage. Panditji helped for smooth transfer of Pondicherry which was under the French rule for 250 years and accession of the same to the Indian Union. Since Pondicherry became independent and its accession to the Indian Union, Pondicherry has been marching ahead in industrial, educational and cultural and scientific fields. Sir, it is but proper for the Centre to consider fulfilling the wishes of the people of Pondicherry by giving statehood to Pondicherry. Our beloved late Prime Minister, Shrimati Indira Gandhi had also special interest in the people of Pondicherry.

Sir, I am the only Member of this august House representing the people of the Union Territory, Pondicherry. Therefore, Sir, on behalf of the people of Pondicherry, I would request the Hon. Prime Minister, Shri Rajiv Gandhi, kindly to consider giving immediately full statehood to Pondicherry.

[English]

SHRI DINESH GOSWAMI (Guwahati) : On behalf of the people of Assam, its Government and on behalf of my party, I congratulate the people of Arunachal for attaining on this day their Statehood a new status of State and to that extent I welcome the provisions of the Bill. The State of Arunachal Pradesh Bill 1986. But as has been mentioned by a number of speakers, I feel what has been achieved, has been diluted to a great extent by some of the provisions.

I feel there are four objectionable features both to the Constitution Amendment Bill as well as the State of Arunachal

*The Speech was originally delivered in Tamil.

[Shri Dinesh Goswami]

Pradesh Bill. All these have been mentioned before and so I very briefly recapitulate the same. I believe there is no ground whatsoever as to why the State of Arunachal has been denied minimum number 60 in the Assembly which is guaranteed under Article 170 of the Constitution. I do concede that there may be situations where the number may be less than the number mentioned in Article 170. In fact in Mizoram we have a legislature with less than what has been mentioned in Article 170. But Mizo people themselves wanted that their Assembly should be constitute of less than sixty members. In fact, of many States the number was less than what is mentioned in Article 170, it was stated in the amendment that notwithstanding what is contained in the Constitution or notwithstanding what is contained in Article 170 of the Constitution, the number should be less. Even that drafting care has not been taken so far as this Draft is concerned. But what is more objectionable is that if we look to the topography of the Arunachal and geography, there may be no reason why Arunachal should not get 60. In fact it should be more.

The geographical territory of Assam is 78438 sq. kms. We have in Assam 114 Members in the Assembly. So far as Arunachal is concerned, it is even larger in term of territory than Assam having 83743 sq. km. I made a comparative study and I found that so far as Assam is concerned it will send representative to the Assembly for 602 sq. kms., Manipur will send one representative as against 373 sq. kms. Meghalaya will send one representative as against 373 sq. kms., Nagaland will send one representative as against 276 sq. kms. and Arunachal Pradesh will send one representative as against 2187 sq. kms. This is something which I do not understand. If Nagaland, Meghalaya and Manipur situated almost in similar position of Arunachal and are in some respect in a better position can send one representative as against a sq. km. of 276 or 373, then I do not understand why Arunachal should be given this onerous responsibility of sending one representative as against 2187 sq. kms. In the Bill, in Statement of Objects, I do not find any ground whatsoever mentioned as to why the number of the legislators, Arunachal Pradesh, has

not been made 60 which is the minimum number contemplated under the Constitution.

My second objection is that though we have given Statehood to Arunachal, the present strength of the Arunachal Legislature will be 30 because the existing arrangements will continue. The 40-Member Arunachal Assembly will not come into being for another 4 years because under the provisions of this Bill, the State of Arunachal Pradesh Bill 1986, under clause 6(2) the term of office of such sitting Members shall remain unaltered if I am not wrong, there are still four years left for these sitting Members to complete therefore, though on the one hand we are saying that there will be an Assembly of Arunachal with 40 Members which, according to us, irrespective of party affiliation, appears to be an unjustified number, for the next four years Arunachal in fact will have an Assembly of only 30 Members and not 40.

SHRI C. MADHAV REDDI
(Adilabad) : Because of vacancies.

SHRI DINESH GOSWAMI : Not vacancies, but by law. If you have given the status of a State to Arunachal Pradesh, it is in the fitness of things that the people of Arunachal Pradesh should be given the right to choose their own representatives to the State Assemblies in fact, Sir, I went through the earlier North-Eastern States Reorganisation Bill of 1971 when the State of Meghalaya and other States were created and I found that the then provision was that immediately after this Act came into being, there would be new Assembly elections, delimitation and so on and so forth and the people will be given the right to choose their own Assembly and a new state will come into being. I do not think, under the present set up the people of Arunachal will feel that they have got something new. In fact the feeling may go that what they have got is a glorified Union Territory. I am strongly opposed again, Sir, to the Constitution Amendment by which the special power is given to the Governor of Arunachal Pradesh firstly, to take in his own discretion any step for law and order and secondly what is more important, whether this matter comes within the purview of the law and order or not, it is his discretion that is final and cannot be

questioned. I am aware that in Nagaland a similar provision is there because of the insurgency in the Naga hills area. But the situation is not similar to that of Nagaland in Arunachal. The people of Arunachal are fiercely independent people and let us not forget, they did not allow even the British people to dominate their territory with the result that the Britishers had to somehow maintain a token dominance in that region and allow those people to rule themselves. There is no insurgency in this region. This region has been subjected to foreign aggression and in fact, in 1962 we had virtually to give up this region because our Army had to withdraw, but the people have stood loyal to this country. Why not we trust the people of Arunachal? If we cannot trust the people of Arunachal, then they would not maintain the unity and integrity of this country. Should we trust the bureaucrats who have no knowledge whatsoever of this region? And therefore, I have a fundamental objection to this provision and I feel this should be deleted.

My third objection is that the Hon. Prime Minister has said that so far as the special provisions for protecting the tribals and their customary laws and all that are concerned, well, that was not necessary because the existing constitutional provisions take care of it. But according to the Constitution the Mizoram people or Laldenga wanted it, the Government decided to provide that in the Act itself. But let us point out, if I am not wrong, that the people of Arunachal also have demanded that this special provision should be there in the Act itself. If you have given it to the people of Mizoram because they so demanded, why are you denying the same to the people of Arunachal and have left certain scope of judicial interpretation? I further submit, Sir, that I do not agree that it is necessary, it is not because earlier also the Constitution provided that in the case of Nagaland in Article 371A the special provision is only some sort of an additional provision or a provision of abundant caution that I believe that this provision is necessary. This is particularly necessary for the fourth aspect and that is, ownership and transfer of land and its resources.

“Unless a special provision is made, no Act of Parliament in respect of

ownership, and transfer of land will apply to the State unless the State by a resolution so decides.”

My submission will be that this will be applicable. And that is why, the Meghalaya State had to frame a law and the law had to be sent to the President. Mr. Swell knows better whether the law has received the assent of the President or not. I think, it waited for the assent of the President for a long time. I do not know whether the law has received the assent or not.

MR. CHAIRMAN : Hon. Member's time is up.

SHRI DINESH GOSWAMI : Now that you have rung the bell, I would not like to take much of your time. But I believe whatever has been given to the people of Arunachal has been diluted to a great extent for 4 reasons: Firstly, for not giving them the Assembly of at least a minimum number of 60 members; for giving over-riding powers to the Governor with no justification whatsoever; for not providing in the Bill itself the protection which has been guaranteed under article 371 A to Nagaland and also to Mizoram under the Mizoram Act; and also for not providing the provisions that the Assembly elections should take place immediately so that the people of Arunachal should elect their own representatives and they can feel that, Yes, we have achieved a new status. I believe, Sir, because of these provisions are not there, politically we are leaving much scope to turmoil in Arunachal. If the four provisions could have been taken note of, I think, the position in Arunachal would have been much better. I know that not providing these provisions in the Arunachal State Bill or the Constitution (Amendment) Bill, it is going to create a lot of uncertainty and difficulty in Arunachal Pradesh.

But even then, when the people of Arunachal are going to have a State in spite of all these limitations, we have decided to support the State of Arunachal Pradesh Bill, 1986.

[Translation]

SHRI MANORANJAN BHAKTA
(Andaman and Nicobar Islands) : Mr.

[Shri Manoranjan Bhakta]

Chairman, Sir, I want to congratulate the Hon. Prime Minister and the Hon. Home Minister for bringing this Constitution (Amendment) Bill. Along with it, I would congratulate the people of Arunachal Pradesh on behalf of the people of Andaman and Nicobar Islands for the fulfilment of their long overdue hopes and aspirations through this Bill under discussion in the House. *(Interruptions)*

Sir, two or three points have been specifically emphasised during the discussion on the Bill. First, the special powers vested with the Governor is an expression of mistrust about the people of Arunachal. Shri Indrajit Gupta had raised this point while speaking on this Constitution (Amendment) Bill.

The second point was raised by Hon. Shri G. G. Swell when he said that the Bill does not provide for the protection of the customs, traditions, the way of life and so on of the tribals.

Thirdly, the Vidhan Sabha of Arunachal Pradesh ought to be composed of 60 members, but in this amending bill it is proposed that the State Assembly would consist of 40 members only.

With the exception of these three issues, the whole House has supported the rest of the Bill. So far as the first point is concerned, the Hon. Prime Minister had clarified that the Governor of Nagaland had not made use of his special powers to date, and it is hoped that the Governor of Arunachal Pradesh will also not need to make use of his special powers. Hence, what can be more assuring to the people of Arunachal Pradesh?

15.00 hrs.

In regard to their customary laws and rights regarding land, the Hon. Prime Minister has stated that protection of all such matters is provided for in the Constitution, yet if the Members are still not satisfied then he is prepared to discuss the matter and take suitable action in that regard. This clinches the matter. The next point concerns

the strength of the Vidhan Sabha which is only 40 members, whereas it should have been at least 60 members. I think it is absolutely correct. The population of Arunachal Pradesh according to the 1981 census is 6,30,000 which is more than that of Mizoram. Its total area is 84 thousand sq. kms, with varying terrain. There are a number of areas which are inaccessible where greater representation should be given to the people. In view of this situation, I hope the Hon. Home Minister will concede the demand and raise its strength to 60 members.

Mr. Chairman Sir, the Hon. Members represent their respective States, but they are not aware of the kind of treatment that the people belonging to the Union Territories are getting. The employees of the Central Government who are sent to the Union Territories harass and oppress the local people about which the Hon. Members are not aware. The bureaucracy behaves in a similar manner in the Andaman and Nicobar Islands and in other Union Territories. It is due to them that the 20 Point Programme and other programmes of the Government are not implemented properly. We do not have any powers and when we approach the officials they ignore us and in this manner we are unable to do the work which ought to be done for the poor people.

SHRI P. NAMGYAL (Ladakh): Mr. Chairman, Sir, I rise to support the Constitution (Fifty-fifth Amendment) Bill, being discussed in the House. I think that the State Government was not consulted while drafting the Bill. It is a tradition in our country that whenever Bills are drafted or rules are framed, the bureaucrats have their way. They never take into account the hardships being faced in the remote parts of the hill areas. I would like to touch the points raised by the Hon. Members from both the sides. The first point is regarding the powers of the Governor, the second is regarding the size of the House and the third deals with the cultural tradition and customs. There is near unanimity about the point that the powers which have been vested with the Governor should not have been given. I want to submit that the people living in the hill areas or the tribals are generally very simple. They can be exploited

very easily. Once they start having faith in something, it is difficult to shake their belief. As has been stated by the Hon. Minister, there has been no law and order problems in Arunachal Pradesh so far. I, therefore, think there was no need to make provision for special powers. However, as the Hon. Prime Minister has stated that these powers have been vested for some special reasons, I think there must be some substance in it.

Secondly, I want to submit that the strength of the State Assembly has been fixed at 40. Though the total area of Arunachal Pradesh is 78438 sq. kms. and that of Nagaland is 16579 sq. kms., yet Nagaland Assembly is composed of 60 Members and in Arunachal Pradesh the strength is only 40. Not everyone is aware of the problems of the hill area to the extent I know. My constituency covers an area of about one lakh sq. kms. which is as much as the total area of the present Arunachal Pradesh and Manipur. Though I have been elected from my constituency twice and this is my second term, yet I have not been able to reach even half of the villages in my constituency. I am telling you the truth. There are so many difficulties in the hill areas; at certain places roads have not been constructed, at others one has to walk on foot or ride a horse; as such population should not be taken as the sole determining factor. The area should also be taken into consideration. Hence, 40 is a very small member. You must think again in this regard. The number should at least be 60, so that the legislators can do justice with their voters.

I will give my own example. I have not been able to do justice even with half of the people of my constituency. I have presented a fact before you because there are indeed great difficulties in these areas. I would suggest that the Bill may now be passed in the present form, but you should give us an assurance that during the next session suitable amendments would be made to remove whatever shortcomings may be there. I welcome the step taken by the Hon. Prime Minister and the Hon. Home Minister for granting statehood to Arunachal Pradesh and I want to thank them for it.

The Hon. Prime Minister has rightly assured us that the various customs of the people of Arunachal Pradesh and their rights

regarding land can be given protection. I would cite the example of Jammu and Kashmir. It has been granted special status under Article 370. In Sikkim, the people were given the option of either approaching the law courts for the settlement of their disputes or settle it according to their own customary laws. One of our friends has just said that some people and students are demanding that Arunachal Pradesh should be granted special status like Jammu and Kashmir. I am opposed to it. I am opposed to it because I am a victim of Article 370. The minority is always victimised in those States which are granted special status. Assam and Sikkim were also demanding special status but it should not be granted. I belong to a State which has been given special status under Article 370. But neither we nor the tribals are getting the facilities due to them because of Article 370. Therefore, I am against it. With these few words, I support the Constitution (Amendment) Bill which seeks to grant statehood to Arunachal Pradesh. The Hon. Minister should assure us that the shortcomings would be removed.

[English]

SHRI CHINGWANG KONYAK (Nagaland): Mr. Chairman, Sir, conferring of Statehood to Arunachal Pradesh fulfils the genuine and legitimate aspirations of its people. I welcome the Bill. Many Members have already spoken. I would like to touch upon only three points.

The first is about the special power given to the Governor. The Prime Minister has already explained. Even then I would like to express my own view as to what was the position before the Governor was given that special power in respect of Nagaland. When Statehood was granted to Nagaland, at that time we had insurgency problem; there was a special law and order problem. But in Arunachal Pradesh, for the last so many years there has not been any insurgency problem. It has been one of the most peaceful areas. Why then should you unnecessarily hurt the sentiments of the people of Arunachal Pradesh by giving this special power to the Governor? Of course, the Prime Minister has said that not even on a single occasion has the Governor used this power in Nagaland. But putting it in this Bill amounts to giving the power to one individual person, namely, the Governor as

[Shri Chingwang Konyak]

against the collective wisdom of the Council of Ministers. When the Council of Ministers is there, why should the Governor be given this power? We believe in democracy, in collective wisdom. The Council of Ministers should be given this power.

Secondly, coming to protection of customary law, I think it is politically prudent, and socio-economically and culturally imperative that Constitutional safeguards are provided in this Bill to protect and preserve the tribal customary practice, religious, social and cultural traditions and regarding their lands and natural resources. And if protection is not given because of influx from outside and the tribal population will be outnumbered and then customs, traditions etc. will be eroded. So, on the same lines as given to my State of Nagaland and to Mizoram, for tribal customary practice, their traditions, religions, lands and natural resources a special provision must be provided.

Sir, many members have spoken about the number of seats. Nagaland has got 16,527sq. kms. of area and Nagaland has got 60 seats. Whereas Arunachal Pradesh which is the largest area in the whole of north eastern region is now getting only 40 seats.

I come from a hilly area, I know the practical difficulties, 40 seats is too small for an area like Arunachal Pradesh. A Member may not be able to cover his constituency. So, I would suggest that there should be a constitutional provision to say that Arunachal Pradesh Assembly will consist of a minimum of 60 legislators.

With these words, I support the Bill.

SHRI BALWANT SINGH RAMOO-WALIA (Sangrur): Mr. Chairman Sir, today this House is discussing a historic event of conferring Statehood on the people of Arunachal Pradesh. I, first of all, congratulate the great people of Arunachal Pradesh because people are the real power. I congratulate the great people of Arunachal Pradesh, the Chief Minister of Arunachal Pradesh, the Hon. Prime Minister, the Home Minister and this House on taking this historic decision today.

Sir, this moment is a historic moment because a principle has been accepted that identity for cultural aspirations is to be considered as supreme. While congratulating, I have also a feeling of disappointment because the Government has been open minded as well as conservative. Because a decision to confer Statehood has been taken; but Sardar Buta Singhji has also decided not to give everything in complete. Perhaps, the Government of India is selling an idea in the minds of the great people of Arunachal Pradesh that the Government are in the habit of giving in full only after agitation. This will give that idea.

Why the number of seats have been reduced to 40 only? It should be 60 and the people of Arunachal Pradesh will be satisfied only if the number of Assembly seats is increased to 60. All the members who have spoken, cutting across the party lines have supported this idea. So, the Government should accept it. I will also urge upon the Government to accept giving a legal sanction to the customary laws of Arunachal Pradesh people.

My party and myself will also demand from the Government not to go in for giving special powers to the Governor in Arunachal Pradesh. The Hon. Home Minister and even the Prime Minister have many times said in this House that this the period of democratic values. A strong voice is going on in this country to withdraw the existing powers from the Governors. There are already sweeping powers with the Governors. Governors can dismiss an Assembly. They can misuse the powers. Then why these powers are being given to the Governor in Arunachal Pradesh? My party will fully support the idea of conferring Statehood on Arunachal Pradesh but we cannot support giving sweeping powers to the Governor. As Mr. Thungon, the MP from that State has said the ruling party should honour the feelings of the Members of the House and we also support conferring Statehood on Goa Andamans and Delhi

SHRIMATI D. K. BHANDARI (Sikkim): I rise to extend my fullest support to this Bill which seeks to confer Statehood to Arunachal Pradesh. On this occasion I would like to congratulate and thank the Union Government for having brought this

long overdue Bill. By bringing this Bill the Government has demonstrated that it respects the hopes and aspirations of the people of that strategically situated area.

One aspect I would like to emphasise is the fact that people of Arunachal Pradesh have come of age politically but at the same time the process of elevation from Union Territory to the Statehood has come about smoothly and peacefully that it should receive the encomiums of all the people of the country. This shows the political sagacity of the people of Arunachal Pradesh and political farsightedness of the Union Government also.

Sir, the whole process was so refreshing and particularly when one looks back to some movements for grant of Statehood which came about only after some turmoil as our esteemed colleague Prof. Swell recalled on the Floor of the House a little while ago. Therefore, I feel this is a happy and welcome break from the past trend. In this connection I would like to say that there are also demands for conferment of Statehood in other areas. Government should consider this with the same sympathetic consideration and political acumen which it has shown in respect of Arunachal Pradesh.

The conferment of Statehood to Arunachal Pradesh has fulfilled the hopes and aspirations of the people of Arunachal Pradesh and this will help the people of Arunachal Pradesh to involve themselves intimately not only in the administration but also in the whole gamut of developmental process. I think the active participation of the people in every facet of activity is a must if we have to progress in every field. I am sure that our brothers and sisters of Arunachal Pradesh are fully aware of their responsibility and they will discharge it in such a manner that in time to come it will be an object of our appreciation and example which we will try to emulate.

I come from Sikkim which is in the lap of Himalayas. So is Arunachal Pradesh. It is an added occasion of happiness for all that our Himalayan brothers and sisters are joining the comity of States in the country as equal partners.

Sir, I take the opportunity to extend our warmest felicitations and congratulations to the people of Arunachal Pradesh. But at the same time, I hope that the Hon'ble Home Minister will look into the points that have been raised by the Hon'ble Members from that side and bring about amendments to that effect.

I very much appreciate the feelings that our Hon'ble Prime Minister has expressed regarding the conservation of social, cultural and customary laws of people from that area. I would like to request the Hon'ble Home Minister to keep this in mind while enacting the laws. With these few words, I would like to reiterate my support to the Bill.

SHRI P. M. SAYEED (Lakshadweep) : I congratulate the people of Arunachal Pradesh for they are going to have a coveted place among the states. This State has got a unique personality in the sense that in free India it is perhaps the only union territory now going to be conferred the Statehood and which had had no law and order problem so far.

In this measure many things have been pointed out especially by those Members who are coming from that area. After the Prime Minister's speech about conferring some powers on the Governor, I do not think anybody has got any apprehension in his mind because of the special geographical location of this State.

As far as other provisions are concerned, it is true that this is one of the largest union territories which has spread over such a large length and breadth and which is more than any other union territory and adjoining States. Regarding the members in the Assembly, it is a legitimate demand of the people of the State that because of its size, the provision should be for 60 members in the new Assembly.

Sir, I wanted to bring before the Hon'ble Home Minister one point. As some Hon'ble Members had mentioned from this side, Andaman and Nicobars, Lakshadweep and other union territories must be conferred the statehood. I have my own explanation to be placed before the Home Minister. I was

[Shri P. M. Sayeed]

told earlier that because of its size and number, they are not going to be conferred the statehood. I tried my level best to increase the number.

Now, the officers who are posted in these far-flung areas are those who were no more wanted in the capital here. Such officers are sent to these areas. My friend, Shri Manoranjan Bhakta, has already spoken about it. We are also part and parcel of this country. Either we must also get the democratic fruit or you must say that we are born to be ruled under such Maharajas sent from Delhi. I take strong objection to it. You must declare your policy about such union territories whether it will permanently be a union territory. In my area, there is no legislative setup. In my case there is no legislative setup. Or you must say that the Union Territories will be merged with the neighbouring States: Government must have a clear policy on this score. Today, we are going to confer the statehood on a Union Territory, Arunachal Pradesh. The Union Territories of Goa, and Andamans have also been demanding that. In view of the fact that now that you are conferring the statehood on Arunachal Pradesh without any agitation, I hope, the same policy will be extended in these two cases also. In my case they have already agreed that they will be giving Pradesh Council. I would request the Home Minister to kindly mention in his reply whether all the Union Territories will be given what is due to them in this matter.

With these words, I support the Constitutional Amendment Bill.

[Translation]

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : Mr. Chairman, Sir, by extending the session by one more day, you have granted a great boon to the people of Arunachal Pradesh who had been aspiring for statehood for a long time.

Arunachal Pradesh is a beautiful part of our country. The Sun's rays first strike this part of India, i. e. Arunachal Pradesh. That is why it has been named 'Arunachal'. The sentiments, customs and traditions of

the people of this place are as hoary as the history of our country itself. Those who have been to Arunachal Pradesh, and have travelled around know that the medicinal herbs, mentioned in our medicine books or in the books written by Dhanvantri, are only to be found here. We have been wasting our priceless assets.

15.33 hrs.

[MR. SPEAKER *in the Chair*]

It is only in Arunachal Pradesh that we can find such herbs which perhaps are not found anywhere else in the world.

MR. SPEAKER : You should store it in a chest.

S. BUTA SINGH : Thank you. The old customs and traditions of Arunachal Pradesh are alive even today. The people are peaceloving and that is why the welcome step of granting them statehood has been taken, although there had been no agitation for it. In this context, I feel it is a befitting recognition of their peaceful nature. Besides, it also proves that peaceloving people can achieve their ends without agitating for it.

All the Hon. Members have commended the new turn given by the Hon. Prime Minister, Shri Rajiv Gandhi to our national life. All of us must commend the new phase ushered in by the Prime Minister, i. e. of solving the most difficult problem through mutual consultations, discussions and respecting the sentiments of the people and taking steps accordingly so that the unity and the integrity of the nation is strengthened. I have full faith that the same kind of sentiments will be expressed by the Hon. Members from both the sides. This is a very encouraging example for our country's future.

