

1531 hrs.

Indian Labour Bill**[English]*

SHRI SANAT MEHTA (Surendra Nagar) : Sir, I beg to move for leave to introduce a Bill to simplify, rationalise and consolidate the laws relating to labour so as to make them less complex for easier comprehension, implementation and enforcement.

MR. CHAIRMAN : The question is:

"That leave be granted to introduce a Bill to simplify, rationalise and consolidate the laws relating to labour so as to make them less complex for easier comprehension, implementation and enforcement."

The motion was adopted

SHRI SANAT MEHTA : I introduce the Bill

1532 hrs.

Prohibition Bill**[English]*

DR. GIRIJA VYAS (Udaipur) : Sir, I beg to move for leave to introduce a Bill to provide for total prohibition and for matters connected therewith.

MR. CHAIRMAN : The question is:

"That leave be granted to introduce a Bill to provide for total prohibition and for matters connected therewith."

The motion was adopted.

DR. GIRIJA VYAS : Sir, I introduce the Bill

1533 hrs.

Widows (Protection and Welfare) Bill**[English]*

SHRI SUBRATA MUKHERJEE (Raiganj) : Sir, I beg to move for leave to introduce a Bill to provide for the protection and welfare of widows.

MR. CHAIRMAN : The question is:

"That leave be granted to introduce a Bill to provide for the protection and welfare of widows."

The motion was adopted

SHRI SUBRATA MUKHERJEE : Sir, I introduce the Bill

1535 hrs.

**GOVERNMENT OF UNION TERRITORY OF ANDAMAN
AND NICOBAR ISLANDS BILL* — Contd.***[English]*

MR. CHAIRMAN : Now, the House shall take up item No 20, which is 'further consideration of the motion moved by Shri Basu Deb Acharia.' Time allotted for discussing this was two hours. We have already taken one hour and two minutes. So, the time left now is only 58 minutes.

SHRI BASU DEB ACHARIA (Bankura) : Please extend the time for discussing this.

KUMARI MAMATA BENERJEE : Sir, this is a very important Bill, so please extend the time.

MR. CHAIRMAN : There are only four speakers to speak. Let us see that. If necessary, we will think of that. Kumari Mamata Banerjee, you will get enough time to participate. Please do not worry about that.

Shri Manoranjan Bhakta was on his legs. Shri Bhakta

SHRI MANORANJAN BHAKTA : Mr. Chairman, Sir, I am grateful to my hon. friend, Shri Basu Deb Acharia for having brought this Bill before the House, to kindle the hopes and aspirations of the people of Andaman and Nicobar Islands.

Andaman and Nicobar Islands, as you know, is inhabited by people from different States with different languages, religions, castes, etc. But it has been the culture of the Islands to be one society and to be known as 'mini-India', as Shrimati Indira Gandhi termed it.

It is also one of the great features of the Island territories that there is no communal riots taking place in that part of the country. The practice of untouchability is not there.

[Translation]

SHRI P. R. DASMUNSI (Howrah) : Because BJP is not in power there.

[English]

SHRI MANORANJAN BHAKTA : BJP is there, still they could not start that kind of an activity there, which they are doing here. That is why, it is absolutely necessary and essential to see that the hopes and aspirations of the people are given due regard, and the Government should take appropriate action for that.

I would also like to mention here that when the paper regarding 'transfer of power' came from England to India, for some reason or the other, the British Government did not make a mention of Andaman and Nicobar Islands with India. There was also a very strong demand from Mr. Jinnah that this Territory, neither historically nor geographically is a part of India and that this land should be given to Pakistan. While demanding so, he was putting forward his argument that to have a link between West Pakistan and East Pakistan, there could be a water passage between them. He was saying like that. But Lord Mountbatten, the then leaders of India and the leaders of the Indian National Congress were putting

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[Shri Manoranjan Bhakta]

pressure and said that this land belonged to India and that was a land of Indian Union and so, there could not be any compromise on that. After that only, it was included in the papers of 'transfer of power' to India.

In the Constituent Assembly, there was a discussion about 'Chief Commission of provinces'. There was a Drafting Committee and during that time, very eminent personalities were there in that. Shri B. Pattabi Seetharamaiah was the Chairman; Shri A. N. Gopalwamy Iyengar, Deshbandu Gupta, M. Santhanam, C. M. Poonacha, Mukund Biharilal Bhargava were the Members. All these people had discussed about the Union Territories or the small Territories about their future administrative system, etc.

While doing so, Shri Gopalswamy Iyengar said - they said that these are the minor provinces - that each of these minor provinces should have a Legislature of their own. Mr. Home Minister, the word, 'Legislature' has to be noted. He said, 'each of these provinces should have a Legislature. Of course, there are other organs like the Executive and the Judiciary also. They have narrated all these points in detail as well. But they have mentioned very categorically regarding Andaman and Nicobar Islands. They said that these were penal settlements; these are extremely backward areas and for their development, peace and progress, these area should remain under the administrative control of the Central Government. The Central Government should look after the welfare of the people of these territories. They should also take up other kinds of administrative systems that are necessary from time to time for these territories.

Sir, article 239 of the Constitution of India under the title "Union Territories" was substituted by the Constitution (Seventh Amendment) Act for the heading "THE STATES IN PART C OF THE FIRST SCHEDULE". This article was replaced by a new article by the Constitution (Seventh Amendment) Act, 1956. Article 239 (i) provided that -

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

It also added that the President should appoint a Governor of a State as the administrator of an adjoining territory. In such cases, the Governor should exercise his functions as an administrator independently without any aid and advice of the Council of Ministers of the State where originally he has been appointed as the Governor.

Sir, this article 239 empowered the Parliament to create a Legislature and Council of Ministers for the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry. We shall have to understand that most of these Union Territories were having territorial Council at the beginning. They had the Advisory Committee but subsequently the Government conceded to the popular demand by which they wanted that people should be given their full democratic rights.

In Part IX which made provisions for territories included in part (d) of the First Schedule, 'Andaman and Nicobar Islands' was deleted by the Constitution (Seventh Amendment) Act, 1956, consequent on the inclusion of these islands among the Union Territories in Part VIII. So, all those territories - Lakshadweep, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, the existing Union Territories have been incorporated in the First Schedule.

Now, I would like to quote what Shri Basudevan Nair, a prominent Communist leader, while participating in the debate on Government Territories Act on 4th May, 1963 said. I quote:

"In regard to Lakshadweep and Minicoy Islands, even today these unfortunate people do not have the right to suffrage. They are also citizens of this country. I do not know why we are considering them as second class citizens of this country".

Note this wording, 'second class citizens of this country'.

"I would like the Government to give proper attention to the development of these territories which are left in the lurch and which do not come within the scope of this Bill. These are the general observations that I have to make before I enter into the proper body of the Bill".

In all the debates which took place either in the Government of Union Territories Act or in the National Capital Territory of Delhi Act, the general view of all the Members irrespective of their parties was that all the citizens of this country should be treated alike. There should not be any difference between them. It is unfortunate that the people of Andaman and Nicobar Islands have no right to elect the President of India whereas the people of other States have a right to participate in the election of the President. They have a right to determine their fate and future but so far as Andaman and Nicobar Islands or other Union Territories of its kind are concerned their citizens are treated as second class citizens.

I fully agree and endorse the view that the Central Government is providing money for the development of these Union Territories but we all know how this money is spent, what type of development is taking place and how this money is being misused by one man administration. One person is all in all. He can do and undo anything, even the proceedings of this House. That is why, we say that the representative government is a must. When the country has accepted the democratic polity there is no reason why the demands of small territories should be ignored. They may be small in number but they should not be deprived of the rights which their other brothers and sisters living in other parts of the country are enjoying.

I would like to remind the House that there are about 40 island countries in the world which are also the Members of UN. So, it is a fact that population cannot come in the way.

I would also like to mention the recommendation of the Estimates Committee (31st Report, 1992-93) which says.

"The Committee find that the Union Territories are comprised of areas quite diverse in regard to their

history, geographical location, magnitude and composition of their inhabitants, economic development and finally their Constitutional and administrative set up

They also find that each one of the territories stands on a different footing. However all the territories share one common feature, which is the absence of a fully representative government

Notwithstanding the fact that in Pondicherry the administrative set up is founded on a more popular basis as also the possibility of a similar treatment being given to Delhi at a future date, the Union Territories stand as a class apart from rest of the country in the sense that the citizens of these Territories do not enjoy the democratic rights in exactly the same manner as their compatriots in the States of the Union.

The Committee find that one of the most persuasive arguments in favour of maintaining this state of affairs has been (1) the small size of population in these territories which arguably does not justify a full-fledged legislature and a Council of Ministers with all its attendant paraphernalia and (2) the fact that no uniform system can be adopted for all the Union Territories. Forceful as these arguments may be the Committee cannot overlook the basic question posed by the discerning observers as also by the general populace of these territories

The question is, why the citizens living in these territories ought not to have some definite Constitutional mechanism to provide them an effective say in running the administration of these territories."

1550 hrs.

[COL. RAO RAM SINGH *in the Chair*]

That was an all-party Committee and it had recommended unanimously to the Government of India that democratic and Constitutional rights should be provided to the people of the Union Territory of Andaman and Nicobar Islands. Unfortunately, it seems that either the Government have no time to go through those recommendations and arrive as a conclusion or they prefer to remain ignorant of it for reasons best known to them.

I would like to reiterate one point. While violent activities are going on and people are taking to arms in certain States like Nagaland, Mizoram, Manipur, we should ask ourselves as to why such things are happening. Why are those people raising their heads in revolt, and why are they taking to arms? This question needs to be answered. If you do not take timely action when peace-loving people come to the Government for redressal of their grievances, the situation may lead to rebellions, the same people may be lead to take up arms which would result in damage to Government property. At that time even if you come and say, "Please come to the table and discuss," that would be of no avail. It is high time the wishes of the peace-loving people of the Union Territory of

Andaman and Nicobar are taken serious note of.

