

[Shri P. Kolandaivelu]
52,000. This itself qualifies the declaration of the city as a 'C' class city according to the conditions prescribed by the Ministry of Finance, Department of Expenditure. The Government of Tamil Nadu has upgraded the status of Ramanathapuram Municipality to the selection grade for better administration. This has resulted in increase of house tax, water tax, property tax, etc. This is also one of the factors for the higher cost of living. Ramanathapuram is a place of religious importance for Hindus and Muslims and the recent inauguration of the 'Pamban Bridge' on Sethupathi National Highway has resulted in a huge influx of pilgrims. So it is very appropriate to classify the city as Class 'C' for the purpose of grant of HRA/CCA for the Central Government employees. I request the Minister of Finance to issue necessary instructions in the matter.

14.28 hrs.

SIXTH SCHEDULE TO THE
CONSTITUTION (AMENDMENT) BILL

[English]

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
SONTOSH MOHAN DEV): I beg to move:

"That the Bill further to amend the Sixth Schedule to the Constitution of India in its application to the States of Tripura and Mizoram, be taken into consideration."

The provisions of the Sixth Schedule to the Constitution have evolved a separate scheme for the administration of the Tribal areas in Assam, Meghalaya, Mizoram and Tripura through the institution of District Councils or Regional Councils. These District Councils in the Sixth Schedule area differ from State to State so far as their composition is concerned. Mizoram is a predominantly tribal area where Mizos are the pre-dominant tribe. The Sixth Schedule provisions have been provided to the minor-

ity tribes in Mizoram namely Pawis, Lakhers and Chakmas. In Tripura, the Sixth Schedule provisions are applicable to two-thirds of the State covering both tribals and the plains' men. In Assam, the District Council areas consist areas inhabited by the tribals whereas the majority are plains men. In Meghalaya, except the Shillong Cantonment area and the small portion of Shillong municipality, the whole of Meghalaya is governed by the District Council Areas consisting of Khasis, Garos and Jaintias, which are the major tribes.

Hon'ble Members might recall that Tripura was included in the Sixth Schedule in 1984 through a Constitutional amendment. Over a period of time, the minority tribals of Mizoram covered under the Sixth Schedule have come to feel that their autonomy under the Sixth Schedule will be made meaningful and they can achieve speedier progress if overall control of the State Government over them in matters like approval of the rules made by the District Councils, nomination of their members, appointment of Commission to inquire into their administration, their dissolution etc. is relaxed. In their view, the powers under the State Schedule have not always been exercised by the State Government for the betterment of of the interest of the tribal minorities. They have, therefore, represented that the Governor should exercise powers in his discretion in these matters.

In the Memorandum of Settlement on Mizoram, there is a provision that the rights and privileges of the minorities in Mizoram as envisaged in the Constitution shall continue to be preserved and protected. Similarly, in the Memorandum of Settlement of Tripura, there is a commitment to the protection of tribal interests. It is, therefore, proposed to apply the provisions of this Amendment Bill to the States of Mizoram and Tripura.

The Sixth Schedule to the Constitution (Amendment) Bill, 1988 seeks to provide more autonomy for the District Councils in Mizoram and Tripura and also discretionary

powers to the Governor in dealing with certain provisions of the Sixth Schedule to the Constitution. It is hoped that after bestowing these powers on District Councils on Mizoram and Tripura and also discretionary powers on the Governor of Mizoram and Tripura, the District Council areas in these two States will make speedier progress while preserving their identity.

A separate Bill to extend to Assam the provisions of the Sixth Schedule to the Constitution (Amendment) Bill, 1988 will also be brought forward, if considered necessary.

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

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Sixth Schedule to the Constitution of India in its application to the States of Tripura and Mizoram, be-taken into consideration."

MR. DEPUTY SPEAKER: Yes, what do you want?

SHRI G.G. SWELL (Shillong): I want to speak, Sir.

MR. DEPUTY SPEAKER: I will call you when the time comes...

(Interruptions)

MR. DEPUTY SPEAKER: I will call him when the time comes.....

(Interruptions)

PROF. MADHU DANDAVATE (Rajapur): I will tell you why we are raising that point. Three parties have given in writing that they are prepared to give their time to him in case in normal course you are not allowing him to speak.

MR. DEPUTY SPEAKER: No I will give him time.....

(Interruptions)

SHRI E. AYYAPU REDDY (Kurnool): No, Sir, he will initiate.

MR. DEPUTY SPEAKER: How can you say that he will initiate?

SHRI BASUDEB ACHARIA (Bankura): Why not?.... *(Interruptions)*.

MR. DEPUTY SPEAKER: It is left to the Chair whom to call.....

(Interruptions)

SHRI E. AYYAPU REDDY: It is not left to the Chair. It is certainly not left to the Chair.... *(Interruptions)*.

PROF. MADHU DANDAVATE: You follow the procedure, Sir. Sometimes the first party whose strength is third in number, the first two parties say that they are prepared to leave it to him. You have allowed us. On a number of occasions, though you call the speakers on the basis of their strength, sometimes when they have given in writing that they do not mind whether 'X' or 'Y'..... *(Interruptions)*.

MR. DEPUTY SPEAKER: That happens when supposing Telugu Desam's time comes and they refuse to speak, then the Communist Party is given the chance. Like that, when all are refusing, then I go to the Congress.....

(Interruptions)

SHRI E. AYYAPU REDDY: Nobody is refusing. We are giving the priority to him.... *(Interruptions)*

MR. DEPUTY SPEAKER: I will give a chance to him also...

(Interruptions)

SHRI E. AYYAPU REDDY: It is not a question of giving him a chance. Please listen to me, Sir.... (*Interruptions*).

PROF. MADHU DANDAVATE: If none is allowed to give up our priority..... (*Interruptions*).

MR. DEPUTY SPEAKER: If you are not interested in Telugu Desam, then I will call the Communist Party. Like that only it will come.

SHRI SOMNATH CHATTERJEE (Bolpur); Sir, I am on a point of order. If you kindly look at rule 350, it says: "When a member rises to speak, his name shall be called by the Speaker. If more Members than one rise at the same time, the member whose name is so called shall be entitled to speak." Now, here, only he rose.... (*Interruptions*).

MR. DEPUTY SPEAKER: No. I have received the names. So many Members have already given their names.

SHRI SOMNATH CHATTERJEE: This is the rule; I am reading the rule.

MR. DEPUTY SPEAKER: Rises means what? Then it is left to the Chair to call....

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: No. If more than one Member rises at the same time.... (*Interruptions*).

SHRI C. MADHAV REDDI: You call the CPI (M) Member. We are prepared to sit..... (*Interruptions*).

SHRI SOMNATH CHATTERJEE: What is your ruling, Sir, to my point of order?..... (*Interruptions*)

MR. DEPUTY SPEAKER: Even Mr. Patil also has sent me his name....

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: This is a rule, this is not a question of convention.... (*Interruptions*).

PROF. MADHU DANDAVATE: There are a number of occasions when in my favour other two Members whose names were first, have said that they do no mind... (*Interruptions*).

MR. DEPUTY SPEAKER: Mr. Swell is in which party now?

PROF. MADHU DANDAVATE: He is a member of the House.

MR. DEPUTY SPEAKER: Then why are you asking him to be called? I can call any Member then. Why the Opposition is telling me to call him? Any Member of the House I can call who has given his name. I have got the list. It is left to the Chair...

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: Sir, I have read out Rule 350 regarding the procedure to be followed now. What is your ruling on that? (*Interruptions*)

SHRI VIJAY N. PATIL (Erandol): Sir, I have given my name already. I was the first man to speak.

PROF. MADHU DANDAVATE: On which Bill you want to speak?

SHRI VIJAY N. PATIL: I am referring to the Constitution Amendment Bill moved by Shri Sontosh Mohan Dev. (*Interruptions*)

MR. DEPUTY SPEAKER: Please read the latter part of Rule 350.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: According to Rule 350, if there is no other speaker, then you should call him first to speak.

(*Interruptions*)

SHRI VIJAYN. PATIL: I have also given my name. I should be called to speak first. *(Interruptions)*

SHRI SOMNATH CHATTERJEE: It is not a matter of convenience. Here you have to follow the rule.

MR. DEPUTY SPEAKER: If you are creating a precedent, then it will happen every time. Generally, first I call the Member from the Opposition side to speak. Now, are we following the same procedure?

(Interruptions)

SHRI C. MADHAV REDDI: If a request comes to us that a particular Member being an expert in a particular subject wants to initiate debate, we may concede. *(Interruptions)*

MR. DEPUTY SPEAKER: Every Member has a right to speak. Now, he has the right to speak and I will give him a chance to speak.

(Interruptions)

PROF. MADHU DANAVATE: Now, the point is that you will give him time to speak.

MR. DEPUTY SPEAKER: Yes, I will give him an opportunity to speak.

SHRI SOMNATH CHATTERJEE: Now that you are giving him a chance to speak, I am not pressing you to give your ruling on the point of order raised by me.

MR. DEPUTY SPEAKER: Now, Shri Baju Ban Riyan, you may speak.

[Translation]

*SHRI BAJU BAN RIYAN (Tripura East): Mr. Deputy Speaker Sir. The Sixth schedule to the constitution (amendment) Bill, 1958 is before us. This Bill seeks to

amend the Sixth schedule to the Constitution in its application to the State of Tripura and Mizoram. After this Bill is passed and it becomes Law, it will strike a heavy blow on the rights and privileges of the Tribal people of Tripura and Mizoram. This will curb the rights and powers of the District Councils which have been bestowed on them under the Sixth Schedule of the constitution of India. Sir, what the Government has said in support of this amending Bill is at total variance with the actual provisions of the Bill. What the Hon'ble Minister has said while introducing this Bill will have no relation to it after it is passed and becomes law. I will mention in due course about the existing provisions of the various paragraphs and what will be the effect of the amendments thereto as proposed in this Bill. According to the existing provisions of the Constitution, the District Councils with the approval of the Governors could perform various types of developmental work like construction of roads, setting up of village councils and village courts, disposal of minor legal matters, enforcement of the provisions of civil procedure and criminal procedure codes etc. etc. But after these amendments to the Sixth Schedule are passed, all the powers of the District Councils will be curbed to a great extent. Sir, the provisions of the Sixth Schedule have evolved a separate scheme for the administration of the tribal areas in the North Eastern States of Assam, Meghalaya, Mizoram and Tripura through the institution of District Councils or Regional Councils. But the proposed amendments are applicable to the Tripura and Mizoram only, and not to Assam and Meghalaya. I do not understand why these amendments have been brought forth. It may be that the present Government of Tripura formed by the Congress (I) with the support of Tripura Upajati Yuva Samiti wants to prevent the smooth working of the District Councils there formed by Left Front Government; by curbing their

*Translation of the speech Originally delivered in Bangali.

[Shri Bajju Ban Riyan] powers through this amendment. In fact they wanted to dissolve the Distt. Council. That is why they set up a Commission to report against the Distt. Council. But they failed in their efforts because the Supreme Court came in their way, and thwarted their efforts in this direction. Therefore this Bill has been brought forth as a Political vendetta or revenge. Now all the works of the District Councils will have to be done with the approval of the Government. Out of the twenty paragraphs of the Sixth Schedule, nine paragraphs are sought to be amended. These are paras 1,2,4,5,6, 9,14,15, and 16. In these paras it has been laid down how the Governor will function at present. But after para 20B, para 20BB has been inserted in the amending Bill which will result in the amendment of the aforesaid paragraphs. After this amendment is carried out, the District Councils will not be able to go whatever they are doing at present. What are the District Councils doing at present? In sub-para 2 and 3 of paragraph 1, it is provided at present that if the District Council wants to re-define its boundaries, to increase or to decrease its area of jurisdiction or to add or to take away some areas, they could do that in consultation with the Governor. If it so desired, it could form one or more autonomous region also. It could exclude or include some areas if it wanted to do that. In such matters the decision of the Governor was final according to the existing provisions. But after they are amended, the Governor will not be able to do anything without the approval of the State Government, that means that the District Councils will also not be able to do anything. The District Councils will lose all powers to form autonomous regional Councils, new District Councils or to increase or decrease its area. It will have to work according to the dictates of the State Government. So much for the amendment of paragraph 1.

Now about sub-para 1 and 7 of para-

graph 2. Here, while forming the District Council of 30 members, the Governor was empowered to nominate 4 members. This could be done by the Governor himself. But after this amendment, the Governor will be able to do that. The State Government will interfere in that and the Governor will have to nominate those persons whom the State Government will recommend.

Paragraph 4. According to the provisions of this para, the autonomous District Council could set up village councils and village courts in the District. Under paragraph 5 the District Councils could, in consultation with the Governor, decide how to enforce the civil procedure code of 1908 and the Criminal procedure Code of 1898 in their areas. In fact they are doing it at present. But after this amendment is passed, the Governor or the District Council will not be able to do that on its own. The approval of the State Government will be necessary in this matter. They will be able to do it if the State Government permits otherwise not.

Paragraph 6. This para provides for powers to the District Councils for some developmental works like, opening of primary schools, dispensaries, markets, providing water transport for crossing rivers, and canals, providing roads, opening of fisheries etc. Wherever District Councils have been formed, they are doing these works at present with the approval of the Governor. After the amendment, all powers will be taken away from the District Councils in this regard. They will be able to work only when permitted by the State Government, within the area of a district council. There are natural resources like minerals etc. in some places in the country. The State Government has to pay a Royalty to the District Council for exploiting and utilising those natural resources. In the existing provisions it has not been specified within what period that royalty is to be paid. In the amendment it has been laid down that it must be paid

within one year. We do not oppose it. Here I will suggest that this payment should be made within the current financial year i.e. within 31st March, whatever may be the date of the agreement.

Under the existing law, if someone wants to start trading activities within the area of District Council, he will require a licence from the District Council. But the licence will be necessary for non-tribals only. The tribals were not required to obtain any licence. The amendment provides that from now on everybody will be required to obtain a licence he may be tribal or a non-tribal. I support this provision. Everyone should obtain a licence. But tribals of a State live outside the District Councils areas also. We want to give them also opportunities. For the improvement of trade and Commerce in a District Council area, the Scheduled Tribes living outside the District Councils should also be allowed to carry on trading activities therein. According to the proposed amendment, the tribals living outside the area of a District Council will not get an opportunity to trade in their area. This will result in a disparity between the rights of these two categories of tribals. May be this is being done intentionally.