After this, many of our friends, especially Hon. Prof. Swell, Shri P. K. Thungon, Shri Indrajit Gupta, Shri Dinesh Goswami and others have expressed their reservations about certain sections of the Bill. A large part of it has been answered by the Hon. Prime Minister when he intervened. I do not think that there is anything further to be said. These provisions have been made in view of the geographical position of Arunachal Pradesh. The Hon. Prime Minister

has himself said that it is not a permanent step. He has also emphasised in the House that the hopes and the aspirations of the local people would be fully respected. He has also promised that steps are being taken for its implementation, and that the Government would keep an open mind and act on the basis of experience gained during implementation.

I believe that the Bill would unfold a new chapter for the people of Arunachal Pradesh. As it is, there has been laudable progress in Arunachal Pradesh during the last six five year plans. Whatever work the people of Arunachal Pradesh have done for its development, has been mentioned and discussed a number of times in the House and I think it will not be proper to repeat them once again. It will be wastage of time. However, a lot of good work has been done there by the North Eastern Zonal Councils, and several new Schemes are being taken up which would be implemented.

In Arunachal Pradesh, there are 10 districts, 27 subdivisions, 101 circles and 48 development blocks. There are some 3300 villages where allround development works are going on and where, in spite of the non-availability of the required financial aid, significant work has been done and the situation is hopeful. Some 4275 kms. of roads have been built, 173 tonnes of foodgrains have been produced there. 1242 megawatt of electricity is produced and 827 villages have been electrified. There are 18 hospitals, 64 dispensaries and about 57 primary health centres. The supply of drinking water in the villages there is quite satisfactory. Notable work has been done for the spread of education as well. The Government has taken steps to accelerate this work during the Seventh Five Year Plan period. Arunachal Pradesh is also given considerable importance in the North Eastern Council. The North Eastern Institute of Science and Technology is also located here. Besides, Ranganadi Hydro-electric project has also been sanctioned for Arunachal Pradesh. In this way, there is all round development in Arunachal Pradesh which would be accelerated further on its acquiring the statehood, as more development projects could be taken up. According to experts, Arunachal Pradesh has a very high potential

for the generation of hydro-electric power and if we can exploit this potential fully, we cannot only meet the requirements of our own country but can also supply it to others.

Arunachal Pradesh has been blessed with the bounty of nature to an extent that we can meet our power requirement by tapping the potential there. I believe that we must act with full dedication to implement provisions of the Bill which seeks to grant statehood to Arunachal Pradesh.

Some of our Hon. Members mentioned Goa, Andaman and Nicobar Islands. Sir, you may be aware that it is only when a particular type of situation develops, and there is a demand for statehood that a decision of this kind is taken by the Government. Shri Sayeed has mentioned about the council. I have been convinced for a long time that a council should be set up in a manner that the people of the area are benefited by it. With the passage of time, the hopes and aspirations of the people have to be fulfilled. However, the most important thing today is that the nation needs complete peace, discipline, and mutual trust and affection so that we can build a stronger India and ensure greater development.

With these words I would request the Hon. Members to lend their cooperation and support in respect of the New Year's gift which we propose to give to our brothers and sisters in Arunachal Pradesh.

[English]

SHRI DINESH GOSWAMI : One clarification the Prime Minister did not touch, and that is we asked that the Assembly should consist of 60 Members because of the vastness of its size. Even if you are not thinking of amending it, now you give an assurance to the people that this aspect of the matter will be kept in view because this is a ticklish issue. Let him give an assurance.

MR. SPEAKER : Before I put the motion for consideration of the Bill to vote, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division. Let the Lobbies be cleared ..

Now the Lobbies have been cleared. The question is :

“That the Bill further to amend the Constitution of India be taken into consideration”.

The Lok Sabha divided.

15.50 hrs.]

[Division No. 2

AYES

Abbasi, Shri K. J.
Adaikalaraj, Shri L.
Adiyodi, Dr. K. G.
Agarwal, Shri jai Prakash
Ahmad, Shri Sarfaraz
Ahmed, Shrimati Abida
Akhtar Hasan, Shri
Alkha Ram, Shri
Anand Singh, Shri
Ansari, Shri Abdul Hannan
Ansari Shri Z. R.
Antony, Shri P. A.
Arunachalam, Shri M.
Awasthi, Shri Jagdish
Azad, Shri Bhagwat Jha
Azad, Shri Ghulam Nabi
Baghel, Shri Pratapsinh
Bairagi, Shri Balkavi
Bairwa, Shri Banwari Lal
Baitha, Shri D. L.
Balaraman, Shri L.
Banerjee, Kumari Mamata
Basavarajewari, Shrimati
Basavaraju, Shri G. S.
Bashcer, Shri T.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhakta, Shri Manoranjan
Bharat Singh, Shri
Bhardwaj, Shri Parasram
Bhatia, Shri R. L.
Bhoi, Dr. Krupasinghu
Bhosale, Shri Prataprao B.

Bhoye, Shri R. M.
Bhoye, Shri S. S.
Bhumij, Shri Haren
Bhuria, Shri Dileep Singh
Birbal, Shri
Birendra Singh, Rao
Birinder Singh, Shri
Budania, Shri Narendra
Buta Singh, S.
Chandrakar, Shri Chandulal
Chandrashekarappa, Shri T. V.
Charles, Shri A.
Chaturvedi, Shrimati Vidyavati
Chaudhary, Shri Manphool Singh
Chaudhry, Shri Kamal
Chavda, Shri Ishwarbhai K.
Chidambaram, Shri P.
Choudhary, Shri Jagannath
Choudbury, Shri A. B. A. Ghani Khan
Dabhi, Shri Ajitsinh
Daga, Shri Mool Chand
Dalbir Singh. Ch
Dalbir Singh, Shri
Damor, Shri Somjibhai
Das, Shri Anadi Charan
Dennis, Shri N.
Dev, Shri Sontosh Mohan
Dhariwal, Shri Shanti
Dhillon, Dr. G. S.
Digal, Shri Radhakanta
Digbe, Shri Sharad
Digvijay Sinh, Shri
Dikshit, Shrimati Sheila
Dogra, Shri G. L.
Dube, Shri Bhishma Deo
Engti, Shri Biren Singh
Gadhvi, Shri B. K.
Gaikwad, Shri Udaysingrao
Gamit, Shri C. D.
Ganga Ram, Shri
Gavit, Shri Manikrao Hodliya
Gehlot, Shri Ashok
Gholap, Shri S. G.
Gharpade, Shri G. Y.

93 Const. (55th Amdt.) Bill	AGRAHAYANA 17, 1908 (SAKA) Const. (55th Amdt.) Bill 94
<i>and State of Arunachal Pradesh Bill</i>	<i>and State of Arunachal Pradesh Bill</i>
Ghosh, Shri Bimal Kanti	Kumaramangalam, Shri P. R.
Ghosh, Shri Tarun Kanti	Kuppuswamy, Shri C. K.
Gomango, Shri Giridhar	Kurien, Prof. P. J.
Guha, Dr. Phulrenu	Lachchhi Ram, Shri
Gupta, Shri Janak Raj	Law, Shri Asutosh
Gupta, Shrimati Prabhawati	Lowang, Shri Wangpha
Hardwari Lal, Shri	Madburee Singh, Shrimati
Hembrom, Shri Seth	Mahabir Prasad, Shri
Jagannath Prasad, Shri	Mahajan, Shri Y. S.
Jain, Shri Dal Chander	Mahendra Singh, Shri
Jain, Shri Nihal Singh	Makwana, Shri Narsinh
Jain, Shri Viridhi Chander	Malik, Shri Dharampal Singh
Janarthanan, Shri Kadambur	Mallick, Shri Lakshman
Jangde, Shri Khelan Ram	Malviya, Shri Bapulal
Jatav, Shri Kammodilal	Mane, Shri Murlidhar
Jayamohan, Shri A.	Mavani, Shrimati Patel Ramaben
Jeevarathinam, Shri R.	Ramjibhai
Jena, Shri Chintamani	Meena, Shri Ram Kumar
Jitendra Prasada, Shri	Mehta, Shri Haroobhai
Jitendra Singh, Shri	Meira Kumar, Shrimati
Jujhar Singh, Shri	Mishra, Shri G. S.
Kamal Nath, Shri	Mishra, Dr. Prabhat Kumar
Kamat, Shri Gurudas	Mishra, Shri Ram Nagina
Kamble, Shri Arvind Tulshiram	Mishra, Shri Shripati
Kamson, Prof. Meiji Lung	Mishra, Shri Umakant
Kaul, Shrimati Sheila	Misra, Shri Nityananda
Ken, Shri Lala Ram	Modi, Shri Vishnu
Keyur Bhushan, Shri	Mobanty, Shri Brajamohan
Khan, Shri Arif Mohammad	Motilal Singh, Shri
Khan, Shri Aslam Sher	Mukhopadhyay, Shri Ananda Gopal
Khan, Shri Khurshid Alam	Murugaiab, Shri A. R.
Khan, Shri Mohd. Ayub	Mushran, Shri Ajay
Khan, Shri Rahim	Muttemwar, Shri Vilas
Khan, Shri Zulfiqar Ali	Naik, Shri G. Devaraya
Khatti, Shri Nirmal	Naik, Shri Shantaram
Khirhar, Shri R. S.	Naikar, Shri D. K.
Kidwai, Shrimati Mohsina	Namgyal, Shri P.
Kisku, Shri Prithvi Chand	Nawal Prabhakar, Shrimati Sunderwati
Konyak, Shri Chingwang	Neekhra, Shri Rameshwar
Krishna Kumar, Shri S.	Negi, Shri Chandra Mohan Singh
Krishna Singh Shri	Netam, Shri Arvind
Kshirsagar, Shrimati Kesharbai	Odedra, Shri Bharat Kumar
Kuchan, Shri Gangadhar S.	Odeyar, Shri Channaiah
Kujur, Shri Maurice	Oraon, Shrimati Sumati

Pandey, Shri Damodar
Pandey, Shri Kali Prasad
Pandey, Shri Madan
Pandey, Shri Manoj
Panigrahi, Shri Chintamani
Panigrahi, Shri Sriballav
Panika, Shri Ram Pyare
Panja, Shri A. K.
Pant, Shri K. C.
Panwar, Shri Satyanarayan
Pardhi, Shri Keshao Rao
Patel, Shri Ahmed M.
Patel, Shri C. D.
Patel, Shri G. I.
Patel, Shri Mohanbhai
Palel, Shri Ram Pujan
Patel, Shri U. H.
Pathak, Shri Chandra Kishore
Patil, Shri H. B.
Patil, Shri Uttamrao
Patil, Shri Veerendra
Patnaik, Shrimati Jayanti
Pattnaik, Shri Jagannath
Peruman, Dr. P. Vallal
Pilot, Shri Rajesh
Poojary, Shri Janardhana
Potdukhe, Shri Shantaram
Prabhu, Shri R.
Pradhan, Shri K. N.
Pradhani, Shri K.
Puran Chandra, Shri
Purohit, Shri Banwari Lal
Purushothaman, Shri Vakkom
Pushpa Devi, Kumari
Qureshi, Shri Aziz
Raghuraj Singh, Chaudhary
Rai, Shri I. Rama
Rai, Shri Ramdeo
Raj Karan Singh, Shri
Rajeshwaran, Dr. V.
Rajhans, Dr. G. S.
Ram, Shri Ram Ratan
Ram, Shri Ramswaroop

Ram Awadh Prasad, Shri
Ram Dhan, Shri
Ram Prakash, Ch.
Ram Samujhawan, Shri
Ramachandran, Shri Mullappally
Ranga, Prof. N. G.
Ranganath, Shri K. H.
Rao, Dr. G. Vijaya Rama
Rao, Shri J. Chokka
Rao, Shri K. S.
Rao, Shri P. V. Narasimha
Rao, Shri V. Krishna
Rath, Shri Somnath
Rathod, Shri Uttam
Raut, Shri Bhola
Ravani, Shri Navin
Rawat, Shri Harish
Rawat, Shri Prabhu Lal
Sait, Shri Ebrahim Sulaiman
Sakargaym, Shri Kalicharan
Sangma, Shri P. A.
Satyendra Chandra, Shri
Sathe, Shri Vasant
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Selvendran, Shri P.
Sen, Shri A. K.
Sen, Shri Bholanath
Sethi, Shri Ananta Prasad
Sethi, Shri P. C.
Shailesh, Dr. B. L.
Shaktawat, Prof Nirmala Kumari
Shankaranand, Shri B.
Shanti Devi, Shrimati
Sharma, Shri Chiranji Lal
Sharma, Shri Nand Kishore
Sharma, Shri Pratap Bhanu
Shastri, Shri Hari Krishna
Shervani, Shri Saleem I
Shingda, Shri D. B.
Shivendra Bahadur Singh, Shri
Shukla, Shri Vidya Charan
Sidnal, Shri S. B.
Singaravadivel, Shri S.

**97 Const. (55th Amdt.) Bill AGRAHAYANA 17, 1908 (SAKA) Const. (55th Amdt.) Bill 98
and State of Arunachal Pradesh Bill**

Singh, Shri Bhanu Pratap
 *Singh, Shri Chandra Pratap Singh
 Singh, Shri K. N.
 Singh, Shri Kamla Prasad
 Singh, Shri Krishna Pratap
 Singh, Shri Lal Vijay Pratap
 Singh, Shrimati Manorama
 Singh, Shri N. Tombi
 Singh, Shri S. D.
 Singh, Shri Santosh Kumar
 Singh Deo, Shri K. P.
 Sinha, Shri Atish Chandra
 Sinha, Shrimati Kishori
 Sinha, Shrimati Ram Dulari
 Sinha, Shri Satyendra Narayan
 Sodi, Shri Mankuram
 Solanki, Shri Kalyan Singh
 Soren, Shri Harihar
 Soundararajan, Shri N.
 Sreenivasa Prasad, Shri V.
 Sukh Ram, Shri
 Sukhadia, Shrimati Indubala
 Sultanpuri Shri K. D.
 Suman, Shri R. P.
 Sundararaj, Shri N.
 Sunder Lal, Shri
 Sunder Singh, Ch.
 Suryawanshi, Shri Narsing
 Swami Prasad Singh, Shri
 Swell, Shri G. G.
 Tapeswar Singh, Shri
 Tariq Anwar, Shri
 Tewary, Prof. K. K.
 Thakkar, Shrimati Usha
 Thangaraju, Shri S.
 Thomas, Prof. K. V.
 Thungon, Shri P. K.
 Tilakdhari Singh, Shri
 Tomar, Shrimati Usha Rani
 Tripathi, Dr. Chandra Shekhar
 Tyagi, Shri Dharamvir Singh
 Tytler, Shri Jagdish

Vairale, Shri Madhusudan
 Van, Shri Deep Narain
 Vanakar, Shri Punam Chand
 Mithabhai
 Venkatesan, Shri P. R. S.
 Verma, Dr. C. S.
 Verma, Shrimati Usha
 Vir Sen, Shri
 Vyas, Shri Girdhari Lal
 Wadiyar, Shri Srikanta Datta
 Wasnik, Shri Mukul
 Yadav, Shri Kailash
 Yadav, Shri Mahabir Prasad
 Yadav, Shri R. N.
 Yadav, Shri Ram Singh
 Yadav, Shri Shyam Lal
 Yadava, Shri Bal Ram Singh
 Yadava, Shri D. P.
 Yashpal Singh, Shri
 Yazdani, Dr. Golam
 Yogesh, Shri Yogeshwar Prasad
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Barman, Shri Palas
 Bhandari, Shrimati D. K.
 Biswas, Shri Ajoy
 Chaliba, Shri Parag
 Choubey, Shri Narayan
 Chowdhary, Shri Saifuddin
 Goswami, Shri Dinesh
 Gupta, Shri Indrajit
 Hannan Mollah, Shri
 Hansda, Shri Matilal
 Jhansi Lakshmi, Shrimati N. P.
 Mandal, Shri Sanat Kumar
 Misra, Shri Satyagopal
 Mukherjee, Shrimati Geeta
 Patil, Shri D. B.
 Penchalliah, Shri P.
 Ramoowalia, Shri Balwant Singh
 Rao, Shri A. J. V. B. Meheswara

*Wrongly voted from Seat No. 196 in place of his seat No. 195.

Reddi, Shri C. Madhav
Riyan, Shri Baju Ban
Roy, Dr. Sudhir
Roypradhan, Shri Amar
Saba, Shri Ajit Kumar
Thomas, Shri Thampan
Tiraky, Shri Piyus
Tulsiram, Shri V.
Zainal Abedin, Shri

MR. SPEAKER : **Subject to correction,
the result of the division is :

Ayes : 313

Noes : 28

The motion is carried by a majority of
the total membership of the House and by a
majority of not less than two-thirds of the
Members present and voting.

The motion was adopted.

Clause 2—(Insertion of new
article 371H)

MR. SPEAKER : Before I put Clause
2 to the Vote of the House, I find that there
are amendments by Shri P. K. Thungon and
Shri C. Madhav Reddi.

**The following Members also recorded
their votes :

AYES : Sarvashri Brahma Dutt, P. R. S.
Venkatesan, Rampal Singh,
Salahuddin, R. S. Sparrow, Smt.
Chandresh Kumari, Sarvashree
A. G. Subburaman, Hafiz Mohd.
Siddiq, Saleem I. Shervani, Kamla
Prasad Rawat, Kumari Kamla
Kumari, Shrimati Chandra Tripathi
Ashkaran Sankhwar, Aziz Sait.,
Dr. C. P. Thakur, Simon Tigga,
Nandlal Choudhary, Surendra Pal
Singh, H. N. Nanje Gowda, Naresh
Chandra Chaturvedi, R. Dhanus-
kodi Athithan, Raj Kumar Rai,
Aaur Rahman, Samar Brahma
Choudhury, and Shri P. Shanmu-
gam.

NOES : Sarvashri K. Ramachandra Reddy,
Srihari Rao, Dr. T. Kalpana Devi,
Shri Manik Reddy and Shri
Gadadhar Saha.

SHRI P. K. THUNGON (Arunachal
West) : I beg to move :

Page 2,—

after line 14, insert—

“(aa) no act of Parliament in respect
of—

(i) religious and social practi-
ces of Arunachalese;

(ii) Arunachalese customary law
and procedure;

(iii) administration of civil and
criminal justice involving
decisions according to
Arunachalese customary
law; and

(iv) ownership and transfer of
land and its resources,

shall apply to the State of Arunachal
Pradesh unless the Legislative Assem-
bly of Arunachal Pradesh by resolu-
tion so decides :

Provided that nothing in this clause
shall apply to any Central Act in
force in the Union Territory of Aruna-
chal Pradesh immediately before the
commencement of the Constitution
(Fifty-fifth Amendment) Act, 1986.”

(1)

SHRI C. MADHAV REDDI (Adila-
bad) : I beg to move :

Page 1,—

for lines 10 to 15 substitute —

“(a) the Governor of Arunachal
Pradesh shall have special res-
ponsibility for peace and for an
equitable arrangement for ensuring
the social and economic advance-
ment, of the different sections of
the population of Arunachal Pradesh
and in the discharge of special
responsibility under this clause, the
Governor shall, subject to such
directions as the President may
from time to time deem fit to issue,
act in his discretion.” (2)

Page 2,—

for lines 4 to 7, substitute—

“subject to such directions as the President may have issued under clause (a), the decision of the Governor shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that the Governor ought or ought not to have acted in the exercise of his powers under this clause.” (3)

Page 2, line 14,—

add that the end—

“but Governor shall cease to have such responsibility after the expiry of a period of five years from the date of coming into force of this Act” (4)

Page 2, line 16,—

add at the end—

“as determined by law passed by Parliament” (5)

SHRI P. K. THUNGON : After the intervention of the honourable Prime Minister I do not think have much to say on this because he has very rightly said that if need be later on a consideration small be made. And also, it was stated by the Prime Minister that there are already protections given in the Constitution and other laws for the tribal and other sensitive areas. I would like to mention at this stage in Arunachal Pradesh we have an Inner Line System and this Inner Line System should also be continued till such time the people of Arunachal Pradesh, through the Legislative Assembly desire that that can be removed.

I want to mention at this stage one more aspect that this being one of the most important Bills, so far as Arunachal Pradesh is concerned, at some stage the Chief Minister or the representatives of Arunachal Pradesh should have been consulted, at the time of framing the Bill. But at no stage no representative from Arunachal Pradesh was consulted in respect of the Clauses while framing of this Bill. At a later stage in such matters these aspects or our opinions will

have to be taken into consideration. This is my request.

I would also like to reiterate that in Arunachal Pradesh there are more than 20 major tribes which speak more than 20 different languages and dialects. There are more than 110 sub-tribes in Arunachal Pradesh. They have got their deep-rooted and very strong culture and customs and they have got full faith in their way of life. Until and unless their way of life, their culture, their land is protected they will not be satisfied, this should be enshrined, this protection needs to be enshrined in the Constitution of India. The Prime Minister has already said it for consideration.

MR. SPEAKER : He has already stated. What is the problem ?

SHRI P. K. THUNGON : The Hon. Home Minister might consider it at a later stage, if not at this stage.

SHRI C. MADHAV REDDI (Adilabad) : I had already explained in my speech that the special powers being given to the Governor with regard to law and order, there must be some limit, some time-limit should be fixed. And the amendment that I move is a compromise amendment because I said that the Governor of Arunachal Pradesh shall have special responsibility only for the peace and for an equitable arrangement for ensuring the social and economic advancement, of the different sections of the population of Arunachal Pradesh...and so on.

There is a difference, when I said he will be in charge of peace, maintaining peace in the different sections, ethnic groups and then such a provision is there in respect of the Sikkim State and the same provision should be made here and that too it should have a time limit, say five years.

S. BUTA SINGH : Shri Thungon made one point about the Inner Line Regulations. So far as Arunachal Pradesh is concerned; I want to reiterate here that these Regulations, that means, the Inner Line Regulations will continue to be there in force in Arunachal Pradesh, Nagaland and Mizoram and under these articles Regulations as you know, a per-

[S Buta Singh]

mit is required even for Indian citizens to enter these areas. The Regulations also prohibit acquisition of land or any interest therein or any produce or anything in the territory beyond the Inner Line or persons other than the natives of that particular district.

Therefore, he should not entertain any doubt about it. This Inner Line Regulation will continue. Therefore, we have not proposed to withdraw this Inner Line, specially with this proviso.

Similarly, he has talked about the special provisions for protecting the customs and the customary laws of the tribals. I can assure Shri Thungon and the august House that the Government has never done and will never have any such provision, in any Act, which will cut at the roots of the local culture of our tribal people. We will continue to give them the same protection that is available under the Constitution where many provisions are there, of this type. This will be available to Arunachal Pradesh also.

I am sorry, Mr. Madhav Reddi's point has been very clearly replied to by the honourable Prime Minister. I will also made a mention that this is, keeping in view with the special sensitive nature of the border State of Arunachal Pradesh that we have for the time being provided the special powers to the Governor. And the Hon. Prime Minister had made a very categorical statement about this. I am sorry, under these circumstances it is not possible for me to accept this amendment. I cannot accept this amendment.

I request Shri Thungon and Shri Madhav Reddi to withdraw their amendments.

MR. SPEAKER : Will you withdraw the amendment, Shri Thungon ?

SHRI P. K. THUNGON : I withdraw it. I am satisfied with the statement of the Home Minister.

MR. SPEAKER : Is it the pleasure of the House that the amendment moved by Shri P. K. Thungon be withdrawn ?

SEVERAL HON. MEMBERS : Yes.

Amendment No. 1 was, by leave, withdrawn.

MR. SPEAKER : I shall not put to vote the amendments Nos. 2, 3, 4 and 5 to Clause 2 moved by Shri C. Madhav Reddi.

Amendments Nos. 2 to 5 were put and negatived.

MR. SPEAKER : Before I put Clause 2 to the vote of the House, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division. Let the Lobbies be cleared.

Now the lobbies have been cleared.

The question is :

“That clause 2 stand part of the Bill.”