This is not a new issue for the people of the Union Territory. They represented it time and again. It has been their demand for years. For the last 20 to 25 years we have been requesting the Government of India. Whenever a dignitary visits the islands, whenever a discussion is held, he assures that the issue would be considered. The question that occurs to every dignitary who is on a visit to the Islands is, "then there is one type of system all over the country why should the system be different here?" Consequently, they assure the local people that they would do something in this connection. But nothing happens and time passes as always. People are getting more and more frustrated day by day and there does not seem to be any remedy for it.

I am really grateful to Shri Acharia that he has given me opportunity to participate in this debate. This is a historic day for the people of the Islands. When the entire House is one mood I do not think that there will be any reason for the Government to deny this right to the people of Andaman and Nicobar Islands.

There is another important aspect to which I would like to draw the attention of the House. Article 240 of the Constitution states that providing good governance and development for the Union Territories is the duty of the Central Government. I would like to ask the Home Minister if he is happy and satisfied with the governance provided, if he thinks that he has provided good governance to the islands and if he has provided for uninterrupted development in those areas. The actual position has to be analysed.

The Home Ministry, in its Action Taken Report, stated that after coming into effect of the Panchayati Raj institutions in Andaman & Nicobar Islands the people will have more Authority in their hands.

I would like to submit that the regulations of Panchayati Raj and the Nagar Palika are now in force in Andaman and Nicobar Islands. Elections were held about one and a half years ago. The institutions of Panchayati Raj, Gram Panchayat, Panchayat Samiti, Zila Parishad and the Municipal Council are frustrated today. Why is this frustration? It is because the regulations are such that you want to give them power, but there is no empowerment. If the P.R. Institutions want to issue a letter, they cannot. They cannot even appoint a labour. The Panchayats cannot appoint a labour to implement the work. The appointment letter has to be issued by the Chief Secretary of the Administration. Is it the system of decentralisation? Is it the system of empowerment? This is what centralisation is. (Interruptions)

SHRI CHITTA BASU (Barasat) Is the power also there?

SHRI MANORANJAN BHAKTA No, it is not there. They have mentioned 'as prescribed' and the prescription has not gone from here. No prescription has come. All the regulations and rules are 'as prescribed'. This prescription will be provided by the Administration but the prescription has not come. So, works are lying. The Administration say that they cannot do anything and that they have to send all the papers to them for

[Shri Manoranjan Bhakta]

approval. Then what is the meaning of this Constitutional amendment until and unless proper powers are given to the local bodies.

Similarly, they have appointed a Finance Commission on year back to provide the fund for the Administration. Unfortunately, the Finance Commission of Andaman and Nicobar Islands is sitting at Delhi. Maybe once or twice they might have gone there, but their head office is here. Of course, they may say that some other Union Territory is also in their purview. So they made the headquarters at Delhi. But my only point is that if the Finance Commission take that much time to submit even an Interim Report, how can the things be done? Elected representatives are frustrated. People are asking-

[Translation]

We have elected you with a thumping majority but you are not working for betterment of the area. Common man does not accept our plea that we are not given administrative approval and funds to execute their work.

[English]

It is the responsibility of the Central Government to take care of the Union Territories. The Central Government have to answer for the failure of the Union Territories. They cannot escape from this responsibility. They will have to be accountable for all the happenings in the Union Territory. The Central Government pass some kind of statement when there is some problem in the Union Territories. I can understand the position of the Central Government in this regard. ... (Interruptions)

MR. CHAIRMAN : You have taken 25 minutes only !

SHRI MANORANJAN BHAKTA : The Bill is on Andaman and Nicobar Islands.

MR. CHAIRMAN : I can understand. But there are so many hon. Members who are interested in your constituency. I think that you should also give them an opportunity.

SHRI MANORANJAN BHAKTA : You are a very lovable person.

MR. CHAIRMAN : I can only request you. You have already taken 25 minutes. Shri Manoranjanji, there are at least eight hon. Members to speak on this Bill. The debate on this Bill has to end at 1622 hours. The allotted time is two hours.

KUMARI MAMATA BANERJEE : The time may be extended.

1600 hrs.

SHRI MANORANJAN BHAKTA : Mr. Chairman, you are a very lovable and a very sympathetic person for the Union Territory. I am very happy that you have kindly considered my request.

Sir, the question here is that when there is a failure of a State, then the Central Government make a statement that it is not their responsibility, but in the case of failure of Union Territories, who will be held responsible? The union

Government must say that they could not do anything and it is their failure. That is why I am saying that good Governments in the Union Territories have completely failed. Earlier, there used to be a Pradesh Council. That Council used to discuss subject which come under the State List and the subjects which are enumerated in the Concurrent List. But, unceremoniously, that Pradesh Council has been abolished. By doing so, I want to know what new avenue, you have created. You have not created any new avenue. Now, you have Panchayats, Gram Panchayats, Panchayat Samitis and Zila Parishads. In addition to this, you have nothing. There is no say of the elected representatives here.

MR. CHAIRMAN : There are Zila Parishads.

SHRI MANORANJAN BHAKTA : Zila Parishads are there. I want to know why there are Assemblies or Legislatures in other big states. You have created this system. You have taken a policy decision. When you are accepting the people as supreme, in that case, the policies are to be decided by the people, through their representatives. That is why, I am saying, if this Bill is passed, it will usher in a new era for the Union Territory of Andaman and Nicobar Islands.

Sir, most of the Departments in Andaman and Nicobar Islands are running on an *ad hoc* basis. Why should they run on an *ad hoc* basis? The recruitment for Group A and Group B services are done by the UPSC. They send the names to the local Administration. The local Administration, then sends the offers to the candidates. Most of these people, particularly in the specialised category, do not join these services. Because of this, the UPSC have to again go in for a fresh recruitment. Under such circumstances, time and again, we have been requesting the Government to advertise such posts within the Islands. There are many qualified people who should be given an opportunity to serve the Government. There should be a Selection Board. Let that Selection Board recruit qualified people who can remain and work there. I am not saying that the qualification should be reduced. This matter should be taken up with the UPSC. In case UPSC do not want to give relaxation for this purpose, the Cabinet can do it. Subsequently, in the Report of the UPSC, it was there but the Government have over-ruled them. The House is fully competent to take note of that. That is why what happens is that many of the posts are filled up on an *ad hoc* basis. Even people are working for more than 20 years on an *ad hoc* basis. In such circumstances how can the Administration run? it is not possible to run the Administration.

Sir, unemployment problem is mounting up. There is no definite programme of the Administration to face this unemployment problem.

Until and unless that is done what will the younger elements of the society do? If we cannot contain them with a reasonable offer of providing employment or by creating opportunities for employment, how the younger elements will participate in the nation building process?

Similarly, the medical officers in such remote areas, where the medical facilities for treatment are acute, face the same problems. Sometime they do not even get the minimum necessary facilities in such areas. Those doctors have been

working there for years together. They have to fight in the court of law to become regular in their jobs. Why the Central Government has no sympathy for them? When those medical officers are regularised on the basis of the court order, no cadre is given to them. They are without cadre, though in those times, the CGHS cadre was there and from that cadre only the medical officers were appointed.

Similarly, as all of you know, during the last Session I brought to the notice of the House the progress of the developmental activities in the Union Territory. All the developmental activities are on standstill. One cannot collect sand, one cannot collect stone, one cannot construct the roads and number of water supply schemes are pending for quite a long time. Why is it so?

Now the clearance from the Environment authorities has to be taken. Then, after getting the clearance from Environment authorities, you need sand and stone. Until and unless sand and stone are available one cannot do anything. If the matter is pending with the Supreme Court, it is the responsibility of the Central Government to bring this particular problem before the Supreme Court for its quick disposal. It is not my duty to get the matter cleared from the Supreme Court. Then, the Ministry of Environment and Forests advises the Andaman & Nicobar Island authorities to go to the court. Now Andaman & Nicobar Islands, being a Union Territory, are advised to go to the court against Central Govt. What sort of advice is this?

In the mainland I can understand the collection of sea sand as there are rivers and sand is available there. There are stone quarries in Andaman & Nicobar Islands and we have sea on all sides. So, naturally there is an need for special dispensation and special consideration in this case. This should have been taken care of by the Central Government.

Fortunately the Minister of Environment and Forests went to Port Blair recently along with the Consultative Committee of the Ministry and now they have come to know the problems faced by the people there. For one year period they have given permission to collect sand. But for that so much of paraphernalia is being kept that I do not know how much it will take even to get a truck load of sand. Similar conditions are there for stone collection.

I am saying all this because Andaman & Nicobar Islands are situated in a very strategic location. We are bordered by Myanmar, Thailand, Malaysia and Indonesia. So with such strategical position, it is the responsibility of the Central Government to take care of all this.

Sir, I would also like to mention the security position as of today.

It is unfortunate for me to raise the issue but I am compelled to do so. A large number of poachers are entering. Every month their boats are being captured. Even now 119 Myanmar people were sent back. There is not a single year when a large number of those foreign poachers have not been arrested. Some of them could manage and go scot-free and some of them fled away.

MR. CHAIRMAN : Shri Manoranjan Bhakta, I am sorry to

interrupt you. How much time will you take? You had taken ten minutes in the last session and now you have taken forty minutes.

SHRI MANORANJAN BHAKTA : Sir, I will try to conclude my speech as early as possible.

MR. CHAIRMAN : Please try to conclude your speech early because Shri Chitta Basu has to attend a meeting and he wants to speak. He is very much interested in the welfare of Andaman and Nicobar Islands. So, please give him a chance to speak.

SHRI MANORANJAN BHAKTA : Yes, Sir. I will try to complete my speech as early as possible.

Sir, I am always a very disciplined Member, as you know
...(Interruptions)

MR. CHAIRMAN : What is the population by the way?

SHRI MANORANJAN BHAKTA : Now, it will be about 3.5 lakhs. Let us take the population ratio also. What is the population of Sikkim? It is a full-fledged State. Their population is three lakhs, which is less than ours. So, that question does not arise.