Under the existing paragraph 16, the Governor is empowered to set up a commission if he finds severe flaws in the working of the autonomous District Councils. He can dissolve the District Council on receiving an adverse report and order fresh elections. He can also, in the alternative, appoint an administrator with the approval of the State Legislature. But after the amendment, the Governor will not be able to act in this manner. He will have to take the permission of the State Government. At present he has to lay his proposals in this respect before the legislative assembly. The assembly approves it and thereafter the Governor can implement it. This is the present position. But after the law is amended, he will not be required to lay

it before the State assembly. The assembly will not come in the picture at all. Therefore, I will say that the rights of the legislature has also been curbed through this amendment. Now it will require the approval of the Council of Ministers. The Council of Ministers is not the legislative assembly. The Hon. Ministers surely understands that the council of Ministers is not the assembly. Hence this provision is being amended by curbing the rights and powers of the assembly.

Sir, after this amendment is passed, the very objective of the framers of the Constitution will be defeated. The tribals of the north eastern region of our country have some special characteristics. The geographic situation of those areas is very special. In Nagaland the tribals are in a majority. Whichever party may come to power there, the tribals will run the Government. In Meghalaya also the tribals are in a majority. There too they will run the Government, whichever party may, come to power there, the tribals will run the Government.

But in Assam the tribals are in minority and the non-tribals are in majority. In Tripura also the position is the same, i.e. the tribals are in a minority though before independence they were in a majority. After independence during long 28 years of Congress rule there, due to historical reasons large number of non-tribal refugees came over in this State from the erstwhile East-Pakistan which is Bangladesh at present. The Government did not make any arrangements for their livelihood. They settled on the land of the tribals. In this way over the years the non-tribals have outnumbered the tribals and the original tribals have become a minority. The tribals of Tripura are afraid that their interests are not safe in the hands of the New Bengali Immigrants. An organisation of these Bengali majority is called 'Aamra Bangali'. They are actually a part of the Congress when the Congress is in power. Their slogan is 'All the Bengalis of the world

[Shri Baju Ban Riyan]
unite and form a Bengalistan in Tripura.
"They are actually a part of the Congress.

[*English*]

SHRI SONTOSH MOHANDEV: During last elections your Government gave 45 vehicles to the 'Aamra Bangali', I was there. You gave them 45 new vehicles. Let him challenge.

[*Translation*]

SHRI BAJU BAN RIYAN : It is a wrong information. In fact you gave them hundreds of vehicles. Sir, the people of Tripura very well know on whose side the 'Aamra Bangali' are. The Hon. Minister may not know. The present coalition Government of the Congress and the Upajati Juva Samiti in Tripura is not protection any interests of the tribals there. There is a provision of 29.p.c. reservation in jobs for them. This is not being fulfilled. In the Tripura Road Transport Corporation and the departments that the Chief Minister is in charge many posts have been filled, but the tribals are not being given their quota of jobs. The experience of the people of Tripura in ten-month old Congress rule is, that this Government is being influenced by the ideas of Chauvinism of the Bengali majority. Under their influence the Government is carrying out the amendments to the Sixth Schedule so as to give more power in their hands. Their grudge is that they are unable to dissolve the present District Council and to hand it over to the Congress and Yuva Samiti. Sir, the framers of the Constitution provided the Sixth Schedule to protect the interests of the tribals. The tribals are there in many States. Somewhere they are in a majority and somewhere they are in a minority. Where they are in a majority as in Nagaland or Meghalaya, we can say that the interests of the tribals are being more or less protected. But where they are in a minority, who will protect their interests if the State

Government does not do that? Our experience is that the State Government do not protect their interests in those places. In Tripura if the Congress looked after the interests of the tribals properly when they were in power there for long 28 years after independence, then today the tribals would not have been reduced to a minority there. They ignored the interest of the Tribals. That is why the present crisis has arisen. Why is there this provision of District Councils in the Sixth Schedule to the Constitution? It is there because, if the State Government does injustice to the tribals or minorities, the District Councils will remedy the situation. If the State Government protects their interests and does justice to their cause then the District Councils are not necessary. Our experience is that even after 40 years of independence the interest of the tribals in any State in the north-eastern region has not been looked after to the extent it was desired and was necessary. In other states of the country the situation is still worse. For example in Bihar, the tribals are being slaughtered like cattle. I do not believe that there will be a solution to the difficulties and problems of the tribals so long as this Congress Government will remain at the Centre which is influenced by the bourgeois and the landlords. The present condition will continue. In this situation, in the north eastern region where the Sixth Schedule is in force and the tribals have some rights and powers, there too the Government wants to snatch away those powers and hand it over completely to the State Governments. Here I will like to mention that Shri Rajiv Gandhi during his election campaign in Mizoram in 1987 had promised the people of Mizoram in his election speech that the Sixth Schedule will be amended to give more powers to the District Councils. A news item was published in the 'Shillong Times; in its issue dated 14.2.1987 under the caption 'PM: more powers to District Councils' which quoted the Prime Minister as saying that more powers will be given to the District Councils. But actually what is

being done? Whatever little power the District Councils had, is being snatched away from them and handed over to the State Government, so that the District Councils may not move a step forward without the permission and approval of the State Governments. They will have to act according to the dictates of the State Government. If the State Governments refuse to give them funds, they will have no funds, if the State Government says that they will not be allowed to appoint teachers in the primary schools, it cannot be done. That means even the smallest process of the District Councils to function are being withdrawn. Hence the purpose of the Sixth Schedule in our Constitution will be completely defeated after this amendment Bill is passed. This will disturb the equal rights existing for the tribals in the States of the northeastern region like Assam, Nagaland, Mizoram and Tripura because this amendment is meant only for Tripura and Mizoram. After this Bill is passed, the District Councils will have no functions to perform. The District Councils will be reduced to Gram Panchayats or small municipalities, may be even less. Was this the purpose of keeping the Sixth schedule in the Constitution?

14.59 hrs.

[SHRI SHARAD DIGHE-*In the chair*]

[*English*]

MR. CHAIRMAN : Please conclude.

SHRI BAJU BAN RIYAN : Kindly give me a few more minutes. I am concluding.

MR. CHAIRMAN : Total time allotted for the Bill is two hours and you have taken 25 minutes.

SHRI BAJU BAN RIYAN : I am finishing.

[*Translation*]

Sir, the Government has brought forth

this Bill to snatch away all the powers from the District Councils and to make them impotent. That is why we are opposing this Bill. This Bill was introduced in this House without our knowledge; This Bill was introduced on the 5th of September, 1988. On that day we had boycotted the House as a protest against the maltreatment and atrocities committed by the Central Police on the M.L.As and Ministers of Andhra Pradesh, who are the elected representatives of the people.

15.00 hrs.

The Government took that opportunity to introduce this Bill on that day. Otherwise we would have objected to the introduction of this Bill. They could have not it passed on that day itself. I do not know what prevented them. May be the required majority for passing this Constitution amendment Bill was not available on that day ! However, we are placing our views before the House, the Government may listen to it or not. In the end Sir, I will request the Hon. Minister, I will request the Government and all the Hon. members of the treasury benches to please withdraw this Bill. After that, if you want the welfare of the tribals, if you want to combat the secessionist movements in the entire north eastern region as you have hurt the sentiments of the tribals there, then I think you should delete the words 'Council of Ministers:' appearing in Section 20BB of this Bill. Here you should provide that the Governor shall act in consultation with the District Council'. Then I feel the interest of the tribals will be protected. I will stress and repeat what I have said.

[*English*]

SHRI SONTOSH MOHAN DEV : The Hon. Member has not understood the Bill. What he is saying, it is the spirit of this Bill, I think, I may be wrong - that all powers have been given to the Governor to discuss with the district council and decide. What you are

[Shri Sontosh Mohan Dev] saying is in the Bill. I may be wrong in projecting it. I would request you to go through the Bill because whatever you have said is in the Bill.

SHRI INDRAJIT GUPTA: (Basirhat) : But the Governor cannot do it, now?

SHRI SONTOSH MOHAN DEV: No. Now it is the State Government and on their advice, the Act can do it. This is the conflict coming. So we have given the discretionary powers to the Governor. What he is saying, everything is in the Bill. I think you are a bit confused. You kindly have a fresh look at the Bill. I fully agree with your speech.

Whatever you have said, I am fully in agreement with you.

[*Translation*]

SHRI BAJU BAN RIYAN : Sir, I am speaking what I understand from the provisions of this Bill. I do not find any conformity between what the Minister is explaining and what has been provided in this Bill. The State assembly is being ignored. Everything is to be done by the Councils of Ministers. The State Assembly is being side-tracked. Is it proper ? I again stress that the words 'Council of Ministers' may be deleted as I have stated earlier. Another amendment will have to be carried out. There is no agreement between what has been stated in the 'Objects and reasons' of this Bill and the actual content of this Bill. This is what I understand. I do not know how you interpret them. I will again urge upon you to withdraw this Bill. The tribals of the entire north eastern belt is against this amendment. Nobody supports it. To protest against this Bill and to vent their feelings against it, the executive members of the District Councils of north eastern States like Tripura, Meghalaya etc. met the Prime Minister in September last. I do not remember the date. They met the Prime Minister.

The Hon. Prime Minister assured them that he will look into their grievances. But nothing has come out. Therefore, I once again request you to withdraw this Bill. With that Sir, I once again oppose this Bill and conclude my speech.

[*English*]

SHRIDINESH GOSWAMI: (Guwahati) : Mr. Chairman, there are two types of provisions in this Bill. One by which the royalty which is due to the District Council- now a time limit has been fixed and within this time limit the royalty shall have to be paid. I am in favour of it. On the money lending, there was control on the money lending only for non Scheduled Tribe; that provision has been extended to the Scheduled Tribes also. I welcome it.

But I feel this Bill is one of the retrograde Bills that has been brought in this House. I feel that my learned friend who spoke in this debate has not really understood the spirit of this Bill. The spirit of the Bill is to confer all the powers to the Governor, completely bypassing the State Legislature. The spirit of the Bill is that it goes against the basic character of the Constitution. The basic character of the Constitution is that this country is not to be ruled by non elected head, the Governor, but the real ruler of the country is the elected representative of the people, the Government and the Legislature. But this Act will completely bypass the elected legislature. One single man who acts on the command of the Central Government here will do everything and that is why all the discretionary powers have been given.

What has been sought to be attempted is that the District Council henceforth will be ruled by the Central Government at the dictate of the Prime Minister. This Bill is against the very spirit in which the Government promised a discussion on the Sarkaria Commission's recommendations. When we

are debating for greater devolution of power to the State Governments, we have brought a Bill by which the State Governments have become non-existent in so far as the Sixth Schedule is concerned.

The State Government and the State Assembly will have no power whatsoever. The Assembly has no power after this Bill is passed on the vital and important matters. The Assembly becomes non-existent and the entire power is concentrated in the hands of the Governor and that at a time with a serious debate is going on as to how the Governor is functioning in Andhra Pradesh, when there is a rift between the Governor and the Chief Minister in Bihar. We have had the occasion to make very strong remarks against the action of the Governor in Nagaland when he dissolved the Assembly. This Bill, by conferring all the power to the Governor opens up a situation where I think we are bringing a confrontation between the Governor and the State Legislature and the entire effort is that by a constitution amendment, take away power from the State Legislature and give it to the Central Government.

It is against the basic philosophy of the District Council. The District Council provisions were incorporated in the Constitution with the idea that their own administration will go nearer to the people. The tribal people will run the administration. But now it will be further away from the power centre of Delhi. But when you try to bring back all the power to the power centre of Delhi, to the Central Government because the Governor is after all only a mouth piece of the Central Government. This goes against the very basic structure and the philosophy of the district council which was introduced in the Constitution by the founding fathers. The hon. Minister has said this has come in Mizoram and Tripura and will be applied to Assam and Meghalaya. If I am not wrong, not only Assam has opposed it, not only Meghalaya has op-

posed it but even his trusted friend Mr. Laldenga has opposed it. I do not know about the Tripura Government. These three governments have opposed introduction after very careful and deliberate consideration because they felt this is a *Malafide* Bill. This is a Bill by which the Central Government through dubious means is assuming full control over the district administration in these areas.

What are the provisions which are sought to be changed. 'Para 15 of the Sixth Schedule relates to annulment or suspension of acts and resolutions of District and Regional Councils. The provisions was if the Governor is satisfied that an act or resolution of a District or a Regional Council is likely to endanger the safety of India then he can annul or suspend such Act or resolution. Sub-para 15 (2) says:

"Any order made by the Governor under sub-paragraph (1) of this paragraph together with the reasons therefor shall be laid before the Legislature of a State as soon as possible and the order shall, unless revoked by the Legislature of the State, continue in force for a period of twelve months..."

That means the elected representatives of people of the State were given the power to see whether the order of the Governor by which he has suspended a particular order of the District Council is just and proper, whether it is likely to prejudice public order or it is against the security of the State. The authority was upon the elected representatives of the people of that State to see whether the order will endanger the security of the State whereas through the present amendment, any order made by the Governor in this paragraph together with the reasons thereof shall be laid before him. Now Governor will pass an order and it will be laid before him. I do not understand the logic of this. The amendment says" by the Legisla-

[Shri Dinesh Goswami]
 'ure of the State' has been deleted. Now the
 sub-para (2) will read like this:

"Any order made by the Governor under sub-paragraph (1) of this paragraph together with the reasons therefor shall be laid before him as soon as possible and the order shall, unless revoked by him continue in force for a period of twelve months...