The Lok Sabha divided.

16.04 hrs.]

[Division No. 3

AYES

Abbasi, Shri K. J.
Abdul Ghafoor, Shri
Adiyodi, Dr. K. G.
Agarwal, Shri Jai Prakash
Ahmad, Shri Sarfaraz
Ahmed, Shrimati Abida
Akhtar Hasan, Shri
Alkha Ram, Shri
Anand Singh, Shri
Ansari, Shri Abdul Hannan
Ansari, Shri Z. R.
Antony, Shri P. A.
Arunachalam, Shri M.
Athithan, Shri R. Dhanuskodi
Awasthi, Shri Jagdish
Azad, Shri Bhagwat Jha
Azad, Shri Ghulam Nabi
Baghel, Shri Pratapsinh
Bagun Sumbrui, Shri

Bairagi, Shri Balkavi
Bairwa, Shri Banwari Lal
Baitha, Shri D. L.
Bala Goud, Shri T.
Balaraman, Shri L.
Banerjee, Kumari Mamata
Basavarajeswari, Shrimati
Basavaraju, Shri G. S.
Basheer, Shri T.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhakta, Shri Manoranjan
Bharat Singh, Shri
Bhardwaj, Shri Parasram
Bhatia, Shri R. L.
Bhoi, Dr. Krupasindhu
Bhosale, Shri Prataprao B.
Bhoye, Shri R. M.
Bhoye, Shri S. S.
Bhumij, Shri Haren
Bhuria, Shri Dileep Singh
Birbal, Shri
Birendra Singh, Rao
Birinder Singh, Shri
Brahma Dutt, Shri
Budania, Shri Narendra
Buta Singh, S.
Chandrakar, Shri Chandulal
Chandrashekarappa, Shri T. V.
Chandresh Kumari, Shrimati
Charles, Shri A.
Chaturvedi, Shri Naresh Chandra
Chaturvedi, Shrimati Vidyavati
Chaudhary, Shri Manphool Singh
Chaudhry, Shri Kamal
Chavda, Shri Ishwarbhai K.
Chidambaram, Shri P.
Choudhary, Shri Jagannath
Choudhary, Shri Nandlal
Choudhury, Shri A. B. A. Ghani Khan
Dabhi, Shri Ajitsinh
Daga, Shri Mool Chand
Dalbir Singh, Ch.
Dalbir Singh, Shri

Damor, Shri Somjibhai
Das, Shri Anandi Charan
Dennis, Shri N.
Dev, Shri Sontosh Mohar
Dhariwal, Shri Shanti
Dhillon, Dr. G S.
Digal, Shri Radhakanta
Dighe, Shri Sharad
Digvijay Singh, Shri
Dikshit, Shrimati Sheila
Dogra, Shri G. L.
Dube, Shri Bhishma Deo
Engti, Shri Biren Singh
Gadhvi, Shri B. K.
Gaekwad, Shri Ranjit Singh
Gaikwad, Shri Udaysingrao
Gamit, Shri C. D.
Ganga Ram, Shri
Gavit, Shri Manikrao Hodlya
Gehlot, Shri Ashok
Gholap, Shri S. G.
Ghorpade, Shri G. Y.
Ghosh, Shri Bimal Kanti
Ghosh, Shri Tarun Kanti
Gomango, Shri Giridhar
Guha, Dr. Phulrenu
Gupta, Shri Janak Raj
Gupta, Shrimati Prabhawati
Hardwari Lal, Shri
Hembrom, Shri Seth
Jadeja, Shri D. P.
Jagannath Prasad, Shri
Jain, Shri Dal Chander
Jain, Shri Nihal Singh
Jain, Shri Virdhi Chander
Janarthanan, Shri Kadambur
Jangde, Shri Khelan Ram
Jatav, Shri Kammodilal
Jayamohan, Shri A.
Jeevarathinam, Shri R.
Jena, Shri Chintamani
Jitendra Prasada, Shri
Jitendra Singh, Shri
Jujhar Singh, Shri

Kamal Nath, Shri
Kamat, Shri Gurudas
Kamble, Shri Arvind Tulshiram
Kamla Kumari, Kumari
Kamson, Prof. Meijinlung
Kaul, Shrimati Sheila
Ken, Shri Lala Ram
Keyur Bhushan, Shri
Khan, Shri Arif Mohammad
Khan, Shri Aslam Sher
Khan, Shri Khurshid Alam
Khan, Shri Mohd. Ayub
Khan, Shri Rahim
Khan, Shri Zulfiqar Ali
Khatti, Shri Nirmal
Khirbar, Shri R. S.
Kidwai, Shrimati Mohsina
Kisku, Shri Prithvi Chand
Konyak Shri Chingwang
Krishna Kumar, Shri S.
Krishna Singh, Shri
Kshirsagar, Shrimati Kesharbai
Kuchan, Shri Gangadhar S.
Kujur, Shri Maurice
Kumaramangalam, Shri P. R.
Kunwar Ram, Shri
Kuppuswamy, Shri C. K.
Kurien, Prof. P. J.
Lachchi Ram, Shri
Law, Shri Asutosh
Lowang, Shri Wangpha
Madhuree Singh, Shrimati
Mahabir Prasad, Shri
Mahajan, Shri Y. S.
Mahendra Singh, Shri
Makwana, Shri Narsinh
Malik, Shri Dharampal Singh
Mallick, Shri Lakshman
Malviya, Shri Bapulal
Mane, Shri Murlidhar
Mavani, Shrimati Patel Ramaben
Ramjibhai
Meena, Shri Ram Kumar
Mehta, Shri Haroobhai
Meira Kumar, Shrimati

Mirdha, Shri Ram Niwas
Mishra, Shri G. S.
Mishra, Dr. Prabhat Kumar
Mishra, Shri Ram Nagina
Mishra, Shri Shripati
Mishra, Shri Umakant
Misra, Shri Nityananda
Mohanty, Shri Brajamohan
Motilal Singh, Shri
Mukhopadhyay, Shri Ananda Gopal
Murugaiah, Shri A. R.
Mushran, Shri Ajay
Muttemwar, Shri Vilas
Naik, Shri G. Devaraya
Naik, Shri Shantaram
Naikar, Shri D. K.
Namgyal, Shri P.
Nawal Prabbakar, Shrimati Sunderwati
Neekhra, Shri Rameshwar
Negi, Shri Chandra Mohan Singh
Netam, Shri Arvind
Odedra, Shri Bharat Kumar
Odeyar, Shri Channaiah
Oraon, Shrimati Sumati
Pakeer Mohamed, Shri E. S. M.
Pandey, Shri Damodar
Pandey, Shri Kali Prasad
Pandey, Shri Madan
Pandey, Shri Manoj
Panigrahi, Shri Chintamani
Panigrahi, Shri Sriballav
Panika, Shri Ram Pyare
Panja, Shri A. K.
Pant, Shri K. C.
Panwar, Shri Satyanarayan
Pardhi, Shri Keshao Rao
Patel, Shri Ahmed M.
Patel, Shri C. D.
Patel, Shri G. I.
Patel, Shri Mohanbhai
Patel, Shri Ram Pujan
Patel, Shri U. H.
Pathak, Shri Chandra Kishore
Patil, Shri H. B.

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and State of Arunachal Pradesh Bill**

Patil, Shri Uttamrao
Patil, Shri Veerendra
Patnaik, Shrimati Jayanti
Pattnaik, Shri Jagannath
Peruman, Dr. P. Vallal
Pilot, Shri Rajesh
Poojary, Shri Janardhana
Patdukhe, Shri Shantaram
Prabhu, Shri R.
Pradhan, Shri K. N.
Pradhani, Shri K.
Puran Chandra, Shri
Purohit, Shri Banwari Lal
Purushothaman, Shri Vakkom
Pushpa Devi, Kumari
Qureshi, Shri Aziz
Raghuraj Singh, Chaudhary
Rai, Shri I. Rama
Rai, Shri Raj Kumar
Rai, Shri Ramdeo
Raj Karan Singh, Shri
Rajeshwaran, Dr. V.
Rajhans, Dr. G. S.
Ram, Shri Ram Ratan
Ram, Shri Ramswaroop
Ram Awadh Prasad, Shri
Ram Dhan, Shri
Ram Prakash, Ch.
Ram Samujhawan, Shri
Ramachandran, Shri Mullappally
Rampal Singh, Shri
Ranga, Prof. N. G.
Ranganath, Shri K. H.
Rao, Shri J. Chokka
Rao, Shri J. Vengala
Rao, Shri K. S.
Rao, Shri P. V. Narasimha
Rao, Shri V. Krishna
Rath, Shri Somnath
Rathawa, Shri Amarsinh
Rathod, Shri Uttam
Raut, Shri Bhola
Ravani, Shri Navin
Rawat, Shri Harish

Rawat, Shri Kamla Prasad
Rawat, Shri Prabhu Lal
Sait, Shri Azeez
Sait, Shri Ebrahim Sulaiman
Sakargaym, Shri Kalicharan
Sangma, Shri P. A.
Sankhawar, Shri Ashkaran
Satyendra Chandra, Shri
Sathe, Shri Vasant
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Selvendran, Shri P.
Sen, Shri A. K.
Sen, Shri Bholanath
Sethi, Shri Ananta Prasad
Sethi, Shri P. C.
Shailesh, Dr B. L.
Shaktawat, Prof. Nirmala Kumari
Shankaranand, Shri B.
Shanmugam, Shri P.
Shanti Devi Shrimati
Sharma, Shri Chiranji Lal
Sharma, Shri Nand Kishore
Sharma, Shri Pratap Bhanu
Shastri, Shri Hari Krishna
Shervani, Shri Saleem I.
Shingda, Shri D. B.
Shivendra Bahadur Singh, Shri
Shukla, Shri Vidya Charan
Signal, Shri S. B.
Singaravadivel, Shri S.
Singh, Shri Bhanu Pratap
Singh, Shri Chandra Pratap Narain
Singh, Shri K. N.
Singh, Shri Kamla Prasad
Singh, Shri Krishna Pratap
Singh, Shri Lal Vijay Pratap
Singh, Shrimati Manorama
Singh, Shri N. Tombi
Singh, Shri S. D.
Singh, Shri Santosh Kumar
Singh Deo, Shri K. P.
Sinha, Shri Atish Chandra
Sinha, Shrimati Kishori

Sinha, Shrimati Ram Dulari
Sinha, Shri Satyendra Narayan
Solanki, Shri Kalyan Singh
Soren, Shri Harihar
Soundararajan, Shri N.
Sparrow, Shri R. S.
Sreenivasa Prasad, Shri V.
Subburaman, Shri A. G.
Sukh Ram, Shri
Sukhadia, Shrimati Indubala
Suman, Shri R. P.
Sundararaj, Shri N.
Sunder Lal, Shri
Sunder Singh, Ch.
Surendra Pal Singh, Shri
Suryawanshi, Shri Narsing
Swell, Shri G. G.
Tapeswar Singh, Shri
Tariq Anwar, Shri
Tewary. Prof. K. K.
Thakkar, Shrimati Usha
Thakur, Shri C. P.
Thangaraju, Shri S.
Thomas. Prof. K. V.
Thungon, Shri P. K.
Tigga, Shri Simon
Tomar, Shrimati Usha Rani
Tripathi, Shrimati Chandra
Tripathi, Dr. Chandra Sekhar
Tyagi, Shri Dharamvir Singh
Tytler, Shri Jagdish
Vairale, Shri Madhusudan
Van, Shri Deep Narain
Vanakar, Shri Punam Chand Mithabhai
Venkatesan, Shri P. R. S.
Verma, Shrimati Usha
Vir Sen, Shri
Vyas, Shri Girdhari Lal
Wadiyar, Shri Srikanta Datta
Wasnik, Shri Mukul
Yadav, Shri Kailash
Yadav, Shri Mahabir Prasad
Yadav, Shri Ram Singh

Yadav, Shri Shyam Lal
Yadav, Shri Subhash
Yadava, Shri Bal Ram Singh
Yadava, Shri D. P.
Yashpal Singh, Shri
Yazdani, Dr. Golam
Yogesh, Shri Yogeshwar Prasad
Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
Barman, Shri Palas
Biswas, Shri Ajoy
Chaliha, Shri Parag
Choubey, Shri Narayan
Chowdhary, Shri Saifuddin
Goswami, Shri Dinesh
Gupta, Shri Indrajit
Hannan Mollah, Shri
Hansda, Shri Matilal
Jhansi Lakshmi, Shrimati N. P.
Kalpana Devi, Dr. T.
Mandal, Shri Sanat Kumar
Misra, Shri Satyagopal
Mukherjee, Shrimati Geeta
Patil, Shri D. B.
Penchalliah, Shri P.
Ramoowalia, Shri Balwant Singh
Rao, Shri A. J. V. B. Maheswara
Rao, Dr. G. Vijaya Rama
Rao, Shri Srihari
Reddi, Shri C. Madhav
Reddy, Shri K. Ramachandra
Reddy, Shri P. Manik
Riyan, Shri Baju Ban
Roy, Dr. Sudhir
Roypradhan, Shri Amar
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Thomas, Shri Thampan
Tiraky, Shri Piyus
Tulsiram, Shri V.
Zainal Abedin, Shri

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and State of Arunachal Pradesh Bill

MR. SPEAKER : Subject to correction
the result of the Division is Ayes 334
Noes 33.

The Motion is carried by a majority of
the total membership of the House and by
a majority of not less than two-thirds of the
Members present and voting.

The motion was adopted.

Clause 2 was added to the Bill.

MR. SPEAKER** : The lobbies are
already cleared. The question is :

“That clause 1 stand part of the Bill”.

The Lok Sabha divided.

16.07 hrs.]

[Division No. 4

AYES

Abbasi, Shri K. J.
Abdul Ghafoor, Shri
Adaikalaraj, Shri L.
Adiyodi, Dr. K. G.
Agarwal, Shri Jai Prakash
Ahmad, Shri Sarfaraz
Ahmed, Shrimati Abida
Alkha Ram, Shri
Anand Singh, Shri
Ansari, Shri Abdul Hannan
Ansari, Shri Z R.
Antony, Shri P. A.

**The following Members also recorded
their votes :

AYES : Shri K. D. Sultanpuri, Shri
Salahuddin, Laliteshwar Shahi,
Hafiz Mohd. Siddiq, Sqami
Prasad Singh, Prakash Chandra,
Dr. C. S. Verma, Shri Tilakdhari
Singh, H. N. Nanje Gowda,
Manukram Soei, L. Adaikalaraj
and Samar Bhahma Chowdhary.

NOES : Shrimati D. K. Bhandari, Shri
Syed Shahabuddin and Mohd.
Mahfooz Ali Khan.

Arunachalam, Shri M.
Athithan, Shri R. Dhanuskodi
Awasthi, Shri Jagdish
Azad, Shri Bhagwat Jha
Azad, Shri Ghulam Nabi
Baghel, Shri Pratapsinh
Bagun Sumbhui, Shri
Bairagi, Shri Balkavi
Bairwa, Shri Banwari Lal
Baitha, Shri D. L.
Bala Goud, Shri T.
Balaraman, Shri L.
Banerjee, Kumari Mamata
Basavarajeswari, Shrimati
Basavaraju, Shri G. S.
Basheer, Shri T.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhakta, Shri Manoranjan
Bharat Singh, Shri
Bhardwaj, Shri Parasram
Bhatia, Shri R. L.
Bhoi, Dr. Krupasindhu
Bhosale, Shri Prataprao B.
Bhoye, Shri R. M.
Bhoye, Shri S. S.
Bhumji, Shri Haren
Bhuria, Shri Dileep Singh
Birbal, Shri
Birendra Singh, Rao
Birinder Singh, Shri
Brahma Dutt, Shri
Budania, Shri Narendra
Buta Singh, S.
Chandrakar, Shri Chandulal
Chandrashekharappa, Shri T. V.
Chandresh Kumari, Shrimati
Charles, Shri A.
Chaturvedi, Shri Naresh Chandra
Chaturvedi, Shrimati Vidyavati
Chaudhary, Shri Manphool Singh
Chaudhry, Shri Kamal
Chavda, Shri Ishwarbhai K.
Chidambaram, Shri P.

Choudhary, Shri Jagannath
Choudhary, Shri Nandlal
Choudhary, Shri A. B. A. Ghani Khan
Chaudhary, Shri Samar Brahma
Dabhi, Shri Ajitsinh
Daga, Shri Mool Chand
Dalbir Singh, Ch.
Dalbir Singh, Shri
Damor, Shri Somjibhai
Das, Shri Anandi Charan
Dennis, Shri N.
Dev, Shri Sontosh Mohan
Dhariwal, Shri Shanti
Dhillon, Dr. G. S.
Digal, Shri Radhakanta
Dighe, Shri Sharad
Digvijay Singh, Shri
Dikshit, Shrimati Sheila
Dogra, Shri G. L.
Dube, Shri Bhishma Deo
Engti, Shri Biren Singh
Gadhvi, Shri B. K.
Gaekwad, Shri Ranjit Singh
Gaikwad, Shri Udaysingrao
Gamit, Shri C. D.
Ganga Ram, Shri
Gavit, Shri Manikrao Hodlya
Gehlot, Shri Ashok
Gholap, Shri S. G.
Gharpade, Shri G. Y.
Ghosh, Shri Bimal Kanti
Ghosh, Shri Tarun Kanti
Gomango, Shri Giridhar
Gowda, Shri H. N. Nanje
Guha, Dr. Phulrenu
Gupta, Shri Janak Raj
Gupta, Shrimati Prabhawati
Hardwari Lal, Shri
Jadeja, Shri D. P.
Jagannath Prasad, Shri
Jain, Shri Dal Chander
Jain, Shri Nihal Singh
Jain, Shri Viridhi Chander
Janarthanan, Shri Kaḍambur

Jangde, Shri Khelan Ram
Jatav, Shri Kammodilal
Jayamohan, Shri A.
Jeevarathinam, Shri R.
Jena, Shri Chintamani
Jitendra Prasada, Shri
Jitendra Singh, Shri
Jujhar Singh, Shri
Kamal Nath, Shri
Kamat, Shri Gurudas
Kamble, Shri Arvind Tulshiram
Kamla Kumari, Kumari
Kamson, Prof. Meijinlung
Kaul, Shrimati Sheila
Ken, Shri Lala Ram
Keyur Bhushan, Shri
Khan, Shri Arif Mohammad
Khan, Shri Aslam Sher
Khan, Shri Khursid Alam
Khan, Shri Mohd. Ayub
Khan, Shri Rahim
Khan, Shri Zulfiquar Ali
Khattri, Shri Nirmal
Khirhar, Shri R. S.
Kidwai, Shrimati Mohisina
Kisku, Shri Prithvi Chand
Konyak, Shri Chingwang
Krishna Kumari, Shri S.
Krishna Singh, Shri
Kshirsagar, Shrimati Kesharbai
Kuchan, Shri Gangadhar S.
Kujur, Shri Maurice
Kumaramangalam, Shri P. R.
Kunwar Ram, Shri
Kuppuswamy, Shri C. K.,
Kurien, Prof. P. J.
Lachchhi Ram, Shri
Law, Shri Asutosh
Lowang, Shri Wangpha
Madhuree Singh, Shrimati
Mahabir Prasad, Shri
Mahajan, Shri Y. S.
Mahendra Singh, Shri
Makwana, Shri Narsinh
Malik, Shri Dharampal Singh

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and State of Arunachal Pradesh Bill

Mallick, Shri Lakshman
Mane, Shri Murlidhar
Mavani, Shrimati Patel Ramaben
Ramjibhai
Meena, Shri Ram Kumar
Mehta, Shri Haroobhai
Meira Kumar, Shrimati
Mirdha, Shri Ram Niwas
Mishra, Shri G. S.
Mishra Dr. Prabhat Kumar
Mishra, Shri Ram Nagina
Mishra, Shri Shripati
Mishra, Shri Umakant
Misra, Shri Nityananda
Mohanty, Shri Brajamohan
Motilal Singh, Shri
Mukhopadhyay, Shri Ananda Gopal
Murugaiah, Shri A. R.
Mushran, Shri Ajay
Muttemwar, Shri Vilas
Naik, Shri G. Devaraya
Naik, Shri Shantaram
Naikar, Shri D. K.
Namgyal, Shri P.
Nawal Prabhakar, Shrimati Sunderwati
Neekhara, Shri Rameshwar
Negi, Shri Chandra Mohan Singh
Netam, Shri Arvind
Odedra, Shri Bharat Kumar
Odeyar, Shri Channaiab
Oraon, Shrimati Sumati
Pakeer Mohamed, Shri E. S. M.
Pandey, Shri Damodar
Pandey, Shri Kali Prasad
Pandey, Shri Madan
Pandey, Shri Manoj
Panigrahi, Shri Chintamani
Panigrahi, Shri Sriballav
Panika, Shri Ram Pyare
Panja, Shri A. K.
Pant, Shri K. C.
Panwar, Shri Satyanarayan
Pardhi, Shri Keshaorao
Patel, Shri Ahmed M.

Patel, Shri C. D.
Patel, Shri G. I.
Patel, Shri Mohanbhai
Patel, Shri Ram Pujan
Patel, Shri U. H.
Pathak, Shri Chandra Kishore
Patil, Shri H. B.
Patil, Shri Uttamrao
Patil, Shri Veerendra
Patnaik, Shrimati Jayanti
Pattnaik, Shri Jagannath
Peruman, Dr. P. Vallal
Pilot, Shri Rajesh
Poojary, Shri Janardhana
Potdukhe, Shri Shantaram
Prabhu, Shri R.
Pradhan, Shri K. N.
Pradhani, Shri K.
Puran Chandra, Shri
Purohit, Shri Banwari Lal
Purushothaman, Shri Vakkom
Pushpa Devi, Kumari
Qureshi, Shri Aziz
Raghuraj Singh, Chaudhary
Rai, Shri I. Rama
Rai, Shri Raj Kumar
Rai, Shri Ramdeo
Raj Karan Singh, Shri
Rajeshwaran, Dr. V.
Rajhans, Dr. G. S.
Ram, Shri Ram Ratan
Ram, Shri Ramswaroop
Ram Awadh Prasad, Shri
Ram Dhan, Shri
Ram Prakash, Ch.
Ram Samujhawan, Shri
Ramachandran, Shri Mullappally
Rampal Singh, Shri
Ranga, Prof. N. G.
Ranganath, Shri K. H.
Rao, Shri J. Chokka
Rao, Shri K. S.
Rao, Shri P. V. Narsimha
Rao, Shri V. Krishna

Rathawa, Shri Amarsinh
Rathod, Shri Uttam
Raut, Shri Bhola
Ravani, Shri Navin
Rawat, Shri Harish
Rawat, Shri Kamla Prasad
Rawat, Shri Prabhu Lal
Sait, Shri Azeez
Sait, Shri Ebrahim Sulaiman
Sakargaym, Shri Kalicharan
Sangma, Shri P. A.
Sankhwar, Shri Ashkaran
Satyendra Chandra, Shri
Sathe, Shri Vasant
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Selvendran, Shri P.
Sen, Shri A. K.
Sen, Shri Bholanath
Sethi, Shri Ananta Prasad
Sethi, Shri P. C.
Shahi, Shri Laliteshwar
Shailesh, Dr. B. L.
Shaktawat, Prof. Nirmala Kumari
Shankaranand, Shri B.
Shanmugam, Shri P.
Shanti Devi, Shrimati
Sharma, Shri Chiranjilal
Sharma, Shri Nand Kishore
Sharma, Shri Pratap Bhanu
Shastri, Shri Hari Krishna
Shervani, Shri Saleem I
Shingda, Shri D. B.
Shivendra, Bahadur Singh Shri
Shukla, Shri Vidya Charan
Sidnal, Shri S. B.
Singaravadivel, Shri S.
Singh, Shri Bhanu Pratap
Singh, Shri Chandra Pratap Narain
Singh, Shri K. N.
Singh, Shri Kamla Prasad
Singh, Shri Krishna Pratap
Singh, Shri Lal Vijay Pratap

Singh, Shrimati Manorama
Singh, Shri N. Tombi
Singh, Shri S. D.
Singh, Shri Santosh Kumar
Singh Deo, Shri K. P.
Sinha, Shri Atish Chandra
Sinha, Shrimati Kishori
Sinha, Shrimati Ram Dulari
Sinha, Shri Satyendra Narayan
Sodi, Shri Mankuram
Soren, Shri Harihar
Soundararajan, Shri N.
Sparrow, Shri R. S.
Sreenivasa Prasad, Shri V.
Subburaman, Shri A. G.
Sukh Ram, Shri
Sukhadia, Shrimati Indubala
Sultanpuri, Shri K. D.
Suman, Shri R. P.
Sundararaj, Shri N.
Sunder Lal, Shri
Sunder Singh, Ch.
Surendra Pal Singh, Shri
Suryawanshi, Shri Narsing
Swami Prasad Singh, Shri
Swell, Shri G. G.
Tapeswar Singh, Shri
Tariq Anwar, Shri
Tewary, Prof. K. K.
Thakkar, Shrimati Usha
Thakur, Shri C. P.
Thangaraju, Shri S.
Thomas, Prof. K. V.
Thungon, Shri P. K.
Tigga, Shri Simon
Tilakdhari Singh, Shri
Tomar, Shrimati Usha Rani
Tripathi, Dr. Chandra Sekhar
Tyagi, Shri Dharamvir Singh
Tytler, Shri Jagdish
Vairale, Shri Madhusudan
Van, Shri Deep Narain
Vanakar, Shri Puran Chand Mithabhai
Venkatesan, Shri P. R. S.
Verma, Dr. C. S.

