

SHRI H.K.L. BHAGAT: Till we pass these two Bills.

MR. DEPUTY-SPEAKER: 2 hours have been allotted for this Bill. So it will not be over by 8 o'clock. Therefore, I take sense of the House. Is it the pleasure of the House to sit till we complete these two Bills.

SEVERAL HON. MEMBERS: No.

THE MINISTER OF HOME AFFAIRS: S. BUTA SINGH: Let me submit to the august House that this Bill is a very welcome measure for the States of Meghalaya and Nagaland. Let there be less speakers, we will pass it before 8 o'clock. (*Interruptions*) Or we may have to sit half-an-hour more..... (*Interruptions*)

MR. DEPUTY SPEAKER: So, we are taking up Items 14, 15 and 16 together I think, the House agrees on this.

SHRI C. MADHAV REDDI (Adilabad): It is not constitutionally valid unless you take item No. 15 and dispose it of. You dispose of item No. 15 first, suspend the rule and then only you can take item No. 16.

19.27 hrs.

CONSTITUTION (FIFTY-EIGHTH AMENDMENT BILL

[English]

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

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

MOTION RE: SUSPENSION OF PRO-
VISO TO RULE 66

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): On behalf of Shri H. R. Bhardwaj, I beg to move:

"That this House do suspend the

proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing of the Representation of the People (Second Amendment) Bill, 1987 in as much as it is dependent the Constitution (Fifty-eighth Amendment) Bill, 1987."

MR. DEPUTY-SPEAKER: The question is:

"That this House do suspend the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing of the Representation of the People (Second Amendment) Bill, 1987 in as much as it is dependent upon the Constitution (Fifty-eighth Amendment) Bill, 1987."

The motion was adopted

19.29 hrs.

CONSTITUTION (FIFTY-EIGHTH AMENDMENT) BILL
AND
REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL

[English]

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

"That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration."

Sir, I take the Constitution (Fifty-eighth Amendment, Bill and the Representation of the People (Second Amendment) Bill together.

I would like to explain very briefly, at the very outset, the background of these two Bills.

Prior to enactment of the Constitution (Fifty-first Amendment) Act 1984, Article 332 of the Constitution provided for reservations of seats for the Scheduled Tribes in the Legislative Assemblies of the States except in the tribal areas of Assam, States of Nagaland and Meghalaya. By virtue of the above amendment, article 332 of the Constitution provides for reservation of seats in the Legislative Assemblies of Meghalaya and Nagaland also, for Scheduled Castes and Scheduled Tribes. At the time of the enactment of the Constitution (Fifty-first Amendment) Act, 1984 Arunachal Pradesh and Mizoram were Union Territories. They have been conferred Statehood with effect from February 20, 1987. Thus, the provision in article 332 of the Constitution regarding reservation of seats for Scheduled Tribes in the Legislative Assemblies is now applicable to the States of Arunachal Pradesh and Mizoram as well. Thus, seats get reserved for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of Meghalaya, Nagaland, Arunachal Pradesh and Mizoram also.

The Constitution (Fifty-first Amendment) Act has already come into effect. But it cannot be fully implemented unless parallel action is taken to determine the seats which are to be reserved for Scheduled Tribes in the Legislative Assemblies of the aforesaid States. Under the provisions of article 332(3) of the Constitution, the number of seats reserved for Scheduled Castes and Scheduled Tribes in the Legislative Assembly of any State shall bear the same proportion to the total number of seats in the Assembly as their population bears to the total population of that State. However, considering the historical background of the North-Eastern region, the State of development of the Scheduled Tribes in these areas and other relevant considerations, it is considered necessary to provide for special arrangement with regard to reservation for Scheduled Tribes in these areas for a temporary period. Hence this Bill. The underlying object of

the Bill is to ensure that the members of the Scheduled Tribes do not fail to secure minimal representation in predominant tribal areas of the North-Eastern States because of their inability to compete with the advanced sections of the people.

The proposed Constitutional Amendment seeks to further amend article 332 of the Constitution for making a temporary provision for the determination of the number of seats reserved for Scheduled Tribes in these States. This provision will be in force until the readjustment of seats on the basis of the first census after the year 2000 under article 170 of the Constitution. The proposed amendment seeks to provide that if all the seats in the Legislative Assembly of such States in existence on the date of coming into force of this Constitution (Amendment) Act are held by the members of the Scheduled Tribes, all the seats except one shall be reserved for Scheduled Tribes and in any other case such number of seats as bears to the total number of seats, a proportion not less than the number of members belonging to Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.