I believe there cannot be more ridiculous amendment than this. The Governor has been made the final authority to decide and determine whether the security of the country has been threatened or whether something is prejudicial to the interests of the State. I feel this is against the basic character of the Constitution. Are you prepared to give the same powers to the President of India and not subject his decision to the control of Union Executive. So far as the President is concerned of course the Council of Ministers will be the final authority because the President has no discretionary power. I feel giving of such wide powers to the Governor who is not an elected representative of the people and is only a figure-head under the Constitution is against the basic character of the Constitution. This is going to create friction even where the Governor and the elected representatives in the State Legislature are acting in harmony. Now para 16 (3) says ".... It shall cease to operate at the expiration of thirty days." It was exactly the provision similar to that of the type of ordinance. If the Governor passes an ordinance then the State legislature had a right of scrutiny of that ordinance. Now the State legislature has been completely by-passed. The State legislature has no function. The Governor in the Sixth Schedule areas of Mizoram and Tripura and tomorrow Assam and Meghalaya will be super-Constitutional authority again over the head of every State legislature. I cannot

comprehend such a situation where the Governor has been given such wide powers. After all if the District Council is to develop it can only develop provided there is a rapport and understanding between the elected representatives of the people of that region. After all, in the State Legislature, people from that region are also represented. You cannot develop a particular region if there is a total constant friction between the State Legislature and the District Council and a Governor, as a super-constitutional power is given powers not conceived of in this Constitution. In the background of what has happened in Andhra Pradesh, where the decision of the Chief Minister about appointment of Lok Ayukta is not signed even though constitutionally a Governor is obliged to sign, what has happened in Nagaland, where the Speaker's order, which is not subject to scrutiny by the Governor under the Constitution, a law passed by this Parliament was subjected to scrutiny by the governor, and in the light of what has happened also in the other States, I feel that it is a retrograde law, as a result of the malafide action of the Government. This is now trying to dilute the authority of the State Legislatures, is encroaching on the federal character of the Constitution and is trying to rule this country by devious methods from here alone, through their agents. Therefore, I strongly and totally oppose this amendment. I hope if there is some sense in this government, if they want it function better some coordination is needed between the Governor and the State Legislatures. There should be some confidence in the elected representatives of the people, let us not forget that if you mistrust the elected representatives of your State legislatures, then also, we have a right to mistrust you. It is not that you come under a separate type of elections. If a State Legislature can commit, the Union Parliament can commit a mistake. The parliamentary democracy rests in maintaining confidence in the State Legislatures. I believe that this is a malafide action of the

Government of India by which they are trying to control the States through various methods.

Sports is now brought under the Concurrent List. There are talking of having separate authorities which will go into certain actions of the State Governments which could not be done under the Constitution. This is a part of a great design by which the Central Government wants to acquire upon itself all the powers and take away more and more powers from the State Legislatures. Therefore, I totally oppose this amendment. And I hope the House will reject it.

SHRI N. TOMBI SINGH : (Inner Manipur): Mr. Chairman, Sir, I fully support this Bill.

When we attained Independence, we inherited a jungle of disparities, particularly in the North-Eastern States. In order to remove these disparities in different aspects, the framers of the Constitution had provided this protection, particularly the Sixth Schedule of the Constitution.

The main object of the Sixth Schedule of the Constitution is to provide protection to the tribal people, particularly of the North-East when Assam was a State in which Meghalaya - it was earlier Khasi Hills and Garo Hills- and then Mizoram were functioning. With the coming up of the new State of Meghalaya and Mizoram, the situation has changed. In spite of the change in the situation, the Government and Parliament have thought it necessary that the Sixth Schedule should apply to the States of Meghalaya and Mizoram.

Now, we are discussing the application of the Sixth Schedule with certain amendments to the States of Mizoram and Tripura. I was a little surprised when I listened to Mr. Goswami. As I listened to the hon. CPM Member from Tripura Mr. Riyan, I could

understand that he was opposed to the inclusion of the Council of Ministers in the List of consultations.

SHRI INDRAJIT GUPTA : And exclusion of Assembly.

SHRI N. TOMBI SINGH : Sir, I am coming to it. Earlier, there has been no mention of the Assembly. Perhaps that has been amended. This 220BB in an addition and it does not affect that provision... (Interruptions)

What I would like to point out is that the Council of Ministers means that they are responsible to the Assembly. And when the Governor consults the Councils of Ministers, he is consulting a body, the Government of the State responsible to the Assembly. The Council of Ministers do not function in isolation. Earlier, the concept of the 6th Schedule was that the Governor should have special powers to protect the tribal areas, district councils and regional councils. They have been enjoying special facilities. Now with the mention of the Council of Ministers in the list of consultations perhaps, I can understand that the tribals feel that the special powers of the governor have been interfered with. I can understand that. But that has been done in good faith. Sixth Schedule is such a dangerous and difficult weapon unless we handle it properly.

Let us go to the history of Assam and how it was split into units, Meghalaya and Mizoram. Of course, among the North-Eastern States, the questions of Tripura and Manipur were very special, because they were never a part of Assam. But as far as Meghalaya and Mizoram are concerned, they were in Assam as districts, but they were enjoying the Sixth Schedule status. What I wanted to mention is that the Sixth Schedule protects the tribals and at the same time it gradually segregates and isolates the people from the mainstream or the

[Shri N. Tombi Singh]
majority of people of that province through the benign shelter of the Governor. Then, ultimately a stage comes when the separation is final and there can be nothing for any further harmony. So, naturally new States had to come up. Now, we cannot afford to see further split of the North-Eastern States. They are already too small. When we apply this Sixth Schedule, we have to see that the tribals are protected. On the other hand, we should also see that there should be no further split of Tripura. The Tripura tribals are not very much concentrated in big pockets; they are scattered here and there; it is very difficult for them to have any consolidated plan for their development. In other States like Mizoram and Manipur, tribals are not scattered; they are consolidated and concentrated in certain pockets. Tripura is a very special State. In this respect, I would like to go with M. Riyan of that side when said that the special powers of the Governor should not be further interfered with at least in respect of Tripura. This is because the Tripura tribals, the indigenous people, who were in majority before independence, they have been outnumbered after independence by people who came from outside, Bangladesh, Naturally, now this protection in the case of Tripura should be a very special protection. The special powers that have been given to the Governor should remain.

I do not view this matter from any political angle, because there are Bengali Congressman, there are Bengali CPM members, and others. But what I mean to say is that if we want to protect the minority, indigenous people of Tripura, the special powers already given to the Tripura Governor should remain with him, so that no further interference could come from the Council of Ministers. Only the Council of Ministers can act in order to stop the possibility of any further split. As I mentioned, Tripura cannot afford any further split. This is a small State.

If the principle of autonomy is stretched too far, the fear is that the people would become isolated and then they would demand a separate state or a separate union territory for themselves. We have had this sort of experience in Assam before. Therefore, in order to safeguard and protect their rights and to see that this sort of problems do not arise, the Governor can utilise these special powers.

As I pleaded for small indigenous pockets in Tripura, I may also plead for similar pockets in Mizoram because Mizoram is not doubt a tribal State and most of the people follow Christian religion. There are Chakmas and other small communities professing Buddhism. Some are professing Hinduism also. They need protection. For that, there is all the justification for the Governor to exercise his special rights to protect the rights of the people. Their rights should be safeguarded for furthering harmony and unless we remove the disparities between different communities and different regions, these special powers must remain with the Government. It appears that even after the passage of so many decades after Independence, even after the application of the Sixth Schedule in the tribal areas, we have been that the gulf between the minority communities and majority communities is rather widening. This is really unfortunate. So, I would like to impress upon the Home Ministry that when they take up constitutional and other legal or developmental measures, they should see that the gulf between different communities, different regions and even different States should be bridged and they should be brought closer so that a time may come when the Sixth Schedule will not be necessary at all. If we think that the Sixth Schedule should be a permanent feature, then perhaps the whole concept or the whole idea of the constitution framers is completely defeated. They wanted some protection for some period of time. But what is the time limit? We should have a time-bound sched-

ule to remove the Sixth Schedule altogether from our Constitution so that we do not need to protect any community because they stand at par with each other. Each of us, whether belonging to this side or that side should look forward to that day when we have complete harmony and equality among different communities.

Sir, I quite appreciate the present amendment because while bringing this amendment, all these aspects have been kept in view and due attention has been paid to all the details. That is why I say that I support the Bill. Of course, to some extent I understand the apprehension expressed by the CPI (M) member. His is a very special case. But it is not possible for me to support his stand when he demands the withdrawal of the mention of Council of Ministers in the Bill. I would suggest that the Home Ministry should take steps to see that there is no undue interference in Tripura by the Council of Ministers formed by the majority community. I say this irrespective of the party, be it my party or be it an opposition party. But it is a fact that the majority community is heading the Ministry there. And this is a human weakness which cannot be completely ruled out. Therefore, undue interference should not be allowed with the help of the Governor's special responsibility provided in the Sixth Schedule to protect the rights of the small pockets in that State.

With these few words, I support this Bill.

SHRI P.K. THUNGON (Arunachal West) : Sir, I must congratulate the Home Minister and the Prime Minister for bringing in this Amendment. I can very well recall it afresh that in the year 1983 when I used to frequently visit Tripura, there used to be a lot of confusion and problems. The nation remembers today to what kind of holocaust took place in 1980 in Tripura. The main reason was the fear of the tribal people there and because of the fear of minorities - micro-

scopic minorities - there that they are going to be extinct and culturally they are going to be massacred. These feelings started conflicting and they brought about a kind of situation which resulted in holocaust in Tripura. After that, the Government of India tried its level best to work out a kind of solution so that these problems can be overcome. I remember very clearly that our late Prime Minister Smt. Indira Gandhi was very much concerned about that and in 1983, she in principle, agree that there must be some kind of protection given to the minorities and to the tribals in Tripura. When we talk about minorities, we must remember that at the national level a particular group of people may be in a minority, but that particular group of people in a State may be in a majority. That is where the position stands and that is why this Amendment I feel is very appropriate for the microscopic minorities and tribals in those areas.

As I said, in 1983, it was agreed by the Government of India under the Prime Ministership of Madam Indira Gandhi and since then a process was started and I must be grateful to our youthful Prime Minister Shri Rajiv Gandhi that he has picked up the thread and now he has brought about this Amendment in good spirit and in the real spirit of Tripura Accord.

Also, in Mizoram, there is a very small group of minorities who are Buddhists. In Mizoram one may feel surprised as to why in this tribal State, this kind of special protection is required. But this very small group of people feel very apprehensive that unless a proper protection is given, they are going to be extinct or they are going to be culturally massacred. That is why this Amendment Bill will give a real protection to those people who are in the microscopic minority in that State itself. I need not elucidate further about the importance of the Bill because the Bill itself speaks about so lucidly that it is meant for the protection of those people who are helpless and who are in a microscopic mi-

[Shri P.K. Thungon]
narity. Because of historical reasons in Tripura those who were living there and were rendered minority are now going to be given this protection. This has been provided for Mizoram also.

I would like to come to other places in North-Eastern Region where such protections are required. While appreciating and congratulating the hon. Home Minister in bringing this Amendment. I would request you to give such protection to the district Councils of Karbi Anglong and N.C. Hill also. It is because they are also tribals and they have got a different identity and they need a special attention and protection in this regard.

Besides, as you are aware, there is a group of tribals which is mainly known as Boro Tribe. You have seen quite often that they have also come here in Delhi. They keep on agitation that they want some kind of autonomy ; to the extent, they have demanded some State, that there should be a separate Boro land, there should be separate territory for Boro. Boros are a docile kind of a tribe and they are culturally so much in the mainstream that they will not have to explain to the rest of the country or to the government concerned that they were originally the inhabitants of Assam. But due to some historical reason, they have a kind of fear as if they are going to be uprooted and their culture is going to be annihilated. That is why this feelings of insecurity is there. I would like to suggest to the hon. Home Minister through you to solve this problem, if some kind of a provision as envisaged here can be brought in so that Boros can be safeguarded and their fear can be removed from their minds.

It is not only in north-eastern region that we have such minorities or tribals in various

is throughout the country. If you go to Madhya Pradesh, you have tribals; if you go to Orissa you have tribals; if you go to Andhra Pradesh, Tamilnadu, Rajasthan and Gujarat, you have tribals. They also need some kind of protection. But, at this stage, we cannot think of bringing all of them in the Sixth Schedule of the Constitution. I would like to suggest that the only solution to this is, as our hon. Prime Minister has been stressing, that if we can give proper powers, adequate powers, to the District Administration, if we can decentralise powers from the centre to States and then from States to Districts, I think in the various districts, the concentration of the minorities or the people who are there, their cases can be taken care of. I would like to compare it in a few words. The provisions of our District Councils in north-eastern region , which give a certain amount of legislative power and a certain amount of administrative power, mean that the power is developing; the State has to devolve some power to the District Council so that they can utilise that power for administration and for development of their own. Likewise, if proper devolution of power is done upto the district level, through panchayats, for planning, for development, I think, almost the similar kind of opportunity can be given at least to those who are concentrated in different districts in our country. Therefore, this amendment has a great relevance so far as north-eastern region of tribals is concerned. And similarly it will be of great relevance if the devolution of power up to district level is done by giving the districts more power. That will protect the minorities and it may be that some may feel that it is a new idea. But I do not think that it is a new idea that we should have a third tier of governance in our system. Because the various founding father of our Constitution, and the old leaders of our country , who fought for independence, right from Mahatma Gandhi and downward had this main objective of giving proper powers to the

ministration and if we now start thinking of devolution of power and giving a kind of constitutional recognition to the districts, it is not a new idea but what they had thought will be achieved. And we will be doing our duty in pursuance of their desires.

With these words I support the amendment and I once again congratulate the hon. Minister for bringing in this Bill.

SHRI VIJAY N. PATIL (Erandol) : I rise to support this Bill. This Bill has been brought with a *bona fide* intention for the welfare of the tribals. I was presently hearing the speech of the Opposition member who spoke first. He has got an opposition party ruling government in Tripura, that is his party is not in Government in Tripura. That is why he says that this Bill is giving more powers to the State Governments. While Mr. Goswami has got his party in power in Assam, he thinks that the powers of the State legislature are being curtailed. The Bill is the same, the mirror is the same. But the persons looking at the mirror are different, and that is why although they are opposing, they are opposing the Bill from a different angle, with a different language.

I think that my friend from Tripura was telling that the powers should not be vested in the Council of Ministers regarding the district councils. I would like to tell him that the district councils are vested with executive, legislative and administrative powers. As far as the executive power is concerned, at the State level the executive and administrative powers are the same as those vested in the Council of Ministers. The State legislature passes the legislation. That is why the Council of Ministers can exercise that authority for certain purposes. But as far as the nomination of four council members is concerned, it is the Governor who has got the discretion to consult the State legislature as well as the district councils for the nominations.

Some time back in this House itself, while discussing the Tripura accord, we have made certain promises to the tribals of Tripura. This amendment to the Sixth Schedule is going to fulfil those promises also.