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and State of Arunachal Pradesh Bill

Verma, Shrimati Usha
Vir Sen, Shri
Vyas, Shri Girdhari Lal
Wadiyar Shri Shrikanta Datta
Wasnik, Shri Mukul
Yadav, Shri Kailash
Yadav, Shri Mahabir Prasad
Yadav, Shri Ram Singh
Yadav, Shri Shyam Lal
Yadav, Shri Subhash
Yadava, Shri Bal Ram Singh
Yadava, Shri D. P.
Yashpal Singh, Shri
Yazdani, Dr. Golam
Yogesh, Shri Yogeshwar Prasad
Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
Ataur Rahman, Shri
Barman, Shri Palas
Bhandari, Shrimati D. K.
Biswas, Shri Ajoy
Choubey, Shri Narayan
Chowdhary, Shri Saifuddin
Goswami, Shri Dinesh
Gupta, Shri Indrajit
Hannan Mollah, Shri
Hansda, Shri Matilal
Jhansi Lakshmi, Shrimati N. P.
Kalpana Devi, Dr. T.
Mandal, Shri Sanat Kumar
Misra, Shri Satyagopal
Mukherjee, Shrimati Geeta
Patil, Shri D. B.
Penchalliah, Shri P.
Ramoowalia, Shri Balwant Singh
Rao, Shri A. J. V. B. Maheswara
Rao, Dr. G. Vijaya Rama
Rao, Shri Srihari
Reddi, Shri C. Madhav
Reddy, Shri K. Ramachandra

Reddy, Shri P. Manik
Riyan, Shri Baju Ban
Roy, Dr. Sudhir
Roypradhan, Shri Amar
Saha, Shri Ajit Kumar
Saham Shri Gadadhar
Shahabuddin, Shri Syed
Tiraky, Shri Piyus
Tulsiram, Shri V.
Zainal Abedin, Shri

MR. SPEAKER** : Subject to correction,
the result of the Division is :

Ayes	—	336
Noes	—	34

The motion is carried by a majority of
the total membership of the House and by
a majority of not less than two-thirds of
the Members present and voting.

The motion was adopted.

Clause 1 was added to the Bill.

MR. SPEAKER : The question is :

“That the Enacting Formula stand
part of the Bill.”

The motion was adopted.

The Enacting Formula was added
to the Bill.

MR. SPEAKER : The question is :

“That Long Title stand part of the
Bill.”

The motion was adopted.

**The following Members also recorded
their votes :

AYES : Sarvashree J. Vengala Rao,
Salahuddin, Seth Hembron, Hafiz
Mohd. Siddiq, Vishnu Modi,
Akhtar Hasan, K. H. Ranganath
and Bapula Malviya.

NOES : Shri Mohd. Mahfooz Ali Khan,
Shri Thampan Thomas and Shri
Parag Chaliha.

The Long Title was added to the Bill.

MR. SPEAKER : The Minister may now move that the Bill be passed.

S. BUTA SINGH : Sir, I beg to move :

“That the Bill be passed.”

MR. SPEAKER : Before I put the motion that the Bill be passed, to the vote of the House, the Lobbies are already cleared. The question is :

“That the Bill be passed.”

The Lok Sabha divided.

16.10 hrs.]

[Division No. 5

AYES

Abbasi, Shri K. J.
Abdul Ghafoor, Shri
Adaikalaraj, Shri L.
Agarwal, Shri Jai Prakash
Ahmad, Shri Sarfaraz
Ahmed, Shrimati Abida
Akhtar Hasan, Shri
Alkha Ram, Shri
Anand Singh, Shri
Ansari, Shri Abdul Hannan
Ansari, Shri Z. R.
Antony, Shri P. A.
Arunachalam, Shri M.
Athithan, Shri R. Dhanuskodi
Awasthi, Shri Jagdish
Azad, Shri Bhagwat Jha
Azad, Shri Ghulam Nabi
Baghel, Shri Pratapsinh
Bagun Sumbui, Shri
Bairagi, Shri Balkavi
Bairwa, Shri Banwari Lal
Baitha, Shri D. L.
Bala Goud, Shri T.
Balaraman, Shri L.
Banerjee, Kumari Mamata
Basavarajeswari, Shrimati

Basavaraju, Shri G. S.
Basheer, Shri T.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhakta, Shri Manoranjan
Bharat Singh, Shri
Bhardwaj, Shri Parasram
Bhatia, Shri R. L.
Bhoi, Dr. Krupasindhu
Bhosale, Shri Prataprao B.
Bhoye, Shri R. M.
Bhoye, Shri S. S.
Bhumij, Shri Haren
Bhuria, Shri Dileep Singh
Birbal, Shri
Birendra Singh, Rao
Birinder Singh, Shri
Brahma Dutt, Shri
Budania, Shri Narendra
Buta Singh, S.
Chandrakar, Shri Chandulal
Chandrashekarappa, Shri T. V.
Charles, Shri A.
Chaturvedi, Shri Naresh Chandra
Chaturvedi, Shrimati Vidyavati
Chaudhary, Shri Manphool Singh
Chaudhary, Shri Kamal
Chavda, Shri Ishwarbhai K.
Chidambaram, Shri P.
Choudhary, Shri Jagannath
Choudhary, Shri Nandlal
Choudhury, Shri A. B. A. Ghani Khan
Choudhury, Shri Samar Brahma
Dabhi, Shri Ajitsinh
Daga, Shri Mool Chand
Dalbir Singh, Ch.
Dalbir Singh, Shri
Damor, Shri Somjibhai
Das, Shri Anadi Charan
Dennis, Shri N.
Dev, Shri Sontosh Mohan
Dhariwal, Shri Shanti
Dhillon, Dr. G. S.
Digal, Shri Radhakanta

Dighe, Shri Sharad
Digvijay Singh, Shri
Dikshit, Shrimati Sheila
Dube, Shri Bhishma Deo
Engti, Shri Biren Singh
Gadhvi, Shri B. K.
Gaekwad, Shri Ranjit Singh
Gaikwad, Shri Udaysingrao
Gamit, Shri C. D.
Ganga Ram, Shri
Gavit, Shri Manikrao Hodlya
Gehlot, Shri Ashok
Gholap, Shri S. G.
Gharpade, Shri G. Y.
Ghosh, Shri Bimal Kanti
Ghosh, Shri Tarun Kanti
Gomango, Shri Giridhar
Gowda, Shri H. N. Nanje
Guha, Dr. Phulrenu
Gupta, Shri Janak Raj
Gupta, Shrimati Prabhawati
Hardwari Lal, Shri
Jadeja, Shri D. P.
Jagannath Prasad, Shri
Jain, Shri Dal Chander
Jain, Shri Nihal Singh
Jain, Shri Viridhi Chander
Janarthanan, Shri Kadambur
Jangde, Shri Khelan Ram
Jatav, Shri Kammodilal
Jayamchan, Shri A.
Jeevarathinam, Shri R.
Jena, Shri Chintamani
Jitendra Prasada, Shri
Jitendra Singh, Shri
Jujhar Singh, Shri
Kamal Nath, Shri
Kamat, Shri Gurudas
Kamble, Shri Arvind Tulshiram
Kamla Kumari, Kumari
Kamson, Prof, Meijinlung
Kaul, Shrimati Sheila
Ken, Shri Lala Ram
Keyur Bhushan, Shri

Khan, Shri Arif Mohammad
Khan, Shri Aslam Sher
Khan, Shri Khurshid Alam
Khan, Shri Mohd. Ayub
Khan, Shri Zulfiquar Ali
Khatttri, Shri Nirmal
Khirhar, Shri R. S.
Kidwai, Shrimati Mohsina
Kisku, Shri Prithvi Chand
Konyak, Shri Chingwang
Krishna Kumar, Shri S.
Krishna Singh, Shri
Kshirsagar, Shrimati Kesharbai
Kuchan, Shri Gangadhar S.
Kujur, Shri Maurice
Kumaramangalam, Shri P. R.
Kunwar Ram, Shri
Kuppuswamy, Shri C. K.
Kurien, Prof. P. J.
Lachchhi Ram, Shri
Law, Shri Asutosh
Lowang, Shri Wangpha
Madhuree Singh, Shrimati
Mahabir Prasad, Shri
Mahajan, Shri Y. S.
Mahendra Singh, Shri
Makwana, Shri Narsinh
Malik, Shri Dharampal Singh
Mallick, Shri Lakshman
Malviya, Shri Bapulal
Mane, Shri Murlidhar
Mavani, Shrimati Patel Ramaben
Ramjibhai
Meena, Shri Ram Kumar
Meira Kumar, Shrimati
Mirdha, Shri Ram Niwas
Mishra, Shri G. S.
Mishra, Dr. Prabhat Kumar
Mishra, Shri Ram Nagina
Mishra, Shri Shripati
Mishra, Shri Umakant
Misra, Shri Nityananda
Modi, Shri Vishnu
Mohanty, Shri Brajamohan

Motilal Singh, Shri
Mukhopadhyay, Shri Ananda Gopal
Murugaiah, Shri A. R.
Mushran, Shri Ajay
Muttemwar, Shri Vilas
Naik, Shri G. Devaraya
Naik, Shri Shantaram
Naikar, Shri D. K.
Namgyal, Shri P.
Nawal Prabhakar, Shrimati Sunderwati
Neekhra, Shri Rameshwar
Negi, Shri Chandra Mohan Singh
Netam, Shri Arvind
Odedra, Shri Bharat Kumar
Odeyar, Shri Channaiah
Oraon, Shrimati Sumati
Pakeer Mohamed, Shri E. S. M.
Pandey, Shri Damodar
Pandey, Shri Kali Prasad
Pandey, Shri Madan
Pandey, Shri Manoj
Panigrahi, Shri Chintamani
Panigrahi, Shri Sriballav
Panika, Shri Ram Pyare
Panja, Shri A. K.
Pant, Shri K. C.
Panwar, Shri Satyanarayan
Pardhi, Shri Keshaorao
Patel, Shri Ahmed M.
Patel, Shri C. D.
Patel, Shri G. I.
Patel, Shri Mohanbhai
Patel, Shri Ram Pujan
Patel, Shri U. H.
Pathak, Shri Chandra Kishore
Patil, Shri H. B.
Patil, Shri Uttamrao
Patil, Shri Veerendra
Patnaik, Shrimati Jayanti
Pattnaik, Shri Jagannath
Peruman, Dr. P. Vallal
Pilot, Shri Rajesh
Poojary, Shri Janardhana
Potdukhe, Shri Shantaram

Prabhu, Shri R.
Pradhan, Shri K. N.
Pradhani, Shri K.
Puran Chandra, Shri
Purohit, Shri Banwari Lal
Purushothaman, Shri Vakkom
Pushpa Devi, Kumari
Qureshi, Shri Aziz
Raghuraj Singh, Chaudhary
Rai, Shri I. Rama
Rai, Shri Raj Kumar
Rai, Shri Ramdeo
Raj Karan Singh, Shri
Rajeshwaran, Dr. V.
Rajhans, Dr. G. S.
Ram, Shri Ram Ratan
Ram, Shri Ramswaroop
Ram Awadh Prasad, Shri
Ram Dhan, Shri
Ram Prakash, Ch.
Ram Samujhawan, Shri
Ramachandran, Shri Mullappally
Rampal Singh, Shri
Ranga, Prof. N. G.
Ranganath, Shri K. H.
Rao, Shri J Chokka
Rao, Shri J. Vengala
Rao, Shri K. S.
Rao, Shri P. V. Narasimha
Rao, Shri V. Krishna
Rath, Shri Somnath
Rathawa, Shri Amarsinh
Rathod, Shri Uttam
Raut, Shri Bhola
Ravani, Shri Navin
Rawat, Shri Harish
Rawat, Shri Kamla Prasad
Rawat, Shri Prabhu Lal
Sait, Shri Azeez
Sait, Shri Ebrahim Sulaiman
Sakargaym, Shri Kalicharan
Sangma, Shri P. A.
Sankhawat, Shri Ashkaran

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and State of Arunachal Pradesh Bill**

Satyendra Chandra, Shri
Sathe, Shri Vasant
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Selvendran, Shri P.
Sen, Shri A. K.
Sen, Shri Bholanath
Sethi, Shri Ananta Prasad
Setbi, Shri P. C.
Shahi, Shri Laliteshwar
Shailesh, Dr. B. L.
Shaktawat, Prof. Nirmala Kumari
Shankaranand, Shri B.
Shanmugam, Shri P.
Shanti Devi Shrimati
Sharma, Shri Chiranji Lal
Sharma, Shri Nand Kishore
Sharma, Shri Pratap Bhanu
Shastri, Shri Hari Krishna
Shervani, Shri Saleem I
Shingda, Shri D. B.,
Shivendra Bahadur Singh, Shri
Shukla, Shri Vidya Charan
Sidnal, Shri S. B.
Singaravadivel, Shri S.
Singh, Shri Bhanu Pratap
Singh, Shri Chandra Pratap Narain
Singh, Shri K. N.
Singh, Shri Kamla Prasad
Singh, Shri Krishna Pratap
Singh, Shri Lal Vijay Pratap
Singh, Shrimati Manorama
Singh, Shri N. Tombi
Singh, Shri S. D.
Singh, Shri Santosh Kumar
Singh Deo, Shri K. P.
Sinha, Shri Atish Chandra
Sinha, Shrimati Kishori
Sjaba, Shrimati Ram Dulari
Sinha, Shri Satyendra Narayan
Sodi, Shri Mankuram
Solanki, Shri Kalyan Singh
Soren, Shri Harihar

Soundararajan, Shri N.
Sparrow, Shri R. S.
Sreenivasa Prasad, Shri V.
Subburaman, Shri A. G.
Sukh Ram, Shri
Sukhadia, Shrimati Indubala
Sultanpuri, Shri K. D.
Suman, Shri R. P.
Sundararaj, Shri N.
Sunder Lal, Shri
Sunder Singh, Ch.
Surendra Pal Singh, Shri
Suryawanshi, Shri Narsing
Swami Prasad Singh, Shri
Swell, Shri G. G.
Tapeswar Singh, Shri
Tariq Anwar, Shri
Tewaty, Prof. K. K.
Thakkar, Shrimati Usha
Thakur, Shri C. P.
Thangaraju, Shri S.
Thomas, Prof. K. V.
Thungon, Shri P. K.
Tigga, Shri Simon
Tilakdhari Singh, Shri
Tomar, Shrimati Usha Rani
Tripathi, Shrimati Chandra
Tripathi, Dr. Chandra Shekhar
Tyagi, Shri Dharamvir Singh
Tytler, Shri Jagdish
Vairale, Shri Madhusudan
Van, Shri Deep Narain
Vanakar, Shri Punam Chand Mithabhai
Venkatesan, Shri P. R. S.
Verma, Dr. C. S.
Verma, Shrimati Usha
Vir Sen, Shri
Vyas, Shri Girdhari Lal
Wadiyar, Shri Srikanta Datta
Wasnik, Shri Mukul
Yadav, Shri Kailash
Yadav, Shri Mahabir Prasad
Yadav, Shri Ram Singh
Yadav, Shri Shyam Lal

Yadav, Shri Subhash
Yadava, Shri Bal Ram Singh
Yadava, Shri D. P.
Yashpal Singh, Shri
Yazdani, Dr. Golam
Yogesh, Shri Yogeshwar Prasad
Zainul Basher, Shri

Tulsiram, Shri V.
Zainal Abedin, Shri

MR. SPEAKER** : Subject to Correction,
the result of the division is :

Ayes	...	338
Noes	...	34

NOES

Acharia, Shri Basudeb
Ataur Rahman, Shri
Barman, Shri Palas
Biswas, Shri Ajoy
Chaliha, Shri Parag
Choubey, Shri Narayan
Chowdhary, Shri Saifuddin
Goswami, Shri Dinesh
Gupta, Shri Indrajit
Hannan Mollah, Shri
Hansda, Shri Matilal
Jhansi, Lakshmi, Shrimati N. P.
Kalpana Devi, Dr. T.
Mandal, Shri Sanat Kumar
Misra, Shri Satyagopal
Mukherjee, Shrimati Geeta
Patil, Shri D. B.
Penchalliah, Shri P.
Ramoowalia, Shri Balwant Singh
Rao, Shri A. J. V. B. Maheswara
Rao, Dr. G. Vijaya Rama
Rao, Shri Srihari
Reddy, Shri K. Ramachandra
Reddy, Shri P. Manik
Riyan, Shri Baju Ban
Roy, Dr. Sudhir
Roypradhan, Shri Amar
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Sahabuddin, Shri Syed
Thomas, Shri Thampan
Tiraky, Shri Piyus

The motion is carried by a majority of
the total membership of the House and by a
majority of not less than two-thirds of the
Members present and voting.

The Bill is passed by the requisite
majority in accordance with the provisions of
Article 368 of the Constitution.

The motion was adopted.

MR. SPEAKER : Now we take up
motion for consideration of the State of
Arunachal Pradesh Bill, 1986.

The question is :

"That the Bill to provide for the
establishment of the State of
Arunachal Pradesh and for matters
connected thereto, be taken into
consideration."

The motion was adopted.

MR. SPEAKER : The House will now
take up clause by clause consideration of the
Bill.

MR. SPEAKER : The question is :

"That Clause 2 stand part of the
Bill."

The motion was adopted.

**The following Members also recorded
their votes :

AYES : Sarvashri G. L. Dogra, Salahuddin,
Rahim Khan, Haroobhai Mehta
and Dr. K. G. Adlyodi.

NOES : Mohd. Mahfooz Ali Khan.

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and State of Arunachal Pradesh Bill**

Clause 2 was added to the Bill.

**Clause 3—(Establishment of the State
of Arunachal Pradesh)**

SHRI P. K. THUNGON : I beg to
move :

Page 2, line 15—

add at the end—

“and also the areas covered by
notification No.TAD/R/35/50/109,
dated the 23rd February, 1951
issued by the Governor of Assam,”
(1)

In Arunachal Pradesh the people are not
always peaceful as the Hon. Home Minister
has stated. At times it has been seen that
there are certain irritants in between their
neighbour. Those irritants are particularly
because of transfer of certain area, and, there-
fore I, would like to draw the attention of the
Hon. Home Minister that wherever necessary,
at least some parts of the transferred land, as
per the recommendation of the high powered
Tripartite Committee made for going into all
the problems of Assam and Arunachal
Pradesh boundary, according to their re-
commendation some consideration should be
made and finalised.

I will appeal to the friends of Assam
also as they are aware of the problems they
should be considerate in this case. Home
Minister should be generous enough to see
that these injustices which were perpetrated
on the people of Arunachal Pradesh are
corrected quickly.

**THE MINISTER OF HOME AFFAIRS
(S. BUTA SINGH) :** I have noted the con-
tention of the Hon. Member.

Clause 3 of the Bill envisages that the
new State of Arunachal Pradesh shall com-
prise the territories which immediately before
the appointed day were comprised in the
existing Union territory of Arunachal
Pradesh. According to section 7 of the
North Eastern Areas (Reorganisation) Act,
1971 the Union territory of Arunachal
Pradesh comprises the “territories which

immediately before that day (the appointed
day) were comprised in the tribal areas
(specified in part B of the table appended to
paragraph 20 of the Sixth Schedule to the
Constitution (but excluding the areas covered
by Notification No. TAD/R/35/50/109
dated 23.2.1951 issued by the Governor of
Assam under the proviso to sub-paragraph
(3) of the said paragraph (20) and known as
the NEFA”. The effect of this notification
was to take the areas covered by the said
notification out of Part B tribal areas afore-
said. Accordingly these areas were not part
of the erstwhile NEFA which became the
Union territory of Arunachal Pradesh. The
purpose of the present Bill is to constitute
the existing Union territory of Arunachal
Pradesh into a State.

The amendment may not be accepted in
the light of these facts which I have men-
tioned just now.

SHRI P. K. THUNGON : As I stated
earlier, I have got full faith in the Minister
of Home Affairs. But at the same time may
I say one more line that within that area
of...

(Interruptions)

MR. SPEAKER : Do you withdraw it or
not ?

SHRI P. K. THUNGON : 51 Notifica-
tion, tribal people resided traditionally with
full rights and mostly administered by
NEFA Administration.

MR. SPEAKER : Now you have to say
whether you are withdrawing or not.

SHRI P. K. THUNGON : I am a dis-
ciplined soldier of the Congress but let me
complete my submission.

S. BUTA SINGH : I can say that we
will continue persuading the Hon. Chief
Ministers of Assam and Arunachal Pradesh
to find an amicable solution.

SHRI P. K. THUNGON : I seek the
leave of the House to withdraw my amend-
ment.

MR. SPEAKER : Is it the pleasure of the House that the amendment moved by Shri Thungon be withdrawn ?

SEVERAL HON. MEMBERS : Yes.

Amendment No. 1 was, by leave, withdrawn.

MR. SPEAKER : I shall now put clauses 3 to 5 to the vote of the House because there are no amendments.

The question is :

"That clauses 3 to 5 stand part of the Bill."

The motion was adopted.

Clauses 3 to 5 were added to the Bill.

Clause 6—(Allocation of sitting member)

SHRI C. MADHAV REDDI : Sir, I move :

Page 2, line 36,—

for "be deemed to have been duly elected" substitute "cease to be a member and a member shall be elected".(3)

Page 2,—

omit line 39 (4)

Sir, I wish to say a few words. Regarding the sitting Member of the Rajya Sabha it is said that he should be deemed to have been elected under clause (4) of Article 89 of the Constitution. That is, you are taking the powers to amend the Constitution by this clause. You cannot do so unless you amend Article 80 of the Constitution because that Member has been elected under clause (5). Unless he is elected under clause (4) he will not be considered as a Member.

Sir, clause (4) of Article 80 reads like this :

"The representatives of each State in the Council of States shall be elected by the elected Members of the Legislative Assembly of the State in accordance with the system of propor-

tional representation by means of the single transferable vote."

Unless any Member is elected under this, he will not be deemed to be representing the State.