The Representation of the People (Second Amendment) Bill 1987 seeks to empower the Election Commission to determine the number of seats in pursuance of the aforesaid Constitution Amendment Bill. The Election Commission have pointed out that in accordance with the amendment made in article 332 of the Constitution by the Constitution (Fifty-first Amendment) Act, 1984, the identification of the reserved Assembly constituencies is essential and a mandatory requirement for holding general elections to the Assemblies of the above mentioned States. This exercise will involve time. The general elections to the Legislative Assemblies of Nagaland and Meghalaya are due in November 1987 and February 1988 respectively. The Commission have urged that necessary legislation may be undertaken in this regard. As a sequel to the Constitution (Fifty-eighth Amendment) Bill, 1987,

3. Buta Singh]

This Bill seeks to provide for determination by the Election Commission of the Assembly constituencies of the States of Meghalaya, Mizoram and Nagaland in which seats shall be reserved for Scheduled Tribes. The State of Arunachal Pradesh Act 1986 contains separate provision for the purpose. The State of Mizoram Act 1986 contains similar provision and the power has been exercised for holding of elections to the State Legislative Assembly in February 1987.

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

MR. DEPUTY SPEAKER: Motions moved:

"That the Bill further to amend the Constitution of India, be taken into Consideration."

"That the Bill further to amend the Representation of the People Act, 1950, be taken into Consideration."

I want to know from Shri Chingwang Konyak whether he is moving his Amendment to the Motion for Consideration.

SHRI CHINGWANG KONYAK (Nagaland): Yes, Sir I beg to move:

"That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 14 members, 9 from this House, namely—

- (1) Smt D.K Bhandari
- (2) Shri Buta Singh
- (3) Shri Lalduhoma
- (4) Shri Wangpha Lowang
- (5) Prof. Meijinlung Kamson
- (6) Shri N. Tombi Singh
- (7) Shri G. G. Swell
- (8) Shri P.K. Thungon
- (9) Shri Chingwang Konyak

and 5 from Rajya Sabha;

that in order to constitute a sitting of

the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this house do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee." (3)

SHRI K. RAMACHANDRA REDDY (Hindupur): Sir, I rise to support this Amendment Bill for the purpose of providing for reservation of seats for the Scheduled Tribes in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland. Sir, these States are very very small States. In Nagaland, there are about 15 lakh people and in other three States, the population is about 15 lakhs or so. The population is very very meagre in these four States, not more than 30 lakhs, and most of the areas are forest areas in these States. About 90% of the people are tribals in these States. So, from these areas, there should be enough number of representations in the State Assemblies. At the moment, there is nobody representing these people in the State Assemblies. But here I would like to say one thing, that is, by merely giving representations to these tribals - if the Government thinks that the life of the tribals should be improved, their economic condition will improve, their social conditions will improve - their conditions never improve by passing this Bill. Merely by electing the representatives from these tribal areas will never improve their condi-

tions. We have to see whether the representatives are in a position to agitate or take efforts for the improvement of these tribals. For the last 36 or 37 years, the Constitution is in vogue. What have been done for the economic development, for the improvement of these social conditions of these tribal people? Do the representatives of the tribals who are there in the Legislative Assemblies and in Parliament try to improve the living conditions of this group? It is not so.

Sir, last year, I had been to some of the states in the North - Eastern Region. I went to some places of Tripura, Arunachal Pradesh, Meghalaya and also Mizoram and I had an occasion to visit one of the tribal places. There I could see the living condition of the tribal people. Their condition was very very pitiable. They don't have even proper dwelling place. They reside in the thatchet houses made of bamboos. Even their grains are kept in bamboo baskets exposed to the weather and insects. I was wonder-struck to see their condition. I do not know what has happened to all the Government schemes for the upliftment of the poor and weaker sections of the society, particularly in the rural and remote areas. Government has been trying to provide house - sites and other financial help for building houses, for building schools to educate the children of the weaker sections in the villages and rural areas so that they can improve their standard of living. What has happened to all those schemes in respect of these tribal people? Sir, I had occasion to enquire the people about the Government's assistance being given to them. They said that they were not aware of distribution of house - sites and house building loans. They are not aware of the schemes like NREP, RLEGP and other programmes. I do not know what has happened to the fund sanctioned for this purpose, for the people of these areas? So, Sir, I would request the Government to see that something is done to improve the living standard of these people, to see that social justice is done to them. Some schools should be started in

pucca buildings in these areas so that the children of these people are given education. They should be provided with house - sites and house-building loans. You may take some years to improve the condition of these people. I do not mind. But the Government should fix the time-limit, say 10 years or 20 years or 30 years, so that within that fixed period of years the standard of living of these people is improved positively. Unless some time limit is fixed, they cannot be improved simply by bringing forward an amendment Bill like this. So, I would remind the Government not to be satisfied by passing this Bill and think that they can improve the conditions of the poor people living in those areas. After allotting money for the various schemes to be implemented in those areas, you should also see that the money is properly spent and spent for the purpose for which it was intended to and see that social justice is done to the tribals in those areas. With these words, I support the Bill.

SHRI G. G. SWELL (Shillong): Mr. Deputy-Speaker, Sir, it is already almost 7.40 p.m. and I can understand that Members are tired. They are impatient. Therefore, whatever I say, will be very brief and very apt.