Our dynamic Prime Minister has, for the last six to seven months, been stating in different forums and in public speeches that more powers should be given to the local self government, local bodies even in the States, that is in Zila Parishads and municipalities. The Central Government is thinking from this angle. But the Opposition members are thinking that the district councils will be dominated by the State Governments. This is the golden medium between the district councils and the State Governments for the Northern Eastern States which were till recently Union Territories and the State-hood is a recent phenomenon for them. There should be synchronisation and adjustment in regard to powers between the State Governments and the District Councils. My friend Shri Dinesh Goswami was alleging that giving more power to Governor will result in State being ruled by the Centre through the Governor. It is not so. It is again looking with jaundice eye at the very good measure, which is being adopted through this amendment to the Sixth Schedule.

In the end, I congratulate the Home Minister for bringing this amendment with the overall general outlook of welfare of tribals in the North Eastern Region.

SHRI G. G. SWELL (Shillong) : Mr. Chairman, the furor that preceded the discussion on this Bill when I get up to speak indicated that perhaps some members had wrong conception as to what I was going to say. I would like to assure the Minister right at the beginning that I am not raising hell fire and brimstone over this. I would like to be as logical and as analytical as possible. I would like to put these things to you far your serious

[Shri G.G. Swell]
consideration in a constructive manner.

The long title of the Bill has made it clear that it relates only to the District Councils in Tripura and Mizoram. Even so, at the very beginning, I would like to stress this point because there are other District Councils in Assam and Meghalaya. What are you going to do about them?

Now the Bill itself is a mixed bag. There are certain ingredients which are good, but they are minor. There are certain ingredients which are wrong, and they are major. As for example, your proposal to put a time limit for the State Government to pay the dues to the District Council on account of share and royalties or vehicle taxes within a period of one year is good. That has not been the experience of the District Council. There is a lot of royalties and taxes collected in the district of Khasi hills. There is vehicle tax. They have some kind of arrangement between the District Council and the State Government, by which the State Government shares fifty per cent and the district Council shares the other fifty per cent. But the State Government, over and above the fifty per cent, takes away forty per cent towards cost of collection. Even the twenty per cent is not given to the District Council. Every time a mere advance is given and no accounts have ever been rendered as to how much money has been collected in terms of motor vehicles tax.

Now this provision is quite handsome. I welcome it. I would like you to kindly take it up with Meghalaya Government and see that these accounts are properly kept and maintained, and the share of the District Council is given promptly in time.

You are also doing away with the over-riding power of the State Legislature over laws enacted by the District Councils. This prevails in Assam. Now you are going to give

the same thing to Tripura and Mizoram, which in my mind, is a good measure because the tribal people or sections of them have been living under some kind of a feeling that they are being dominated and not treated fairly. As the Chairman has said that I have only five minutes, I cannot go into the details. But there are instances of laws passed by the Khasi Hill District Council which have never been given assent to or delayed. The Minister himself agrees with me. Now, you will give me a little more time. They are being delayed inordinately and in several cases, the law passed by the District Council is duplicated by the law passed by the State Legislature. This kind of thing should not be there if we are going to create an atmosphere of goodwill and cooperation for the development of these people. And then you are responding to the demands of the people in Mizoram to name the District Councils after what they want. That is a good thing. But the main objection to this Bill is that it is going to make the Governor the dictators in the country or in that part of the country where there are District Councils I fully endorse what Mr. Dinesh Goswami has said . I will be brief.

About paragraphs 14 and 16 you very well know. Paragraph 14 says that the Governor can annul or suspend a resolution of the District Council. If the District Council passes a resolution that is anti national, the Governor has the duty to stop that. But then what the Governor has to do is, normally he has to place that before the Legislative Assembly of the State and unless revoked by the Legislative Assembly of the state State, it will continue for a certain period. That is what the old provision says. Now, you rule out the role of the Legislature. You say that the Governor will annul or suspend and the Governor in his own discretion may revoke. The Legislative Assembly has no part in it. In the matter of dissolution, there is a right for the Governor to dissolve the District Councils for certain reasons—I hope, good

reasons. According to the old provisions, the Governor has to place the order with all the relevant documents before the State Legislature and unless it is disapproved by the State Legislature or until it is approved by the State Legislature it will continue for some time. It means, that the State legislature has power to approve or dis-approve. But by your proposed amendment you are going to do away with that. All that the Governor has to do is to place the papers before the State legislature and that is all. The State Legislature has no right to discuss about it. This is an objectionable part. And then as my friend Mr. Dinesh Goswami has pointed and I think, Mr. Reang has also pointed to the new provision 20 BB, it is not only in the matter of suspension of resolution but in the matter of dissolution of district Council, right across the board in all the articles in the Sixth Schedule, the Governor has been given discretionary powers. Of course, the Governor has been given the power to decide and use that power in his discretion. He may consult the District Council. He may consult the Council of Ministers. But he is not bound by the advice of the District Council or the Council of Ministers. Therefore, you are making the Governor a total dictator in respect of District Councils and you are bypassing the State Legislature. I wonder whether this is a correct thing to do.

We know the lugubrious or obloquous roles which some of our Governors have played. We know the role of the Governor of Nagaland has played in the last political upheaval in that State. And the same Governor of Nagaland is the Governor of Tripura. We know what role the Governor of Mizoram has played. And now before this House and before this country, we know the role that the Governor of Andhra Pradesh has played. Unfortunately, even in the case of States ruled by the Congress Party, the relationship between the Chief Minister and the Governor is far from edifying. In view of all this, I would like you to consider seriously whether

it would not be necessary to have a closer look into this Bill.

Since you have rung the bell, I will hurry up. I take the cue from the Prime Minister. On the 21st of November, of this month, he intervened on a question and he said that he was considering amending the Act in order to give the Panchayats more powers, more money. I think in his recent speech in Patna, he even talked of a comprehensive amendment of the Constitution in order to devolve powers to the grass-root level. I think you would confirm that he said that. I welcome that. It is a good idea. But I would draw your attention in particular to what he said in relation to the District Councils in the North-East. Mr. Reang has drawn your attention to that. On February 13, 1987, he spoke of more powers to the District Councils and he assured that the District Councils would be given direct funding from the Central Government in order to help them in their development.

I would like to draw the attention of the Minister that the role played by the State Governments in relation to the District Councils, especially the State Government of Meghalaya in relation to the District Councils in Meghalaya, has been less than step-motherly, has been ruthless, has been cynical. I would like to draw your attention to article 275. It enjoins that there shall be paid out of the Consolidated Fund of India as grants in aid of the revenues of a State such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of development to promote the welfare of the Scheduled Tribes. The Central Government has done its duty. I have the figures here. Between the years 1972 and 1985, the Central Government has given the governments of Assam and Meghalaya a sum, of Rs. 226 crores 92 lakhs. Please note that. Out of this entire sum, not a single paise has been given to the District Council of Khasia. Out of Rs 3,439 lakhs in 1985-86 only Rs eight lakhs were

[Shri G.G. Swell]
 given to the Khasia District Council. Out of Rs. 2,964 lakhs in 1986-87, only Rs nine lakhs were given and out of Rs 3, 327 lakhs in 1987-88 only Rs 9 lakhs were given. These are not fictitious figures. They are not imaginary figures. They are figures provided by the Chief Minister of Meghalaya on the floor of the Meghalaya Assembly. On April 26, 1988. I would like the Minister to check up with the State Assembly of Meghalaya, with the Minister in Meghalaya whether these figures are correct. I know very well I am not that good a speaker as you are. So, I would like to ask you this question about comprehensive amending of the Sixth Schedule in the Constitution which you are very well aware has been before you, before the Government of India. You had made certain proposals from your Ministry, and you have sent all those proposed amendments to all the district Councils of the State Governments and the autonomous District Councils in the North-East acted with a responsibility and they met in a conference in Shillong on 8th and 9th June this year. They have responded to your proposals. They have sent them to you and they are awaiting you to call them for more discussions. But instead of that comprehensive amendment which you have promised, which is on your anvil, which is in your fires only this Bill has come only for Tripura and Mizoram and that also with these retrogressive measures of giving the Governor over-riding powers, discretionary powers which we have not given to the President of India or anybody else in India. Now, in view of this, I think you are satisfied, Mr. Chairman, that I have not been controversial I have not been critical. I am putting facts for consideration; I would like to know what is it that you have in your mind with regard to the comprehensive amendments of the Sixth Schedule which will include all the 9 District Councils in the North-Eastern regions. Thank you.

16.02 hrs.

[SHRI N. VENKATA RATNAM *In the Chair*]

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Chairman, Sir, this Bill which is welcome in some aspects raises some very important questions that we must pause and ponder. It seems to me that essentially this Bill is an exercise in *ad hocism*. We have no comprehensive blue-print before us as Prof. Swell pointed out, even to fit the picture in the North-East of India, far less any indication of the vision that the Prime Minister has talked of delegation of authority to the grass-root level for the country as a whole.

Sir, *ad hocism* has its limits and repeated steps taken on *ad hoc* basis will not lead us to any coherent solutions or towards whatever goal we might have in view, on the Constitutional scheme to be evolved in a step-by-step manner. We are supposed to have States and Union Territories. Over a period of time, some of these Union Territories graduated into States, mini-States, as compared to some giant states of the Union of India. We have this Constitutional idea of scheduled areas and then we have autonomous States and these autonomous States in the North-East have also become States over a period of time. The Fifth Schedule defines the powers and functions of the scheduled areas. The Sixth Schedule goes to the next level. It speaks of and lays down a special regime for what are called autonomous districts and sub-districts called regions. So, we have a scheme in which we have a tier arrangement of States possibly autonomous States, autonomous districts in those autonomous States, then autonomous Regions in those autonomous districts. Now, what is the grand design? The grand design is that because of the heterogeneity of the people who live in a particular part of the country, we want to create as homogeneous population blocks as possible. Well, it appears to be a very promising idea and that is why the Bill speaks about the rights of the ethnic minorities; perhaps at the back of our mind is the idea that every ethnic

group howsoever small, micro, must have homeland of its own. Sir, I am wedded to the idea of decentralisation and I think there must be as much delegation of financial authority as much devolution of administrative power downwards as is practically possible in keeping with the larger interest of the integrity and security of the country. But, Sir, I cannot accept that the idea of small regions and small administrative units below the district level — in other parts of the country, we have them in the form of blocks and panchayats — should be linked to the concept of providing homelands for ethnic minorities. Where are we going? Whither are we moving?

PROF. N.G. RANGA (Guntur): Don't extend it to all minorities, tribal people.

SHRI SYED SHAHABUDDIN: Exactly, Sir, that is the plea that I am going to make. Therefore, I am suggesting that the Government should have applied its mind and the time has come to have a grand design for the country in keeping with the roaring upsurge for delegation and decentralisation, a concept to which the Prime Minister in his recent speeches has contributed, no less than any one else, any other votary of the idea of decentralisation. Therefore, Sir, I suggest that the Government should take us into confidence and should not merely tinker with the problem. This is an occasion; let the Government come out and spell out its broad concept, its comprehensive thinking, not that we are asking you to place a Bill before us today, that will take time, but in order to give an impetus of this demand for decentralisation, tell us where and which way are we going. In my view, we should be able to evolve a national consumers — we are in that position today — not only on this overall question of smaller States, but within the States, about the degree of autonomy that must be available to and exercisable by the district and within the district the degree of autonomy that should be available to block and exercisable at the block level by the people and finally, within the block, and degree and limits of autonomy and self-government that should be available to the

people at the panchayat level.

PROF. N.G. RANGA: You don't expect him to say all that now.

SHRI SYED SHAHABUDDIN: Sir, he can at least give us a hint, just a flash of vision, I am not asking for the moon.

Here we are talking about the powers of the District Council and the Regional Council. What has been said here to some extent is all right that certain powers that have been allocated to the District Council should be wholly exercisable by them without any let or hindrance unless of course they take a critical decision, in which case the matter can be reviewed at the Governor's level or at the State level. But, Sir, I fully endorse the view of Mr. Dinesh Goswami and Prof. Swell that you are sowing here the seeds of an unnecessary conflict. Sir, we want District and Regional Councils to function in harmony with the State Government. When we speak of autonomy for the district and more power for the blocks and more power for the panchayats or, in this instance for the District Councils and the Regional Councils, we do not want to create a situation of permanent conflict. We do not wish the elected Legislators to be bypassed, we do not wish the District Councils or the Regional Council to be units outside the State structure. They are in fact part and parcel of the State and whatever power they have must be exercised in cooperation with and with the consent of the State Governments. And therefore, when I consider the role of the Governor in recent times, I am not very confident about the manner in which the power that you are going to vest under this Bill are going to be exercised. Sir, the Sarkaria Commission has warned us about this tendency on the part of the Governors to act as agents of the Central Government. Sir, this very thinking is a relic of the British times, of the colonial times, that a minority is dependent upon the pleasure and support of the Governor. What you are doing here is really a flash back to the 1935 Act where the Governor was vested with special powers in order to protect the special interests of a special

[Shri Syed Shahabuddin]
 group. Sir, the safety and security of any group, howsoever small it might be, lies in social harmony and Constitutional safeguards. It does not lie in the protecting arms of a super-State or a super-governor. That is why, I plead with you that in the name of decentralisation. You should not try to create a permanent situation of conflict at the grass-root level that a small group should look beyond the district, beyond their State to the power in Delhi for their protection and for their sustenance. I think, Sir, that will not be in the spirit of the Constitution and that will perhaps entail if I may say so, dangerous and ominous possibilities. Therefore, I feel that in clause 20BB, which you propose to insert, you are really confusing two situations. The Governor's powers are normally exercisable on the advice of his Council of Minister. Here, in this case you are diluting the authority of the Council of Ministers which is accountable to the legislature and the people of that State as a whole, you are reducing its power and you are bringing it on par with other bodies. You are starting here that the Governor is supreme—he will consult the District Council; he will consult the Regional Council and he may also consult the Council of Ministers, and then come to his own decision. These are two different aspects altogether. I would suggest that whatever be your objectives, consultation with the Council of Ministers must have a certain finality, if the State is to function as a viable Constitutional unit, if the State Government is to exercise its mandate throughout its territory. I am not suggesting, for a moment, that the State should have overriding powers. District Councils shall have autonomy in their areas of operation. But if there is a conflict of interest, let the Governor not be guided merely by the advice of the District Council or the Regional Council.