S. BUTA SINGH : As was said by me and also as the Hon: Prime Minister made a mention, a lot of consideration was given to various factors including the constitutional aspect that the Hon. Member, Shri Madhav Reddiji has just now mentioned and it was decided that we will have 40 Members of the new Assembly when it comes into being and the present Assembly being a provisional Assembly will continue till its term is over. So, I am afraid...

SHRI C. MADHAV REDDI : Sir, this clause does not relate to the Members of the Assembly, it relates to a Member of Rajya Sabha. We are on clause 6 here.

S. BUTA SINGH : Yes, Sir. The present status is supposed to be continued.

SHRI C. MADHAV REDDI : I seek leave of the House to withdraw my amendments.

MR. SPEAKER : Is it the pleasure of the House that the amendments moved by Shri Madhav Reddi be withdrawn ?

SEVERAL HON. MEMBERS : Yes.

Amendment Nos. 3 and 4 were, by leave, withdrawn.

MR. SPEAKER : The question is :

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

MR. SPEAKER : There are no amendments to clauses 7 to 9. I shall, therefore, put clauses 7 to 9 to the vote of the House.

The question is :

"That clauses 7 to 9 stand part of the Bill."

The motion was adopted.

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and State of Arunachal Pradesh Bill

Clauses 7 to 9 were added to the Bill.

Clause 10—(Provision as to Legislative
Assembly)

SHRI P. K. THUNGON : Sir, I move :

Page 3, line 20,—

for "forty" substitute "sixty;" (2)

SHRI C. MADHAV REDDI : I move :

Page 3, line 20,—

for "forty" substitute—

"between sixty and seventy' as
determined by the Election Com-
mission" (5)

(Interruptions)

SHRI P. K. THUNGON : Sir, I have spoken this morning, I do not want to take much time. I would simply like to reiterate that in no case Arunachal Pradesh lack the qualification of having 60 Members in the Assembly and the Hon. Members have amply made it clear that *prima facie* it looks injustice perpetrated on the new State, Arunachal Pradesh. Therefore, I would like to have an assurance from the Home Minister at least that later on when certain considerations are made after having experiences, after having more detailed discussions, he will kindly consider, if not 80; let it be 60 or may be this side or that side, but it should not be 40 at all.

SHRI C. MADHAV REDDI : I have already explained it. This is against article 170 of the Constitution. Unless you amend article 170, I feel, you cannot enact this clause. You cannot reduce the strength from 60. Every Assembly's strength must not be below 60, this is what article 170 says.

S. BUTA SINGH : This is what we have done in the Constitution (Amendment) Bill. We have just now passed this Constitution (Amendment) Bill and we have given special provision.

As far as Shri Thungonji's contention is concerned, let him continue his drive. I am

afraid, now in the present Bill, nothing can be accepted. But Shri Thungon knows, the Prime Minister has already said, we have not really closed it. Let the State Assembly and let the State Government come. But, Sir, at the moment, the amendment cannot be accepted.

MR. SPEAKER : Do you withdraw your amendment ?

SHRI P. K. THUNGON : Yes, Sir.

MR. SPEAKER : Has Shri Thungon leave of the House to withdraw his amendment ?

SEVERAL HON. MEMBER : Yes.

Amendment No. 2, was, by leave,
withdrawn.

MR. SPEAKER : The question is :

"That amendment No. 5 moved by
Shri Madhav Reddi be adopted."

The motion was negatived.

MR. SPEAKER : The question is :

"That clause 10 stand part of the
Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11—(Provisional Legislative
Assembly).

MR. SPEAKER : Now, clause 11. Shri
Madhav Reddi.

SHRI C. MADHAV REDDI : I beg to
move :

Page 3,—

for lines 29 to 34 substitute—

"(2) The provisional Legislative
Assembly constituted under
this section shall be in exis-
tence for a period of six
months from the date of its
coming into existence or until

the new Assembly is elected
whichever is earlier." (6)

The provisional Assembly which is existing now should continue only for an interim period. That is the reason why we are calling it a provisional assembly. It should not be allowed to continue for 4 long years. My amendment says that this will continue for six months and the election should be held before that.

S. BUTA SINGH : As I mentioned, in the scheme of the Bill that has been introduced already, it has been made clear that the State Assembly will be its term. That is, when it completes its term the next Assembly which is going to be elected will be elected on the provisions made in the Bill.

Earlier, Shri Madhav Reddi said, we have not taken the amendment of the Constitution for providing the number "40". I just now mentioned that in the Constitution (Amendment) Bill that we have passed, there is clause (b), the last clause in that Bill. That is the amendment of the Constitution for that specific purpose. Kindly see the Constitution (Amendment) Bill. It is there, to make it "40". We have amended the relevant portion of the Constitution.

So, the present Assembly will continue till its term is complete. Only the next Assembly which will be elected after the term of the present Assembly will be according to the number sanctioned in this Bill.

MR. SPEAKER : Are you withdrawing your amendment ?

SHRI C. MADHAV REDDI : Yes.

MR. SPEAKER : Has Mr. Madhav Reddi leave of the House to withdraw the amendment ?

SEVERAL HON. MEMBERS : Yes.

Amendment No. 6 was, by leave,
withdrawn.

MR. SPEAKER : Now, we will take up clauses 12 to 32 also.

The question is :

"That clauses 11 to 32 stand part of the Bill."

The motion was adopted.

Clauses 11 to 32 were added to the Bill.

Clause 33—(Distribution of revenues)

MR. SPEAKER : Now, we will take up clause 33. Shri Madhav Reddi.

SHRI C. MADHAV REDDI : I beg to move :

Page 9, line 1,—

after 2 "President" insert—

"on the advice of the Finance Commission appointed for this purpose"
(7)

The Bill gives powers to the Government of India to divide the revenue from the Central pool and give it to the State. This is an arbitrary power being taken by the Centre. I suggested that this should be given to the Finance Commission. One-Member Finance Commission can be appointed and he should be asked to look into it and give the award, as far as the revenues to the State are concerned.

S. BUTA SINGH : It has been provided as per the Constitutional provision the present scheme has been worked out under the law. Therefore, there is no need of having any Special Commission or any special financial arrangement. I am afraid, under the circumstances, the amendment cannot be accepted.

MR. SPEAKER : Has the Hon. Member leave of the House to withdraw the amendment ?

SEVERAL HON. MEMBERS : Yes.

Amendment No. 7 was, by leave,
withdrawn.

MR. SPEAKER : The question is :

"That Clauses 33 to 51 stand part of the Bill."

The motion was adopted.

Clauses 33 to 51 were added to the Bill.

1st Schedule, 2nd Schedule, 3rd Schedule and 4th Schedule were added to the Bill.

Clause 1, the Enacting Formula and the Long title were added to the Bill.

S. BUTA SINGH : I beg to move :

“That the Bill be passed.”

MR. SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.

16.28 hrs.

SHIPPING DEVELOPMENT FUND
COMMITTEE (ABOLITION)
BILL, 1986

[English]

MR. SPEAKER : Now we take up Item No. 27.

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B. K. GADHVI) : Sir, I beg to move* :

“That the Bill to abolish the Shipping Development Fund Committee constituted under the Merchant Shipping Act, 1958 and to provide for certain matters incidental thereto, be taken into consideration.”

The Government of India has taken several positive steps in the past with the primary object of building up a self-reliant merchant fleet, capable of meeting the needs of the country during peace and war. One of these was setting up of the Shipping Development Fund Committee (SDFC) in 1959, initially to finance acquisition of

ships and subsequently fishing trawlers, from indigenous shipyards and from abroad. Over the years, apart from promoting a significant increase in national tonnage both in the general shipping sector and in the fishing trawler industry, the SDFC has contributed significantly to the emergence of India as an important maritime nation in the developing world.

SHRI THAMPAN THOMAS (Maveli kara) : Sir, I wanted certain clarifications from the Home Minister on the statement which he read in the morning.

MR. SPEAKER : That cannot be done now.

SHRI THAMPAN THOMAS : I asked for a discussion but no discussion was permitted.

MR. SPEAKER : There is a certain procedure and every procedure has to be followed. There is a procedure and everything is done according to that.

SHRI NARAYAN CHOUBEY (Midnapore) : You agreed to consider it.

SHRI THAMPAN THOMAS : As per the procedure, I gave a notice for adjournment motion.

MR. SPEAKER : Why don't you realise that we cannot go out of the rules? You will have to give a notice. Then I will consider that.

SHRI THAMPAN THOMAS : May I ask a clarification?

MR. SPEAKER : No question of clarification. How many times I will tell you?

(Interruptions)

MR. SPEAKER : It cannot be. So simple. It cannot be. No. I cannot. You have to give it in writing. If there is time, I will consider it and I shall see. Otherwise not. So simple it is.

SHRI THAMPAN THOMAS : I have given it in writing.

MR. SPEAKER : It is all right. I will consider it.

* Moved with the recommendation of the president.

SHRI B. K. GADHVI: In the past decade, shipping industry has passed through a very difficult period because of world-wide recession and sharp decline in freight rates. This has imposed a considerable financial burden on the SDFC and has affected its ability to finance new ship acquisitions. It has, therefore, become necessary to evolve a new financing mechanism for extending adequate support to shipping and trawler industries. After a careful review, it has been decided by the Government to wind up the SDFC and to create a new financing agency in the place of SDFC which would have wider financial resources and greater flexibility of operations.

We have already given an indication of the arrangements for the new financial agency being contemplated by Government, in the statement made in this House on 13th November, 1986. Action is being taken to establish the new institution.

The present Bill is intended to give effect to the decision to wind up SDFC. It is the intention that on abolition of the Shipping Development fund and the SDFC, the assets and liabilities should vest in the Government and that these should not be passed on to the new financing institution direct, lest the new institution should start with a heavy liability of carrying SDFC's losses in its books which would in turn affect its capacity to raise funds to support shipping. It is, therefore, envisaged that the new financial agency will manage the assets and liabilities as an agent of the Government. In all contracts between SDFC and agencies within and outside India, Government of India would step into the shoes of the SDFC without any need for contracts to be re-entered. Similarly, pending cases would not abate by abolition of SDFC; instead, Central Government would be substituted for SDFC.

Based on the experience of the working of SDFC and the difficulties faced by it in effecting recoveries of dues from shipping companies, it is felt that the Government should assume special powers to facilitate more effective and quicker recoveries of dues to the Government from shipping companies, on abolition of SDFC. These special powers would include powers to call for repayment of loans before agreed period, to appoint receiver without intervention of court, to

appoint directors and administrators of shipping concerns, notwithstanding the provisions of Companies Act, 1956, to recover due as arrears of land revenue, etc. Such powers would be exercised by the Government of India itself or through an agent. The present Bill seeks to achieve these objects.

With these words, I commend the Bill for consideration of the House.

16 29 hrs.

[SHRI ZAINUL BASHEER *in the Chair*]

MR. CHAIRMAN : Motion moved :

“that the Bill to abolish the Shipping Development Fund Committee constituted under the Merchant Shipping Act, 1958 and to provide for certain matters incidental thereto, be taken into consideration”.

SHRI K. RAMACHANDRA REDDY (Hindupur) : Sir, the present Shipping Development Fund Committee (Abolition) Bill, 1986 is intended to abolish the Shipping Development Fund Committee constituted under the Merchant Shipping Act, 1958. This Committee has been created, under section 15 of this Act, in the year 1959. It was working satisfactorily since 1959. i. e. for the past 27 years. Now, for reasons best known to the Government, they wanted to abolish this Committee.

Sir, when I went through the Bill and also when I followed the speech of the Hon. Minister and tried to analyse this Bill, a feeling has come to me that the Government or the Minister is trying to run with the hare and hunt with the hounds. That has been made quite clear. They don't say that this Committee has completely failed. They pay encomiums to this Committee. But they say that this Committee has succeeded as far as the developmental activities are concerned. At the same time, they wanted to abolish it. The reason they have given for the abolition of this Committee is that this Committee was not able to collect money which was lent to some people. In the Statement of Objects and Reasons, they said : “Although the SDFC performed well its role as a developmental body, its record in respect of enforcing recovery of loans extended by it

has been well below expectations". This is the reason that they have given to abolish this Shipping Development Fund Committee. This Committee has been working satisfactorily since 1959 i. e. for the past 27 years. Now, suddenly the Government woke up a fine morning and found that even though the development activities of the Committee were good, were up to the mark and even though the Government praise it, they found as far as the collections are concerned, it has been far below the expectations. Instead of giving such vague terms, the Minister could have come forward, could have taken this House into confidence with the details as to what is the amount that has been lent; what is the amount that has been collected and what is the amount that has been outstanding and in what fields this Committee has failed. The Minister could have taken the House into confidence and come forward with these details so that the House may judge genuineness or otherwise of this abolition Bill. The Minister does not do that. That is why I am saying that the Minister is trying to run with the hare and hunt with the hounds. At one stage he says that the functions of the Committee are good; at the other stage he says its collections are bad. You will be surprised to hear that. He says : the developmental activities are good and the difficulties are found as far as only collections are concerned. Probably the Committee were not in a position to complete the collections. If really the same yardstick is applied, then I would say there are so many government concerns which are running on heavy losses, there are so many public concerns and public undertakings, there are so many Committees, which are incurring huge losses, and they have to be abolished. They are also consuming public money. They are showing losses every year. What will happen to those Committees if the same yardstick is applied ? All those Committees may have to be abolished. When the Government feels that this Committee has been working very satisfactorily and the only failure is in respect of collection, instead of assuming enormous powers to themselves, the Government could have given those powers to the very same Committee and allowed it to continue to work. It appears as though the Government does not want this Committee to work satisfactorily and that is why are abolishing this Committee and are assuming the powers to themselves. When the Government assumes

the functions of the SDFC and sets up another agency, I do not know that is going to be the fate of that. That may also be like other government concerns and undertakings which are incurring huge losses and which are not able to develop or collect or do anything at all except causing a lot of hardship and strain to the public exchequer.

Under the guise of abolition of this, I feel the Government wants to assume enormous powers to themselves. So many problems will come up now, about the assets and liabilities, taking over of the staff, the rights of the staff, their duties, their emoluments, and so on. When all these things are there, the Government is going to encounter a lot of difficulties. Instead of trying to encounter such difficulties, if Government had enhanced the power of collection of the Committee, the Committee would have done wonderfully well. But they have not chosen that easy way. Instead, they have come forward with this Bill to abolish the SDFC. Clause 3(b) of this Bill contains only three or four words and with that, they have abolished so many sections—sections 14, 15, 16, 16A, 17, 17A 18 and 19. I do not know whether they have considered the effect of this. Clause 3(b) of this Bill has very far-reaching consequences. It is able to remove eight sections at a stretch.

Another thing is this. As far as the rights of the employees are concerned, Clause 7(2) contains drastic provisions. Under the guise of abolishing this Committee and improving the collection capacity, the Government is assuming enormous powers. Very drastic powers are there under Clause 7(2). With Clause 7(2) Government takes away all the rights of the employees and the employees cannot go to courts; the employees are not entitled to any compensation under this Act or any other Act and no such claim shall be entertained by any court, tribunal or other authority. The jurisdiction of the Industrial Disputes Act is also being taken away. I do not know why the Government wants to have these sweeping powers. I feel that this Bill has been brought not with the idea of abolishing the SDFC only but with the idea of assuming sweeping powers so that they may ride roughshod over the rights of the employees.

[Shri] K. Ramachandra Reddy]

That is why I request the Government that, instead of laying their hand on a Committee which is running very satisfactorily and instead of trying to abolish it—because if the same yardstick is applied, they have to abolish so many other Committees also—it is better that Government allows this SDFC to continue to function and withdraw this Bill for the present. If the functions of the Committee are not upto the mark, if they are unable to do the collection, then at a later stage they can come forward with such a Bill to abolish it. They can now give wide powers to the SDFC as far as collections are concerned and try to improve its functioning. I request the Government, once again, not to lay their hands on an organisation which is working even to the satisfaction of the Government and withdraw this Bill for the present.

SHRI SATYAGOPAL MISRA (Tamluk) : You will be surprised to go through the statement given by the Hon. Minister. Under the Merchant Shipping Act, 1958, Section 15, the Shipping Development Fund Committee was constituted. From that date, the Committee functioned upto now. But now the Government has given a statement which itself is contradictory. I cannot understand it. I quote from the statement of the Minister :

“Although the SDFC performed well its role as a developmental body, its record in respect of enforcing recovery of loans extended by it has been well below expectations”.

If the recovery of the loan is well below expectations, then how did it function well ? I don't know how the Committee functioned well.

I want to know from the Hon. Minister whether the functioning of the Committee was assessed from time to time by the Government, whether, any action was taken against the Committee which failed to recover the loan. I also want to know from the Hon. Minister in detail how the Government is going to realise all the amounts which have been sanctioned as loan to different Shipping Companies and what is the total amount,

Now, all of a sudden, the Government has come to abolish the Shipping Development Fund Committee and it is trying to take all the responsibility on its own shoulders. I have a strong objection on Clause 7 of the Bill where the transfer of service of the existing employees of the Committee has been restricted; even their children cannot go to the Court. There are some well established laws of the employees and those well established rights have also been taken away by this Clause. I have a strong objection on this point.

I want to know what is the actual purpose of the Government. They are now trying to abolish the Shipping Development Fund Committee. Then, what are they actually going to do ? How will they finance different Shipping Companies, for their development ? What will be the procedure ? That chapter is quite absent in this Bill.

I think the Hon. Minister will clarify all these points and tell us whether the activities of the Committee were assessed from time to time, whether any strong action was taken against the Board which sanctioned so many rupees as loan, but failed to recover certain amount and whether any action has been taken in this regard.

Lastly I want to know from the Hon. Minister what are the actually going to do in this respect. They are abolishing the Committee and they are taking all the responsibilities on their own selves. What will be the actual procedure for granting loans, how will they recover the loan ? I hope all these points will be clarified.

[Translation]

SHRI GIRDHARI LAL VYAS (Bhilwara) : Mr. Chairman, Sir, I rise to support the Shipping Development Fund Committee (Abolition) Bill... (Interruptions) Shri Janga Reddy, I am speaking on it because I was not allowed to speak today.

SHRI NARAYAN CHOUBEY : When he could not speak on any other subject, he has started speaking on shipping.

SHRI GIRDHARI LAL VYAS : I support the Bill and I want to submit certain

points to the Hon. Finance Minister. But the Hon. Minister is not present in the House.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT): I am officiating for him.

SHRI GIRDHARI LAL VYAS : You are a Minister in the Ministry of Parliamentary Affairs but we accept you as the Finance Minister.

Mr. Chairman, Sir, we want information regarding the recovery of the loans. How much money has been sanctioned as loans and advances by this committee? (*Inter-rptions*) And what steps are being taken for their recovery? Out of Rs. 626 crores advanced as loan, how much has been given on the basis of guarantees and how much would be written off and how much can be recovered? We want to know about it in particular. The Members of the Opposition are of the opinion that this Committee is functioning properly. But when we are provided with the information that we have asked for, we would come to know about the shipping companies which have been granted the loans and whether the money has been utilised properly, and whether they are in a position to repay the loans? We are doubtful because you have made a provision that you would recover the loan in the same way as you recover land revenue. Recovery in this way is made only when the beneficiary is not in a position to repay the loan. In the other case, where a guarantee is provided, the beneficiary repays the loan himself from time to time. But for those who do not repay the loans, this provisions has been made. Doubts arise because most of the money out of Rs. 626 crores has been granted by the committee to the companies which have been indulging in fraudulent deals, with the result that there is no scope for recovering the loan. If the banks are unable to recover loan, they put it in bad debt. I want to ask as to what amount, out of Rs. 626 crores has been given to such companies, which are not in a position to repay the loan? I would like to know the names of the companies from the Hon. Finance Minister which have been granted loans by the committee and the extent thereof?

As present, many industries are declared sick so that new industries can be set up in their place. I would like to know the names of the companies, out of the aforesaid companies, which transferred their capital in a similar manner. I would also like to know the names of the new companies which have been established in this manner? I want to know the *modus operandi* adopted by these companies to misappropriate Government money. Therefore, it is the right of the Hon. Members to get complete information in this regard. Government should also State as to how much money has been bungled, how much is recoverable and how much has been recovered? Mr. Finance Minister, this doubt has arisen because you have provided that recovery of the loans shall be made in the same way as land revenue. It implies that the loan given to these companies has been treated as bad debt and hence this provision. We, therefore, want to know the amount, out of Rs. 626 crores, which has been misappropriated.

Provisions have been made under clause 7 regarding the rights and liabilities of the workers. The clause *inter-alia* provides.

[English]

"...with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government is duly terminated or until his remuneration and other conditions of service are duly altered by the Central Government".

[Translation]

This provision is so dangerous that it might endanger the service of any employee. If a company is transferred, it should not make any difference in the service conditions of the employees. The service conditions of an employee should remain the same as they were in S.D.F.C. The employees of the S.D.F.C. should be transferred to the new company which has been set up. The rights and liabilities which had been made under the S.D.F.C. should be made applicable by the new company. The Central Government

[Shri Girdharilal Vyas]

cannot make any changes in this regard. You have provided that they would be governed by any legislation enacted by the Central Government in his regard. Through this legislation you are undermining their rights. Mr. Minister, it is a very important question. You should delete this provision, under which the Central Government can bring any legislation, even providing for termination of their services. I want to imply that the service conditions of the employees should remain the same as they were under S.D.F.C. in view of the fact that it will be taken over by the new company. This is the legal position also. The same is provided under the Industrial Disputes Act and other Labour Laws. Under the provision of this Bill, the Central Government has been empowered to take away the rights of the employees at any time. This is a very dangerous provision and it should be withdrawn.

Secondly, no provision has been made in the Bill in regard to Provident Fund and payment of compensation. Such a provision is a must as persons working in the Shipping Corporation can meet with an accident at anytime. There are no provisions regarding Provident Fund and other such matters. These provisions must be made in the Bill. You have brought the Bill in a hurry without taking into consideration the rights of the employees and how to give them maximum benefits. Therefore, this Bill is incomplete and I think that the provisions which have not been included in this Bill, will be included in some future Bill.

With these words I support the Bill.

[English]

SHRI THAMPAN THOMAS (Mavelikara) : Sir, this Bill has been brought forward in view of the problems faced by the shipping industry and its importance. But when we try to make some improvements, we find a failure. What will be the fate of the industry in a developing country? It has to improve its business in various aspects. It is true that a developing country has got its problems. But a developing nation has to build up the shipping industry for the purpose of improving its economy. Sir, by and large, the exports will

be dependent on the development of the shipping industry in this country.

As a trade union representative of a ship manufacturing industry, I have my experience. The ship manufacturing is owned by the Government of India. The situation is that there are not sufficient orders. Therefore, the workers who are employed had to be laid off. Also the financial benefits which were being extended by the Government of India, are being curtailed. Kerala is having the Cochin Shipyard which is one of the biggest shipyards in Asia. That shipyard developed with the modern techniques faces a big crisis and is on the verge of closure because of Government's policy. It appears that even the State Government have burdened the industry by way of salestax. The ships manufactured for Government in a Government industry are being taxed. How is this Government going to encourage the industry which is very much essential for the financial development of this country?

If you look at this Bill, you will see that they are abolishing the Shipping Development Fund Committee which was constituted for the purpose of development of an industry and in that place what is promised in this Bill is that some new financing agency will be formulated subsequently under the Companies Act for the purpose of looking into these matters. In the meanwhile what is happening is that Rs. 626 crores are going to be lost. That is the amount due to this Committee, and naturally, there would be claims and counter-claims. I would request the Hon. Minister to explain to this House, where this money has gone. In whose hands has this money gone? How many private trading Companies are involved in this, who have taken this money and invested in other business other than the shipping business? Will the Government be able to detect this and realise the money?

