

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

MR. SPEAKER : The question is :

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

The motion was adopted.

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

MR. SPEAKER : He will be making at 1.30.

SHRI INDRAJIT GUPTA : Why ?

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

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

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

SHRI SAIFUDDIN CHOWDHARY
(Katwa) : Why to delay ?

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

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

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

11.22 hrs.

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

(English)

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

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

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

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

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

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

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

Sir, I also beg to move* :

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

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

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

*Moved with the recommendation of the President.

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

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

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

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

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

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

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

MR. SPEAKER : Motions moved :

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

AND

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

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

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

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

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

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

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

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

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

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

[Shri C. Madhav Reddi]

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

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

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

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

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

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

MR. SPEAKER : It is his point of view.

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

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

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

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

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

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

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

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

[Shri G. G. Swell]

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

SHRI JAGANNATH RAO (Berhampur) :
It is inconsultation.

AN HON. MEMBER : What Consultation ?

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. SPEAKER : Dr. Sudhir Roy...

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

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

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

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

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

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

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

(Interruptions)

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

(Interruptions)

MR. SPEAKER : Tomorrow you might be a Governor.

(Interruptions)

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

**Expunged as ordered by the Chair,

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

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

(Interruptions)

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

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

(Interruptions)

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

(Interruptions)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Shri P. K. Thungon]

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

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

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

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

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

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

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

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

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

12.23 hrs.

[MR. DEPUTY SPEAKER *In the Chair*]

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

MR. DEPUTY SPEAKER : Please be brief.

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

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

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

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

With these words, I conclude

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

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

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

[Shri Y. S. Mahajan]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Goa will have Statehood today or tomorrow.

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

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

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

[Shri Syed Shahabuddin]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Prof. Meijinlung Kamson]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13.00 hrs.

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

13.01 hrs

[MR. SPEAKER *in the Chair*]

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

[Shri Indrajit Gupta]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Shri Rajiv Gandhi]

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

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

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

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

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

13.15 hrs.

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

[English]

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

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

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

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

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

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

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

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

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

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

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

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

[English]

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

13 19 hrs.

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

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

[SHRI SHARAD DIGHE : *in the Chair*]

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

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

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

MR. CHAIRMAN : Not at this stage...

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

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

14.25 hrs.

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

—Contd.

[English]

MR. CHAIRMAN : Mr. Tombi Singh.

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

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

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

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

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