PROF. N.G. RANGA: How could it be in the tribal areas? You have number of tribes there, one against the other.

SHRI SYED SHAHABUDDIN: Do you presume that tribes, sub-tribes sub-sub-tribes, each one of them, to the micro micro

limit, shall have independent home-lands of their own. I do not envisage that picture of India. I think, we have to envisage the situation in which sub-sub-tribes, sub-tribes and tribes can live together in harmony within a larger unit called the State. Even the State is not big enough. In fact, if the Government has to come forward with a national comprehensive plan, then all these anomalies will disappear because in that case, at the Panchayat level you will disappear at the Block level you will have powers, at the district level you will have powers. All these different interests shall be very well taken care of. The unfortunate thing is that the Government is always taking *as hoc* decision and tinkering with the problem. Why don't you think in National terms? Why don't you provide a solution to the problem which will apply equally throughout the length and breadth of the country? This is the proposition, I am making. Instead you are trying to create a situation where small unit of population and small areas will look beyond the boundaries of the State, to a benign father sitting in Delhi. Does that help the unity of India? Does that help the harmony of the State. No, Sir, it does not.

Therefore, I plead with you that this particular element in this Bill, particularly clause 20BB is, in my view, a threat to the integrity of the country. Therefore, at least this part of the Bill should be withdrawn.

Shri Dinesh Goswami mentioned that the State Governments have been consulted and three of them had not agreed to the suggestion. I would suggest to the Central Government that the Central Government should try to take the State Governments along. This again is not in the national interest that you over-ride them and with the majority that you command in the House, you amend the Constitution in any manner you think fit. Is it right and proper? Is that the spirit of the Constitution of India?

Finally, I am rather surprised and I do not mean it as an aspersion on anybody that in 12A and 12B which are sought to be inserted under Clause (3), emphasis is

placed on consumption of non-distilled alcoholic liquor, as if that was a great right which is either being undermined or subverted or taken away and, therefore, needed to be restored through the Constitutional amendment! That has been particularly mentioned. It came as a surprise to me.

Therefore, I would suggest let us not take an ad hoc view of the provision. There are happy elements in this Bill which I would like to go on record and support them. But the Bill as a whole is retrogressive piece of legislation and, therefore I stand to oppose it.

SHRI NARAYAN CHOUBEY (Midnapore): Sir, as Shri Dinesh Goswami fundamentally opposed the Bill, though I am not a fundamentalist! I am a little bit more apprehensive than the other friends because I know all the previous activities of the Government were very much against the interests of the people. These things are being done through the Governors. Prof. G.G. Swell spoke of Andhra Governor and we know of the Governor of Nagaland and the same of the Governor for Tripura. We know how the Congress party came to power in Tripura recently through the agency of the Governor himself and how friendship was made with the TNV and how gradually they came to power through elections. Now, everybody knows what is happening in Tripura. It is being published in the press almost every day. To suggest that Governors are to be given more powers, and they can do whatever they like and they need not even submit to State Legislatures, is a fantastic proposition which no democrat including the Minister who is now piloting this Bill would accept. If that be so, then the President should be allowed to pass whatever he likes and his orders and laws should not even come to Parliament! That should only be discussed in the Council of Ministers and this Parliament can be bypassed easily!

You do not like it because the President may use his offices to do something which you do not like. Such things arose. Only a few months back, such things arose. For that

purpose, we shall never support such a situation in which you are going to make the Governor all-powerful. That should not be done.

Of course, there are certain provisions. Actually, I agree on the question of royalties and funds.

I do not agree at all that the Governor should be all-powerful and everybody shall be looking to the Governor only for justice. In a majority ruled State, the minorities may be looked down upon. Such things happen. We cannot even say that one single Governor shall be doing justice. We cannot accept it and for that purpose mainly, I say, you bring out a comprehensive Bill or blueprint. I know it is difficult for you. You have nothing as such. You are depending on ad hocism and you will continue to depend on ad hocism.

I am apprehensive that you have got certain bad designs. You can do away with my apprehensions by announcing that you have no such design as to control the district councils through the office of the Governor.

Since the District Councils today as they are existing in Tripura are mainly controlled by the Left Front whom you don't like, perhaps for that purpose you are bringing in this Office of the Governor to see that direct intervention is made in the area of those District Councils. If that is not true, I am very happy. If it is not a fact, then I will be very happy. Let the Minister kindly say that it is not true and they will not do it. Sir, there is a proverb in Bengali: "*SAPER Hanchi O HayenarHansi*" which means the laugh of a Hyena and sneezing of a snake are very dangerous. When you bring something even good, we do suspect. But it should not be like the laugh of a Heyna and the sneezing of a snake. As I mentioned earlier, the purpose for which you are bringing in this amendment is that you don't like the Left Front Govt. Therefore, I oppose this amendment. I hope that you will bring a comprehensive Bill. Whatever good is there, it should be preserved and whatever bad is there, that should be removed.

SHRI E. AYYAPU REDDY (Kurnool): Mr. Chairman, Sir, I am in full agreement with the principles just now enunciated by my friend Shri Shahabuddin and also by Shri Narayan Choubey. As a Constitutional measure, I am not able to understand the rationale behind this Amendment. Amendment to the Constitution must be undertaken in exceptional circumstances where it is totally and absolutely compulsory to amend the Constitution. We have been amending the Constitution too often. A number of amendments have not served any purpose. Administrative failures are sought to be explained by Constitutional amendments. Whenever there is a failure on our part to achieve the object being taken by the Constitution and amending the Constitution has been the easy slogan which has been adopted. What is the rationale behind coming forward with this Amendment? What are the problems? What was the acute problem in Tripura or Mizoram which compelled the Central Government to undertake this Constitutional Amendment? In the Statement of Objects and Reasons, we do not find any details or any data which justifies them to come forward with this amendment. It is for the purpose of protection of whom? So far as the object is concerned, it is stated:

"Over a period of time, the minority tribals of Mizoram covered under the Sixth Schedule have come to feel that their autonomy under the Sixth Schedule will be more meaningful and they can achieve speedier progress if there is less overall control of the State Government over them....." Please

Please not the words mentioned above. How vague it is. How difficult it is to understand any specific scheme behind it. There is no specific problem so far either in Tripura or Mizoram. If they give out any specific instance where they found it difficult to protect a particular minority tribal community, the House can understand. But the phrases that have been used are 'more meaningful,' 'less harmful'. They have used these words to justify their bringing out this Constitution

Amendment. In my own humble opinion this amendment is going to introduce, in a small State like Mizoram and in the State of Tripura, three constitutional Heads—one is the Governor, the other is the District Council and the third is the State Government. What are your reasons for the disbelief or for distrusting that the State Governments will not be in a position to look after the welfare of the minorities? What is the principle? Are you going to accept sub-nationality and sub-tribal principles? That is a most dangerous principle.

In every district, there may be large community and a smaller community. The smaller community may say we are being dominated. Therefore, we must be given a representation. Our special interest must be protected." Are you going to accept that principle and extend it throughout India? It will lead to very many problems. It is going to lead to disintegration. Regarding the rationale behind creating and investing the constitutional powers in the Governor, the district council and the State Government, there are totally no justifiable reasons as to why an elected State Government and a Chief Minister who wants to enjoy the confidence of all the people, should be distrusted and why a nominated Governor should be trusted so as to ensure that there is equal treatment to every sub-tribe or minority tribe. Therefore, this amendment, as I stated earlier, is unfortunate and uncalled for.

So far as the State of Tripura is concerned, practically there have been no cases where any complaints have been made where some minor tribes have been suppressed.

(Interruptions)

PROF. N.G. RANGA (Guntur): It was the tribal revolt which was responsible.

SHRI E. AYYAPUREDDY: Such things will always appear and occur. In every community, caste fights are there. Therefore, that is not the reason. This will not give any additional protection. On the other hand,

it is going to encourage, in the name of integration and instead of bringing all the people into the mainstream, instead of making them feel that they are one nation and one community and having one Indian Citizenship, fissiparous tendencies and sub-caste loyalties. This should not have taken place. Some more time should have been taken. Economic disparities can be removed by other methods and should be removed by other methods. The Central Government has got enormous funds especially for the Scheduled Tribes and they can find that whenever a sub-tribe is complaining that it has not received its just treatment, it is always open to the President of India and the Governor to look to their economic development and fight them. What is essentially an economic problem is sought to be converted into a constitutional problem. Therefore, in my humble opinion, this Bill runs contrary to the spirit of the Constitution as enshrined in the Preamble to the Constitution.

With these words, I oppose this Bill.

SHRI ABDUL RASHID KABULI (Srinagar): Hon. Chairman, Sir, I support the Bill. But I have some reservations. As far as the Bill is concerned, it is not a new Bill. It is actually the amendment of the Sixth Schedule. And personally, I feel that as far as North-Eastern States—Assam, Meghalaya, Mizoram and Tripura are concerned—this has been their inherent problem that the tribals especially the minority tribes are feeling not secure. Therefore, they wanted to have more rights. And the Sixth Schedule has given them such authority, an institution of district and regional councils.

As far as aspirations of these regional and district level tribals are concerned, I think, Government has, in right earnest, brought the Bill and this is a realistic approach to the problem and we should not get annoyed by this measure, of this amendment to the Constitution.

I feel that we must appreciate the fact that India is a total sum of different cultural units. At national level we have some minori-

ties and tribals and more and more autonomy and more respectability must be given to them so that they feel equal to other people of the country.

I would say that it is the flexibility of the Constitution, that it has given Article 370 to the J&K people. Under Article 370 the aspirations of the people of Jammu and Kashmir are met and protected. At the same time, their fears, their expectations and their aspirations are met by the provision. Such concessions and provisions in the Constitution are necessary because otherwise it will become a rigid Constitution and it will give problems. It is because of the flexibility of the Constitution that India as country has survived while our neighbouring countries are tattering and are falling. It is always the consensus that makes the country strong.

There have been some dissent in this country. Some people are raising a hue and cry that Kashmir should be deprived of Article 370. In this respect, I would say that when we are determined to protect the tribals, when we think about cultural identities of small minorities in Tripura and Mizoram, why different outlook with respect to Kashmir? Why Kashmir should also not enjoy the same provisions under the constitution?

Article 370 has been a result of the unique struggle of the people of Jammu and Kashmir along with the national freedom movement, they have become correlated with this country because of the Article 370. Weakening that relationship means weakening of the link, the bridge itself which connects Kashmir with the rest of the country.

Therefore, I strongly support these provisions in the bill and I feel that more and more autonomy needs to be given. We must visualise for our future that if there is any minority or a section or any backward community which has been deprived of its rights—social, economic, political or educational—we must provide provisions in the Constitution to that effect. The Constitution

[Shri Abdul Rashid Kabuli] must be flexible as it is today and it should continue to be flexible.

I have a submission to make as far as the Governor's powers are concerned. You have mentioned in Clause 2(4), in Paragraph 15, in sub-paragraph (2):

"(a) in the opening paragraph, for the words 'by the Legislature of the State', the words 'by him' shall be substituted;

Again in Clause 2(5), in Paragraph 16 you have mentioned that:

"(a) in sub-paragraph (1), the words, 'subject to the previous approval of the Legislature of the State' occurring in clause (b) and the second proviso shall be omitted;

(b) for sub-paragraph (3), the following sub-paragraph shall be substituted, namely:-

(3) Every order made under sub-paragraph (1) or sub-paragraph (2) of this paragraph, along with the reasons therefore shall be laid before the Legislature of the State."

As far as laying down the decisions of the regional or the district councils before the Legislature is concerned, it is a must. Because, after all, the region or the district forms a part of the State.

As far as the Governor's name is concerned, it has been mentioned as 'he'. Well, there is a conflict between the Chief Minister and the Governor. This conflict should not be there. For this I suggest that we should find some way out. For this we can amend the Constitution in order to give enough powers to these regional and district level units. This should be visualised by the hon. House how this can be done. We can provide certain powers to them but as far as Governors' involvement is concerned it is not appropriate. Some compromising formula should be

given to the Governor but to the Constitution and for that purpose experts of the Constitution have to sit and decide as to how to do it. Excepting this aspect as far as the Bill and the spirit of the Bill is concerned I support this and, I think, this is a proper measure.

SHRI BALWANT SINGH RAMOOWALIA (Sangrur): Sir, regarding the spirit of the amendment, that is, to protect the interests of the minorities, weaker sections and those tribes who are unable to have their due rights, I support the spirit and the basic principle before the country which is unity in diversity and the responsibility, of the State to protect the rights and the interests of the people. The particular mention to 'minority section' is welcome one but as many hon. Members have expressed their apprehension regarding the powers being given to the post of the Governor I cannot agree with the proposal which comes through this amendment. Already there is a strong voice coming up throughout the country that the post of the Governor should be abolished. Some people are of the opinion that there is misuse of powers already given to the Governors. Governors have created almost a chaos. In some areas Governors have created a dicharchical situation so far as administration is concerned. We have the bitter experience of the actions of the Governor of Nagaland and the actions of the Governor of Andhra Pradesh and Punjab. The Governor of Punjab became instrument to get the elected Government of Akali Dal dismissed and thus misguided the House. It was the Governor of Punjab who misguided this House. During Barnala Government 79 people were killed in one month whereas now 480 people are being killed every month in Punjab.

So, Sir, I oppose more powers being given to the Governor. We are the representatives of crores and crores of Indian people. We should keep up the great tradition and in no way I myself and my party would agree to more powers being given to the Governors.

[Translation]

SHRI C. JANGA REDDY (Hanamkonda): Mr. Chairman, Sir, we are discussing here the institutions like Regional Council and the District Council meant for the administration of the North Eastern States, of Mizoram and Tripura. We are considering a point that the Governor is being given the right to implement the proposal which is passed by the council despite the presence of the Chief Minister there. Today the subject, office of the Governor and Governors rights' is being debated in the entire country. You know that the Governor of Andhra Pradesh is in the news, almost daily. Since last 10 to 15 days, we have been concentrating our discussions on the Governor of Andhra Pradesh. The Governor was hesitating to implement the decision on the cabinet as per the provisions of the constitution and it is very harmful for the country that they propose to implement the resolutions adopted by the regional committees and district cells with the authority of the Governor alone without taking the advice of the Chief Minister and thus ignoring the elected bodies and the Chief Minister. Just now Shri Ramoowaliaji was telling about the disadvantages of delegation of more powers to the Governors. On one hand, they are thinking to do away with the office of Governor because now he is no more an agent of the Central Government, but has been reduced to a political agent. In fact, the dear ones of the ruling party, who get defeated in the elections, are appointed as Governors.