You have provided in this Bill that the amount will be recovered as land revenue. I doubt this very much. When the real process of law takes place, your contracts or agreements which you have made with the parties who have availed of the loans, may be considered not valid. When you go to the court and invoke powers to recover the loans etc. as land revenue, your contracts may be taken as invalid. Today, those

people owe a sum of Rs. 626 crores to the Government and as far as the people of this nation are concerned, this amount will have to be written off. You will have to give me an assurance how you are going to safeguard that much money.

Secondly, there are two sides of the shipping industry; one is the ship manufacturing and the other is transportation of goods from our country. How are you going to help these two sections? The ship manufacturing industry is facing a very big crisis because of want of orders and no encouragement from the Government side. I visited Japan, which is one of the developed countries recently. It is in the private sector. There also the ship industry is facing a crisis. What they have done is that they are using the same industry and the technology for manufacture of some other items. I saw that in Mitsui, when I visited, they were planning to manufacture floating airports in the sea. They were going to use the shipyard facilities and the engineering techniques acquired for this purpose. They will use these floating airports to land the aircrafts in the sea or near that area. This way, the industry which was developed solely for the purpose of manufacturing ships is being diverted to other purposes. Have you got any such plan to encourage our industry which is engaged in the manufacture of ships? You can very well divert their engineering technology for other purposes.

There is a lot of indigenous technology which has to be developed. So far, we have always banked on the foreign technology and that has many times landed us into very great difficulties. At some stage or the other, we have to give a go-by to the foreign technology, and we have to develop our own technology. For a long time now, we have been experimenting like Mohd. Tughlaq and failing. This is one such example.

There is another aspect of transportation. A number of people are involved in it. I belong to a seashore area. Boys and others working as seamen in the ships are facing a lot of difficulty. There would be a lot of opportunities for employment for a number of people if you properly implement the Merchant Shipping Act, and correlate the various other things for the purpose of transportation of goods through bigger ships.

If you encourage it, people can find a lot of jobs, but that is not being done. Actually, those people are in a discontented manner. There is no proper method of warehousing and transportation.

17.00 hrs.

All these things are not found here. Therefore, I submit that participation in this debate on this Bill should serve as an eye-opener to our policies and when we are going to have a discussion of this kind, I would like to urge the Hon. Minister to come forward with new proposals which will really help us in our nation building and I request the Hon. Minister to bring forth concrete suggestions instead of abolishing something and thereby creating a vacuum.

SHRI D. P. JADEJA (Jamnagar): Mr. Chairman Sir, I rise to support the Bill brought forward by the Hon. Finance Minister. While doing so, I would like to draw the attention of the Government regarding a few facts which he could consider when either a new Bill is to be introduced or when an alternative to the SDFC is going to be made available to the people of this country.

Sir, a lot of allegations have been made regarding the misuse of funds. Though I am no authority to say anything on this subject, I would like to draw the attention of the House that neither the officials of the SDFC, nor the people who man the merchant shipping companies alone are responsible for all these things. There is a recession in the world and this is the situation through which the shipping industry has been going through during the last six years, which has resulted in the present situation of bad debts.

But Sir, when the private enterprise is being told that they have taken finances from the SDFC and diverting them to other industries, I would like to know from the Government as to what is the share of the private sector as a beneficiary of the SDFC and what is the share of the government-owned Shipping Corporation of India and other organisations who have taken loans from the SDFC? When the SDFC made rules and gave finances to other companies, they made one particular rule saying that

[Shri D. P. Jadeja]

only limited companies are to be benefited by the SDFC. I pleaded with the Government that besides the limited companies, there are even private partnership companies, individual ownership companies who can run these smaller projects in a much better way and unless they get the financial assistance from an organisation like the SDFC, they will not be able to come forward to do justice to the industry, which the SDFC were supposed to help.

For example, fishing vessels industry was one industry which was being supported by the SDFC. But there a problem came that every company had to become a limited company. I hope that with the new company that they are going to form, I wish that they would consider that even private parties or even partnership companies will also be benefited by the SDFC's facilities which they were not getting earlier.

Further more, SDFC which was basically an organisation to support and help the shipping industry neglected the weaker sections of the shipping industry, viz. the sailing vessels industry. Sailing vessels industry is the backbone of the coastal services of this country. It is the main industry which operates between India and the Gulf, between India and Sri Lanka and between India and the South East Asian countries. Now, this is an industry which was being helped by the Ministry of Shipping through a very meagre loan. And that loan has also now been discontinued and the small man, the owner of the sailing vessel has now got to go to the commercial banks where he has to pay a much higher rate of interest, whereas even the bigger industries like the government owned corporation are still to be benefited with low rate of interest with easier terms of payment. I only hope that the Government will reconsider this issue and see to it that this small man, who is the owner of a sailing vessel or a small fishing vessel is also benefited.

17.04 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

While concluding, I would request the Government only one thing. It is observed

that the Government has since decided to establish a new financing agency under the Companies Act in the place of the SDFC which would be endowed with wider financial responsibilities and greater flexibility of operations. It is here we have a hope that this greater flexibility of operations will encourage the genuine small and big industries to develop. They should not waste time and allow the industry to go into some other people's hands for borrowing and for financing, and they should instead now come forward with their new rules and regulations and offer it to the public as early as possible. And one more thing in the new organisations. I would request the Government to consider that people who are put at the helm of affairs and who are asked to control all these operations public men should also be involved.

[*Translation*]

SHRI NARAYAN CHOUBEY (Midnapore) : Mr. Deputy Speaker, Sir, I want to raise a few points for the consideration of the Hon. Minister through you. I am surprised that after commending the work done by SDFC, you have provided for its abolition. There is a saying : *Andher nagri chau-pat raja, take ser bhaji, take ser khaja*. It implies that it hardly matters whether a work is done efficiently or not. The shipping industry underwent considerable expansion because of the good work done by S.D.F.C. But in spite of it, the Government has decided :

[*English*]

The Government has since decided to establish a new financial agency under the Companies Act in place of SDFC. What for ?

[*Translation*]

The reason is that loans advanced by it have not been realised so far. How can an organisation be commended which failed to realise the loans advanced by it ? It ought to have been said that only half of the work was done efficiently. If loans are given then it becomes good work, otherwise it is bad. It is quite surprising. My friends and myself would like to know whether it is true—as you have said—that loans worth Rs. 626

crores have been sanctioned. Any banking institution undertakes borrowing and lending of money and its performance can be good as well as bad.

THE MINISTER OF STATE IN THE
MINISTRY OF COMMUNICATIONS
(SHRI SONTOSH MOHAN DEV) : Some-
times.

SHRI NARAYAN CHOUBEY : Not
sometimes. Sethia is still languishing in jail.
You very well know the name of the bank
in London which advanced him the loan.
You can claim that one of the defaulters has
been put behind the bars. I want to know
the names of other persons who have taken
these loans. Let the cat be out of the bag.

[*English*]

Who were these great men, who have
taken loans and loans only and who have
not repaid it ?

[*Translation*]

And because of whom you are going to
establish a new agency. You should also
state the liability of shipping corporation
therein. You are going to take drastic steps
in regard to the employees. There is a
saying in Bengali which when rendered into
English is as follows : "On Calcutta ! You
are filled with only dust. Here the wise men
steal and the fools get caught". A committee
was formed which sanctioned loans. Nobody
knows who were the Members of the com-
mittee and how much commission was
received by them ? It is the employees who
are the sufferers. You will be in a difficult
position. There are so many employees and
where would you absorb them ? Will they
be absorbed in this new Agency or in some
other institution ? Problems pertaining to
their seniority and increments would also
arise as a result thereof. It will be difficult
to fix their seniority in the new department.
You say it is a democratic right.

[*English*]

These people have not been allowed to go to
the court. Limited democracy for them, and
unlimited democracy for the Tatas, Birlas,
Goenkas, Scindias and Sethias.

[*Translation*]

You will have to whatever we give you, at
least for some time.

[*English*]

It is said in the Bill : "These powers could
be exercised by the Government directly, or
through a designated person."

[*Translation*]

Kindly see to it. My last point is concerning
the fact that you are going to establish a
new agency. But I cannot understand why
you are going to do it ? You want to get the
requisite powers through this bill; kindly
specify the powers. You have said that the
special powers would be used to effect reco-
very of the dues of SDFC, in the recovery of
which the courts cannot intervene. If you
have any outlines of the powers and functions
of this agency, kindly let us know about it.
You are very well aware that howsoever
honest an official may be, it is difficult for
him to recover the money from a private
company, which has the protection of a
Minister. I would, therefore, like to know as
to what powers have been vested to this new
agency.

[*English*]

It is very difficult even for officers to get the
money back from such resourceful people
who are backed by very powerful men in the
Capital.

[*Translation*]

We all know how difficult it is to recover
money. You are also aware of the difficulties
faced by the officials in this regard. Hence,
I would request that—

[*English*]

without knowing all these things, it is very
difficult for us to support this Bill.

] [*Translation*]

Please let us know what would be its powers
and what would be its functions ?

[*English*]

MR. DEPUTY SPEAKER : Mr. Janga
Reddy, please be brief. We have to pass
many bills,

[Translation]

SHRI C. JANGA REDDY (Hanamkonda) : I went to Vishakhapatnam a week ago. A committee was there to advance loans for shipping purchases. Now this committee is going to be abolished and a new one is proposed to be set up. What will be this new agency, how will it advance loans and who will be its Directors and Members? What would happen to the shipping industry? These were some of the questions put to me at Vishakhapatnam. It is true that the shipping industry has expanded but we have not been successful in realising the loans. There are so many institutions like the Finance committee which advances loans, but how much of it is being recovered? Some officials are not interested in the recovery of loans, because they have issued those loans to their own people. If a Finance Committee has been set up to sanction the loans, then you must tell us what procedure has been adopted to effect recovery of the dues. People are not ready to repay their debt and, therefore, stringent action should be taken in this regard. Big industrialists take loans but the Government does not have the will to recover the dues. As Hon. Shri Choubey has mentioned, the money taken as loan from the banks is not repaid. The reason is that all the industrialists set up industries with 95 per cent loans from the banks and other financial institutions and their investment is only 5 per cent. The Government is not able to recover loans because they enjoy the protection of Ministers, M. Ps, Secretaries and other big persons. In this case also, after the abolition of the SFDC if stringent measures are not taken by the Government to recover the pending loans, it will not be able to recover a single paisa. You will have to rise above political expediency and exhibit the will to effect the recoveries. You want to get powers of realisation under the Land Revenue Act, but this could be done even by keeping this committee in existence. Even otherwise you can exercise collective powers for making the recovery. Therefore, tell us which committee will be set up by abolishing the present one? What will be the Constitution and functions of the proposed new committee? How will the loans advanced by the new committee be realised? Still, it will not be proper to abolish this committee at one stroke, because it had promoted the shipping industry, and was an agency for the recovery of loans.

You are not replacing it. Again, the employees of SDFC are not permitted to go to any court. Under which Article of the Constitution is it justified? It is true that you can take away any power by passing a Bill to that effect in the House. But what action is proposed to be taken in respect of the provident fund and other matters relating to the employees? Will they be absorbed in other department? This has not been made clear. We have seen in Andhra Pradesh and Uttar Pradesh that when any department is abolished, the service matters of the employees are not settled for as many as 20 to 30 years and same is the position in the joint sector. You have not divulged its exact form? What will be the position of those applicants who have applied for loans prior to the setting up of the new institution and who come to Delhi every 10 days? All these matters should be clarified. As your intentions are not clear, I cannot support the Bill.

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B. K. GADHVI) : Mr. Deputy Speaker, Sir, I very well appreciate the anxiety of the Hon. Members. From their speeches I could gather one common thread and it is that they all are anxious to see that ship building industry in this country which is facing a tough competition and a recession a global recession, should be helped to overcome both these difficulties and ship manufacturing as well as shipping should be encouraged.

We have stated that this Committee did a good job; and you would appreciate, members would be pleased to appreciate that when this Committee was constituted we had meagre tonnage of 7 lakhs at the time of its inception and on 31st March, 1985 it increased to 63.6 lakh tonnage—87 per cent of which was acquired with the support of S D F.C.

SHRI NARAYAN CHOUBEY : How is it 87 per cent? It is much more than that.

SHRI B. K. GADHVI : I will tell you later on. We are all aware that there are two areas—as I stated—one is the great potentiality for fishing in our country.

And another is for transporting our commodities and for exporting and importing some commodities from other countries. Therefore, merchant shipping in India is doing a job on that count. Our fishermen are also going for trawlers and others for fishing purposes.

This Committee was appointed for the purpose of giving them official help and the funds which were available to this Committee. They were through the Budget and as loans through the Ministry of Surface Transport.

Right from its inception it also used to stand guarantee for the private or the public sector industries whoever it is, when they wanted to acquire ships and from its inception—I am giving the figures—that one saw the rapid loans which were given on one scheme, and another scheme was Ship Acquisition Scheme, for acquiring ships from abroad under a new scheme. It was under these two schemes that the loans sanctioned, were issued in a rapid line to public sector it was Rs. 1,058 crores and to private sector it was Rs. 745.35 crores. These were the loans sanctioned but all the loans sanctioned were not disbursed. The loan disbursements were Rs. 810.20 crores to public sector and Rs. 577.88 crores in the private sector. As three or four honourable members had also asked for them, I am giving the details.

The loan outstandings were Rs. 494.28 crores in the public sector and Rs. 398.69 crores in the private sector, And their overdues means they have to pay back the loans within a particular time; seventeen years or 15 years, or whatever may be time that was stipulated for the return. Thus, those who did not pay in time have become overdues and they were Rs. 118.23 crores in the public sector and Rs. 223.90 crores in the private sector.

Under another scheme we also sanctioned the loans as "Ships Acquisition from abroad" Scheme, a new scheme, Rs. 339.16 crores for the public sector and Rs. 154.86 crores for the private sector. The loans disbursed for both these were of the order of Rs. 339.16 crores for the public sector and Rs. 154.86 crores for the private sector; the loans outstanding are Rs. 169.76 crores in the public sector and Rs. 129.85 crores in the private sector, and overdues come to Rs. 37.65 crores.

[*Translation*]

SHRI NARAYAN CHOUBEY (Midnapore) : What is the total amount ?

SHRI B. K. GADHVI : You please take your seat. We will calculate the total amount.

[*English*]

This committee also used to stand as guarantee and counter-guarantee, in the public sector it was for Rs. 701.92 crores and in the private sector for Rs. 474.69 crores, total being about Rs. 1176.91 crores. And the other guarantees were Rs. 171.32 crores in the public sector and Rs. 308.87 crores in the private sector, the total being Rs. 480.89 crores. So, the total value of guarantees/counter-guarantees came to Rs. 872.54 crores in public sector, Rs. 783.56 crores in private sector. The total amount is Rs. 1656.10 crores.

Guarantees/counter-guarantees outstanding as on 31.3.86 Rs. 366.28 crores in public sector and Rs. 256.31 crores in private sector and the total comes to Rs. 625.59 crores.

It may be appreciated that the loans from the then Shipping and Transport Ministry were being given to give impetus to trawler and ship building industry. In these days when there is a lot of competition and also there is a recession internationally, the shipping industry should be given more impetus so that it can stand competition both in manufacturing as well as transport. That is the reason why it was thought by the Government that instead of managing loans or financial assistance to the shipping industry and also the trawler building industry, by this committee, why should we not have an organisation under the Companies Act under the aegis of ICICI so that commercial transaction takes place and financial assistance also can be provided to this industry. They can also go into the viability of a particular project. They can examine it and thereafter they can sanction it. It has been thought by the Government that instead of running this committee under the Surface Transport Ministry, it should have a concept of financial institution working under the Finance Ministry. Therefore, this Bill of abolishing this committee has been brought.

[Shri B. K. Gadhvi]

The Hon. Member was enquiring about the total amount. The total overdues is Rs. 379.78 crores and total outstanding is Rs. 1192.58 crores.

Initially, this committee was intended to act as a developmental agency, but it was not a corporate entity and it had no capital of its own. Now, we want to create a corporate entity with a capital so that the accountability and financial management can also increase. It would also see that the end use of the funds is properly utilised.

SHRI NARAYAN CHOUBEY : What will happen to the outstandings ?

SHRI B. K. GADHVI : This institution which is coming up, will certainly look into it. Those were the government funds and this was only a developmental committee. When Government wants to abolish that committee and establish a new institution, then it is the duty of the Government to take over all the assets, liabilities, employees and other things. So far as the apprehension shown with regard to the employees, they are stepping in the shoe of Central Government. So, all the rights and privileges that the Central Government employees are enjoying today will be available to the employees of that Committee. But for the purpose of recovery of these loans and outstanding dues, it is the Government or its designated agency which can exercise the power and make recoveries as land revenue arrears. No other private agency can be given this power. Therefore, the Government assumes that power and the Government will certainly try as far as possible, to make recovery of overdues, outstanding amounts and everything. So, there is no point in making any apprehension about it.

I do not think many points have been raised. I can certainly say that this abolition is not with a view that the ship-building industry in this country should suffer, but this abolition of the Committee and again formation of a new institution for providing financial assistance to the ship-building industry is for greater dynamism, for greater help and, therefore, there should not be any misconception or apprehension on that count,

I have covered almost all the major points which have been raised...

(Interruptions)

[Translation]

SHRI GIRDHARI LAL VYAS : Have you any information regarding the financial position of the financial agencies ?

[English]

SHRI B. K. GADHVI : Probably you have not understood. This company did not have their own corpus. They were taking loans from the Ministry of Shipping and Transport and were also assisted by the Government through budget. They were simply a recommending agency for the different persons who came to them for help. Therefore they were only recommending. But now we are trying to establish a financial institution under the Company Law and, therefore, it will have a greater accountability for whatever advances or assistance by way of loans is given to them. Of course, there were recommendations of this Committee and you would appreciate that all the loans disbursed to the ship-building industry were at a very very low rate of interest.

SHRI NARAYAN CHOUBEY : Even then they did not pay.

SHRI B. K. GADHVI : Even then they did not pay and, therefore, now we wanted to say that if we continue with this, then there will be greater difficulty. But apart from greater difficulty, we also want to see that the growth of ship-building industry in this country should not suffer and, therefore, we have come with an alternative. I will tell you that this question has been examined in depth and unless there is a financial institution to provide assistance and to make recoveries and to look into the overall picture, like a bank or a financial institution, the industry cannot get good support and if we continue with this Committee, then the position would be that this Committee would not be in a position to raise their resources for onward assistance to the ship building industry because of these heavy losses, outstandings and overdues. Keeping this in view, the new company with a fresh slate coming into existence would be in a position

to mop up greater resources so that they can help the ship building industry and the ship-building industry can progress in those critical days of recession and cut-throat competition.

SHRI D. P. JADEJA : How long will the industry have to wait till this new ICICI will frame rules and will start functioning ?

SHRI B. K. GADHVI : I have told you that within a week the Institution would come up.

MR. DEPUTY SPEAKER : The question is :

“That the Bill to abolish the Shipping Development Fund Committee constituted under the Merchant Shipping Act, 1958 and to provide for certain matters incidental thereto, be taken into consideration.”

The motion was adopted.

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration of the Bill. The question is :

“That Clauses 2 to 20 stand part of the Bill.”

The motion was adopted.

Clause 2 to 20 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

“That Clause 1, Enacting Formula and the Long Title stand part of the Bill.”

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

MR. DEPUTY SPEAKER : The Minister may now move that the Bill be passed.

SHRI B. K. GADHVI : Sir, I beg to move :

“That the Bill be passed.”

SHRI MOOL CHAND DAGA (Pali) : Sir, will you kindly allow me two minutes ?

MR. DEPUTY SPEAKER : I will give you one minute, Sir.

Motion moved :

“That the Bill be passed.”

[*Translation*]

SHRI MOOL CHAND DAGA : Please tell me why are you bringing this Bill so late? In 1959, you had written off more than Rs. 700 crores.

SHRI B. K. GADHVI : We have not written off.

SHRI MOOL CHAND DAGA : You have.

[*English*]

I can show you. This is the figure which has appeared in India Today.

MR. DEPUTY SPEAKER : Do not go into the merits and demerits.

(*Interruptions*)

MR. DEPUTY SPEAKER : I am asking you not to go deep into it.

SHRI MOOL CHAND DAGA : I do not want to take time.

[*Translation*]

SHRI NARAYAN CHOUBEY : Who writes off whose money ? This money is ours and yours which these people are doling out.

SHRI MOOL CHAND DAGA : This is an unwidely legislation, and is being passed in such a great hurry that

[*English*]

we are not doing justice to the Parliament, not to the people of India. I am telling that to you frankly. You may allow me or not. I do not want this way of going with the Bill. What has happened ?

[Sbri Mool Chand Daga]

"The total loans and guarantees provided by it amount to a colossal Rs. 3,500 crore. Officials are said to have worked out that even after selling off the ships defaulting companies, Rs. 700 crore would still have to be written off."

This is what appeared in India Today of 31st August, 1984. I can give you other figures also. The Committee was formed in 1959. How many years have passed today? They are coming with this account now. Did they not know it?

[Translation]

What have you been doing for the last so many days? ...*(Interruptions)*... A company has been incurring losses for the last 27 years, but the Government is not aware of it and suddenly after a long time a Bill is introduced. What is this? You have been saying time and again that you will not play with people's money; but what is this happening? How many people have taken the loans and what steps have been taken by you? Is anybody accountable for it? Even now you will have to incur recurring expenditure of Rs. 18 lakhs thereon. When you are setting up a new financial institution, what for will they be needed? You tell us by when you will be setting up the new agency and when will these people get absorbed? ...*(Interruptions)*... In this way, if you pass the Bill so hurriedly, it will not be proper. I want to point out that there is so much of manipulation and bungling. Your Chairmen, Directors and Members are all involved in it and we want to know the increase in expenditure because of them? Please, do not hide the details. What was their budget? They used to tour the whole of India...*(Interruptions)*... It is not proper to pass the Bill in such a haste.

[English]

SHRIMATI BASAVARAJESWARI (Bellary) : I am on a point of order.

MR. DEPUTY SPEAKER : What is your point of order?

SHRIMATI BASAVARAJESWARI : Third reading is over, I presume the Minister has said "that the Bill be passed".

I want to know the ruling. I want to know is the Third Reading over and the Bill has been passed or not?

MR. DEPUTY SPEAKER : At the time of the Third Reading the Minister moved. At that time the Hon. Member wanted to say something. I allowed him.

SHRI B. K. GADHVI : I have not verified what has been reported in India Today is authentic, correct or not. Therefore, I cannot say anything about it. But so far as the figures are concerned, I think Mr. Daga was not in the House or something like that. I gave extensive figure as to what happened, what was the outstanding, what was guarantee outstanding, what was the overdue, and everything I gave.

SHRI MOOL CHAND DAGA : You have not given time...

(Interruptions)

SHRI B. K. GADHVI : Now the point is that mainly we want that in other public financial institutions the overdues and other positions are not as bad as they are in this Committee and therefore, there are five reasons for winding this up and making a financial institution. One is the unsatisfactory overdue position of SDFC, second is resources available to SDFC during Seventh Plan barely sufficient to meet the committed liability, third is, difficult for SDFC to give financial support for fresh acquisitions, fourth is, prospects of SDFC raising additional resources through market bonds bleak considering its financial position, fifth is, credit support to shipping industry is required for meeting the crisis situation and for building up a more sophisticated and diversified fleet to meet the growing demands of the country's trade.

We, therefore, wanted to abolish this and we wanted that a new financial institution expected to raise larger resources and give more credit to the shipping industry than can be expected from SDFC. That is why this Bill has been brought and you would appreciate that it is brought for the purpose of developing this industry of shipping in our country and you say, for no other purpose, and therefore, I would only say...*(Interruptions)*.. "der se laye magar durust laye."

SHRI NARAYAN CHOUBEY
(Midnapore) : And also excuse those who
have taken huge loans.