While I appreciate that the Home Minister has come forward with this Bill at last, I have a bone or two to pick with him. No. 1, this Bill was introduced only late last evening at about 10 O'clock or 10.30 and it is taken up today. It is a very very important Bill with which we seek to amend the Constitution and to make some reservations of seats in these remote but important areas of our country, that constitute the States in the Northeastern region. The matter should not have been dealt with so casually. You should have given us some time to study the provisions of this Bill. You should have given the Members also some time to study the provisions of this Bill. That is why, my colleague, Mr. Konyak who comes from Nagaland has thought it fit to move an amendment to the Motion of the

[Shri G.G. Swell]

Minister for Consideration of this Bill, namely that this Bill be referred to a Joint Committee of this House and the other House and that this Committee should make its report to the House on the last day of the first week of the next session.

There are serious implications, political implications and we thought, if a Committee goes into this question, it would be able to consider those serious political fall-outs and come with a Bill that would be comprehensive and would meet the fears, the apprehensions the doubts of the people living in these remote but very strategic areas of our country.

We know the history of Nagaland. We know the price that this country has had to pay in order to bring peace and order in Nagaland, in order to get the people of Nagaland to be part of the main national stream of this country; the price paid in terms of insurgency for many many years, in terms of many many lives that were lost on both sides, in terms of destruction of property. Even today, the situation in Nagaland is not yet normal. We still have this weather and the insurgency group is functioning from across the border and almost every week, you read reports of clashes or attacks, loss of lives and that sort of things.

Now, we want to contain this problem in Nagaland. I think, we still remember the example of Mizoram the efforts made by the Government, by the Prime Minister particular, in order to bring peace to Mizoram and we are happy to record today that the Accord in Mizoram has worried. There has not been any more instance of trouble in Mizoram. But if we look at and think of the price we paid in 20 years of insurgency, that was a heavy price that we have to pay. Now we do not want a repetition of that kind of situation anywhere else in the North-East. But the danger is there. Even Assam which has always been in the mainstream of national life, even Assam which at one time was one of the strong - holds of the Congress party for all the years, Assam has gone out of the control of the congress

and is not yet stable and we have seen evidence of the emergence of rebellious, militant, violent groups in Assam which we did not hear of before; today we hear in Assam of the operations of the United Liberation Front for Assam which had committed some political killings. These are these insurgency groups in the whole of the North-East and, therefore, my appeal to my colleagues in this House is to understand this very special situation obtaining in this part of our country, an important part of our country and, therefore, it is necessary for us in whatever we do, that we move with caution, that we do not upset the progress that we have made. This is why we have thought it fit to move this motion that the matter should go to the Select Committee.

The Home Minister knows it very well that when this question of reserving seats in these States came up, the Legislative Assembly of Nagaland, just a month or two ago, very recently cutting across party lines, unanimously adopted a resolution demanding 100% reservation of the seats in Nagaland. There are 60 Assembly seats in the Nagaland assembly and the resolution of the Nagaland Assembly is that all the 60 seats should be reserved. Now, according to the provisions of the Bill that you have moved, you say that 59, would be reserved just 10 percent.

[Translation]

SHRI BAPULAL MALVIYA (Shajapur): Ninety per cent Adivasis form the majority in Nagaland. The reservation should then be given to all.

[English]

SHRI G. G. SWELL: I will come to that. I would not be short. Please do not interrupt me. By your Bill, you seek to provide that 59 seats should be reserved for the Nagas, that only one seat should be open. It sounds nice but we have to understand the psychology of the Nagas. They are a special group, a people with different historical background geographical

background, we need not go into all that. Their problem is not the problem within Nagaland but the problem is the fear of the influx of large numbers of people from other parts of the country which, if given the chance, will lead to their being swamped and their losing their identity and their losing their individuality and their losing their political power. This is the case. It is not the same case. It is not imagination. We have seen it happening in Tripura. My good friend there, coming from Tripura, will bear me out. At one time, Tripura was a tribal State. The people living there are known as Tripuris. But because of certain historical developments, these indigenous people today constitute only about 10 per cent or less of the population of Tripura... How many?

SOME HON. MEMBERS: 28 per cent.

PROF. G. G. SWELL: All right, I stand corrected. And the rest of the people are from outside. They are non-tribals and they are the people who dominate the political scene and control all the political power in Tripuria... (*Interruptions*). And also, in everything. What happened? You have in Tripuria today another insurgency group, the Militant Group known as the Tripura Tribal National Volunteers, the TNV. Killing is going on there, of innocent people. Destruction of villages is going on. Clashes with security forces are going on. This is what happens. When the indigenous people are reduced to that position today, it leads to this kind of things. Now, that is not a happy situation for anybody. It is not the kind of situation in which we would like any part of our country to be. You have another instance of Sikkim. The indigenous people of Sikkim were the Lepchas, and Bhutias. But because of the influx of people from other parts, today the Lepchas and Bhutias do not count for anything in Sikkim.