[English]

For example, Shri Brahmanand Reddy was a Chief Minister. He was a Member of Parliament. He was a Cabinet Minister. Now he is Governor of Maharashtra. He will act according to the dictates of the Central Government.

[Translation]

All these Governors act according to the dictates of the Central Government. Almost every Governor belongs to the same cate-

gory. In fact those people who become old and get defeated in the elections, are appointed as Governors for their rehabilitation and in order to re-appoint them. It is how the Government is functioning. Today the way, the Governor of Andhra Pradesh is functioning has become a matter of public discussion in the public places. Today the leaders of the Congress go to Raj Bhavan to make a statement which becomes a point of public discussion in the markets and it is highlighted in the press. Thus the respect, the dignity and the prestige of the office of Governor it used to command is now vanishing. Hence your proposition for the regional or district councils and the implementation of their decisions without seeking the advice of the Chief Minister, would not be conducive to the unity of the country. Therefore, this Bill should be withdrawn. I fully oppose this Bill. Moreover, I urge upon the Central Government to delete Article 370 of the Constitution which has been provided there for J&K. and special powers being given to Mizoram should also be withdrawn. There should be one Constitution and one law for each and every citizen of the country.

SHRI ABDUL RASHID KABULI: The people like you will divide the country.

SHRI C. JANGA REDDI: In fact, earlier you went after Shri N.T. Ramarao and now you have chosen Rajiv Gandhi. Earlier the Chief Minister had arrived and first of all he himself had opposed Shri Rajiv Gandhi but now he is supporting him....(Interruptions)...

Therefore, I urge upon the Government to withdraw this Bill and to do away with the system of Governors because such provisions are not in the country's interest and there should be one constitution for every citizen of the country.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV): Mr. Chairman, Sir, at the very outset, I convey my thanks to all the Members who have participated in

[Shri Sontosh Mohan Dev]
this debate. By and large, everybody has supported.

SHRI C. JANGA REDDY: No, no. Not all.

SHRI SONTOSH MOHAN DEV: There were some reservations from certain Opposition Members regarding the discretionary powers of the Governor.

I think, the first speaker who spoke, Mr. Riyan from Tripura, is confused about the whole thing. If I have understood him rightly, he said that we were taking away the powers of the Governor and giving them to the Legislature. I may be wrong in my understanding. (Interruptions) . If I know a little bit of Bengali, that was the thrust of his speech. When Shri Goswami spoke, he also commented on the same. I think, there is some confusion and I would clarify that.

The thrust of the Bill is to give more powers to the Autonomous District Councils. It is very sad that most of the Members said that the Government was trying to do something at their behest and there is no demand and such from anybody. In 1981, there was a memorandum from all the District Councils of North-Eastern States. Not only that, they came and meet the Prime Minister and submitted a memorandum. Subsequently, the Government of India signed an accord with MNF. In the Accord also, originally Laldenga wanted that the protection of the minorities should be deleted. The Government of India did not agree. They insisted that the protection of the minorities must be there. Not only that, it should be strengthened also. When an agreement was reached with TNB, the same thing was reiterated that we would strengthen the autonomous District Councils to give more thrust to the district autonomy. The Chief Minister of Tripura was an elected. Chief Minister of the people and he is a signatory to the Mizoram Accord. The MNF and Laldenga are signatories. Those who have criticised that we are trying to do something without taking into confidence the State Government are wrong. We have taken into account the views of the State

Government; we have inserted many of the views here with their consent, but there are certain views of the State which we could not honour. We agree, but at the same time, it will be wrong to say that the Government is trying to do something at their behest without consulting the various representative bodies of the Autonomous District Council. I would specially like to tell Mr Riyan. He also mentioned that the idea of this Bill is to take a step against the Autonomous District Councils of Tripura. This is not the idea of the Bill. Rather. I think, your Autonomous District Councils should be happy. Now, the State Assembly or even the Chief Minister cannot start an enquiry against them without the consent of the Governor. Governor's consent is mandatory.

You have said in your speech that the Government's intention is to supersede Tripura ADC. That is not the intention of the Central Government. I cannot vouch for the State Government what—I cannot say their motive is—but our idea is to give more powers.

As I said, the main objections have come from the hon. Members regarding the discretionary power of the Governor. I would like to put on record the Government views and what the Constitution says. The provisions in the Sixth Schedule relate to administration of tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram. Under the Government of India Act, 1935, the discretionary powers were given to the Governor in respect of excluded areas consisting of certain backward tribals regions. Subsequently, when the matter was discussed in the Constituent Assembly, while finalising the provisions of the Constitution of India, it was felt that the executive authority of the Government should extend not merely to non-scheduled areas, but also to the tribal areas covered by the autonomous districts, so that the tribal areas are bound to come in the life of the province and in the life of the country as a whole. This was to unite all tribal population with rest of the province and the country. Barring such functions as law making in specific fields, barring certain

judicial functions, the authority of the Parliament as well as authority of the Legislature of the State has been extended under the 6th Schedule over the district and regional Councils. Over a period of time, the minority tribals of Mizoram covered under the Sixth Schedule have come to feel that they can enjoy neither meaningful autonomy nor achieve necessary progress if there is overall control of a State Government above them. Therefore, they demanded that the Governor should exercise the power in his discretion and not with the aid and advice of the Council of Ministers. So, this is the demand from the District Autonomous Councils. Shri Riyan was asking why we have done it. This was the memorandum given to the Prime Minister. Every amendment to the Constitution is brought as per the demands of the Autonomous District Councils.

Mr. Swell is very much right. Their demand was that finances be given directly to the autonomous district councils. We could not fully concede that demand though we did try. We had a dialogue with the Planning Commission and the Finance Ministry. They have assured us that it has been laid down that when a particular fund is given for a particular purpose, unless the State Government gets a utilisation certificate from the respective District Council, further funds allocate for the District Council would not be given to the State Government. So, partially we have been able to protect it. But I do agree that we have not been able to give that power to be District Councils fully. So, one of their demands was that the finances should be given directly to the District Council.

In the present amendment, we have added one clause that when the District Councils raise funds through their different sources, they will specify for what purpose these funds should be spend and it is not the Assembly which has to give its consent, but the Governor in his discretion should give the consent. Therefore, the problem mentioned by the hon. member will be solved to some extent. I personally worked for it and I

have tried my level best and in future we shall jointly try to achieve it fully. But at this stage, we are not able to give this power fully.

[MR. DEPUTY-SPEAKER *in the Chair*]

16.53 hrs.

I may also add that in the above context it may be noted that the Governor has been given discretionary power under para 9(2) of the Sixth Schedule and Article 239(2) of the Constitution relating to the administration of union territories and special responsibilities under Article 371(2) 371 A, 371 C, 371F(g) and 371 (H). As such, according to paragraph 21, of the Sixth Schedule, Parliament is empowered to amend the Sixth Schedule. Subpara also provides that no such amendment shall be deemed to be an amendment of the Constitution for the purposes of Article 368.

Therefore, his criticism is not correct. One of the criticisms that has been levelled is that we are trying to give powers to the Governor in order to dilute the power of the State Assembly. Our experience in some States is rather unfortunate. A body which has been elected by the people is superceded within six months on some pretext or the other. Only this morning, I happened to see a news item that in Assam, Karbi Anglong District Council formed about seven months ago was being superceded by the Government of Assam on some ground or the other. I read a news item that the Government of Assam is trying to supercede it. In such cases we have not taken powers into our hands. We have only said that a commission of inquiry has to be set up at the discretion of the Governor and the Governor can supercide it or give it an administrator. Unfortunately, in the North Eastern States, the State Governments, irrespective of the fact whether they belong to Congress Party, non-congress party or a regional party, have a tendency not to share power with the autonomous district councils. The idea of this Bill is to give more powers to the autonomous district councils in order to make them more meaningful and more effective in the

[Shri Sontosh Mohan Dev]
discharge of their duties.

We have every reason to believe that this particular Bill will usher in a new era for the tribals in the North Eastern Region. The fear expressed by Shri Riyan is in regard to a particular region. I appreciate his fears. But what he has said is not correct and also what Shri Goswami has said is also not correct. A responsible Government must behave in a responsible fashion. I must appreciate the Chief Minister of West Bengal. He has shared many functions of the State Government. By introducing a Bill in the State Assembly he does not want to go again to the Sixth Schedule. He had himself said that whatever has been given in the Sixth Schedule, I had given more than that. He had given it. He had passed it. We had given our consent.

SHRI SOMNATH CHATTERJEE: Your consent was not necessary.

SHRI SONTOSH MOHAN DEV: The State Government, in the past, was not willing to give this power. So, the Government had to intervene. In the Accords which we have signed with Mizoram and Tripura, we have agreed. Now I do not want to go into criticisms which were made by some hon. Members as we have given discretionary power to the Governor.

Many people have said many things about a particular Governor. Whenever a Governor acts on this discretionary power, he is subject to criticism. It is unfortunate for him. But the founding fathers of the Constitution have felt it necessary because they have foreseen that such situation might come. I would like to answer one particular point which was raised by Shri Swell and, that is, why it has not been introduced in Assam and Meghalaya. We have given the memorandum which we received from different District Councils to the Meghalaya Government also.

As you know Meghalaya consisted of three tribes—Khasi, Jaintia and the Garo

and the District Councils barring the Shillong Cantonment and part of the Municipality covers the whole state. Meghalaya feels that if these powers are given to the District Councils, their functions will be further reduced and they have objected to that. We are still negotiating with Meghalaya Government. We shall try to find out a via-media. Assam Government have also objected and they have said that they don't agree with it. They have given certain suggestions. We are in dialogue with the Assam Government. Some Members have demanded that it should be given to Assam and Meghalaya. We shall certainly consider at an appropriate time. We have started our negotiation. We are continuing it. We shall see to it how best it can be done.

Sir, no one has any valid point regarding this particular Amendment. Their main grouse is whether the Governor should be given the discretionary power. I have said, why Governor has been given the discretionary power I am happy that many Members have agreed that the money lending business should be in such a manner that it keeps a control not only on the non-tribal people but also on the tribal people. It is because they sometime try to exploit the down-trodden or the poor people. I hope that the House will support it. Mr. Swell has said that the Prime Minister had given an assurance during the last visit to Mizoram and we are fulfilling that commitment of the Prime Minister. We shall see that this Bill is passed in the Rajya Sabha as well as here. The Bill should come into existence with this Amendment so that the commitment which has been given by the Prime Minister is kept. We the Congress Party are committed to protect the heritage, culture and the religion of the tribal people. We never tried to interfere. We believe that the tribal people should survive in our country and at the same time, their religion, their heritage and other things should be protected. This is the thrust of the Bill.

With these words, I would commend this Bill to be passed.

MR. DEPUTY SPEAKER: The question is:

"That the Bill further to amend the Sixth Schedule to the Constitution of India in its application to the States of Tripura and Mizoram be taken into consideration."

The motion was adopted.

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

Clause 2 —(Application of Sixth schedule to the states of Tripura and Mizoram)

SHRI SONTOSH MOHAN DEV: I beg to move:

Page 4,—

(i) line 11,—

after "paragraph 2," *insert*—
sub-paragraph (3) of paragraph 3."

(ii) lines 12 and 15,—
after "Paragraph 6," *insert*—
"sub-paragraph (2) of paragraph 7," (1)

SHRI AJOY BISWAS: I beg to move:

Page 1, line 12 and 13,—

for "a period of one year from the date of any agreement"

substitute "the financial year of the date of the agreement" (2)

Page 2, line 11,—

add at the end—

'and after clause (d), the following clause shall be inserted, namely:-

"(c) prescribe that no

person resident outside the district shall carry on any trade whether wholesale or retail except the Scheduled Tribes".
(3)

Page 3,—

omit lines 32 to 35. (4)

Page 3,—

omit lines 36 to 44. (5)

Page 4, lines 16 and 17,—

omit "the Council of Ministers, and if he thinks it necessary," (6)

SHRI AJOY BISWAS: It has been mentioned here like this:

"a period of one year from the date of any agreement"

My amendment is like this:

"the financial year of the date of the agreement"

We have heard what Mr. Swell has said that the Autonomous District councils are not getting their share for years together. If your amendment is valid, inspite of that, if the agreement is within the financial year, then the Autonomous District Council will not get their share within the financial year; they will get their share in the next financial year. So, you know that in the Autonomous District Councils they are not able to discharge their functions properly due to paucity of fund. So, my amendment is clear that what agreement will be there between the Autonomous District Councils and the State Government, the amount should be given within the financial year.

SHRI SONTOSH MOHAN DEV: The idea of the hon. member is good, but the practical difficulty is there. Supposing a

[Shri Sontosh Mohan Dev]
 decision is given in the month of January or February, it will be difficult for the State Government to comply with it within the financial year. That is why we have kept it one year from the date of agreement. So, I would request the hon. member to kindly withdraw his amendment. His idea is good and I accept it, but, unfortunately, we have to consider the financial position of the State Government also.

MR. DEPUTY-SPEAKER: I shall now put Amendment No. 1 to Clause 2, moved by Shri Sontosh Mohan Dev to the vote of the House.

The question is:

Page 4,—

(i) line 11,—
 after "paragraph 2," insert—
 sub-paragraph (3) of paragraph 3,"

(ii) lines 12 and 13,—
 after "paragraph 6," insert—
 "sub-paragraph (2) of paragraph 7," (1)

The Lok Sabha divided

17.11 hrs.

[Division No. 3]

AYES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Ahmed, Shrimati Abida

Akhtar Hasan, Shri

Anand Singh, Shri

Anjiah, Shri T.

Ansari, Shri Abdul Hannan

Antony, Shri P.A.

Awasthi, Shri Jagdish

Baghel, Shri Pratapsinh

Bairagi, Shri Balkavi

Bairwa, Shri Banwari Lal

Baitha, Shri D.L.