(Interruptions)

MR. DEPUTY SPEAKER : The question
is :

“That the Bill be passed.”

The motion was adopted.

MR. DEPUTY SPEAKER : Now, we
will go to the next item—Indian Post Office
(Second Amendment) Bill.

17.43 hrs.

INDIAN POST OFFICE (SECOND
AMENDMENT) BILL, 1986

[English]

THE MINISTER OF STATE IN THE
MINISTRY OF COMMUNICATIONS
(SHRI SONTOSH MOHAN DEV) : MR.
Deputy Speaker, Sir, I beg to move :

“That the Bill further to amend the
Indian Post Office Act, 1898 be taken
into consideration.”

Section 7 of the Indian Post Office Act, 1898 provides that the Central Government may by notification in the official Gazette fix the rate of postage and other sums to be charged in respect of postal articles. The highest rate of postage when pre-paid cannot, however exceed the rates set forth in the 1st Schedule to the Act. The proposed Bill is intended to revise the tariff rates of some of the items included in the 1st Schedule to the Act namely letters, printed post cards, book-pattern and sample packets, registered newspapers and parcels. The last amendment of the rates mentioned in the 1st Schedule was made in June, 1982. As has already been brought to the notice of the House, the Department of Posts is incurring recurring losses in running its various services. The deficit which stood at Rs. 136 crores in 1984-85 rose to Rs. 136 crores in 1985-86. With a further increase in the cost of operations due to implementa-

tion of the Fourth Pay Commission's recommendations as also the allround increase, in other operational costs such as air freight, rail freight etc. the deficit is expected to be of the order of Rs. 400 crores during 1986-87. Since the deficit is quite heavy, we have no other alternative except to increase the tariff of some of the items of postal services.

Briefly the proposal is to increase the rates presently being charged for envelopes from the existing 55 paise comprising 50 paise on account of stamps and 5 paise on account of stationery charges to 70 paise comprising of 60 paise for stamps and 10 paise for stationery. The 10 paise to be charged on account of stationery, however, does not form part of this Bill, but falls under the Rule making powers of the Government. Members would be glad to note that it is not, however, proposed to increase the rates presently being charged for ordinary post cards and letter cards, i. e., inland letters, which continue to be 15 paise and 35 paise respectively. The rates presently being charged for book pattern and sample packets for weights upto 50 grams is proposed to be revised from existing 30 paise to 50 paise. As regards packets weighing above 50 gms. instead of the present rate of 15 paise for every 25 gms. in excess of 50 gms., it is proposed to charge 50 paise for every 50 gms. in excess of 50 gms. Likewise, it is also proposed to increase the rates charged for single copy of registered newspapers by 10 paise for weights upto 50 gms. and those between 50 gms. and 100 gms. The rates in respect of single copy weighing more than 100 gms. will, however, remain unchanged. Similarly in the case of multiple copies of registered newspapers upto 100gms., the existing rates of 15 paise is proposed to be increased by 10 paise. However, the rates for multiple copies weighing in excess of 100 gms., will continue to be the same. As regards parcels as against the existing rate of Rs. 3/- per 500 gms., it is proposed to increase it to Rs. 4/- for 500 gms.

As the Hon. Members will appreciate the nature of postal operations are such that the major portion of the expenditure is on staff which constitutes 83 per cent. Members are also aware that in order to provide facilities for the rural areas, often post offices have to be opened in remote parts of the

[Shri Sontosh Mohan Dev]

country even though they are not economically viable. Nevertheless, we are taking and will continue to take steps for cutting down expenses by streamlining procedures and thereby cutting down waiting time at counters.

In the circumstances, I am sure, Members will appreciate the compulsions under which we have had the unavoidable necessity of increasing tariff rates of some of the items. Even then, we have not proposed to increase the rates of the ordinary post card and the inland letters which are the more commonly used postal articles. Further since generally speaking, an average person has occasion to use envelopes not more than about 4 to 5 times a month, the impact of the increase in the tariff rates of envelopes will be less than a rupee or so per month per person.

The revised tariff rates as incorporated in the revised 1st Schedule annexed to the Bill is expected to yield an additional revenue of about Rs. 86 crores in a full year. The increase in the stationery charges from the existing 5 paise to 10 paise which is within the rule making powers of the Government, is expected to yield an additional revenue of about Rs. 8 crores in a full year.

Hon. Members may recall that I had made an announcement in this House and also laid a statement on the Table of the House on 28-11-1986 regarding the increase in the tariff rates of certain other items which are within the rule making power of the Government. The present proposals are in addition to the announcement already made. It was indicated at that time that those proposals were expected to yield an additional revenue of about Rs. 79 crores during a full year. The total additional revenue from all these proposals including the earlier announcement is expected to be in the region of about Rs. 173 crores.

MR. DEPUTY SPEAKER : Motion moved :

“That the Bill further to amend the Indian Post Office Act, 1898, be taken into consideration.”

I want to inform the House that we are having very short time to go through many Bills. As the Business Advisory Committee accepted, I want to stick on to that time factor. One hour is allotted by the BAC and already 10 minutes are over. Therefore, we are going to have only 50 minutes. Therefore, 10 Members wanted to speak.

SHRIMATI GEETA MUKHERJEE (Panskura) : Only one hour on such a Bill ?

MR. DEPUTY SPEAKER : What to do ? You accepted the allotment of one hour in the Business Advisory Committee. Why did you not say there ? You require more time now. After introducing the Bill, you want more time.

Tomorrow is the last day. We are having many Bills—Child Labour Bill etc.—and we have to discuss.

SHRI THAMPAN THOMAS (Mavelikara) : I would like to make one point to you. Even the Press has carried the news that we were irresponsible in the House.

MR. DEPUTY SPEAKER : No, no. They cannot say.

No. They cannot say that. We are responsible. The press can say so many things. Why are you bothering ? We are responsible for everything that we are doing. Why do you worry about the press ? You need not worry about the press. We have to think about what we are doing. When the Business Advisory Committee has recommended one hour, the House has also accepted it. Now once again, you go on dragging it. How can we pass other Bills ?

SHRIMATI GEETA MUKHERJEE : How much time it takes ?

MR. DEPUTY SPEAKER : If we are having time, we can adjust and more Members can speak. I have no objection. But when the time is not there, I request Members to be brief. Take 5 minutes maximum and finish. Every one will be given 5 minutes. That is all.

[*Translation*]

*SHRI MANIK REDDY (Medak) : Mr. Deputy Speaker, Sir, the Hon. Minister has introduced The Indian Post Office (Second Amendment) Bill 1986 to amend the Indian Post Office Act of 1898. I oppose this amendment Bill.

Sir, this Amendment Bill which is intended to further increase the postal tariff is going to become an additional burden for the common man of this country. The Government proposes to collect approximately Rs. 86 crores by increasing the tariff through the amendment Bill. This burden of Rs. 86 crores is going to fall on the common people of the country. I want the Hon. Minister not to forget this simple fact. Only last week, the Government imposed a burden of Rs. 454 crores on the people. It is most unfortunate that the Government is trying to impose increased taxes and tariffs on the people. The Government professes faith in the democracy. But what it practices is quite contrary to it. The policy of increasing tariffs and levying new taxes is against the will of the people. It is against their interests. The Hon. Minister just now said that Government is going to incur additional expenditure by implementing the recommendations of the Fourth Pay Commission. It is true and I do not want to deny that fact. Sir, the salaried class of people constitute only a small percentage. In order to satisfy them, if the Government proposes to appoint Commission to pay higher and higher wages and decides to raise the resources to meet the increased expenditure by enhancing the rates of tariffs, then it would not be a correct policy.* People in the country are too poor to pay the increased tariffs. They are in no position to withstand the additional burden and are against this policy. In order to satisfy the organised lot, the back of unorganised sector is being broken. It is unfortunate Sir, the presentation of the next general budget is not very far off. Heavens would not have fallen had the Government waited for a few days more. I fail to understand the urgency of rushing through this Amendment Bill. People are becoming suspicious about the motives of the Government. Perhaps the Government want to avoid the embarrassment of raising the tariffs at the

*The Speech was originally delivered in Telugu.

time of the budget. In order to avoid the backlash of the people, the Government are resorting to this backdoor method of increasing the tariff in instalment through amendment to the Bill. Now, the persons employed far away from their homes have to pay more for communicating with their relations or for sending parcels to them. A sorry state of affairs, indeed! I feel very sorry about it. Not only that. Sir, the Government propose to increase tariff rates on newspapers. It is yet another unfortunate increase. Sir, the newspapers are the only medium of communication for the people living in remote and inaccessible areas. Only through newspapers our people will come to know about the world around them. They come in contact with the day today developments around the world. By increasing the postal tariffs on parcels containing newspapers the Government would now cut off the only link between the people in remote areas with a rest of the world. Sir, I take this opportunity to plead with the Hon. Minister to withdraw the proposed increase in postal tariffs and particularly on newspapers.

Sir, mere increase in the tariffs on various items every now and then will not satisfy any one. The Government employees should be asked to work more sincerely and efficiently, corruption in the departments has to be eliminated. If the Government machinery is honest and efficient I don't think there will be any need to resort to increase the tariffs every now and then. People in the country can thus be saved from additional levies or taxes or tariffs.

Sir, I conclude my speech thanking you for asking me to initiate the debate on this amending bill.

SHRI MAHABIR PRASAD YADAV (Madhipura) : Mr. Deputy Speaker, Sir, I support the Bill introduced in the House. The hike in the postal rates should be supported. But I want to draw the attention of the Hon. Minister to two or three points.

First, money orders are not delivered in time in the villages. In certain post offices, the postmasters keep the money of money orders with them and the payees get their money after several months. The Department

[Shri Mahabir Prasad Yadav]

of Posts and Telegraphs must look into this type of corruption in the delivery of money orders. Why is it not monitored whether the money-orders have been delivered in time or not? There should be more vigilance and such things should not be allowed to continue.

Secondly, the telephones in the rural areas remain out of order generally because there is a lack of maintenance. At some places telephone poles are uprooted and at others, the telephone wires are damaged. Is the Hon. Minister of Communications aware of it? Has he been informed about it? Should the Postal authorities not look after these telephones?

Thirdly, what is the number of default cases in the various Post Offices? Is it ever checked? My question was regarding Patna General Post Office where thousands of rupees are in default. For the recovery of the same, instalments were fixed but the recovery has not been effected. The Government was not able to recover the money by instalments. This money belongs to common people. It is unfortunate that enough efforts have not been made for its recovery.

I would make one more point and then take my seat. In certain Post offices, employees are harassed due to caste considerations. Promotions and transfers are also made on this basis. It should be checked. I do not want to embarrass the Hon. Minister by citing a particular example. But the Postal authorities should ensure that nobody is wrongly harassed. Every one should get justice; no one should be favoured in any way.

[English]

MR. DEPUTY SPEAKER : The Minister.

SHRI SATYAGOPAL MISRA (Tamluk) : Sir, there is no quorum in the House. We are discussing a very important Bill and you are going to extend the time of the House ..

MR. DEPUTY SPEAKER : I want to know the feeling of the House.

SHRI SATYAGOPAL MISRA : How can the House discuss when there is no quorum?

MR. DEPUTY SPEAKER : If the Hon. Members is insisting, then I will ask for the quorum bell to be rung, but now it is 6 O' Clock...

SHRI SATYAGOPAL MISRA : You can adjourn the House. It is now 6 O' Clock.

DR. G. S. RAJHANS (Jhanjharpur) : What do you gain by this?

SHRI BASUDEB ACHARIA (Bankura) : We do not want that this Bill should be passed today.

SHRI SATYAGOPAL MISRA : The House should be adjourned. It is now 6 O' Clock.

MR. DEPUTY SPEAKER : I want to know the feeling of the House. I have not extended the time of the House now. I want to know from the Minister of Parliamentary Affairs whether the time of the House should be extended or not.

SHRI SATYAGOPAL MISRA : How can you do so when there is no quorum in the House?

MR. DEPUTY SPEAKER : If you insist on that, what can I do?

SHRI SATYAGOPAL MISRA : If you do not adjourn, then I will insist on quorum.

MR. DEPUTY SPEAKER : I will ask for the quorum bell to be rung if you insist on quorum, but before that...

SHRI SATYAGOPAL MISRA : How can the Minister speak without there being quorum in the House?

MR. DEPUTY SPEAKER : Madam, do you want the quorum bell to be rung?

SHRI C. JANGA REDDY (Hanamkonda) : You cannot ask her.

MR. DEPUTY SPEAKER : I am only asking her whether she wants the time of the House to be extended or not. That is all.

SHRI SATYAGOPAL MISRA : Without quorum in the House, how can she speak ?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT) : I have only one submission to make. The Hon. Members will please listen to me for a minute. We have a lot of business to be transacted. So, I would request the Hon. Members to bear with us and if you agree, we can extend the time so that we can continue with the business...*(Interruptions)*

SHRI SATYAGOPAL MISRA : Why was it not placed before the Business Advisory Committee ?

SHRIMATI SHEILA DIKSHIT : In the Business Advisory Committee we did make this point that, whenever we required the time of the House to be extended beyond 6 O' Clock, we should be allowed and it was agreed upon. You will recall this.

(Interruptions)

SHRI SATYAGOPAL MISRA : That recommendation did not come to the House.

PROF. P. J. KURIEN (Idukki) : It can be extended with the consensus of the House.

SHRI SATYAGOPAL MISRA : That recommendation was not placed before the House.

SHRIMATI SHEILA KAUL : It was.

MR. DEPUTY SPEAKER : He is insisting on quorum. Let the quorum bell be rung. Now there is quorum.

SHRIMATI SHEILA DIKSHIT : I would propose that we extend the sitting of the House upto 7 p. m.

MR. DEPUTY SPEAKER : I hope that the House agrees to extend the time by one hour.

SEVERAL HON. MEMBERS : Yes.

MR. DEPUTY SPEAKER : It is agreed that the time of the House is extended upto 7 p. m.

SHRI BASUDEB ACHARIA : Sir, I oppose the Indian Post Office (Second Amendment) Bill.

This is the second instalment of increase in the postal rate. A few days back telephone rates were increased. Government have increased the rental rate of telephone. There also has been an increase in the rate of shifting of telephones and the number of free calls have been reduced. There also has been increase in the MO commission and in the telegram rate. Without improving the efficiency, you now resort to increase the rates, thereby you are increasing the burden of the common people.

PROF. N. G. RANGA (Guntur) : It depends upon your cooperation.

SHRI BASUDEB ACHARIA : We are always cooperative. If you do good work, definitely we will cooperate with you.

Sir, this Amendment Bill has been brought to increase the postal rates of certain articles excluding post-cards and inland-letters. The postal system is really in shambles. When you write a letter, you don't know as to when that letter would reach the addressee. It takes more than 15 days and even more than a month.

(Interruptions)

There are some parts of our country where it takes more than a month for a letter to reach. Now this system of sending mail is an age-old one. The mail is sent by road transport where there is no rail link and this mail is sent once or twice a week.

18.11 hrs.

[**SHRI SOMNATH RATH** *in the Chair*]

For the last four years not a single branch post office has been opened in rural areas. He has stated just now that branch post offices are opened. I would like to say that for the last four years not a single branch post office has been opened in rural

[Shri Basudeb Acharia]

areas. There are some inaccessible areas in our country where there is no branch post office. Sir, not a single extra departmental staff has been recruited. This extra departmental employee gets only Rs. 150. Nowhere in the world a man has to work for only Rs. 150 and they are to work like slaves.

Sir, he wants to increase rates on envelopes. The existing rate is 50 paise plus 5 paise for stationery. Now it will cost 70 paise—60 paise plus 10 paise for the stationery. There is more than 16 per cent increase in the rate. Then for books and packets the existing rate is 30 paise. Now it will be increased to 50 paise and for additional 50 grams from 15 paise to 30 paise. That is 100 per cent increase.

Sir, already the price of newspaper has been increased. Now you are increasing the rates for the Registered newspapers from 5 paise to 15 paise. That is 200 per cent increase in the rates and for weight exceeding 50 grams from 15 paise to 25 paise. This will definitely affect the price of newspapers. There is an increase in parcel rates. Railway parcel rate has already been increased by 15 per cent. Now you are increasing it from 15 paise to 25 paise. This will affect the prices of the articles which are brought to postal service. The reason advanced by the Minister is that it is due to implementation of the Fourth Pay Commission recommendations that you are increasing the rates of these postal articles. By increasing the rates of postal articles, you will earn only Rs. 173 crores. Your net deficit is Rs. 400 crores. So, without increasing the efficiency in the postal service, you are increasing the rates of the postal articles. You are increasing the burden of the common man by saying that you have implemented the recommendations of the Fourth Pay Commission and that you have enhanced the pay-scales of the postal employees.

Sir, I oppose this increase in the rates of postal articles and I oppose this Bill.

[Translation]

SHRI KEYUR BHUSHAN (Raipur):
Mr. Chairman Sir, the Indian Post

Office (Second Amendment) Bill is under the consideration of the House. I support this Bill because it is an important public utility service. The poor and the small man mostly use postcards to communicate their feelings and it is good that their prices have not been increased. I want to congratulate the Hon. Minister for it. On the other hand, I want to draw your attention to the proposed heavy increase in the rates of registered newspapers, and I would request you to reconsider it. After postcards, it is the newspaper which is used by the common people very extensively. When the rates were increased earlier also from 2 paise to 5 paise, the people felt hurt because they had to pay extra amount for reading the newspaper. This increase will not affect the newspaper owners. Yesterday, I was present in a meeting of the All India Small Newspaper Association at Lucknow. There I observed that they were apprehensive of the increased levy, as they felt that it would adversely affect them. Whatever it may be, I want to request you on behalf of all the small newspaper owners that the postage rates of the registered newspapers should not increase. As in the case of the postcards, the cost of registered post for sending newspapers should remain 5 paise and not increased at all. At least for the initial weight you must let it remain at 5 paise, and whatever charges you want to levy on the extra-weight depends on you.

Besides, the rates of parcels have also been increased. Many of our Hon. Friends have highlighted this hike. In your statement of objects and reasons you have said that to meet partially the paucity in working expenditure and increase in expenditure due to the implementation of the Fourth Pay Commission's Report, the postal rates have been increased. But I would request you to tap some other sources to meet the enhanced expenditure instead of affecting the public utility services provided to the common man. It would be better not to touch the services which increase the burden of the poor people. If at all it is very necessary, the prices of other items can be increased. Hence, I would request you to reconsider the proposed hike and reduce the same as far as possible. The large heartedness and understanding which has been displayed in regard to the employees and their welfare, must be shown in relation to the facilities

provided to the common people. It should also be ensured that the letters reach early in remote and far flung areas and also in the villages which are located in the hill areas.

The people working in small places face a number of difficulties. The postman working in the rural areas are paid very meagre emoluments. They do not get Dearness Allowance also. They cannot make their both ends meet on such a small salary. On account of the small area covered by them, they are treated as part time employees.

Hence, I would request you to consider them as full time employees and increase their salaries accordingly.

We fully support the Bill, which is being brought with a view to enhance the pay-scales of the employees by increasing the rates of the postal articles. The common man will also be contributing for this purpose. But along with it, we also demand that attention should be paid to the welfare of the employees.

Mr. Speaker, Sir, I want to request the Hon. Minister once again that the newspapers especially the small newspapers have been affected by this increase. I was a special invitee at the All India Newspapers Conference and I was told that in my capacity as a representative of the people and Chairman of the small newspapers Association, I must be aware of their problems. They have full faith in you, but I would request you not to raise the postal-tariff as it would affect the small newspapers. I am hopeful that you would accept my suggestion. With this request, I support the Bill.

[English]

SHRI THAMPAN THOMAS (Malvelikara) : Mr. Chairman, Sir, at the outset, I would like to state that we have no doubt that we cannot support this Bill. If anybody thinks, that we are going to support this, I want to declare on the top of my voice that the whole opposition opposes it tooth and nail, because this is a surreptitious method of this Government for circumventing the budgetary provisions which have been adopted by the Parliament and the parliamentary system.

By these two methods, one the tariff declaration and the other amendment of this Bill, the total earnings of the Postal Department are going to be Rs. 461 crores. And for this income of Rs. 461 crores, the Government has resorted to these two methods in piecemeal. Now, the postal rates are being increased and you are going to tax the consumers and burdening them. You are doing it without their knowledge and in fact, pickpocketing the poor people in a subtle manner. Therefore, we cannot at all agree to this.

I know the intention behind this. It is that when you come forward with the next Budget before this Parliament, you want to have a zero based budget or something like that. You want to administer the prices now and the cost of living of the people is being increased. And when you come with the Budget in March or April, you will say that there is not much increase. It is especially in view of the coming elections in certain States and in a very very subtle political manner, you are taking this opportunity to do this. I am levelling this charge against the Government and I have no hesitation in doing that.

There is no reason for increase in the postal charges and the present amendment is going to affect the newspaper industry as a whole very badly. People who want to read some newspapers will not be able to do that. I get from my State certain newspapers by post and these are printed there. Now, if I want to get that, they will have to pay double the postal charges. Under these circumstances, the most affected industry will be the newspaper industry and there will be communication gap between the various people in this country. The burden will be felt very badly because you are having a very great hike in the postal charges of printing matter from ten paise to fifty paise or something like that. You are increasing it without any proportion. We cannot agree to it. In a very subtle manner, they say that they are not increasing the charges on post card. It may be a post card, an inland letter, or the newspapers, all these are the concern of the common people; these are not the concern of the rich people of this country. You are directly hitting the poor people. I cannot agree to these proposals. May I ask one simple question Sir ?

[Shri Thampan Thomas]

This is about the way, we the members of Parliament are treated here in this country. In other countries, Members of Parliament have got the facility of free postal service. I represent nearly 1.5 million people, and every day I have to correspond a lot on various public matters of importance. But the Postal Department does not provide any service to us in this regard. I have seen in Canada, America and many other countries, where parliamentarians are having free postal service.

DR. PHULRENU GUHA (Contai) :
What about State Assemblies ?

* SHRI THAMPAN THOMAS : Yes. They should also do it. I say this because we do a lot of public work. We should be given this service so that we are in a better position to communicate with our voters with regard to the problems concerning our constituencies. After all this is a public affair. We are not asking it for our private purpose or for sending any love letters.

MR. CHAIRMAN : If you are given this free service, then you will not be worried about the hike in the rates.

SHRI THAMPAN THOMAS : No Sir. I am not saying that. I am saying that with this sort of a facilities, we can really have an effective dialogue with our people and to communicate with them about their problems. I have raised this point only to find out whether they are having any such policy as regards public men such as Members of Parliament. Are the Government going to do it or not ?

I do not want to say much except for one point. There were certain apprehensions expressed by the newspaper people about this. When the Bill was introduced in the House in Friday, we could not participate in the debate because you know the situation on that day, with all the gates locked and all that. But the newspapers had taken the issue the other way round and they observed that there was no opposition to this Bill. They have written that there was nobody to oppose the Bill. Therefore Sir, I once again oppose the Bill strongly. In fact, I oppose it tooth and nail.

[Translation]

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands) : Mr. Chairman, Sir, I am thankful to you for giving me time to speak. The Bill seeks to increase the postal rates. I would request the Hon. Minister that keeping in view the miserable condition of the poor and the rural people, it would be desirable to tax them with the least burden, and the situation should be reviewed with the above in view.

Andaman and Nicobar Islands are remote areas. Postal Services are not upto the mark. Letters take 20 to 25 days to reach the destination. Letters do not reach in time even in Port Blair. In those areas, mail is sent by ships. And if a ship is not available for a month, letters are not delivered. Second-class mail remain undelivered. Hence, I would request the Hon. Minister, who is my friend as well, that second class mail should kindly be sent by air to those areas in order to improve the postal services.

SHRI MOOL CHAND DAGA (Pali) :
Mr. Chairman Sir, by calling the Hon. Minister his friend, he wants to take undue advantage.

