

Noes

-Nil-

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

Ayes : 325

Noes : Nil

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

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

The motion was adopted.

12.50 hrs.

**SALARY, ALLOWANCES AND PENSION OF
MEMBERS OF PARLIAMENT**

(Second Amendment Bill)

[English]

MR. SPEAKER : The next Bill is about Salary. If we have not taken up the Bill relating to disabilities and if we want to refer that to the Standing Committee, it will not be proper for us to take it up like this. And if all the members agree, we shall take it up in the next Session. So, this will be referred...

... (Interruptions)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : Even before that I had drawn the attention at the introduction stage that the reasons and objects go in one direction ... (Interruptions)

MR. SPEAKER : Please, it is not necessary. We are referring it to the Standing Committee. Let it come back and then we will discuss it.

... (Interruptions)

MR. SPEAKER : We are not taking up item no.15 because we did not take up Disabilities Bill, Pension Bill and all these without referring them to the Standing Committee.

... (Interruptions)

SHRI NIRMAL KANTI CHATTERJEE : Sir, which Standing Committee?

... (Interruptions)

MR. SPEAKER: I will go through the rules and decide as to which Standing Committee it is.

12.52 hrs.

**SIXTH SCHEDULE TO THE CONSTITUTION
(AMENDMENT) BILL**

(Application of Sixth Schedule to the State of Assam)

As Passed by Rajya Sabha

[English]

MR. SPEAKER : Now, we shall take up the Sixth Schedule to the Constitution (Amendment) Bill.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. M. SAYEED) : Sir, on behalf of Shri S.B. Chavan, I beg to move:

"That the Bill further to amend the Constitution of India in its application to the State of Assam, as passed by Rajya Sabha, be taken into consideration."

Sir, in recognition of the need to allow the tribal areas to be developed in the light of the genius of different tribes inhabiting hilly areas, the framers of the Constitution, after careful deliberations in the Constituent Assembly, provided for Autonomous District Councils (ADCs) under the Sixth Schedule of the Constitution. The Autonomous District Councils were an innovative constitutional arrangement for devolution of powers to the tribal people by giving them a decisive role in their development through the instrumentality of grassroot planning. The ADCs and Regional Councils created under the Sixth Schedule have powers to make laws in the fields of land, forest, shifting cultivation, irrigation, town and village administration and social customs like marriage, divorce, inheritance, etc.

The Sixth Schedule was earlier application to three districts each in Assam, Meghalaya and Mizoram. Subsequently, in 1984, the Sixth Schedule was also extended to the tribal areas of Tripura and the Tripura Tribal Areas Autonomous District Councils was constituted. Thereafter, the Sixth Schedule was further amended in 1988 in so far as its applicability to the areas of Mizoram and

*The following Members also recorded their votes:

Ayes : S/ Shri Kamal Nath, Dr. Chinta Mohan, S/Shri Anwari Basavaraj Patil, G. Ganga Reddy, Ashok Gehlot, Vilas Muttemwar, Manikrao Hodlya Gavit, Satya Pal Singh Yadav, Kewal Singh, Udaysingrao Gaikwad, Motilal Singh, Ghulam Mohammad Khan, Khelan Ram Jangde, Surya Narayan Yadav, Anand Ahirwar, Subhash Chandra Nayak, Surya Narayan Singh, Suraj Mandal, Brahmanand Mandal, Uday Pratap Singh, Maj. Gen. R.G. Williams, S/Shri Tej Narayan Singh, S.S.R. Rajendra Kumar, Dharmabhiksham, Prem Chand Ram, Jitendra Nath Das, Rup Chand Murmu, Satyendra Nath Brohmo Chaudhury, Rajesh Ranjan Alias Pappu Yadav, Shreesh Chandra Dikshit, Shrimati Saroj Dubey, S/Shri Rajesh Kumar, N.K. Baliyan, Dr. G.L. Kanaujia, S/Shri Braja Kishore Tripathy, Dr. Faiyuzul Azam, S/Shri Shivraj Singh Chauhan, Rampal Singh, Dattatraya Bandaru, and Pankaj Chowdhary. (40)

Tripura was concerned. Through these Amendments, the Governors of these States were given more discretionary powers in respect of certain functions of the ADCs, with a view to minimising the overall control of the State Government on the ADCs. These amendments were, however, not applied to Assam and Meghalaya.

The representative organizations of Karbi Anglong and North Cachar Hills districts in Assam, which are governed under the aegis of the Sixth Schedule to the Constitution, have been feeling dissatisfied with the quantum of autonomy available under the said Schedule. They have, therefore, been raising demand for more autonomy. A series of talks were held between the State Government and the representatives of some of these organizations and finally on 1st April, 1995, a Memorandum of Understanding was signed between the Government of Assam and some representatives of these organizations.