S. BUTA SINGH: Sir, that is not correct Smt. D.K. Bhandari is there to explain.

SHRIMATI D. K. BHANDARI (Sikkim): Sir, here I would like to say that in Sikkim there are Nepalese of two kinds, the Nepalese who were in Sikkim for many centuries, you can say. They were subjects of Sikkim Chogyal and they were considered the original people of Sikkim. They were also considered by the Chogyal as the one ethnic group of Sikkim like the Bhutias, Lepchas and the Nepalese.

SHRI G. G. SWELL: All right, I do not want to enter into that controversy. But the fact is that the political power in Sikkim has passed on to a community that is not totally indigenous to Sikkim. It is a known fact. Now, to go a little further, I do not really want to mention it as an example. But, we have seen the kind of trouble that happened in a foreign country, Fiji, where a military coup took place and we have there today a kind of Constitutional deadlock. Now, the fear of the Nagas or the fear of the people of Meghalaya is exactly that. It is not that they have anything against the other fellow Indians, non-tribal Indians who are already settled there. There is nothing against them. The fear is that it is difficult to contain the people from outside from going to Meghalaya or to Nagaland. You cannot stop them by legislation. Commerce has its own laws; the movements of the people have their own laws; development has its own laws. So, the movement of people from one part of the country to the other is inevitable. But so long as you ensure that political power is in the hands of the local people, by that law you will be able to ensure their identity, to ensure that they do not have this fear and apprehension. Now, Sir, it is this kind of psychology that is behind the adoption of the Nagaland Assembly of a Resolution that 100 per cent of reservations should be made for the Nagas. They do not object to people going there and working. The Nagas have not been known for communalism in Nagaland. We have trouble in Nagaland, a different trouble and that is the insurgency, clashes with the security forces. But there had never been an instance of the Nagas attacking the Biharis or Assamese and that

[Shri G.G. Swell]

sort of a thing within Nagaland. Therefore, it is not that. It is this fear.

Now, Sir, I would like to put it to the Home Minister. From all reports that I have got, including talks with the Naga leaders, they say that, if this kind of a thing is imposed on them, if this Bill is passed, even if it is one seat only, a token, to the non-tribal, they are going to resist it. That is what they say. They are going to boycott the election. Because of the political forces there, a kind of atmosphere, a psychology, is being created and they say that they are not going to put up with this, they are going to boycott the election. This is what they are saying. If you have a situation like that, what does it mean? It means that the insurgency forces, who have been working for separatism, the antinational forces, will have a shot in the arm. It is easy to incite the people; it is easy to excite the people; it is easy to get them round. And you have a new kind of problem in Nagaland.

Now, the same thing is with regard to Meghalaya. Of course, I will admit that this Bill is, to some extent, a kind of an improvement over what had obtained in Meghalaya. Meghalaya has a little different history from that of Nagaland. Right from the beginning when Meghalaya was born, there have been open seats in Meghalaya. The present position is that, in Meghalaya, ten seats out of 60 seats are open and 50 are reserved. By this Bill, I would admit, you have made an improvement. This Bill seeks to freeze the number of seats held by the non-tribals to about five and the rest of 55 will be reserved. Therefore, to this extent, it has been an improvement. Meghalaya was born in peace; Meghalaya was born in goodwill; it has always been a peaceful State. But today even in Meghalaya, for more than two months - it may be a news to the Members of this House - there has been a constant curfew. You have troubles in other parts of the country. There is curfew, but for a day or two and the curfew is withdrawn. But in Meghalaya, for more than two months now, there has been a constant curfew with, of course, relaxation for a few hours during the day.

Schools and educational institutions have remained closed for more than two months. People are left in fear and apprehension. Schools and colleges are closed under pressure from the militant group, especially the young people. Commerce is almost at a standstill. This is the kind of situation that you have there, because of the development there. It is true that the Meghalaya Assembly has not gone to the extent of adopting a Resolution like the Nagaland Assembly that all the 60 seats should be reserved for the people of Meghalaya, for the indigenous tribal people of Meghalaya. We did not go to that extent. But the people in Meghalaya, the students and the other people in Meghalaya, have made this a very strong political issue. All this political fall-out has got to be taken into consideration in the larger interests of the country. This has been done in the past, and I do not see why we should not do it here. I understand that, according to the Constitution, the number of seats to be reserved for the tribal people would be in proportion to the tribal population in relation to the rest of the population of the State. This was what the Constitution said. That is to say, if the tribal population is 80% and the rest is 20%, the number of seats will be 80% and the rest will be open. This is what the Constitution said. You should realise that this principle cannot and should not in the larger interest be applied strictly. That is why, in the case of Nagaland you have said only one seat to be dereserved, although perhaps, the non-tribal population in Nagaland will be much more than 1%. You have realised that. In Meghalaya, the percentage of non-tribal population to the whole population of the State may be more than that. We have sought to freeze the number of non-tribal seats to live.