SHRI MANORANJAN BHAKTA : Mr. Chairman Sir, he belongs to a well linked area. How can he know about the difficulties of those Islands ?

Along with it, Postal authorities should be instructed to ensure quick delivery of mail there and a Director of Post Offices should also be appointed in these Islands, so that the situation could be remedied.

[English]

SHRIMATI GEETA MUKHERJEE (Panskura) : Mr. Chairman Sir, I oppose this Bill lock, stock and barrel. Sir, the question is that there are some services, which cannot be made self-paying services. In a welfare state, especially as a Government who call themselves a welfare state, they must understand that postal services is one of those services which cannot be a self-paying service. It has to be paid from other source by taxing the rich. But you have

taken the other way round. I would like to point out several things with regard to hikes in case of letters.

For weight not exceeding ten grams— 60 paise

For every ten grams or fraction thereof— 40 paise

Mr. Thomas was telling about the letters which we write, but I am raising the other question. The letters that come to us. Prof. Ranga, the veteran freedom-fighter who is here, let me tell him, through you, that for each freedom-fighter's case, they have to send 11-12 annexures in one instance. But here it is not possible, because the Ministers will go on changing. I myself know at least 40 sets of annexures which was to be sent by one freedom-fighter and yet the case could not be solved. What would be the increase in this case, just imagine.

Then Sir, let us take the question of unemployed people, 2,60,000 are under registration. So, they have not bothered about these people, who are in the register. Every time, they will have to send an application with annexures and what not for example, birth certificate, Photographs and other things. What will be the increase, that you should look at very carefully.

Through cumulative burden on the question of letter on very common people will be much more than it is being shown here. These things, the common people cannot avoid in today's condition. Even very poor and ordinary people cannot avoid using these envelopes which will weigh quite a lot due to the peculiar bureaucratic and inefficient system that the ruling party has taken up in itself to force on us.

I would not go into the elections. Here they have not increased the rate of inland letters and post cards because of elections. My friend Mr. Thomas was absolutely correct and those things, will be done after the elections.

Coming to books and the registered newspapers, I particularly raised the question of registered newspapers. This especially acts as the deterrent on the small newspapers.

Take for example, weight not exceeding 50 gms, there is an increase of 200 per cent. All right. But not only that, any newspaper, however small today will naturally exceed 50 gms at least. 50 gms newspaper is something which does not exist these days. After that for a weight not exceeding 100 gms, it will be 25 paise. In the case of 25 paise, now it has been increased to 25 paise. There are of course big newspapers these days with lakhs of advertisements which are controlled by the monopolists. They have got a source, through advertisements, etc. I would like to know from the Minister, there are very many small newspapers, who work for certain principles, what will be their position, in this regard? They will have to close down and that will really affect the voice of ordinary common people in a very big way.

Sir coming to books, their charges have been increased and it will be really very difficult for the smaller book establishments to gain anything.

The other day, I had pointed out that from the Pay Commission's recommendation, the Government as a whole, not our Dev's Department, will get back @10 per cent as P.F. in its kitty. Then, also, they will get back something through Income Tax. You calculate those things and pay from the general revenues to the Postal Department. No burden should be imposed on the ordinary consumers.

Then another very interesting thing is that Government itself comes out with a statement, saying that since freight charges have been raised, they were raising Postal charges. You raised the other things yourself; and use that as the very reason for raising other taxes further. This is mentioned in the Statement of Objects and Reasons. Therefore, I have said that I oppose this Bill.

Lastly, I would like to say that you are denying any benefit to the extra-departmental employees who are really bearing the very heavy burden of the Postal system that you have, which is in a shambles. Their case should be remembered by Government, and their grievances must be remedied; and the money for it has to come from the general kitty. That is my submission.

In view of the above, I oppose the Bill, as I said, lock, stock and barrel.

PROF. N. G. RANGA : I am strongly in favour of this Bill, and of this announcement. It is very easy for my friends of the opposition to go on talking as they do; but then they cannot talk so all the time, and blow hot and cold.

You want the extra-departmental employees to get the same salary as the regular whole-timers.

SHRI NARAYAN CHOUBEY : Yes; are they going to give it to them from this money ?

PROF. N. G. RANGA : It will mean more expenditure. *(Interruptions)***

MR. CHAIRMAN : No arguments, please. It will not go on record.

PROF. N. G. RANGA : They want extra provident fund and all these things. It has been the usual thing for the Opposition in any parliamentary debate always to oppose any additional taxation. I have got that experience also. But at the same time, I also had the experience of...*(Interruptions)*

MR. CHAIRMAN : What all others say will not go on record. I have called Prof. Ranga. What he speaks will alone go on record.

PROF. N. G. RANGA : You cannot have it both ways. *(Interruptions)***

MR CHAIRMAN : Prof. Ranga, kindly address the Chair.

PROF. N. G. RANGA : Because of the Pay Commission's recommendations, the whole thing, i.e. the deficit has gone up. Now the Postal Department has got to pay its own way. *(Interruptions)***

It need not yield any profits to Government; but it should not all the time be a drain on the general resources.

*(Interruptions)***

**Not recorded.

We want money for 101 things, for developmental purposes. We are not going to ask from the General Revenues, in order to finance the Postal deficit also..
*(Interruptions)***

What hits the common man ? I am also a common man. Out of 100 letters that I write, 90 letters are on post cards. I may not be a common man, as you say. Ordinary folk can certainly take advantage of the post cards, the rest of them being in business. Business in this country has grown, as you know. After we became free, it has grown many times.. *(Interruptions)***

MR. CHAIRMAN : Whatever other Members speak while sitting, will not go on record. It will not form part of the record.

PROF. N. G. RANGA : It has grown like anything. It is these people who have got to pay. For how long are you going to subsidize them ?

*(Interruptions)***

MR. CHAIRMAN : What is what the rule says. I am only quoting the rule of the House.

PROF. N. G. RANGA : How long are we going to subsidize these urban elite, industrial elite and the proletarian elite also ? We have been doing it till now.

The only defect I find in this Bill is the increase they have made in the weekly newspapers, small newspapers. That is the only direction in which I would like my Hon. friend the Minister concerned, and also the Government to have some second thoughts. With regard to all the rest of it, what is the position, Sir, in rural India ? All these friends come from rural India Mr. Thampan Thomas must be coming from rural India, although he practises in a city. Now about the fees that he charges from his clients—it will be ten times, 20 times of what it was earlier. And these people begrudge this kind of an enhancement.

**Not recorded.

Taxation procedure is another matter. If all this increase had been included in the Budget, you would not have had this kind of a special discussion. This is an advantage for us. When they had come specially with a Railway Budget, we were able to express our views. Now they have come before us for Postal enhancement. We are able to have this special discussion. Otherwise, my Hon. friends would not have been able to devote so much of time in the House also. Therefore, I do not think it is reasonable for any responsible person, especially the Members of Parliament, to take the stand that lock, stock and barrel they are going to oppose it. It is the easiest thing to say, like that. But it is not easy to go to the workers and ask them not to ask for higher salaries and higher allowances.

There you ask for all these things more and more. Take everything you like. Don't put anything at all into the coffers of the government. Then this government will go the way they like. After the last war what had happened in Germany, the same thing would have happened here. The whole country would go bankrupt. Therefore, I support these taxation proposals except the little thing I said. I wish to congratulate the government and thank them also for not enhancing the post-card price. But I would like them to spare more money for the development of postal services in the villages, in the rural areas. I want to congratulate the Postal Department as one of the best departments that we have in the way in which the Indian departments work. They are the most efficient people. But, certainly, I would like them to be more efficient, more satisfactory. (*Interruptions*) Inefficiency, fighting shy of hard work are the common diseases of all of us including some of our own members. You have to ring a bell for quorum in this House. That should not be the way. The industrialists also work in the same way. Is it befitting us to complain of the poor postman who carries a packet to you and to me in all seasons.

[*Translation*]

SHRI C. JANGA REDDY (Hanamkonda): Mr. Chairman Sir, I am unable to support this Bill. It has been argued that postal rates are being increased an account of increased salaries of the employees.

Because salaries have been revised, the postal tariff had to be increased and consequent upon increases in postal rates, salaries will have to be increased once again. Will you continue to do like this? What is this way of functioning? Two cats were quarrelling for a piece of bread. A monkey came along and proposed to distribute it equally for them. He divided the piece and kept the pieces on a weighing scale and began nibbling at the heavier piece in order to make them equal. In this manner, he ate up the whole piece. You are also doing the same thing. Following pay revision of employees, the postal rates have been increased and consequent upon increase in the postal rates, another commission will have to be set up to increase the pay and allowances of the employees. Are we here to do this sort of exercise? You cannot increase the postal tariff merely on this basis. Are you giving more facilities? As has been pointed out by Shri Ranga, what facilities have been provided in the rural areas. Three years have passed since B. P. M. was sanctioned, and it was stated during its inauguration that it would be opened on 2nd October, 1984, and an order to this effect was also issued. But the Finance Department has expressed its inability to provide the funds. I will cite an example to show how inefficiency has increased in the Postal Department. I sent a registered letter to the Inspector, Railway Protection Force, Secundrabad, from Parliament House Post Office. But it never reached its destination. I raised this issue even in the Consultative Committee...

[*English*]

MR. CHAIRMAN: You had wrongly addressed.

[*Translation*]

SHRI C. JANGA REDDY: There also I was told that the address on the letter was wrong. But how did it reach me by an ordinary post when I had spent Rs. 3.50 for sending it by registered post from the Parliament House Post Office? I ought to have come by registered post. I addressed to "Inspector, Railway Protection Force, Secundrabad." Is this address wrong? Perhaps the name of the road has not been mentioned, the name of the building has not been mentioned, and I am prepared to accept the lapse. But I want to know why the letter

[Prof. C. Janga Reddy]

was not sent by registered post when I had spent Rs. 3.50 for it.

Sometimes we read in the newspapers that a post card has reached its destination after a whole year had passed. However, these are exceptional cases and let us not discuss them. But how will you remedy the situation? When a letter is sent by registered post, it ought to come back by registered post, itself. Two years have passed when Rajiv Gandhi Government came to power, but how many post offices have been opened during this period? I think it has not opened a single post office. On the contrary the number of post offices are being reduced. The postmen in the villages have been dispensed with, and a ban has been put on fresh recruitment on the grounds that it is uneconomic to maintain them. In the villages they are bound to be uneconomic. Postal Services are not run on commercial lines. The situation needs to be reviewed.

So far as the telegrams are concerned, they are delayed for as long as 3 days, even for a distance from Delhi to Hyderabad. You have said that there is a system for satellite transmission of telegrams. When I filed a complaint, I was told that the telegram was delayed due to snag in the satellite. The telegrams service is not proper. It should be improved. Letters should be sent by air to all the capitals, so that they reach the villages within 2 or 3 days. Telephone facilities which were to be provided in the villages and which were sanctioned as well, have not yet been provided because the Finance Ministry has not cleared the proposal. Hence, I oppose this Bill.

[English]

DR. PHULRENU GUHA : I would like to know whether the Minister will give us a better service in the Postal Department and whether they are going to open Post Offices in the villages and whether they are thinking of setting up a committee to review why the services of the Postal Department are deteriorating.

MR. CHAIRMAN : There is a ban on recruitment, Madam.

[Translation]

DR. G. S. RAJHANS (Jhanjharpur) : Mr. Chairman, Sir, I shall not take more than a minute. I want to ask the Hon. Minister as to why the newspaper tariff has been increased so much? Has there been a three times increase in the rates anywhere in the world?

(Interruptions)

[English]

As a present administrator of the Small Newspapers Organisation, I want the Hon. Minister to note the point ..(Interruptions)

[Translation]

Secondly, I want to submit that the prices of envelopes have been increased from 50 paise to 60 paise. If you go to the villages, you will find that there is a shortage of small coins. As a result, one has to pay one rupee for an envelope. Hence, I would request the Government to reduce the price of the envelope to 50 paise. There are other methods of mobilising the resources. A realistic picture should be presented; a Bill which is passed hurriedly cannot serve any purpose. I have been pained on reading this Bill which is not in the interest of the poor people in any way.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI SONTOSH MOHAN DEV) : Mr. Chairman, Sir, I am grateful to the Hon. Members of this august House who have participated in the debate. I am fully aware of the concern of the Members and the constructive criticism which has been made and the suggestions advanced by the Hon. Members. As a student of Commerce, I would say, that I would only consider the customer to be right. As such, I would not go into any debate on this point, as a Minister of this department. I also firmly believe that a lot has to be done in these matters for giving a better service. Mrs. Guha has asked whether we are prepared to give better service and whether monitoring of the work of the Department is done. I feel that the Department should not only

give better service but it should give quick service also. We are at it. I can say that no less a person than the Prime Minister himself feels that this Department needs much improvement. And if I cannot improve the functioning of this Department, my service will be at stake. I can assure the Hon. Members that we will try our utmost to do as much as possible. But it will be wrong to say that the Departmental employees are not working well. To some extent, there may be some lacuna in the working of the Departmental employees. The Government is also to be blamed for that because it has not been able to give the proper atmosphere. The functioning of the Department depends on the transportation of letters from the point of origin to the point of destination. For all that, we are depending on the railways, airlines, road sector and the private sector. But the point is, when in the past we were getting much better service, why should it deteriorate now ?

Some Members have advanced criticism with regard to the increase in postal rates. I would like to, put on record certain facts which are not known to many of us. A major part of this criticism is coming because of our not knowing the facts. And I feel that our Department is also at fault because it has not apprised the whole country as well as the Hon. Members of Parliament about the present position of this Department.

As I said in my opening speech, in 1982 was the last hike of postal tariff. Of course, Mr. Thampan Thomas and other Members of the opposition have criticised the Government for this hike in the mid year and not waiting for the Budget. Probably you will recall that the rate of post card was revised from 10 paise to 15 paise in the Budget of 1979 because that was necessary. When I place the financial position of the Department vis-a-vis the service we are rendering, I think, most of the Members will be satisfied that what we have done and what we are trying to do is not that bad and that we do not deserve criticism the way we are being criticised both in the press as well as in the House.

I request Mr. Thampan Thomas not to take as gospel truth whatever he reads in the newspapers. That day, if is not that we in-

troduced the Bill at the closing hours of the House. But we introduced it at 12.45 p.m. when many Members were present in the House. Probably, it has escaped his attention.

In future, I will give notice before I introduce any Bill so that he at least can know from the Press.

After 1982 when the last hike was effected, this Department in 1982-83 incurred a deficit of Rs. 90.93 crores, in 1983-84 Rs. 82.30 crores, in 1984-85 Rs. 136.09 crores and in 1985-86 Rs. 163.55 crores. If we had not raised this tariff now, our projected loss in 1986-87 would have been Rs. 401 crores. Today we are raising Rs 86 crores plus Rs. 8 crores. In the past we have raised Rs. 79 crores: The total comes to Rs. 173 crores. Even after this hike, we will still have a budgetary deficit of Rs. 228 crores. Mrs. Guha has asked as to what the Government is doing. This is the only public utility Department where Government is giving budgetary support to the extent of Rs. 228 crores for public utility services. Now, the question arises as to why did we increase the price of envelope and why did we not increase the price of postcard and inland letter. Is it due to the fact that we are not making any loss in postcards and inland letters ? No. I fully agree with the Members that most of the seventy crores people of this country, of which 75 per cent live in rural areas, or those in the urban areas who are economically backward, or even the middle-class people who are very much burdened economically, use inland letters and postcards. Now, let us see what will be the position even after we raise the tariff. Every year we handle 9,968 lakh postcards and the cost of production of a postcard as well as its handling—when I say handling, that means the operational staff, transportation, sorting and delivery at your doorstep—as on today is 65.17 paise. As against that, we are charging only fifteen paise, and if you take the last year's figure, even after increasing the price from ten paise to fifteen paise, we shall be losing to the extent of Rs. 46 92 in the whole year. Can you say that this Government is not looking to the interests of the common people and the down-trodden people ? As regards inland letters, we are handling 9,738 lakh inland letters and the

[Shri Sontosh Mohan Dev]

cost of printing and handling per inland letter—including all the operational costs—is 70.60 paise. The price of an inland letter is now 35 paise and we have not increased it. We shall be incurring an annual loss of Rs. 34.70 crores on inland letters.

Many Members have very rightly criticised about the hike in the postage on newspapers. One thing I must bring to the attention of the House that this hike in the tariff was supposed to take place a year back. For full one year the Government has been making different exercises as to in how best a manner it could be done so that we could cover our loss, we could put less burden on the poorest of the poor and, at the same time, we could also look after the interests of the six lakhs employees in this Department—three lakhs working as permanent and three lakhs as Extra-Departmental employees. The Savor Committee had submitted its recommendations. Many Members have drawn our attention to it and they wanted to know what we are going to do about those recommendations. We are not going to accept them *in toto*, I assure the House. We are not going to do it in a manner which affects the rural areas. Prof. Ranga Ji has rightly said that we should not try to abolish the post offices in the rural areas; rather we should try to increase their number. So far as our Department is concerned, we are totally with him and we also feel that by making some exercise, we should also look after the scales of those employees who are working as Extra-Departmental. We are quite sympathetic about it and we are fully with the Members. We are examining it. The Savor Committee had recommended that they should be paid at least on the prorata basis on which the permanent staff is paid. We are giving a sympathetic consideration to it and I can assure the Members that keeping in view the feeling which has been ventilated by the Hon. Members, both in Lok Sabha and in Rajya Sabha, we shall certainly consider this very sympathetically and we shall come to the House with our decision very soon.

DR. G. S. RAJHANS : What about the postage on newspapers ?

SHRI SONTOSH MOHAN DEV : Dr. Rajhans has raised this point regarding hike

in the postage on newspapers. Almost all the Members have raised this point. Shri Keyur Bhushan has also mentioned it. The Government of India is always willing to encourage small newspapers. Madam Gandhi wanted it. Jawaharlal Nehru Ji also wanted it. Even during the Janata period, they also encouraged it. Recently also I have seen that the Prime Minister has taken enough care to see that the newspapers are not affected. But what is the present position ? The number of small newspapers handled per year is 2,425 lakhs. The average cost of operation per newspaper is 77.81 paise. The revenue collected per newspaper is only 10.28 paise on an average. That is our present position. The deficit to the Government on account of these newspapers is Rs. 19 crores. That means, we are trying to help the newspapers to the extent of Rs. 19 crores per year. Please do not take it for granted that we have shifted. Yes. When the preference came to us between the post card, inland letter, envelopes, newspapers and parcel, we have shifted the burden to those who can bear. Government also has encouraged small newspapers with advertisement to give them papers at a cheaper rate. There may be some lacuna here or there. But we are not in a position. Whatever we have increased even now, we will incur loss. But we are also subsidising.

Members have pointed out book, pattern and sample packets. Number handled is 2864 lakhs per year. The cost of operation is 82.4 paise on average per item and the revenue realised is 44.08 paise on average per item and our annual loss is Rs. 11 crores. This picture I project before the Hon. Members.

I think most of the criticism has been levelled against the Department, against the employees or against the system. You will certainly appreciate that this Department is working under a very serious strain. But at the same time I will not go back to promise before the House or to admit before the House that what in the past could have been done, why it cannot be done; why it should take such a long time. Yes, it is a fact. But again if you take the figures,—I will not take much of the time. We have 831 Head Post Offices, Departmental Sub Offices 25,649, Extra-Depart-

mental Sub-Offices 3,931, Extra-Departmental Branch Offices 1,13,446.

It is a fact, we are not opening any new Branch Post Office or Extra Departmental Branch Offices in the rural areas. Not that there is an absolute ban in opening. The ban can be relaxed in exceptional cases. This ban we are also...

SHRI NARAYAN CHOUBEY : The ban has been withdrawn now.

SHRI SONTOSH MOHAN DEV : Not withdrawn. Recently, the ban on recruitment it has been relaxed. If a person retires, if he goes on promotion to another post, or there is death, then only we can. We are examining it. We have gone to the Planning Commission. Planning Commission has agreed to 1100. I am subject to correction. We are doing an exercise. We are trying to give preference to those areas where there is no post office. That is our first preference. I shall definitely try to see that those areas where there are no post offices, those are covered.

As I said, I do not want to go much in details in the Bill.

The Hon. Members have given a lot of suggestions. The main point that has been raised is that of Extra Departmental Post offices. Second point is that the services must be improved. The third point, which has been raised, in that regard I cannot do anything. You can speak to Shrimati Sheila Dikshit or Shir H. K. L. Bhagat for remedy. If you get it, I will be very much happy. That is not within the jurisdiction of my Ministry.

One important point which the Hon. Members has raised is money orders which are being sent the rural post offices. These are not being delivered for months together. This is one of the complaints we are getting.

DR. PHULRENU GUHA : Not that these are not delivered for months together. These are not delivered at all.

DR. G. S. RAJHANS : I have also written to the Hon. Minister. I have not received any reply.

SHRI SONTOSH MOHAN DEV : I am sorry if no reply has come. This is one area where we must look very carefully. If you go through the records—Rs. 200 crores worth of money order is being handled by us yearly. The defaulcation is to the tune of Rs. 10 to 15 lakhs. Payment is made immediately if there is a complaint. But I agree with you, it is not the non-payment, it is the late delivery. I have got some letters recently from the Members of Parliament and some organisations—specially in rural post offices the money is drawn in such a way that the beneficiary does not get time and certain money is being kept in the post offices by certain unscrupulous post masters. We shall certainly look into it and see that action is taken against the erring official.

Shri Manoranjan Bhakta has raised a point.

One point is that it is a fact that the second-class mail for North-Eastern region and Andamans goes very very late, sometimes spanning from two to three weeks. We are examining whether we can avail the air service and what will be the cost structure for it and if it is not too much, we will try to see that we avail of it for those remote areas.

As regards the opening of a Director's office, I will definitely examine it and we will try to do it.

With these words, Sir, I will request you...

AN HON. MEMBER : What about door-to-door delivery ?

(Interruptions)

SHRI SONTOSH MOHAN DEV : About the door-to-door, we will also look into it.

MR. CHAIRMAN : The question is :

"That the Bill further to amend the Indian Post Office Act, 1898, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : The House will now take up clause-by-clause consideration of the Bill.

The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. CHAIRMAN : The question is :

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRI SONTOSH MOHAN DEV : Sir, I beg to move :

"That the Bill be passed."

MR. CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.

19.05 hrs.

(At this stage, Shri Basudeb Acharia and some other Hon. Members left the House)

19.06 hrs.

MESSAGES FROM RAJYA SABHA

[English]

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

- (i) 'I am directed to inform the Lok Sabha that the Delhi Apartment Ownership Bill, 1986, which was passed by the Lok Sabha at its sitting held on the 30th April, 1986, has been passed by the

Rajya Sabha at its sitting held on the 8th December, 1986, with the following amendment :

Clause 24

That at page 18, after line 26, the following proviso be inserted, namely :

"Provided that nothing contained in this sub-section shall affect the right, title or interest acquired by any allottee or other person in common areas and facilities from any promoter on or before the 28th day of February, 1986."

2. I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 128 of the Rules of Procedure and Conduct of Business in the Rajya Sabha with the request that the concurrence of the Lok Sabha to the said amendment be communicated to this House.'

- (ii) "In accordance with the provisions of rule 128 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 8th December, 1986, agreed without any amendment to the Atomic Energy (Amendment) Bill, 1986, which was passed by the Lok Sabha at its sitting held on the 27th November, 1986."

DELHI APARTMENT OWNERSHIP BILL, 1986 AS AMENDED BY RAJYA SABHA

[English]

SECRETARY-GENERAL : Sir, I lay on the Table the Delhi Apartment Ownership Bill, 1986, which has been returned by Rajya Sabha with an amendment.

19.07 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, December 9, 1986/Agrahayana 18, 1908 (Saka)