MR. CHAIRMAN : How many districts are there ?

SHRI MANORANJAN BHAKTA : There are two districts - Andaman and Nicobar Islands is divided by a ten degree channel.

What I was saying is that the Central Government has major say in regard to the Union Territories. Even today, after the Plan discussions are held, for spending the money allotted to the Plan schemes, again we have to send the proposals to the Central Government and it is up to their mercy. It may take six months or one year. Sometimes that year's Budget may lapse. There is no specific date or anything.

Similarly, whenever we approach any Ministry regarding Andaman and Nicobar Islands, their first reaction will be, "You go to the Home Ministry. The Home Ministry will be doing everything." What is the Home Ministry doing? For the purpose of passing the Demands for Grants in respect of the Union Territory, they consolidate the figures from all other concerned Ministries and place them before the Parliament and get it passed. That is why, you can only say that the Home Ministry is the coordinating Ministry. I think, the other Ministries - those are the responsible Ministries - cannot shirk their responsibilities for the Union Territories and they shall have to take up the cause of the Union Territories and do in their respective areas.

Then, Sir, you take up the powers of the Administrator. You can understand as to how it is going. The Administrator of Delhi is having one kind of power. The Administrator of Pondicherry will be having another kind of power. The Administrator of Andaman and Nicobar Island will be having another kind of power. Why? Andaman and Nicobar Islands is far away, 2,000 kms. away from the mainland; more than 2,500 kms. away from Delhi. So, more powers have to be given to the Administrator. Whereas in Delhi, even if you give less powers to the Administration, he can manage because

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the Ministry is at a stone throwing distance. That is why, I cannot understand as to what type of logic it is. I also cannot understand why the powers for the Administrator of Andaman and Nicobar Islands are less comparing to the powers given to the Administrator of Pondicherry and these areas, which are in mainland.

So there should be some rational approach. Some rationality should be there. They will have to decide it once for all. It cannot be like that everyday we are coming and begging and saying 'give us this and that. Then what happens? This Territory should get the proper sort of treatment from the Union Government. This is not forthcoming. I am happy that Shri Mohd. Maqbool Dar, who is the Minister of State for Home, is here.

There was a devastating fire accident in Port Blair. One portion of the market, bazaar, the main business centre, was completely gutted. About 500 people were affected. About 49 houses had been completely destroyed. Those fire victims could not save anything of their own. The Andaman Administration, the Lieutenant-Governor and officers have done commendable job. I must say that

I approached the Home Minister. I approached the Minister of State and other officers of the Home Ministry. The Minister of State, Shri Mohd. Maqbool Dar visited the Island with a team of officers. He himself has seen as to what has happened there. I do not doubt about the sincerity of the Home Ministry and the officers in this. But at the same time, the net result is the focussing point. In the net result what has been done? No relief from the Prime Minister's Relief Fund was provided. Not a single rupee for this was provided. There, those people who have lost their houses, those who are shopkeepers, for them the Municipal Council is constructing the new shops to rehabilitate them. To those who became homeless, some Government quarters have been provided to live till some alternative arrangements are made. But to those house owners, those who have lost their houses, those who have lost their sources of income, for this purpose, the Ministry of Home Affairs or any other authority has not considered anything.

Whereas in the past, in 1974, there was a similar type of another fire accident in another part of that market. At that time, the then Government provided soft loans to the house owners for construction. They had provided less rate of interest on loan and the working capital for those shopkeepers who had lost everything. Why? What has happened? Why this similar thing which has been done in the past could not be done at this time also? That I could not understand. The logic behind this is beyond my understanding.

What was said to me is that, no, they would be helped by the banks. I asked the bank people. Bank means, there will be 17 to 18 per cent interest. The fire victims have lost everything. Is it the way to treat them there? Then, at the same time, these loans they give only when their land is mortgaged to them. But in Andaman and Nicobar Islands, all the land belongs to the Government. Even if I want to transfer my right, I shall have to apply to the Government. If they permit

me, then only I can do that. Under such conditions, what is the logic behind this? That I could not understand this. Why were they not given the assistance for construction of their houses and also the working capital? In the past, it had been done. Precedent is there. So I would like to request the hon. Home Minister that, at least, kindly bear with me - the responsibility which is given to you, kindly fulfil your responsibility.

MR. CHAIRMAN : Shri Manoranjan Bhakta, now you have taken 55 minutes. So I must point out this. I think we should have some consideration for the other Members.

SHRI MANORANJAN BHAKTA : I will be doing that.

MR. CHAIRMAN : I think you should wind up now.

SHRI MANORANJAN BHAKTA : I will be winding up.

Sir, that is why now I can only mention to you and to this Government that time is running short. We must see and read the writing on the wall. And then if you see that there is no reason why you should not accept this Bill, there is no reason why you should not provide the democratic rights, the constitutional rights as citizens the citizens of the Andaman and Nicobar Islands are entitled to. And there is no reason why development of our people should not take place and why we should suffer all the time in the development of the infrastructure, our transport and communications, our education and why our people should be always looking to Delhi and why we should not be given the right to our welfare to participate in that process.

Sir, I also like to say that we have not learnt a lesson from the North-Eastern region. If they want to create another problem spot in the Bay of Bengal, of course, nobody can hold up the Government from doing so.

SHRI SONTOSH MOHAN DEV (Silchar) : Do not follow us.

SHRI MANORANJAN BHAKTA : We do not follow you. We follow the footsteps of the people who were in the Central Jail at Port Blair. Even today if one visits the Andaman and Nicobar Islands one would find that those were the areas where Netaji Subhas Chandra Bose hosted the National Tri-Colour. This is Centenary year. I expected that the Central Government would come out with some big projects in that area where he came down, hosted the National Tri-Colour and where those lands were taken over by him from Japanese Emperor. Thereafter Col. Lokanathan was appointed as the Chief Commissioner, the first Indian Chief Commissioner in that part of the country.

So, if one goes through the red bricks of the Cellular Jail, perhaps one can realise for himself how our freedom fighters and all those who suffered in those gallows, the jail. Perhaps we cannot understand their feelings. We cannot. That is why, I request this House and also the Government to accept this Bill. Let us unitedly pass it and create a new example in this House.

SHRI CHITTA BASU (Barasat) : Mr. Chairman, thanks for calling me a little earlier as I am to attend a very important meeting today at 5.00 p.m.

This House had the privilege of listening to the hon. Member from Andaman and Nicobar Islands who, in great detail described the urgency and the need for having a State Legislature for the Union Territory. We had also heard or listened to the arguments already advanced by the Mover of the Bill, Shri Basu Deb Acharia. After listening to those important and lengthy speeches I do not venture to make a long speech to justify the demand for having statehood for Andaman and Nicobar Islands.

Sir, there are certain criteria for Parliamentary Democracy in our country which are enshrined in the Constitution of the country. I mentioned 'Constitution of the country' only because of the fact that Andaman and Nicobar Islands have been included in the Union Territories under Part VIII of the Constitution of the country and Part VIII of the Constitution of the country the Union Territories are governed by Article 239, Article 239A, and of course Article 240 of the Constitution.

The spirit of that is very much there and now many years have passed since the Constituent Assembly had adopted this Constitution. At least the new experiences are there with us and on the basis of that we must look at the problem of the Union Territories as a whole. I think the time has come when the Constitution needs elaborate amendment in regard to the administration of the Union Territories.

Sir, I am limiting my arguments only to Andaman and Nicobar Islands. We accept four criteria universally so far as Indian democracy is concerned.

Firstly, every citizen of the country has got the right to elect and to be elected. I have got the right to elect you and I have also got the right to be elected by you. This is the fundamental principle of democracy.

Secondly, I have got every right, as a citizen of this country, to participate in the decision making and in the governance of the territory or the governance of the country. Therefore, on both counts about 2.70 lakh Indian citizens of our country residing in Andaman and Nicobar Islands have been deprived of this very fundamental right of our Indian citizenship.

Thirdly, today's time demands that there should be decentralisation of power. Those days of centralisation of power have gone. The framers of the Constitution conceived of an India 50 or 60 years ago in the condition of the world, in the condition of the Indian Sub-continent and in a very different condition. But those conditions have changed today. Today there is no scope for centralisation of power. Today the only theme is decentralisation. Decentralisation is not the main theme of today's time, there are other questions also.

Fourth is the empowerment of the disadvantaged and the under-privileged.

These are the four fundamental criteria, the right to elect and to be elected, the right to participate and the right to govern, the right to have power and the right to administer as a decentralised Union. On these four counts, I think, the hon. Member from Andaman and Nicobar Islands will agree with me fully.

I whole-heartedly support this Bill, because it is the desire, it is the intention, it is the dream of the Constituent Assembly and it is the dream of the democracy. If we do not fulfil that dream, we negate the Parliament and we negate the Constitution. Nobody has got the right to negate the spirit of the Constitution of our country, that is, to elect, to be elected, to participate and to be a participant of governance.

This is the basic principle and every Member who has been elected here should understand the feelings of the electors also. Unfortunately the brothers and sisters of Andaman and Nicobar Islands have not got that facility.

Sir, I was very much happy when I heard, on an earlier occasion, that the Panchayat Raj system had already been introduced in Andaman and Nicobar Islands under the provisions of the Constitution (Seventy-Third Amendment) Act. It is a bolt from the blue that there is the *panchayat*, but the *panchayat* has no powers. The *panchayat* has no power even to appoint a peon and the *panchayat* has no right even to order the construction of a village road. What kind of a *panchayat* is that? If that is so, I would like to say to the Minister of State for Home Affairs that he has no right to violate the spirit of Article 73 of the Constitution of our country. If there is a *panchayat*, it must be a true *panchayat*. That *panchayat* cannot be made hastings by some other autocratic and centralised notion and that is, I think, a crime on the Constitution.

Sir, when the Panchayat Raj was there what prevents the Government to have a greater dose of economy and having a legislature? Therefore, my dream has been further shattered by listening from the experience which has been gained by the hon. Member from Andaman. The Estimates Committee has recommended it. They must recommend it as I am recommending it. Therefore, there should not be any objection to have a larger dose of democracy for the people of Andaman and Nicobar.