20.00 hrs.

MR. DEPUTY-SPEAKER: Please wind up.

SHRI G. G. SWELL: Let me finish. Therefore, you have understood that this cannot be applied strictly.

Lastly, Sir, I would like to say that provision for reservation of seats in the assemblies is not a permanent feature of the Constitution. It is a temporary feature. The whole idea is to keep the political power in the hands of the indigenous people. But, at the same time, to undertake the social, economic, political measures, in order to bring up the people of these areas to a level where they can stand on their own feet and they don't have anything to fear from their fellow Indians. For example, I come from a community, a tribal community, the Khasi Community. I am not afraid of any one. I feel at home with any one, I feel brotherly and sometimes paternally. I have nothing to fear from them because I have been able to come to that level where I can, not only take care of myself but take care of you also. If you need any help. That shows that it can be done but that cannot be said of the common people as yet. And that is also a kind of mentality that we have in our society. In the rest of the Country you have castes and the barriers of caste are almost as difficult to cross as the barriers between one country and another. In the North East, we have communities not castes. It is a natural thing for other people, industrialists and businessmen to try to exploit the people in these areas who are not commercially or economically so strong as the rest of the country. Therefore, they need protection and therefore, Sir, I would make this fervent appeal to the Minister and the Government to think carefully about this Bill and not to hurry with it to agree to our proposal to send this Bill to a Joint Select Committee, where we can think about it more properly, and come to you again to this House with a well-considered Bill incorporating all that can possibly be done or in the alternative to withdraw this Bill now and come forward with another Bill and agree to the popular demand of the people of Nagaland and Meghalaya that for certain period, not a permanent feature, but for a certain period all the seats, 100% seats in Meghalaya and Nagaland may be reserved for the indigen-

ous people. I would make this fervent appeal.

MR. DEPUTY SPEAKER: We will extend this sitting by one more hour.

SOME HON. MEMBERS: No Sir. Better take it tomorrow.

MR. DEPUTY SPEAKER: Tomorrow will be a problem. I think the House agrees to extend the time by one hour.

S. BUTA SINGH: Mr. Deputy Speaker, as I mentioned in the beginning, we will sit upto 9 O'clock because tomorrow this has to go to Rajya Sabha. We will immediately complete the speeches and pass it.

MR. DEPUTY SPEAKER: I request the Members to be very brief when they speak.

SHRI BIPIN PAL DAS (Tezpur): Prof. Swell has made a very clear cut point. Let the Minister reply and we will come to the voting.

*SHRI BAJU BAN RIYAN (Tripura East): Mr. Deputy Speaker, Sir, at the outset I will request you to give me as much time as I require since many speakers from the ruling party do not want to speak on this Bill. Sir, I will not dilate but I will like to avail of this opportunity to highlight how Congress Govt. is treating the tribals of North-Eastern region. For that I ask for a little time. (Interruptions). Through you I will request the hon. Members of the ruling party not to waste time through interruptions. I once again request the learned members of the ruling party not to waste time by interrupting me. If you have anything to say, kindly say that when your turn comes. Sir, I support this Bill but regret the way in which it has been brought before this in a slipshod manner. The directions by the speaker under 91/B that copies of the Bill may be made available to the

[Shri Bajuban Riyan]

members in advance for moving amendments etc. have also not been adhered to. From this it can be seen what a step-motherly attitude the Govt. have towards the scheduled tribes and tribals. Moreover it has been brought forth on the last day of the session. Sir, this is the second part of the budget session. In the first part, the demands relating to the tribals were not discussed. If I remember correctly there has been no other discussion in the House concerning the problems of the tribals of our country, except the one private members' resolution brought forth by Shri Dupeep Singh Bhuria. This Govt. did not think it necessary to discuss their problems, they did not find for that. You see the records, if I am wrong you can correct me. This Bill has come on the last day of the session and the hon. Minister is requesting the members not to speak on the Bill but simply to raise their hands in support and pass the Bill. It will be passed today in this House and it will be passed tomorrow in the Rajya Sabha and there the matter ends for them. But you see that the Constitution (Fifty First Amendment) Act, 1984 was also on this very subject, i.e. the provision of reservation of seats for the scheduled tribes in the four States of Nagaland, Meghalaya, Mizoram and Arunachal. That Bill had to be withdrawn. Because that could not be implemented by the Government. But the Govt. refuses to learn any lesson from that as to how the constitutional rights of the tribals of the North-Eastern region should be protected and what should be the Govt's attitude towards that. Our country has to pay a heavy price for the Govt's lapses. The secessionist forces are raising their heads in many parts of the country today specially in the tribal areas mainly due to the treatment of the Govt. (*Interruption*) Sir, my time is being wasted kindly give me more time. The Govt's treatment of the ministries is also giving rise to secessionist forces in various parts of the country. The question has arisen whether the country will remain one

or not. Hon. Member Shri Swell has rightly raised the question in the House that in Tripura the tribals cannot say whether it is their State or not. This situation has developed due to external causes. Sir, the country was partitioned and Pakistan and Hindustan were created. According to the Nehru-Liaquat Ali pact India accepted the responsibility of rehabilitating all the refugees coming over from Pakistan, But has the big States of our country discharged their responsibilities in this respect?