Bajpai, Dr. Rajendra Kumari

Balaraman, Shri L.

Bali, Shrimati Vyjayanthimala

Banerjee, Kumari Mamata

Basavarajeswari, Shrimati

Basavaraju, Shri G.S.

Basheer, Shri T.

Bhagat, Shri B.R.

Bhagat, Shri H.K.L.

Bharat Singh, Shri

Bhatia, Shri R.L.

Bhoi, Di. Krupasindhu

Bhosale, Shri Prataprao B.

Bhoye, Shri R.M.

Bhumij, Shri Haren

Bhuria, Shri Dileep Singh

Birbal, Shri	Devi, Prof. Chandra Bhanu
Birendra Singh, Rao	Dhariwal, Shri Shanti
Birinder Singh, Shri	Dhillon, Dr. G.S.
Buta Singh,S.	Digal, Shri Radhakanta
Chandrakar, Shri Chandulal	Dighe, Shri Sharad
Chandrashekarappa, Shri T.V.	Digvijay Sinh, Shri
Chandresh Kumari, Shrimati	Dikshit, Shrimati Sheila
Charles, Shri A	Dinesh Singh, Shri
Chaturvedi, Shrimati Vidyavati	Dube, Shri Bhishma Deo
Chaudhry, Shri Kamal	Engti, Shri Biren Singh
Charan, Shri Ashok Shankarrao	Gadgil, Shri V.N.
Chidambaram, Shri P.	Gadhvi, Shri B.K.
Choudhary, Shri Jagannath	Gaekwad, Shri Ranjit Singh
Choudhary, Shri Nandlal	Gamit, Shri C.D.
Dabhi, Shri Ajitsinh	Gholap, Shri S.G.
Dalbir Singh, Shri	Ghosal, Shri Debi
Dalwai, Shri Hussian	Ghosh, Shri Bimal Kanti
Damor, Shri Somjibhai	Gounder, Shri A.S.
Das, Shri Anadi Charan	Guha, Dr. Phulrenu
Das, Shri Sudarsan	Gupta, Shri Janak Raj
Das Munsii, Shri Priya Ranjan	Gupta, Shrimati Prabhawati
Dennis, Shri. N.	Halder, Prof. M.R.
Deora, Shri Murli	Harpal Singh, Shri
Dev, Shri Sontosh Mohan	Jadeja, Shri D.P.

Jaffar Sharief, Shri C.K.	Kurien, Prof.P.J.
Jain, Shri Dal Chander	Lachchi Ram, Shri
Jain, Shri Nihal Singh	Law, Shri Asutosh
Jain, Shri Virdhi Chander	Lowang, Shri Wangpha
Jatav, Shri Kammodilal	Madhuree Singh, Shrimati
Jena, Shri Chintamani	Mahabir Prasad, Shri
Jitendra Prasada, Shri	Mahanjan, Shri Y.S.
Jitendra Singh, Shri	Mahendra Singh, Shri
Jujhar Singh, Shri	Makwana, Shri Narsinh
Kamla Kumari, Kumari	Malik, Shri Dharampal Singh
Kamson, Prof. Meijinlung	Mallick, Shri Lakshman
Kaushal, Shri Jagan Nath	Malviya, Shri Bapulal
Ken, Shri Lala Ram	Mane, Shri R.S
Khan, Shri Aslam Sher	Manvendra Singh, Shri
Khan, Shri Khurshid Alam	Meira Kumar, Shrimati
Khan, Shri Mohd. Ayub	Mishra, Shri G.S.
Kinder Lal. Shri	Mishra, Dr. Prabhat Kumar
Krishna Kumar, Shri S.	Mishra, Shri Ram Nagina
Krishna Singh Shri	Mishra, Shri Umakant
Kuchan, Shri Gangadhar S.	Misra, Shri Nityananda
Kujur, Shri Maurice	Modi, Shri Vishnu
Kumaramangalam, Shri P.R.	Mohanty, Shri Brajamohan
Kunjambu Shri	Motilal Singh, Shri
Kuppuswamy, Shri C.K.	Mundackal, Shri George Joseph

Murmu, Shri Sidha Lal	Patel, Shri Ram Pujan
Mushran, Shri Ajay	Patel, Shri U.H.
Naik, Shri G.Devaraya	Pathak, Shri Chandra Kishore
Naik, Shri Shantaram	Patil, Shri Balasaheb Vikhe
Narayanan, Shri K.R.	Patil, Shri Prakash V.
Negi, Shri Chadra Mohan Singh	Patil, Shri Veerendra
Netam, Shri Arvind	Patel, Shri Vijay N.
Odedra, Shri Bharat Kumar	Patnaik, Shrimati Jayanti
Odeyar, Shri Channaiah	Pattnaik, Shri Jagannath
Oraon, Shrimati Sumati	Peruman, Dr. P. Vallal
Pande, Shri Raj Mangal	Pilot, Shri Rajesh
Pandey, Shri Damodar	Poojary, Shri Janardhai
Pandey, Shri Madan	Pradhan, Shri K.N.
Pandey, Shri Manoj	Pradhani, Shri K.
Panigrahi, Shri Chintamani	Puran Chandra, Shri
Panigrahi, Shri Sriballav	Purohit, Shri Banwari Lal
Panika, Shri Ram Pyare	Pushpa Devi, Kumari
Panja, Shri A.K.	Qureshi, Shri Aziz
Pant, Shri K.C.	Rai, Shri Raj Kumar
Panwar, Shri Satyanarayan	Raj Karan Singh, Shri
Parashar, Prof. Narain Chand	Rajeshwaran, Dr.V.
Pardhi, Shri Keshao Rao	Rajhans, Dr. G.S.
Patel, Shri Ahmed M.	Ram, Shri Ramswaroop
Patel, Shri Mohanbhai	Ram Awadh Prasad, Shri

Ram Dhan, Shri	Santosh Kumar Singh, Shri
Ram Pradash, Ch.	Satyendra Chandra, Shri
Ram Samujhawan, Shri	Sayeed Shri P.M.
Ram Singh, Shri	Sen , Shri Bholanath
Ramachandran, Shri Mullappally	Sethi, Shri Ananta Prasad
Rana Vir Singh, Shri	Shah, Shri Anopchand
Ranga, Prof. N.G.	Shahi, Shri Laliteshwar
Ranganath, Shri K.H.	Shailesh, Dr. B.L.
Rao, Shri J. Chokka	Shankaranand, Shri B.
Rao, Shri J. Vengala	Shankarlal, Shri
Rao, Shri P.V. Narashimha	Sharma, Shri Nand Kishore
Rathawa, Shri Amarsinh	Sharma, Shri Nawal Kishore
Rathod, Shri Uttam	Sharma, Shri Pratap Bhanu
Raut, Shri Bhola	Shastri, Shri Hari Krishna
Ravani, Shri Navin	Shervani, Shri Saleem I.
Rawat, Shri Harish	Shingda, Shri D.B.
Rawat, Shri Kamla Prasad	Shivendra Bahandur Singh, Shri
Sahu, Shri Shiv Prasad	Siddiq, Shri Hafiz Mohd.
Sait, Shri Azeez	Singh, Shri Bhanu Pratap
Sait, Shri Ebrahim Sulaiman	Singh, Shri D.G.
Sakargaym, Shri Kalicharan	Singh, Shri K.N.
Salahuddin, Shri	Singh, Shri Kamla Prasad
Sangina, Shri Williamson	Singh, Shri Krishna Pratap
Sankata, Prasad, Dr.	Singh, Shri Lal Vijay Pratap

Shing, Shri N.Tombi	Tyagi, Shri Dharamvir Singh
Singh, Shri S.D.	Tytler , Shri Jagdish
Singh Deo Shri K.P.	Vanakar, Shri Punam Chand Mithabhai
Sodi, Shri Mankuram	Vijayaraghavan, Shri V.S.
Solanki, Shri Kalyan Singh	Vir Sen, Shri
Sparrow. Shri R.S.	Vyas, Shri Girdhari Lal
Sukhadia, Shrimati Indubala	Wadiyar, Shri Srikanta Datta
Sukhbuns Kaur, Shrimati	Wasnik, Shri Mukul
Sultanpuri, Shri K.D.	Yadav, Shri Kailash
Suman, Shri R.P.	Yadav, Shri R.N.
Sundararaj, Shri N.	Yadav, Shri Ram Singh
Sunder Singh, Ch.	Yadav, Shri Shyam Lal
Sunil Dutt, Shri	Yadav, Shri Subhash
Surendra Pal Singh, Shri	Yadava, Shri Bal Ram Singh
Swami Prasad Singh, Shri	Yadava, Shri D.P.
Swell, Shri G.G.	Yashpal, Singh, Shri
Thakkar, Shrimati Usha	Yogesh, Shri Yogeshwar Prasad
Thara Devi, Kumari D.K.	Zainul Basher, Shri
Thomas, Prof. K.V.	NOES
Thorat, Shri Bhausahab	Acharia, Shri Basudeb
Thungon, Shri P.K.	Appalanarasimham, Shri P.
Tigga, Shri Simon	Bhoopathy, Shri G.
Tilakdhari Singh, Shri	Biswas, Shri Ajoy
Tomar, Shrimati Usha Rani	Chatterjee, Shri Somnath

Choubey, Shri Narayan

Reddy, Shri C. Janga

Chowdhary, Shri Saifuddin

Reddy, Shri E. Ayyapu

Dandavate, Prof., Madhu

Reddy, Shri M. Raghuma

Datta, Shri Amal

Riyan, Shri Bajju Ban

Deo, Shri V. Kishore Chandra S.

Saha, Shri Ajit Kumar

Dcra, Shri H.A.

Saha, Shri Gadadhar

Hannan Mollah, Shri

Samant, Dr. Datta

Iyer, Shri V.S. Krishan

Shahabuddin, Shri Syed

Jhansi Lakshmi, Shrimati N.P.

Tulsiram, Shri V.

Kalpana Devi, Dr. T

Zainal Abedin, Shri

Malik, Shri Purna Chandra

MR. DEPUTY SPEAKER: Subject to correction, the result* of the division is: Ayes-262, Noes -37

Masudal Hossain, Shri Syed

Misra, Shri Satyagopal

The motion was adopted

Mukherjee, Shrimati Geeta

Patel, Dr. A.K.

MR. DEPUTY -SPEAKER : I am putting amendments Nos.2,3,4,5, and 6 to Clause 2 moved by Shri Ajoy Biswas to the vote of the House.

Raju, Shri Vijaya Kumar

Ramashray Prasad Singh, Shri

Amendments Nos 2 to 6 were put and negatived

Rao Dr. G. Vijaya Rama

Rao, Shri V. Sobhanadreeswara

MR. DEPUTY-SPEAKER: The question is:

Ratnam, Shri N. Venkata

Reddi, Shri C. Madhav

"That Clause 2, as amended, stand part of the Bill"

Reddy, Shri Bezawada Papi

The motion was adopted.

*The following Members also recorded their votes:-

AYES: Shri I. Rama Rai, Shri R.S. Khirhar, Shri Manphool Singh Chaudhary, Shri Prabhu L. Rawat, Prof. Nirmala Kumari Shaktawat, Dr. c.s. verma, Shri Mohd. Ayub Khan, Shri Nares Chandra Chaturvedi.

NOES: Shri N.V.N. Somu, Shri B.B. Ramaiah, Dr. Sudhir Roy, Shri S.M. Guraddi, Shri C. Samu and Shri Samar Brahma Choudhary.

Clause 2, as amended, was added to the Bill

MR. DEPUTY SPEAKER : The Question is:

"That Clause 1, the Enacting Formula and the long Title stand part of the Bill.

The Motion was adopted

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

SHRI SONTOSH MOHAN DEV: Sir, I beg to move :

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill, as amended, be passed."

Shri Ajoy Biswas.

SHRI AJOY BISWAS (Tripura West): Sir, I heard the speech of the Minister. In the last stage of his speech, he mentioned that the Central Government is going to dissolve the autonomous district council. But he does not know what the State Government will do. So, his intention is clear, why he has brought this amendment so hurriedly. It is because, they are in a very bad position in Tripura.

They have to set up a Commission according to the present rule. The Commission will give its recommendation and the report of the Commission will be submitted to the Assembly. In the meantime, the Supreme Court had given some verdict. So, it is possible for them to immediately dissolve the autonomous district council. They will definitely take advantage of this amendment.

As per the present Bill, the report or the decisions of the Governor is to be placed in the Assembly. Now, as per this amendment, the Governor is not bound to place the report or the decision on the floor of the Assembly. He will discuss with the Council of Ministers. Then, what will happen? After passing this Bill, the Governor will discuss with the Council of Ministers. After discussing, he will decide to dissolve the present Autonomous District Council, which is controlled by the Left Front Government. This is the main motive of the Government and the decision will not be placed on the floor of the Assembly. So, this amendment is politically motivated and this amendment is clearly directed to dissolve the Autonomous District Council.'

I oppose this amendment.

SHRI SONTOSH MOHAN DEV: After the defeat of the Marxist Government in Tripura, they are always in the phobia of saying that the Government of India and the Tripura Government are trying to do something against the autonomous district councils. We are not the Marxist Government. We are the Congress (I) Government. We have got a national outlook. If the enquiry and other things are done by the State Government, I cannot vouch for them here. It is not my duty to speak on behalf of the State Government here. But the provisions of this Bill are to see that no State Government can take action in a politically motivated manner. The present Act will rather give the protection. The Governor will be the person who will decide and not the State Government of Tripura or any other State Government.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed" Those in favour will please say 'Aye'.

Several Hon. Members: 'Aye'.

MR. DEPUTY SPEAKER : Those against will please say 'No'.

SOME HON. MEMBERS: 'NO'.

MR. DEPUTY-SPEAKER: I think the 'Ayes' have it the 'Ayes' have it.

SOME HON. MEMBERS: The 'Noes' have it.

MR. DEPUTY SPEAKER: The lobbies are already cleared. I shall put it again. The question is: "That the Bill, as amended, be passed:

The Lok Sabha divided

17.18 hrs.

Division No. 4]

AYES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Ahmad, Shrimati Abida

Alka Ram, Shri

Anand Singh, Shri

Anjiah, Shri T.

Ansari, Shri Abdul Hannan

Antony, Shri P.A.