While I am pleading for the statehood of the Andaman and Nicobar, I also want to draw the attention of the Government to the serious problem that the Andmanis and Nicobaris are facing today.

The first point is regarding the extinction of aboriginals. I have got a long quotation to make. I do not want to waste the time of the House.

MR. CHAIRMAN : May I interrupt you for a minute? Gentlemen, the time allotted for discussion on this very important Bill was up to 4.32 p.m. If it is the desire of the Members to extend the time, it shall be extended up to 6 o'clock. I do not know whether the Minister would like to reply today.

SHRI SONTOSH MOHAN DEV : Sir, he is not prepared.

SHRI M. O. H. FAROOK (Pondicherry) : Sir, I would like to speak. I am from union territory.

MR. CHAIRMAN : Mr. Minister, would you like to reply today or not?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MOHD. MAQBOOL DAR) : Sir, I honour the emotions of the Members. I am ready to do in whatever way they like.

KUMARI MAMATA BANERJEE : Sir, we have to extend the time.

MR. CHAIRMAN : So, the time is extended upto 6 o'clock.

SHRI CHITTA BASU : Sir, there is a greater danger of extinction of aboriginals. I have got many figures to say this. The aboriginals, those who had been the inhabitants of Andaman and Nicobar are being extinguished. There are a very few people left. I think the Government should take interest to see that those aboriginals are educated, civilized and better care should be taken. Please do not abolish them or allow them to be extinguished from the earth.

Secondly, I have got a great apprehension that some international interests have already evinced their interest to make the Andamans a free port. A port almost an alternative to Hong Kong; a port alternative to some other bigger ports in South East Asia. That is a great threat to the environment of Andaman and Nicobar. This is not only an environmental threat but something more. I am not an environmentalist. The multi-national corporations are also interested to convert it into a heaven, a free heaven to have tax free trade. Sir, as he is right, the Andaman is a strategically situated area where we have many international borders to intermingle. We have got Thai's border, we have got Vietnamese border, we have got Indonesian border and other borders. A great power play is also at work there. We cannot forget the strategic conspiracies which are being hatched by the imperialists of the Western hemisphere.

Therefore, I am for the development of Andaman and Nicobar Islands. But this development is for the people of Andaman and Nicobar Islands and not to subserve the strategic interests of the foreign countries in the belly of the Indian security. Otherwise, it will increase the Indian security hazard.

Andaman and Nicobar Islands have a great potential in terms of forestry, in terms of marine life and in terms of bio-diversity. Today's world is very much after this bio-diversity. India, particularly North-East and Andaman and Nicobar Islands, is very rich in bio-diversity. In today's world, there is a great competition with regard to genes. Therefore, the Government of India should be alarmed about this kind of motivation for exploiting Andaman's soil, Andaman's forest and Andaman's environment in order to earn profits, and also endanger the security of India. If we have to meet these dangers or accept these challenges, then there is a need for greater democracy, greater scope for the people to participate in the developmental work and in the governance of the area. This alone can prevent this danger and can explore the potentialities. I hope the Government would reconsider its view if they have not, so far, agreed to confer Statehood to Andaman and Nicobar Islands. They should immediately confer this Statehood so that the people of Andaman and Nicobar Islands can preserve themselves, can advance the cause of national interest and also defend the country's unity, integrity and freedom.

My last point is that this is the centenary year of Netaji Subhash Chandra Bose. I may quite respectfully remind you that when Subhash Chandra Bose landed in Andaman and Nicobar Islands, he hoisted the Freedom Flag and named Andaman and Nicobar Islands as *Shaheed and Swaraj Dweep*. I hope that in deference to the wishes of that great patriot, great democrat and great leader of our country, the name of Andaman and Nicobar Islands, if possible, may be changed to *Shaheed and Swaraj Dweep*.

KUMARI MAMATA BANERJEE : Sir, I whole-heartedly support the Government of Union Territory of Andaman and Nicobar Islands Bill, 1996 brought by Shri Acharia.

As Shri Manoranjan Bhakta said very correctly, though Andaman and Nicobar Islands may be a small place, it is beautiful. The geographical area is large enough and it has a population of about 35 lakh. I personally visited Andaman and Nicobar Islands and I have seen, with my own eyes, the potentiality of that area, I mean from the tourism angle. People from abroad go to Andaman and Nicobar Islands just to see that place. It has the potential and it is such a nice place. The long-standing demand of the people of Andaman and Nicobar Islands is that they should get the Statehood.

Sir, before I start speaking on the Bill, I wish to remember our great son of the soil, Netaji Subhash Chandra Bose. We all remember that he was the first man who had set up his Provincial Government in Andaman and Nicobar Islands. It was the headquarters of the Provincial Government before Independence and before he left India. It was the headquarters of the Azad Hind Fauj. That is why, he named Andaman and Nicobar Islands as *Shaheed Dweep and Swaraj Dweep*.

So, it is a very important place. This is the year when our country is celebrating the birth centenary of Netaji Subhash Chandra Bose to whom the Government has to pay respect. When Netaji Subhash Chandra Bose himself declared provincial independent Government for that particular place and when we are now celebrating 50 years of our Independence movement, why not we give Statehood through this Bill to the people of Andaman and Nicobar Islands? What is the harm? The hopes and aspirations of the people of Andaman and Nicobar Islands are too high now. I do not say that the Central Government is not at all looking after the problems of Andaman and Nicobar Islands. I visited many of the areas of Andaman and Nicobar Islands and I have even seen the maintenance especially of the places where I happened to stay. The maintenance is really good. It is not bad. But in a democratic country and set up, people's representation and people's involvement are also a matter of concern and, that is why, last time when panchayat and municipal elections took place, I went there. It is for the first time they have been elected as members of *panchayats* and municipalities. But if a panchayat Member has no right to appoint even a labourer, how will they work even if they want to do some development work? The Central Government is giving money through the panchayat direct in every State. This is Union Territory. But can you say that money should not reach to panchayat raj? Then there should be another amendment to this Bill in this Parliament. There may be some discrimination. How can you deprive the right of the

people, their democratic right, the economic right, the employment right and fundamental rights? We cannot deprive them of these rights. We should declare Statehood to Andaman and Nicobar Islands. I said earlier that Netaji Subhash Chandra Bose first set up the provincial government there. That is why, I pay a tribute to Netaji Subhash Chandra Bose and I urge upon the Government to declare its Statehood this year. It is not for the first time that we are discussing this Bill. The assurance was given in 1991. Even when Delhi asked for Statehood, at that time also the assurance was given. The Estimates Committee discussed it many times. Even Pondicherry, Goa, Daman and Diu and other small States like the 'seven sister' States in the North-Eastern region were given the promise. The ex-Chief Minister of Pondicherry is saying that full power has not been given though they have got Statehood. This is the discriminate on.

SHRI M.O.H. FAROOK : We have got the legislature, but we do not have the full powers. We have not got the Statehood, but we have got the legislature.

KUMARI MAMATA BANERJEE : What is this?

MR. CHAIRMAN : In Union Territory, they have got the powers.

SHRI M.O.H. FAROOK : In Union Territory, there are lot of differences. There is a Union Territory with legislature and there is a Union Territory without legislature. There is a Union Territory where only the Administrator is there. Full powers have not been given to the Union Territory also. This is the discrimination which these people are making. While giving legislature, all powers should be given to the Andaman and Nicobar Islands. This is our plea.

MR. CHAIRMAN : What is the status of Pondicherry?

SHRI M.O.H. FAROOK : The status of Pondicherry is, some of the power are with the Lieutenant Governor and the legislature is not having so much of powers. For example, in the offices, we do not have the powers actually. On service matters, the Lieutenant Governor is the authority. Is it a democracy? We have been crying for that. My friend Kumari Mamata Banerjee's plea is that they should have a legislature. My plea is more than that. They should have full legislature with all powers of a State.

KUMARI MAMATA BANERJEE : I fully agree with what the ex-Chief Minister of Pondicherry has said. There should not be any discrimination between one State and the other in terms of not only the legislature but also, at the same time, powers. Again, I am pleading not only for Pondicherry or Andaman and Nicobar but also for the other States if there are some discriminations and discrepancies.

It is a fact that some people are raising their voice about population. But we should not forget the fact that there are some countries like Mauritius and Maldives which are our friendly countries. How much population are they having? Do you compare the people's power with population? Or, do you compare people's power with people's authority and their rights? So, population is not at all a criterion. I think so. You know about the area covered by the Island especially, the sea-zone areas. It is very expensive. Even they cannot bring sand.

MR. CHAIRMAN : Mamataji, can I interrupt you for one minute?

Hon. Members, there is no hon. Member from the Panel of Chairmen present in the House. I have to go to attend to some urgent work. So, if I have the permission of the House, I can ask Shri A.C. Jos to preside over for the rest of the time. If I have the permission of the House, I will do that. If not, I will have to continue. Is it all right?

SEVERAL HON. MEMBERS : Yes.

MR. CHAIRMAN : I am most grateful to you. Thank you very much. Kumari Mamata Banerjee, please carry on.

1648 hrs.

[SHRI A.C. JOS *in the Chair*]

KUMARI MAMATA BANERJEE : Our provisional Chairman, like this provisional Government, should see that the Bill is passed today itself - as Netaji Subhash Chandra Bose had declared at that time.

The geographical area is a very big area. As I said earlier, it is a very expensive area. They have to bring even sand from Calcutta or from other places. It is very expensive. There is no road communication facility. There is no railway communication because it is a sea-zone. There are no industries and so there are no employment opportunities. The rural or the plain areas are very few. Even to get food, people have to depend on the ships because ships come from outside. They carry all the goods and other things. That is why, I think it is better that people take responsibility. People's representatives should look after the grievances of the people in a proper way. In a democratic country, we should not give an impression to the people of Andaman & Nicobar Islands that they are just like second class citizens. They have the right to elect the President. They have the right to elect the Rajya Sabha Member also. Why do they not do this? This is my humble suggestion to the hon. Minister. I would request : the hon. Minister to look into this problem sympathetically so that people do not suffer in future.