[*English*]

AN HON. MEMBER: You created obstructions.

[*Translation*]

*SHRI BAJU BAN RIYAN: It is your Government. Don't speak when you do not know anything. (*Interruptions*) Sir, I was saying that if the all the big States of our country like Madhya Pradesh, Bihar, U.P. Rajasthan etc. shared that responsibility then the present situation would not have arisen in Tripura. Tripura is a small State. (*Interruptions*).

I am giving the facts. If you lack experience, please go there and collect some experience. Beginning in the ruling party you have become such puppets in the hands of Rajiv Babu that you have forgotten the reality. Coming back to what I was saying, if all the States shared the responsibility for the refugees and if the Congress Govt. discharged its responsibility then Tripura would not have been in the present plight. Hon. Shri Swell must admit that his external cause is responsible to a great extent for this.

[*English*]

MR. DEPUTY SPEAKER: You have already taken a long time. Please wind up.

[*Translation*]

*SHRI BAJU BAN RIYAN: Mr. Deputy Speaker, Sir, two hours have been allotted

for this. Let me submit Sir, most of the members of the ruling party are not speaking, some opposition parties are not present here. So give me some more time.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI. P. R. DAS MUNSI): If Govt of India would have shared the total burden of the refugees then the problem of Tripura would not have been this. I only request the hon. Member to keep on record that this is your party line. You admit that this is your party line. Then we will tell the people of Tripura that this is your party line.

[Translation]

*SHRI BAJU BAN RIYAN: Mr. Deputy Speaker, Sir, I do not admit what the Hon. Minister of State is saying. At that time, their party was running the Govt. in Tripura. You enquire what happened there at that time. What amount of injustice was heaped upon the tribals when the Congress was in power in Tripura till 1976. Had you known that history? You would not have said this today. Mr. Minister, you are very young that is perhaps why you are saying all this. You do not know the facts.

[English]

SHRI P. R. DAS MUNSI: There was no clash with tribals when the Congress Govt was there. All the clashes took place during the last ten years when the CPI(M) Govt. was there. (Interruptions)

AN HON. MEMBER: Sir, he should not speak like that. This is a very sensitive issue.

[Translation]

*SHRI BAJU BAN RIYAN: Mr. Deputy Speaker, Sir, all the tribals in the entire

north-eastern region are having the apprehension that they will turn into minorities in their own land. This apprehension is not without justification. This apprehension is mainly due to the faulty attitude of the Govt. towards their political rights. Had their political rights been properly cared for, then this situation would not have arisen in most cases. Sir, Article 332 (3) of the Constitution provides for reservation of seats for the tribals in various States in proportion to their population. Now can you say honestly that this provision has been faithfully adhered to everywhere? No, it has not been done. Since the day our Constitution came into force, the tribal members were due to get recognition in the entire north-eastern region in respect of tribal seats. Did they get that recognition? Had you recognised and accepted their political rights, you could have done that. But you did not do it. The fault is yours. Either you had a notice for not doing that or you were indifferent thinking that what are tribals? They are dumb people, they are illiterate and dull. Sir, it is true we are short and stacky, we have thatched noses and odd looks and we do not speak much. Whatever we want to say, we cannot express ourselves properly. I could perhaps express myself better had I been speaking in my own language. But I am speaking in Bengali which I have learnt somehow. I cannot speak in Hindi too. I wish I could. However what I want to say is that matter should have been taken up very seriously. Then this problem would not have cropped up in the country and this Bill too would not have come before the House concerning this problem in the north eastern region. The Govt. would not have to withdraw the Fifty-first amendment in a shameful manner. Have you got any shame left? You have withdrawn the Fifty-first amendment on the reservation question since it was defective. Is there any guarantee that this too would not prove to be defective? If somebody moves the courts, will the Supreme Court judge in your favour? Supreme Court will say "What shall be the basis of determining the