Awasthi, Shri Jagdish

Baghel, Shri Pratapsinh

Bairagi, Shri Balkavi

Bairwa, Shri Banwari Lal

Baitha, Shri D.L.

Bajpai, Dr. Rajendra Kumari

Balaraman, Shri L.

Bali, Shrimati Vyjayanthimala

Banerjee, Kumari Mamata

Basavarajeswari, Shrimati

Basavaraju, Shri G.S.

Basheer, Shri T.

Bhagat, Shri B.R.

Bhagat, Shri H.K.L.

Bharat Singh, Shri

Bhatia, Shri R.L.

Bhoi, Dr. Krupasindhu

Bhosale, Shri Prataprao B.

Bhoye, Shri R.M.

Bhumij, Shri Haren

Bhuria, Shri Dileep Singh

Birbal, Shri

Birendra Singh, Rao

Birinder Singh, Shri

Buta Singh, S.

Chandrakar, Shri Chandulal

Chandrashekarappa, Shri T.V.

Chandresh Kumari, Shrimati

Charles, Shri A.	Digvijay Singh, Shri
Chaturvedi, Shri Naresh Chandra	Dikshit, Shrimati Sheila
Chaturvedi, Shrimati Vidyavati	Dinesh Singh, Shri
Chaudhary, Shri Msnphool Singh	Dube, Shri Bhishma Deo
Chaudhry, Shri Kamal	Engti, Shri Biren Singh
Chavan, Shri Ashok Shankerrao	Gadgil, Shri V.N.
Chidambaram, Shri P.	Gadhvi, Shri B.K.
Choudhary, Shri Jagannath	Gaekwad, Shri Ranjit Singh
Choudhary, Shri Nandlal	Gamit, Shri C.D.
Dabhi, Shri Ajitsinh	Gholap, Shri S.G.
Dalbir Singh, Shri	Ghosal, Shri Debi
Dalwai, Shri Hussian	Chosh Shri Bimal Kanti
Damor, Shri Somjibhai	Gounder, Shri A.S.
Das, Shri Anadi Charan	Guha, Dr. Phulrenu
Das, Shri Sudasan	Gupta, Shri Janak Raj
Das Munsi, Shri Priya Ranjan	Gupta, Shrimati Prabhawati
Dennis, Shri. N.	Halder, Prof. M.R.
Deora, Shri Murli	
Dev, Shri Sontosh Mohan	Jadeja, Shri D.P.
Devi, Prof. Chandra Bhanu	Jaffar Sharief, Shri C.K.
Dhariwal, Shri Shanti	Jain, Shri Dal Chander
Dhillon, Dr. G.S.	Jain, Shri Nihal Singh
Digal, Shri Radhakanta	Jain, Shri Virdhi Chander
Dighe, Shri Sharad	Jatav, Shri Kammodilal

Jena, Shri Chintamani

Mahanjan, Shri Y.S.

Jitendra Prasada, Shri

Mahendra Singh, Shri

Jitendra Singh, Shri

Makwana, Shri Narsinh

Jujhar Singh, Shri

Malik, Shri Dharampal Singh

Kabuli, Shri Abdul Rashid

Mallick, Shri Lakshman

Kamla Kumari, Kumari

Malviya, Shri Bapulal

Kamson, Prof. Meijinlung

Mane, Shri R.S.

Kaushal, Shri Jagan Nath

Manvendra Singh, Shri

Ken, Shri Lala Ram

Meira Kumar, Shrimati

Khan, Shri Aslam Sher

Mishra, Shri G.S.

Khan, Shri Khurshid Alam

Mishra, Dr. Prabhat Kumar

Khan, Shri Mohd. Ayub

Mishra, Shri Ram Nagina

Khrihar, Shri R.S.

Mishra, Shri Uma Kant

Kinder Lal Shri

Misra, Shri Nityananda

Krishna Singh Shri

Modi, Shri Vishnu

Kuchan, Shri Gangadhar S.

Mohanty, Shri Brajamohan

Kujur, Shri Maurice

Motilal Singh Shri

Kumaramangalam, Shri P.R.

Mundackal, Shri George Joseph

Kunjambu, Shri

Murmu, Shri Sidha Lal

Kuppuswamy, Shri C.K.

Mushran, Shri Ajay

Kurien, Prof.P.J.

Naik, Shri G.Devaraya

Law, Shri Asutosh

Naik, Shri Shantaram

Lowang, Shri Wangpha

Narayanan, Shri K.R.

Mahabir Prasad, Shri

Negi, Shri Chadra Mohan Singh

Netam, Shri Arvind	Patel, Shri Vijay N.
Odedra, Shri Bharat Kumar	Patnaik, Shrimati Jayanti
Odeyar, Shri Channaiah	Pattanaik, Shri Jagannath
Oraon, Shrimati Sumati	Peruman, Dr. P. Vallal
Pande, Shri Raj Mangal	Pilot, Shri Rajesh
Pandey Shri damodar	Poojary, Shri Janardhana
Pandey, Shri Madan	Pradhan, Shri K.N.
Pandey, Shri Manoj	Pradhani, Shri K.
Panigraphi, Shri Chintamani	Puran Chandra, Shri
Panigrahi, Shri Sriballav	Purohit, Shri Banwari Lal
Panika, Shri Ram Pyare	Pushpa Devi, Kumari
Panja, Shri A.K.	Qureshi, Shri Aziz
Pant, Shri K.C.	Rai, Shri Raj Kumar
Panwar, Shri Satyanarayan	Raj Karan Singh, Shri
Parashar, Prof. Narain Chand	Rajeshwaran, Dr.V.
Pardhi, Shri Keshao Rao	Rajhans, Dr. G.S.
Patel, Shri Ahmed M.	Ram, Shri Ramswaroop
Patel, Shri Mohanbhai	Ram Awadh Prasad, Shri
Patel, Shri Ram Pujan	Ram Dhan, Shri
Patel, Shri U.H	Ram Prakash, Ch.
Pathak, Shri Chandra Kishore	Ram Samujhawan, Shri
Patil, Shri Balasaheb Viakh	Ram Singh, Shri
Patil, Shri Prakash V.	Ramachandra, Shri Mullappally
Patil, Shri Veerendra	Rana Vir Singh, Shri

Ranga, Prof. N.G.	Shah, Shri Anoopchand
Ranganath, Shri K.H.	Shahi, Shri Laliteshwar
Rao, Shri J. Chokka	Shailesh, Dr. B.L.
Rao, Shri J. Vengala	Shaktawat, Prof. Nirmala Kumari
Rao, Shri P.V. Narashimha	Shankaranand, Shri B.
Rathawa, Shri Amarsinh	Shankarlal, Shri
Rathod, Shri Uttam	Sharma, Shri Nand Kishore
Raut, Shri Bhola	Sharma, Shri Nawal Kishore
Ravani, Shri Navin	Sharma, Shri Pratap Bhanu
Rawat, Shri Harish	Shastri, Shri Hari Krishna
Rawat, Shri Kamla Prasad	Shervani, Shri Saleem I.
Rawat, Shri Prabhu Lal	Shingda, Shri D.B
Sahu, Shri Shiv Prasad	Shivendra Bahandur Singh, Shri
Sait, Shri Azeez	Siddiq, Shri Hafiz Mohd.
Sait, Shri Ebrahim Sulaiman	Singh, Shri Bhanu Pratap
Sakargaym, Shri Kalicharan	Singh, Shri D.G.
Salahuddin, Shri	Singh, Shri K.N.
Sangima, Shri Williamson	Singh, Shri Kamla Prasad
Sankata, Prasad, Dr.	Singh, Shri Krishna Pratap
Santosh Kumar Singh, Shri	Singh, Shri Lal Vijay Pratap
Satyendra Chandra, Shri	Shing, Shri N.Tombi
Sayeed Shri P.M.	Singh, Shri S.D.
Sen, Shri Bholanath	Singh Deo Shri K.P.
Sethi, Shri Ananta Prasad	Sodi, Shri Mankuram

Solanki, Shri Kalyan Singh	Vijayaraghavan, Shri V.S.
Sparrow. Shri R.S.	Vir Sen, Shri
Sukhadia, Shrimati Indubala	Vyas, Shri Girdhari Lal
Sukhbuns Kaur, Shrimati	Wadiyar, Shri Srikanta Datta
Sultanpuri, Shri K.D.	Wasnik, Shri Mukul
Suman, Shri R.P.	Yadav, Shri Kailash
Sundararaj, Shri	Yadav, Shri R.N.
Sunder Singh, Ch.	Yadav, Shri Ram Singh
Sunil Dutt, Shri	Yadav, Shri Shyam Lal
Surendra Pal Singh, Shri	Yadav, Shri Subhash
Swami Prasad Singh, Shri	Yadava, Shri Bal Ram Singh
Swell, Shri G.C	Yadava, Shri D.P.
Thakkar, Shrimati Usha	Yashpal, Singh, Shri
Thara Devi, Kumari D.K.	Yogesh, Shri Yogeshwar Prasad
Thomas, Prof. K.V.	Zainul Basher, Shri
Thorat, Shri Bhausahab	NOES
Thungon, Shri P.K.	Acharia, Shri Basudeb
Tigga, Shri Simon	Appalanarasimha, Shri P.
Tilakdhari Singh, Shri	Bhoopathy, Shri G.
Tomar, Shrimati Usha Rani	Biswas, Shri Ajoy
Tyagi, Shri Dharamvir Singh	Chatterjee, Shri Somnath
Tytler , Shri Jagdish	Choubey, Shri Narayan
Vanakar, Shri Punam Chand Mithabhai	Choudhary, Shri Samal Brahma
Verma, Dr. C.S.	Chowdhary, Saifuddin

Dandavate, Prof., Madhu

Riya, Shri Baju Ban

Datta, Shri Amal

Roy, Dr. Sudhir

Deo, Shri V. Kishore Chandra S.

Saha, Shri Ajit Kumar

Dore, Shri H.A.

Saha, Shri Gadadhar

Goswami, Shri Dinesh

Sambu, Shri C.

Guraddi, Shri S.M.

Shahabuddin, Shri Syed

Hannan Mollah, Shri

Somu. Shri N.V.N.

Iyer, Shri V.S. Krishna

Swami Prasad Singh, Shri

Jhansi Lakshmi, Shrimati N.F

Tulsiram, Shri V.

Kalpa Devi, Dr. T.

Zainal Abedin, Shri

Malik, Shri Purna Chandra

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

Masudal Hossain, Shri Syed

Misra, Shri Satyagopal

Ayes: 266

Mukherjee, Shrimati Geeta

Noes: 40

Patel, Dr. A.K.

The motion was adopted

Rao Dr. G. Vijaya Rama

MR. DEPUTY-SPEAKER : Now, I want the sense of the House. Instead of Item No. 10, can the House take up Item No.11?

Ratnam, Shri N. Venkata

SHRI E. AYYAPU REDDY : Yesterday , he should have been given the time to finish his speech. That you did not do . And today to our surprise, this Bill has been put at the third place. Now you want to give it priority. What is all this? We do not agree.

Reddi, Shri C. Madhav

Reddy, Shri Bezawada Papi

Reddy, Shri E. Ayyapu

Reddy, Shri M. Raghuma

MR. DEPUTY-SPEAKER : Now, I am

*The following Members also recorded their votes:-

AYES: Shri Lachchi Ram, Shri Swami Prasad Singh, Shri Mohd. Ayub Khan and Shrimati Madhuree Singh.

NOES: Shri C. Janga Reddy and Shri Ramashray Prasad Singh.

simply putting it before the House. If the House agrees, we can take up the National Highways Authority of India Bill.

SHRI SOMNATH CHATTERJEE: On the condition that you will not take the Sixtieth Amendment Bill today.

MR. DEPUTY SPEAKER: If he finishes early, we will take up item No. 10 but we will continue with it tomorrow. Upto six or clock only we are sitting today..

(Interruptions)

MR. DEPUTY-SPEAKER: So, as the House has decided, I am asking Mr. Rajesh Pilot to speak now.

SHRI G.G. SWELL: We must know because this is a Constitution Amendment Bill.

MR. DEPUTY SPEAKER: If item No. 11 is adopted, then item No 10 will be taken up. But the time allotted to that Bill will spill over till tomorrow. Anyhow the voting will be tomorrow only. Even if it comes up for discussion today, after the Minister finishes this Bill, the voting will take place tomorrow. Suppose the Minister finishes early, we will take up item No. 10 but the discussion will continue tomorrow also. That is very clear.

SHRI G.G. SWELL: There will be no voting today.

MR. DEPUTY-SPEAKER: No Voting will not be today.

17.21 hrs

NATIONAL HIGHWAYS AUTHORITY.
OF INDIA BILL-CONTD.

[English]

THE MINISTER OF STATE OF THE
MINISTRY OF SURFACE TRANSPORT

(SHRI RAJESH PILOT) : Mr. Deputy Speaker, Sir, I thank all the members who have taken keen interest in this important discussion and for their valuable suggestions. I stated yesterday, that the first thing is to think ever why this need arose, why did we think or why did we decide to have a National Highway Authority. As the hon. Members are aware, most of the members had agreed yesterday that quality of work has not been uniform all over the country and the main worry of the Government, specially of our Department, has been that whatever little resources we have or whatever little resources we gather for this important sector, if they are not properly utilised, then it becomes a matter of concern. I will just quote a small example. My colleague will pardon me and if I am wrong, he can correct me. There is a Bulgaria Express Way which was sanctioned in 1972-73 at a cost of Rs 3.8 crores. The sanction was given in that year itself and it should have been completed by 1978. You will be surprised that even the acquisition of the land for the project has not been done yet and the cost has already gone up to Rs 36 crores because the more you delay, the cost goes up. Same is case with the second Hooghly bridge. The first sanction for this important bridge was Rs 4.5 crores in 1969. Today, the cost has gone up to Rs. 230 crores. Of course, some modifications, some technical amendments are there, but imagine the cost escalation because of the delay in the project implementation. There are so many examples I can quote where the projects carry on delaying. And this was the main worry which brought us to this need ...*(Interruptions)*.

SHRI BASUDEB ACHARIA (Bankura) : Even some Central projects are also being delayed.

SHRI RAJESH PILOT: I am not denying that we are not guilty. I am not saying that. Let us think the whole country as one. Whether you are at wrong or we are at wrong, some of us are at wrong and we must