Sir, there is a proverb that it is better to be a lion for a day than a sheep all of one's life. Today, whatever we are saying, we are saying from the heart. One food can be digestible to one person but it may not be digestible to others.

But as far as passing of this particular Bill is concerned, each and everybody thinks that it is digestible to each and everybody.

So, this is my humble submission to the hon. Minister that please accept this Bill and pass it because there would not be any discrimination or any difference of attitude among anybody because this is a very important Bill.

Sir, why I am saying this is that there is a proverb 'after death, comes the doctor'. There are some such areas in our country where the people are deprived of their rights because the harassments are going on there. That is why sometimes, in Uttarakhand, sometimes in Jharkhand, sometimes in Jammu and Kashmir, sometimes in Punjab, sometimes in Darjeeling - my State, we see people are demanding that

[Kumari Mamata Banerjee]

they want statehood. But I think Andaman and Nicobar Islands is a separate part and that is why we fully support it.

But at the same time I would also request the hon. Home Minister to see what is going on in Tripura today - mass killings. What is going on in the North-eastern region, the Seven-Sister States? It is very difficult situation there because of the insurgency. Any time, any disaster may occur there. Shri Chitta Basu also said about it and Shri Manoranjan Bhakta also said about it. There is some Indonesian border, there is some Burmese border with Andaman and Nicobar Islands, I appreciate that. With Arunachal Pradesh, there is a China border. With Mizoram and Nagaland also, there are some foreign borders. So, we have to look after our security problems, our social security and other securities also.

So, I think, it is better to hand over this statehood to the people of that State and give all sorts of powers to the State Legislature of Andaman and Nicobar Islands so that they do not feel that their hopes and aspirations are being neglected.

With these words, I request you Mr. Chairman that as your title is 'Jos', I think there must be some josh from you, the Chair also.

MR. CHAIRMAN : Yes, sure

KUMARI MAMATA BANERJEE : Everybody is waiting today to see that there may be some new era to pass this Bill. The people should know it. At least, if any good suggestion comes, then there is no partisan attitude dividing us. We are united on this issue.

So, I once again request you to pass this Bill for the betterment of the country and for the betterment of the people because the Government is of the people, by the people and for the people. We should not forget this.

SHRI AJAY CHAKRABORTY (Basirhat) : Mr. Chairman, Sir I wholeheartedly support this Bill which has been brought forward by our senior colleague Shri Basudeb Acharia. Not only that, I am very much grateful to him because of the fact that after rendering so much efforts and labour, he has brought this comprehensive Bill to fulfil the long pending aspirations and desire of the downtrodden people of Andaman and Nicobar Islands.

I think, this is the historical and a red letter day for the people of Andaman and Nicobar Islands. All of us know the socio-economic and political conditions of Andaman and Nicobar Islands.

Our hon. colleague Shri Manoranjan Bhakta elaborately described the socio-economic and political conditions of the Andaman and Nicobar Islands because of the fact that he is very much acquainted with their problems. One of our senior colleague and leader Shri Chitta Basu has also pointed out so many aspects of this Bill.

Sir, we are proud of it. We are the citizens of the biggest democratic country of the world. But then, I regret to say that the people of Andaman and Nicobar Islands are deprived of their rights. They are not enjoying the real democratic rights.

They have no right to choose their own representatives.

They have no right to elect their own Assembly and they have no right till now to form their own Government in order to make their own fate. There are some Panchayats and Municipalities which are nothing but defunct Panchayats and Municipalities. We should give them these rights. We should support this Bill unanimously, so that they are able to form their own Government, to elect their own representatives, to form their own State Assembly and to solve their all round problems which have been pending for hundreds of years.

The people of Andaman and Nicobar Islands have played a historic role in the struggle for Independence. Already some of our hon. colleagues referred to the role of Netaji Subhash Chandra Bose. We are in the birth centenary year of Netaji and fifty years of our Independence. At this moment we should pass this Bill, so that these people can make their own fate by electing their own Legislature.

Andaman and Nicobar Islands are economically so backward that there has been no progress made there. Positive and effective steps have not been taken for the purpose of economic growth, progress and prosperity of the Islands. Though these Islands are full of resources, full of possibilities for the uplift of the downtrodden people, yet I regret to say that no positive and effective measures have been taken to uplift the life of the downtrodden people, for the development or for the economic growth of the Andaman and Nicobar Islands. There are so many aboriginal people in these Islands, but they are being neglected. They are living under deep darkness even in the present day civilization. The people of Andaman and Nicobar are detached from the mainstream of our country. They are not connected with the present-day civilization. They are living below the poverty line and in deep darkness. So, it is our first and foremost duty to pass the Bill, so that they may form their own Government and come forward and uplift their own lives. They have been kept for several years under darkness.

There are some individuals and institutions which are trying to bring the aboriginal people into the mainstream of our country. But there are no effective measures taken from the Government's end to bring those people into the mainstream of the country. It is not possible for the Government sitting at Delhi to look after the welfare of the neglected people of Andaman and Nicobar Islands.

In view of this position, I think we should wholeheartedly support this Bill. There are political differences among us. But irrespective of the political differences and cutting across the party-line we should support this Bill in one voice, so that the Bill can be passed unanimously and we can give some democratic rights to the people of Andaman and Nicobar Islands who have been deprived of their democratic rights since Independence.

I again wholeheartedly support this Bill and appeal to all the hon. Members to pass this Bill unanimously.

[Translation]

SHRI SHATRUGHAN PRASAD SINGH (Balua) (Bihar) : Sir, I wholeheartedly support the Bill moved by my senior colleague Shri Basudeb Acharia which exponent the

aspiration of the people of Andaman and Nicobar Islands for constitution of their own elected Legislative Assembly

17.00 hrs.

A few days back, I got an opportunity to visit this land of martyrs. It is the land of martyrs where freedom fighters were tortured by the imperialist Government. There I paid my floral tribute at the memorial of martyrs. Courteousness, gentleness and hospitality of people of Andaman and Nicobar Island is praiseworthy. Seemingly happy chirping of birds songs may also have sad undertones. The people of Andaman and Nicobar Island are peaceful, gentle and courteous but they should not be taken for granted and their expectation should not be crushed even after 50 years of Independence.

I come from Begusarai district of Bihar and I feel proud that some freedom fighters of my district were also sentenced to 'Kala Pani', where they were subjected to tortures. We would feel honoured if it is done before 15th August which is the 50th anniversary of Independence. I request the hon. Minister that Andaman and Nicobar Islands should be accorded status of a state and announcement should be made for holding elections for Legislative Assembly of the state. It would be more appropriate if the hon. Prime Minister visits the islands to inaugurate it on the coming 15th August.

We keep on cursing our backwardness and formulate developmental plans but the officers working in this area crave for returning to their homes. They cannot return to their homes even at the time of death of their fathers or to attend to their sick old mothers because this area lacks means of transport and travelling via sea ways takes time. Earlier daily air service was provided for this area which has been withdrawn. What are the reasons for it? Why the citizens of Andaman and Nicobar Islands and officers and employees working there have been deprived of this air facility.

I have had an opportunity to visit that area in the company of the hon'ble Member representing that area. I am seized of the problems which have been mentioned by my colleague just now. It is difficult to travel from Port Blair to Maya Bandar. We felt so many transportation problems in that area in just two-three days and you can imagine the problems of citizens who have to travel via sea for their day-to-day works. Their wards and family members wait for their return but they keep on waiting for long time to reach their homes in the absence of adequate means of transport. Budget is going to be presented before the announcement for providing this islands a status of full-fledged state. Therefore, I hope that hon. Minister would make announcement for providing sanction to all the proposals regarding construction of roads and bridges in inaccessible areas of Andaman and Nicobar Islands.

The authority of delegating powers is vested in the Central Government. Centralizations of power gives rise to corruption. I myself have seen that people of that area have to seek permission to extract sand and pebbles from sea shore for construction of their houses. Under the bureaucratic set up of this democratic country, such a dictatorial attitude is being adopted that people of the area are not allowed to extract sand and stones from the sea coast.

This ban should be lifted. I had also gone to the spot, where the incident of fire took place. Houses of those people have been gutted in fire. They have nothing to eat and wear. So far, no arrangements have been made for them. It is a tragic incident. Arrangements should be made to provide sufficient relief to them from the Prime Minister's Relief Fund. They have not been provided alternative shelters so far. We should work for development of the area in response to their courteousness, gentleness, hospitality and sense of patriotism. Today we are celebrating the birth centenary of our revolutionary leader Shri Subhash Chandra Bose and 50th anniversary of Rajaji and on this occasion this area should be given a status of a full-fledged state. If Legislative Assembly is not constituted for this area, we will be responsible for isolating that area from the mainstream of the Nation. We should not compel them to give up the path of patriotism and launch agitation for it.

I would like to say that it is an appropriate time to accord a status of state of this islands and by doing so we can pay our homage to those martyrs whose selfless sacrifice has been narrated in following words:

"Vanita Ki mamata na hui,
Sut ka na mujhe kabhi chhoh hua,
Khyati, syuash, samman vibhav ka,
tyonhi kabhi na moh hua,
jis chhor chala jab mein
lagti phir kisko deri."

We should pay obeisance to this land of martyrs and this should be accorded status of a state. 15th August is approaching and announcement regarding holding elections there should be made. I request all the Members not to make our colleague to withdraw this Bill. The Government which used to express its helplessness has gone. Now we are having a serious and responsible Government. I hope that our colleague would not be compelled to withdraw this Bill.

[English]

MR. CHAIRMAN: Thank you. We have time constraint also, as you all know. Shri Hannan Mollah

SHRI HANNAN MOLLAH (Uluberia): Mr. Chairman, Sir, I support the Bill brought forward by Shri Acharia which is already supported by all the speakers who spoke earlier.