*The speech was originally delivered in Bengali

[Shri Bajuban Riyan]

number of reserved seats for the tribals in various States". It shall be in proportion to the number of tribal people to the total population of the State. In Nagaland all seats are reserved for tribals except one. In Meghalaya 50 seats out of 60 are reserved for tribals, the other ten seats are general. Is it according to the population ratio? You say that this position will continue till 2000 AD. That means this arrangement will continue for another 13 years. You of course have called it a temporary arrangement. But your Govt may not last that long. It may be on temporary arrangement for you. But the tribals of the north-eastern region are not concerned with temporary measures. Their political right is permanent. Political right is not a temporary thing. You should have conceded their political rights which you have denied them. That is the reason for this grievance. The TNV has been created in Tripura, in Mizoram there is the Mizo national party, in Nagaland the Naga national party has been formed, the Naga socialist counsel has also come up there in Manipur and other places also. Similar parties have come up. Who are indulging in all these? These are being formed by those whom you have called the 'tribals' according to your constitution. They are those very people who are stocky who have thatched nose, who cannot speak, who are dumb. They are indulging in such activities because your Govt is doing injustice to them

Mr Deputy Speaker, Sir, the present Congress Govt is not conceding the Constitutional rights to the tribals, they are being denied their economic rights, educational facilities are denied to them. That is why the Secessionist forces are raising their heads there. Sir, personally I do not support the type of agitation that is being followed in the north eastern region for the protection of their political rights. I do not believe that I will gain my political rights if I take to arms or insurgency. I believe that it is possible to gain our political rights

through constitutional and democratic methods and through democratic movements. Of course the Govt. should also believe in these methods. For example I can say that in 1986 the tribals in Tripura have been given their political rights through the autonomous district channels under the sixth Schedule of the Constitution. Through the Sixth Schedule they have been given constitutional rights also.

[English]

MR. DEPUTY SPEAKER: You have already been given 20 minutes, that is enough. Wind up now.

[Translation]

*SHRI BAJU BAN RIYAN: Sir, in TRIPURA district council have been formed under the Sixth Schedule after the 1st Front Govt. came to power. Who have done that? It has been done by those who are at present in majority and who are not tribals. That is the non-tribals have achieved it. In the assembly also out of 60 members 41 were non-tribals. These non-tribals supported this Bill and got it passed. The decision to extend the sixth schedule in Tripura had come from these through a resolution passed in the Tripura Assembly. Not once but thrice. The left front had done it there, the communist party had done it there. The Marxists had done it. If the CPI (M) was not in power there, it would not have been done. What was the slogan of the Congress there? The slogan was, "We will give blood, but we will never give the sixth schedule. It is a matter of gratification that the many in the treasury benches has also realised now that the sixth schedule is necessary to give the tribals their rights. Not only in Tripura but it is necessary in other States of the country also.

[English]

MR DEPUTY SPEAKER: Please wind up. You have taken 25 minutes

[Translation]

*SHRI BAJU BAN RIYAN: Kindly give me some more time Sir, they have taken my time. Please allow me to speak without interruption. Within 5 minutes I will conclude Sir, If those in the majority do not look after the rights and interests of the minorities and the weaker sections, then their rights cannot be protected. If the majority people in the country who are non-tribals, protect the interests and rights of the tribals then only the rights of the tribals will be protected. This is the only way otherwise they cannot be protected. Therefore, I say that the problems of the tribals will not be solved by the gun or taking to arms. This will be solved through democratic methods alone. It can be solved through democratic movements and agitations only. These grievances can be brought before the Govt. through democratic methods. If this Govt do not listen to their grievances, they can change the Govt also through democratic methods. Our Constitution provides that right to the people. The people have the right to do that. This can be done within the framework of our Constitution. But Sir, I very much regret to say that this Govt. unable to understand that If those in the majority do not look after the rights and interests of the minorities and the weaker sections, then their rights cannot be protected. If the majority people in the country who are non-tribals, protect the interests and rights of the tribals then only the rights of the tribals will be protected. This is the only way otherwise they cannot be protected. Therefore I say that the problems of the tribals will not be solved by the gun or taking to arms This will be solved through democratic methods alone. Amendments have been tabled for referring this Bill to a Select Committee. I support that for valid reasons. This may be referred to a Select Committee. This should be further examined minutely. We, a few tribals have expressed our opinion on this Bill today. But we are ignorant, unwise and have poor knowledge. You are wiser, more learned

than us, you have deeper knowledge about the various provisions of the Constitution. You apply your intellect and wisdom a little more on this Bill. After you decide how best it can be drafted to protect the rights of the tribals and to fulfil their hopes and aspirations.

With this request I conclude my speech.

SHRI CHINGWANG KONYAK: The reservation Bill has caused serious misgiving and apprehensions in the minds of the Nagas. The general mood and attitude of the people to the proposed amendment was one of hostility, disillusionment, and suspicion that their interests would be crucified on the alter of this Bill. The Bill is viewed as an attempt to erode the spirit in which statehood to Nagaland was granted. Sir, it may be recalled that the State of Nagaland was hammered out to accommodate the political aspirations of the Nagas, and Nagas were afforded a democratic opportunity to shape their own destiny and way of life through the Nagaland Legislative Assembly. It is also feared that the Bill would encourage an influx of non-Nagas and seriously disturb the Socio-political structures of the State. The possibility of certain vested interests and divisive forces exploiting this general antipathy of the people to the proposed bill cannot be ruled out.