As everybody mentioned - I also join them in that - in this 50th year of our Independence and in the Centenary year of Netaji Subhash Chandra Bose, this House unanimously recognises the existence of a far-flung area of our country as a full-fledged State of Indian Union.

Already arguments in favour of statehood of that Union Territory has been described by my colleagues who spoke earlier and I am not going to repeat them. I support all those arguments. They are all very sound arguments and the Government should accept those arguments. As proposed, on the 15th of August this year, the new State should be set up and that should be decided today itself in this House.

[Shri Hannan Mollah]

I would like to draw the attention of the House regarding certain problems of Andaman and Nicobar Islands. For the past several years, I have been demanding that the problems of the Union Territory should be discussed separately because it is treated just like an orphan. The problems of all other States are being discussed in State Assemblies, but since the union Territories are 'orphans', there is no place to discuss about their problems. There are a lot of problems in every Union Territory. They are all ruled from Delhi, but Delhi is not 'present' there. Nobody knows who is ruling. All sorts of problems are there. It is a 'heartless' rule which prevails in the Union Territory. For everything, they have to come to Delhi, but nothing will reach them.

Specially in a place like Andaman and Nicobar Islands which is a far-flung area and which is isolated because of its geographical location, the people are living under very hard conditions there. They do not have any regular communication and transportation. Everytime there is a shortage of foodgrains, Medicines and other essential commodities. You would be surprised to know that everyday the people there are running from pillar to post for one requirement or the other.

I would like to add to what Shri Bhakta said about posting of personnel in the Andaman and Nicobar Islands. The persons appointed in the Union Territory cadre are appointed from Delhi. It is because Delhi has better facilities and better education. In the Union Territory cadre, 80 to 90 per cent of the personnel are drawn from Delhi. After their appointment they are posted there and from the very next day of their joining there, they start pursuing with the concerned Ministry for their transfer to the mainland. Though physically they remain there for some days, their heart and mind are not present there.

Secondly, you know corruption is the name of administration in Andaman and Nicobar Islands. It is because whatever is allocated for them, even a part of it does not reach them. It gets spent here itself. It is spent maybe in NOIDA or in some other place. Those who are appointed to work there are looting those people. There is a heartless looting of these people by the bureaucracy. Every three months I go there, I have a regular contact there and I have seen their conditions. You cannot imagine as to what happens there. We want that Andaman should have the status of a full-fledged State and Nicobar should be accorded the status of an autonomous region under the Sixth Schedule.

Nicobar has no court at all. It takes about 15 days to come to Port Blair from Nicobar. If somebody commits a crime and a person wants to lodge a complaint, he has to travel for 15 days to do that. How could a poor man afford to do it? Where would he stay in Port Blair? Who would look after his interest? This is the system in which the people of a civilized country are living. If these people revolt, then you would blame them saying that they are revolting. We are living with all facilities and thus we fledged to forget about those people who are living in the far-flung areas without any facilities of modern civilized life.

Moreover, there is no industry. Of course there is a five lakh tonnes of fishing potential in the island territory but what

is the extent of its exploitation? It is just 4,300 tonnes. As a result of this, there is unemployment as well.

Sir, Andaman and Nicobar Islands is mini India. Of the total population, 17 per cent of the people are descendants of the old Andamani people, about 20 per cent are Tamil speaking people; 20 per cent are Bengali speaking people, 10 per cent are Malayalee speaking people; 8 per cent are Telgu speaking people and 3 to 4 per cent are Sikhs. So, it is like a mini-India. Hindi is the language spoken there. Everybody knows Hindi and that is the working language there. It is a very beautiful and a harmonious place but they do not have the right to have a Government of their choice. This cannot run for long. So, we demand that this Bill should be passed in this Session of Parliament.

SHRI BASU DEB ACHARIA (Bankura) : It should be passed today.

SHRI HANNAN MOLLAH : It may not be possible today and of course, even today also it could be passed. If some formulation is necessary, the Government may do it. But Andaman should be granted Statehood in this 50th year of our Independence.

I was mentioning some of the problems. Whenever we want to draw the attention of the Government.

MR CHAIRMAN : Mr. Mollah, if you want to have some formulation, you have to have.

SHRI HANNAN MOLLAH : I was just mentioning the problems being faced by these Union Territories. Industry is one such problem. They should have a forest-base or sea-base industry. There is a lot of potential but no proper planning is there. There is no proper investment which is necessary for setting up of any industry.

Secondly, there is a problem of regularisation. A large number of people have come and settled there. They have occupied certain land but their occupation has not been regularised. I think the pre 1978 occupants of this land have not been regularised. There is no Government. So, who will regularise them? The Panchayat there is powerless. The Lieutenant Governor is ruling like a scion. He can do whatever he likes. The rule of the day is corruption. You will be surprised to know that the Kala Pani rule is still going on. Some ladies contested in the election to the last Panchayat. As a result of this their husbands were sent to far flung islands. I wrote to the Prime Minister about this and asked him to send a note. But like the British days, they were sent to far flung islands. Out of 500 islands there are about 20 to 30 islands which are being inhabited.

MR. CHAIRMAN : Have you seen 'Kala Pani'?

SHRI HANNAN MOLLAH : Every third month I go there. though, I have not suffered Kala Pani.

MR. CHAIRMAN : I am talking about the film 'Kala Pani' which was made in Malayalam.

SHRI HANNAN MOLLAH : No, I have not seen that.

MR. CHAIRMAN : Its Hindi version is also there. You must see that.

SHRI HANNAN MOLLAH : I will abide by the Chairman's ruling.

A large number of landless people are there.

SHRI MANORANJAN BHAKTA : Sir, MPs should be shown that film.

MR. CHAIRMAN : That is a very good suggestion.

SHRI HANNAN MOLLAH : If the Ministry of Information and Broadcasting can arrange a show in Mavlankar Hall, everyone can see it.

SHRI SRIBALLAV PANIGRAHI (Deogarh) : There used to be a practice to arrange film shows for the MPs

MR. CHAIRMAN : That is a very good suggestion because that film shows what Andaman Sea is.

SHRI HANNAN MOLLAH : That is a very good suggestion. I think the Ministry of Information and Broadcasting will agree to it.

MR. CHAIRMAN : Let the hon. Home Minister convey the feelings of the House to the Minister of Information and Broadcasting.

SHRI HANNAN MOLLAH : Landlessness is another big problem. But who will look after it, we do not know. I am just drawing the attention of the Government towards it.

There is acute drinking water problem in the Island. Construction of second dam for the drinking water supply is pending for long. The famous saying 'water water everywhere but not a drop to drink' is applicable in Andaman. Nobody is there to take care of it.

Earlier there used to be inter-island helicopter service but that is now dispensed with. If a heart patient goes by sea, it takes four to five days. How can he survive? I would suggest that this inter-island helicopter service should be started immediately. At least once a day one such a service should be there from island to island so that people can take benefit of that.

The people are following the contract system there and the contractors are the looters. You cannot imagine massive deforestation is going on and the contractors are looting the Island. Every day tonnes of timber is coming from the Andaman Island.

SHRI MANORANJAN BHAKTA : Timber work is not done by Contractors. That is done according to the work plan by the Forest Department. Contractors are doing other construction work which we oppose. We say that that too should be a departmental work.

SHRI HANNAN MOLLAH : But along with it poaching is also there. Deforestation is also taking place.

SHRI MANORANJAN BHAKTA : That is there. The forest poachers are foreigners.

SHRI HANNAN MOLLAH : A recently created problem is the illegal liquor barons. The behaviour of police is unimaginable there. We get complaints everyday that such and such things are happening there.

Another problem is the cost of items supplied through ration depots. The cost is higher there than on the mainland. If the cost of transport is also added to the cost of items, how can the poor people afford to buy them?

Creation of separate districts for Middle and North Andaman is a long-pending demands of the people of the Islands. I draw the attention of the Government to it. Campbell Bay is a far flung area near Great Nicobar which has no direct sailing facility. Direct sailing to Campbell Bay is necessary and I draw the attention of the Government to this issue.

The demand for a berthing gate at Mayabunder is also a pending one.

SHRI MANORANJAN BHAKTA : Berthing gate is there but ships are not coming along side.

SHRI HANNAN MOLLAH : That problem should be taken care of. Rural drinking water facility is not available in major parts of the Islands which should be taken care of. An atomic power station is necessary for ensuring regular power supply on the Islands. Checking of corruption is a must. The simple and honest people of Andaman and Nicobar Islands are suffering in the hands of the most corrupt administration. All these problems can be taken care of, if the people of Andaman and Nicobar Islands are given the right to elect their own rulers. If they are ruled by their own representatives, they can have a Government which is sensitive to their problems.

I demand that this Bill be passed today, and a new State be allowed to join the family of the Indian Union. It should be inaugurated in the coming August. This is our demand, and I hope that as Chairman you also would support the desire of the entire House today.

SHRI SRIBALLAV PANIGRAHI : Mr. Chairman, Sir, I rise to support all aspects of this Bill asking for a separate legislature exclusively for Andaman and Nicobar Islands. The various aspects of the Bill have been dealt at length by the learned previous speakers. Our very capable permanent representative of those Islands in this House, my good friend Shri Manoranjan Bhakta has aptly dealt with all aspects of the Bill and ably placed the demand in the House.

SHRI HANNAN MOLLAH : He is an Ambassador of Andaman & Nicobar Islands in Delhi.

SHRI SRIBALLAV PANIGRAHI : Earlier, Shri Acharia, while speaking on his Bill, fully justified this demand.

There have been references to the provisions of the Constitution dealing with the Union Territory statehood etc. When we achieved Independence, we had nine regular States.

At that time, the States were coming under four categories. These were Part 'A', Part 'B' and Part 'C' States. They were also called 'A' class, 'B' class and 'C' class States.

In Part 'A', the States were nine in number. In Part 'B', we had Hyderabad, Jammu and Kashmir, Madhya Bharat, Mysore, Patiala and East Punjab; In Part 'C', we had five States, namely, Ajmer, Bhopal, Bilaspur, Kooch Bihar and Coorg. In Part 'D', only one Territory, namely, Andaman and

[Shri Sriballav Panigrahi]

Nicobar Islands found its place. There was a provision kept for future and if need be and if we acquire a new territory in course of time, then that would join Andaman and Nicobar Islands in Part 'D' category.

There was a dramatic change in this arrangement in course of time. As you know, there were demands from different areas for separate States. There was also a Boundary Commission, the State Reorganisation Commission. I think the Commission was constituted under the Chairmanship of Fazal Ali. Sardar K. M. Panicker and Dr. Hridaynath Kunjru were the other Members of the Committee. They were brilliant and seasoned people with experience in different areas. Their recommendations were accepted and States were reorganised. And the old arrangement disappeared and under the new arrangement, States and Union Territories existed.

As you know, Assam - earlier, it is called United Assam - was split up. Now besides Assam - there are six other States. We call them Seven Sisters. Tripura was already a separate State. Under the category of Union Territories, we have Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli, Goa, Daman and Diu, Pondicherry and Chandigarh. This is a continuous process. This is a changing situation. We do not just stick to one point. As we see today, Delhi has got statehood, Assembly. So also Goa. As regards Pondicherry, it is under half-way. Here, we have Shri M.O.H. Farook, the former Chief Minister of Pondicherry. He is our good friend. In Pondicherry, we have a Government, Assembly and the Ministry.

MR. CHAIRMAN : Shri M.O.H. Farook himself was the Chief Minister of Pondicherry

SHRI SRIBALLAV PANIGRAHI : He will narrate his plight sometime after me. I am not going into that.

Sir, there have been many changes. When this demand for an Assembly first came from different States, there were objections from the Government. They put all sorts of objections by saying the population was less, the area was less, it was not economically viable and so on. These were stereotyped excuses. In spite of that, Arunachal Pradesh which is having a population of one million, was granted Statehood. What I am saying is that the population should not be the only guiding factor. Considering from this angle, I would like to say that Andaman and Nicobar Islands have certain uniqueness. It is situated in the middle of Bay of Bengal.

"These Islands strung in the middle of the Bay of Bengal were described by a Roman geographer in the second century as the Islands of Good Fortune. Festooned with exotic fauna and flora - brilliant tropical flowers, orchids, hundreds of species of birds, mammals, reptiles and the like - the place also came to be known as living museum on earth. It has been a virtual paradise for scientists, ecologists, ornithologists, marine experts and nature lovers. Some of the inhabitants are the oldest tribal communities in the world, their antiquities said to be going back to palaeolithic times."

The population of these Islands in 1971 was 1.15 lakh but now it is about 3.5 lakh. The population should not just be a guiding factor so far as Andaman and Nicobar Islands are concerned. The Andaman and Nicobar Islands also occupies a unique place from the point of view of defence. We should not take the people for granted. They are very simple people. Their demands are very limited. Still, if we do not concede their demands well in time, it is not a healthy trend. We should not wait for any rebellion. From the historical point of view also, Andaman and Nicobar Islands is a place of pilgrimage for every Indian. During the freedom struggle also people were deported.

Freedom fighters who were ruthlessly fighting against the British Raj were deported to this place and were made to suffer. Today that Cellular Jail is a place of pilgrimage. That is why, the Government of India rightly decided, some years ago, that the freedom fighters would be given special privilege to visit that place. Now because of lack of facilities, as ships etc. were not available there in required number, all those things have stopped half way. There is discontentment among the freedom fighters for this. So, I was saying that this way, it is a place of pilgrimage.

As I said, even today, why to speak of a State, there are countries whose population is less than this and there are States in various places with less population than this.

As far as economic viability is concerned. This place has a lot of potentiality for economic progress. There are a lot of resources available.

I do not agree with the view, as some people say, that it should not be opened for tourism. Now we have opened our economy and China has also opened its economy. Take the examples of Hong Kong and Singapore. What is the population there? Over a period of 30 to 40 years Singapore has made tremendous progress. In terms of progress and prosperity they are quite advanced countries.

That way tourism can be developed very well. Andaman & Nicobar Islands are a paradise on earth and people would like to visit that place if proper facilities are given. There can be a blending of the two. While safeguarding the security angle tourism can be developed. That way it can be economically viable also.

The matter was considered by the Estimates Committee, and the Committee had clearly recommended to provide Legislative Assembly and to make arrangements for an elected Government. Naturally in our system, the procedure is that when a Parliamentary Committee makes certain recommendations the Action Taken Report comes from the Government. I would like to know what is the reaction of the Government in this regard. It is quite ridiculous that nothing concrete has come from the Government side so far in this regard.

The Committee had recommended:

"In the opinion of the Committee there can be no justification for denying representative administration to the people of the Union Territories."

The Committee have come to a firm conclusion that the existing mechanisms are far too inadequate and do not fulfil the minimum aspirations of the people in the Union Territories. The Committee, therefore, desire that the Government should initiate necessary steps for empowerment of citizens living in Union Territories. In more specific terms they desire full-fledged assemblies to be given to the Island Territories on the pattern of Pondicherry. The Committee also wish to caution the Government against any procrastination in the matter as that would usher in an avoidable sense of alienation amongst the people which can only endanger national security.

The Committee, while welcoming the intention of the Government to strengthen and empower local bodies in Union Territories in whatever forms these are established, they advised against mixing it up the demand for fully representative administration. The Committee, therefore, desire that the question of providing a fully representative constitutional set up in the Union Territories particularly in the Island territories should be pursued independently."

The reply of the Government is that Panchayat elections have taken place and they are vested with all sorts of powers for development etc.

This is the wording. I have no time to quote exactly. But what a paradox it is, what a contradiction it is, and how ridiculous it is when we heard Shri Bhaktaji saying that in spite of the recommendation of a very prestigious Committee of Parliament, that is Estimates Committee, the Government, the bureaucracy had come out with their plea saying, "We take note of it. These are the reasons for which we are not in a position to agree to it but at the same time we want to give powers to Panchayat. They can do everything themselves for development." But, even today, in spite of all this, we heard that they cannot ...*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MOHD. MAQBOOL DAR) : The Government is wanting to give powers ...*(Interruptions)*

SHRI SRIBALLAV PANIGRAHI : I think, you have heard Shri Bhakta ...*(Interruptions)*

SHRI MOHD. MAQBOOL DAR : This is the notification ...*(Interruptions)*

MR. CHAIRMAN : Mr. Minister, you can tell all this in your reply.

SHRI SRIBALLAV PANIGRAHI : Should we disbelieve our own esteemed friend, Shri Bhakta, who has repeatedly said that a peon cannot be appointed by Panchayat? He said that here. ...*(Interruptions)*

SHRI MOHD. MAQBOOL DAR : This is the notification. ...*(Interruptions)*

SHRI SRIBALLAV PANIGRAHI : This is our fate ...*(Interruptions)*

MR. CHAIRMAN : Please do not get into an argument.

SHRI SRIBALLAV PANIGRAHI : Mr. Minister, you are a new incumbent in the Central Government. This is the defect with which we are suffering from ...*(Interruptions)*

SHRI MOHD. MAQBOOL DAR : This is intolerable. I cannot ...*(Interruptions)*

SHRI SRIBALLAV PANIGRAHI : You cannot tolerate. Every Minister's first task is to tolerate. ...*(Interruptions)*

SHRI MOHD. MAQBOOL DAR : Mr. Chairman, I want your interference ...*(Interruptions)*

MR. CHAIRMAN : Please do not get into an argument with him.

SHRI SRIBALLAV PANIGRAHI : Mr. Chairman, Sir, if he cannot tolerate, then I cannot help.

MR. CHAIRMAN : You have taken about twenty minutes.

SHRI MOHD. MAQBOOL DAR : I cannot tolerate such ridiculous words ...*(Interruptions)*

SHRI SRIBALLAV PANIGRAHI : What ridiculous ...*(Interruptions)* I will say that hon. Minister is making his position ridiculous. What can I do? I said that in spite of all these things ...*(Interruptions)*

SHRI MANORANJAN BHAKTA : There is no question of time. This is a very important issue. ...*(Interruptions)*

MR. CHAIRMAN : I agree with you but two more hon. Members have to speak on this.

SHRI BASU DEB ACHARIA : Sir, this debate cannot be concluded today and it has to be carried over next week in any case. ...*(Interruptions)*

MR. CHAIRMAN : At least two more hon. Members can speak on this today and the reply can be deferred.

(Interruptions)

SHRI MANORANJAN BHAKTA : The Minister has said that all powers have been given to Panchayat. What powers have been given? ...*(Interruptions)*

SHRI MOHD. MAQBOOL DAR : I think, it is not proper for me to tell them now. Let me tell them at the time of my reply ...*(Interruptions)*

SHRI SRIBALLAV PANIGRAHI : That will be a wise thing for you. But you see, a seasoned representative, a seasoned Member, who is representing that area for the last 25 years and who has the concern for the people of the area has said that no powers have been given. I have mentioned about the recommendation of the Committee and the reaction of the Government. Why are you taking it personally like this? This is bad. ...*(Interruptions)*

SHRI MOHD. MAQBOOL DAR : Not personally. I respect your feelings.

SHRI SRIBALLAV PANIGRAHI : This is the one thing our system suffers from. We mean something and we mean good. Because of the bungling of the bureaucracy, sometimes it does not materialise.

[Shri Sriballav Panigrahi]

In this Bill there is a demand for an exclusive, a separate legislature for Andaman and Nicobar Islands and that is fully justified. Therefore, without loss of time, the Government should accept this and act upon the earlier recommendations made by the Estimates Committee. Together with that, Sir, the other places such as Pondicherry, wherever we have got, the Assembly and elective Government. But they don't have adequate power that also should be looked into sympathetically. The main task of India is strengthening national integrity. And national integrity can be achieved fully because of all these things – the local aspirations, reasonable and legitimate aspirations of the people of the border areas in different portions. If that is met, that also strengthens.