Sir, after the Election Laws (Reservation of Seats) Amendment Bill was introduced in the Lok Sabha in August, 1986 some time in September, 1986, Nagaland Legislative Assembly passed a resolution unanimously and urged the Union Government to reserve all the 60 seats in the Nagaland Legislative Assembly for the Scheduled Tribes of Nagaland.

I, therefore, in deference to the wishes and larger interests of the Nagas, and in view of the peculiar historical and political background of Nagaland, take this opportunity to urge the Government to reserve 100% seats in the Nagaland Legislative

[Shri Chingwang Konyak]

Assembly for tribal people of Nagaland and if reservation is not possible now, then I request that the Bill be referred to a Select Committee.

SHRIMATI D. K. BHANDARI (Sikkim): First of all, I would like to plead with my friends to listen to us patiently. While we can sit in this House till late in the night, sometimes even upto 10 O'clock, for discussing Bofors and such other issues, why cannot we give time and the same sort of concern and consideration to this Bill?

(Interruptions)

SHRI P. R. DAS MUNSI: She is right! Where are the Opposition members?

SHRIMATI D. K. BHANDARI: Is it simply because it concerns the simple people of far North-East? Then, why are you talking all the time about national integration, about bringing these people into the mainstream and all that?

(Interruptions)

MR. DEPUTY-SPEAKER: Order please In the beginning itself, she requested everybody to be silent and to listen to her patiently. Please listen.

SHRIMATI D. K. BHANDARI: Before speaking on the Bill, I would like to straighten the record first. Our hon. member Shri Swell says that the Nepalese overwhelm the original people, namely, Bhutias and Lepchas in Sikkim. Sir, as already stated earlier by me, before the merger, in Sikkim there were three ethnic communities Bhutias, Lepchas and Nepalese. And if you go deep into the history, Lepchas whom, we in Sikkim, call the aboriginal people of Sikkim, even they also said to have come from the Far East. And the Bhutias have come from Tibet. For that matter, if we trace our history back, all our ancestors had come from somewhere....

(Interruptions)

AN HON. MEMBER: Thank you Madam for reminding us about our ancestors!

SHRIMATI D. K. BHANDARI: Sir, while supporting this Bill which gives reservations to the tribal people of the North East, i.e. Nagaland, Mizoram, Arunachal Pradesh and Meghalaya, I would like to make a few humble submissions. I deem it fit that there must be reservation of seats for backward tribal people. I say this because these people are not able to compete with the advanced sections of the people, as stated by our Home Minister in this House. Sir, similar considerations which inspired the Government to bring forward this Bill, should apply to the people of Sikkim also. Since 1979, we are also demanding that there should be some reservations for the ethnic communities of Sikkim. Sir, the people of Sikkim are very simple and law-abiding. They are very much agitated and disturbed on account of non-fulfilment of their demands. But they have been putting forward their demands democratically through their elected representatives. In turn the elected representatives in the Sikkim Legislative Assembly have unanimously passed the Resolution thrice and sent it for the consideration of the Central Government. But we always get the answer from the Centre "we are considering it". I would like to know, how long will it take to consider this case? Here I would like to draw the attention of the whole House that in 1975, due to oppression and suppression of the autocratic ruler, Sikkimese people wanted to join with the people of India with many high hopes and aspirations. At that time out of 32 members of Sikkim Legislative Assembly, 26 were in favour of merger with India this great country. That time Madam Indira Gandhi also considered that case and to fulfil the hopes and aspirations of the people of Sikkim, it was merged with India. But, now the whole House 32 Members passed a resolution regarding the reservation of seats thrice, but the Government of India has not considered it and it has not yet been passed. Here I am tempted to ask, did we cease to be human after the merger with India? I think that is why, you are not fulfilling our

hopes and aspirations. I sincerely hope that the consideration which inspired you to bring this Bill, the same considerations applies to Sikkim also and I hope that you will bring such a Bill for giving reservation of seats for the ethnic group of Sikkim in the near future.

With these words, I support this Bill.

SHRI MADHUSUDAN VAIRALE (Akola) Sir, I have a submission to make. It is a very important subject and many members are interested in taking part in the discussion. So instead of sitting for long hours, I request that it may be carried on tomorrow so that each and every member get the opportunity to speak.

MR DEPUTY-SPEAKER: I have no objection

SHRI BHAGWAT JHA AZAD (Bhagalpur): We will continue tomorrow.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT): If all the Members feel that this can be taken up tomorrow, I have no objection. It can be taken up tomorrow

MR DEPUTY-SPEAKER: The House now stands adjourned

20.38 hrs.

*The Lok Sabha then adjourned till
Eleven of the Clock on Friday, August
28, 1987/Bhadra 6, 1909(Saka)*