As it is, this is the place which is a symbol of national integrity. Andaman and Nicobar Islands symbolizes the national integration. It is a symbol of national integrity. There, as I said, without waiting for unpleasant situation to develop or terrorism to raise its ugly head, we should well in time respond reasonably and favourably to the legitimate demands of the people of that place.

SHRI PRAMOTHES MUKHERJEE (Berhampore) (WB) : Thank you, Mr. Chairman for the opportunity given to me to express our views on this important issue.

MR. CHAIRMAN : You too have to be aware of the time constraint that we have.

SHRI PRAMOTHES MUKHERJEE : I am always aware of the time constraint. I will finish my speech within one minute.

MR. CHAIRMAN : Shri M.O.H. Farook has to speak.

SHRI PRAMOTHES MUKHERJEE : On behalf of my Party, RSP, I rise to extend my support to this Bill moved by our hon. friend, Shri Basu Deb Acharia on the Government of Union Territory of Andaman and Nicobar Islands.

Sir, I have read the features of this Bill and I have also heard many valuable speeches in this debate and I too appreciate the features on this sensitive issue. It is unfortunate that during the last 50 years of our Independence, proper attention has not been paid to the growing demands and aspirations of the people of Andaman and Nicobar Islands. Today, the population has been increasing and their problems have been cropped up, intermingled with other things and complexities. So they cannot express themselves. They do not have their proper forum to express themselves or to have a rule of their own through the people's mandate. Today, their demand for a forum to express themselves and to have a rule of their own is a highly justified demand. So I do support this Bill.

Sir, today to rule the people, to govern the people of any area by some bureaucrats is not a good sign of democracy. We believe in the principles of right to self-determination and we are also aware of the fact that right to self-determination is the fundamental essence of democratic structure and this is also the most important feature of Indian federalism as expressed in our Indian Constitution. So, I think, that the right to self-determination may not be granted immediately to the people of Andaman and Nicobar Islands

but their demand for the Legislative Assembly with constitutional powers can be granted immediately to them.

Again, Sir, I have already said that today, for their very geographical setting and for their natural setting, Andaman and Nicobar Islands have their own beauty and have their own natural resources of wealth. They have their own culture. They have their own glory. But their beauty, their natural resources of wealth and their inherent resources are being exploited by the business magnates, by the multinational corporations. The fate of the poor people of Andaman and Nicobar Islands cannot be left to the whims of the Contractor Raj or cannot be left to the whims of the international business magnates. So, I propose that a democratic set up, that is a Legislative Assembly with constitutional powers should be immediately granted to the people of Andaman and Nicobar Islands. It is high time to do so and to accept this demand.

One more thing I would like to say and that is that we are aware of the demands for a separate State within a State. We are aware of the evils of all these things. We are also aware of the fact that there is the tendency of Balkanisation. In history, we have read that the Balkanic States are not fruitful and are not constitutionally stable.

So, we are also aware of the fact that there is a demand for the balkanisation among the Indian people also. But the demand of the people for a separate State within a bigger State is one thing but the demand of the people of the Andaman and Nicobar Islands for their Statehood is another thing. So, a proper and scientific attention should be given to the demand for the Statehood of Andaman and Nicobar Islands.

I will conclude with this point that it is high time that we paid attention to the demands and aspirations of the people of Andaman and Nicobar Islands, granting them the Legislative Assembly with constitutional powers. With these words I conclude.

MR. CHAIRMAN : Thank you very much. It was really brief. Shri M.O.H. Farook. Please remember that one more speaker is there.

SHRI M.O.H. FAROOK : Sir, I am not going to dwell on the subject and the right for asking for this Legislature. In fact, I support this idea and I would like to add something more new because I have been associated with the inception of this Union Territory right from the beginning. I can say that I have been associated. I am from Pondicherry, I have been associated with Goa, with Himachal Pradesh, – Delhi is a recent inception - Tripura as well as Arunachal Pradesh and other States. Right from those days we have been asking the Government of India that a full Statehood would have to be given. But ultimately what happened was that some of the States have been given. Arunachal Pradesh has been given, thanks to them. Goa has been given, Himachal Pradesh has been given, Tripura has been given, but not Pondicherry, not Andaman and Nicobar Islands. I may tell you that the position of Andamans is much worse.

My contention is if the Constitution has to be regarded in the correct perspective, then the right of having their own

Legislature with full powers - that is what I am wanting to emphasise here - have to be given. Now, even their Legislature has not been given. In my State Legislature has been given and we are supposed to enjoy it. There is a Ministry, there is a Chief Minister, there is an Administrator but some of the powers have been taken back. Why? Why is this discrimination shown? But as far as Andaman and Nicobar Islands are concerned, even the Legislature has not been given. I just say, that when you are thinking of giving a Legislature, I may say that while giving the legislature we may have a little to give it fully so that they enjoy the correctness of the things. Of course, you do not know the difficulties which we are facing. They are far-flung people. I know I have been the Chief Minister for three terms. I know that we had to come even for small transfers to this place, we had to run to Delhi. That is the state of affairs. Even for sanctions and for postings we had to run over here. But lot of things have changed, but not fully have they been changed. If such matters are there, how can you expect the development in a far-flung State? Sometimes even correspondence with the Government of India it takes about three to six months! What is to be done? These practical things have to be taken into consideration. I can tell you only certain matters.

Mr. Chairman, I am agreeable for giving Statehood to the Union Territory of Andaman and Nicobar Islands but at the same it should be given with full legislative powers to them to enjoy them. Otherwise, the Government should not make us hang us here in between the earth and the sea. That is what we have been emphasising.

I can give you a small example. As far as my State is concerned, we have been fighting for Statehood. The powers have been given to the Legislature. Whatever powers are there, the Ministry is doing it out. But how can the development work go on, how can the administration go on without a Ministry? Who will have the hold over the officers?

The state of affairs in Pondicherry is that we have the powers, but we do not have powers of having a hold over the administrators. I can say that the bureaucracy is not prepared to give it. The main democratic dictum is that the people have to be ruled by elected people. I would like to ask a question here. Should the selected people be given the powers to rule over there? The selected people are the administrators. They have been selected by the Home Ministry. They are the people who are being given the powers while the elected people have been denied the powers. The elected people are deemed to be the subordinates of the selected people. This is what is happening in the Union Territories. Such a thing should not happen when you give Legislature to the Andaman and Nicobar Islands.

Sir, are the people of the Union Territories not the citizens of India? Where is the power to exercise our franchise in the election of the President of India? The Minister should reply to this point, while replying to the debate. Have you given us the power to elect the President of India? Our Legislature in Pondicherry has no power to exercise the franchise in the Presidential election. Is it correct? Are we the second citizens of India? Please declare in this House whether we have got the powers to exercise our franchise in the Presidential

election. When we asked this, they said that the MPs of the Union Territories are having that power and they are exercising it. Yes, the MPS of the Union Territories are having that power. But what about the people in the Legislature? According to the proportion of strength, the power should be given to them. Even that has not been given and constitutionally it is wrong. I do not want to go into the details of this Bill because of constraint of time. All the other Members are supporting this Bill. I also support this Bill. But my only plea is, when you give Legislature, you should give full powers to that Legislature of the Andaman and Nicobar Islands, because I know the difficulties that are being faced by us in the Union Territories.

I want to say one more thing. In this House, Pandit Jawaharlal Nehru once said that a persistent view, insisted by a large number of people should be conceded. The people of Andaman and Nicobar Islands are crying for this legislature for a long time now and it has still not been heard by the Government of India. Is it correct? Are you looking after the Constitution in the correct perspective? Therefore, my plea is, do not delay things, as somebody has mentioned it here. Otherwise, it would, then, lead to some sort of insurgency, a lot of displeasure would grow and the feelings of the people may erupt at any time. So, the views of the people of that area have to be taken into consideration and their aspirations have to be fulfilled. I request the hon. Minister to take care of all these matters while granting legislature to the Andaman and Nicobar Islands.

With these words, I support this Bill.

SHRI SONTOSH MOHAN DEV (Silchar) : Mr. Chairman, Sir, I had the fortune or the misfortune to be in the same position as Mr. Dar is now, as the Minister of State for Home Affairs, in-charge of the Union Territories.

Sir, I had the opportunity to visit the Andaman and Nicobar Islands as the Minister of State for Defence and I had gone to almost all the Islands of the Andaman and Nicobar Islands. I had the opportunity of visiting Andamans along with the then Minister of Defence Shri R. Venkatraman and Shri Manoranjan Bhakta. So, we have seen the entire Andamans.

Sir, in a true sense of the term, Andamans is a colony under the Centre. The Lieutenant Governor is appointed by the Centre and he is all-in-all there. The hon. Minister has nothing to get annoyed over this point. The Councilors who are appointed are just Councillors and they have hardly any function to do. We used to get complaints that the LGs used to send Ex-Army Officers and they used to threaten the Executive Officer and others.

Even a friend from your area, i.e., Kerala, who was L.G. there, had some experience of it. So, let us not go into the past very much. Today, we have come to a situation where all the political parties irrespective of 'ism' are speaking of decentralisation of power. There is no difference with any political party regarding decentralisation of power. In this scenario of decentralisation of power we must also consider whether we can look into the Bill with a broader mind. It is nothing against the Ministry of Home Affairs. There is nothing against the Minister of State for Home Affairs. He is

[Shri Sontosh Mohan Dev]

also bound by the rules and regulations. I remember this gentleman who spoke just now used to come to me and cry on my shoulder that this L G does not listen to him. He was the Chief Minister but incognito he was nothing. The LG was more powerful. He used to call the officers and say, 'do this' and 'do not do this.'

MR CHAIRMAN: Mr. Sontosh Mohan Dev, now the time is 6 o'clock. You will continue the discussion next time.

1800 hrs.

The House now stands adjourned to meet again on Monday, the 24th February, 1997 at 11 00 A M

The Lok Sabha then adjourned till Eleven of the Clock on Monday, February 24, 1997/Phalguna 5, 1918 (Saka)