In pursuance of the aforesaid MoU, it has been agreed to give additional executive and legislative powers to the two Councils. It was further agreed to redefine the exercise discretionary powers by the Governor of Assam in respect of matters specifically initiated or entrusted to the Councils in the manner provided for in paragraph 20-BB of the Sixth Schedule. The Governor of Assam will, under the proposed amendment, be required to consult the Autonomous Councils concerned before exercise of his discretionary powers in respect of matters identified.

The signing of the MoU has been largely welcomed by the tribal population of these two districts. The agreement was hailed as a step in the right direction largely by the tribals like Karbis, Dimasas, Hmars and Kukis of both the districts. Festivities were held at various places to celebrate the signing of the Memorandum of Understanding.

A major consideration in signing of the MoU has been to fulfill the aspirations of the tribal people of these two districts within the framework of the Sixth Schedule without affecting the integrity of the State of Assam. The Bill seeks to give greater autonomy to the two Autonomous District Councils in Assam. It provides for exercise of additional legislative powers. It further provides for exercise of discretionary powers by the Governor as in the case of the Councils in Mizoram and Tripura. And it provides for consultation with the Councils in exercise of such powers.

In the above background, I move for consideration and approval of the House, the Sixth Schedule to the Constitution (Amendment) Bill, 1995.

MR. SPEAKER : Motion moved :

"That the Bill further to amend the Constitution of India in its application to the State of Assam, as passed by Rajya Sabha, be taken into consideration."

SHRI DWARAKA NATH DAS (Karimganj) : Sir, I rise to support this Bill. These Autonomous District Councils were

created under the Sixth Schedule and I think this Bill will go a long way to develop the tribal people, particularly, the people of Karbi Anglong and North Cachar hills. I feel, these two districts are economically, educationally and culturally backward. I think, so far as their education is concerned, their percentage of education is not more than 30 per cent and of female education, it is not more than 15 per cent. So the Autonomous District Councils will go a long way to provide education among Karbis.

I understand, as for Karbis' culture, their dance and their song, all these things will be developed under these Autonomous District Councils.

Now regarding agriculture, previously we know these tribal people used to do *Jhoom* cultivation.

But now-a-days because of deforestation, in fact, at least 10 per cent of these tribal people have become landless. There is no *jhoom* cultivation and so more landless people are there in the autonomous tribal areas. They have to develop agriculture. There must be an autonomous council which can play an important role in developing agriculture in Karbi as well as North Cachar Hills.

I had been to Karbi as well as the North Cachar Hills. I found that particularly these Karbi people as well as the people of North Cachar Hills are much backward compared to other tribal people. So, I feel that this Autonomous District Council of Karbi as well as Cachar Hills will go a long way in developing education, culture, health and all those things.

I should mention their agriculture here. I find that at least 12 or 13 per cent are landless. So, I wrote to the Government of Assam on several occasions that these landless Scheduled Caste people as well as the tribal people should be provided with land. But till this date no less than 10 per cent Scheduled Caste or 12 per cent Scheduled Tribe people are landless. So, I feel that this Autonomous District of Karbi Anglong will definitely provide them their long cherished land to develop their agriculture.

Moreover, the North Cachar Hills area is also a most backward area in Assam. So, this autonomous district of North Cachar Hills will do justice to these North Cachar people. But I feel here also that only one thing is there, that is, so far as the financial affairs are concerned, these Autonomous Hill Districts are much worse than the others. I think that at present there are nine Autonomous District Councils. But out of them, the position of Karbi Anglong and North Cachar Hills is much worse than the other Autonomous Hill Districts. So, those Autonomous Hills Districts must be financially sound and that is why the Government of Assam should adopt a policy so that karbi Autonomous Hill District as well as North Cachar Hills District becomes financially sound. Otherwise it may not be financially sound. I feel that they are not doing anything for the Karbi people as well as the North Cachar Hill people.

Last of all, I should say only one thing because we follow the principle of integrated India. Here in Karbi Anglong

as well as North Cachar Hills the non-Karbi and non-Cachar Hill people are suffering very much. So, I appeal to this Autonomous District Council that these non-Karbhis and non-Cachar people should live there with respect because here, in Karbi Anglong there are several Kookis, Nagas, Bengalis and Hindustanis, all are there. So, I feel that this Autonomous District Council of Karbi should do justice to these non-Karbi people and at the same time, the North Cachar Hills District should do justice to Non-Cachar people.

So, with these words I support this Bill so that the cause of the Autonomous Hills Districts is advanced.

13.00 hrs

SHRI KIRIP CHALIHA (Guwahati) : Mr. Speaker, Sir, I welcome the initiative taken by the Government of India in resolving the long standing problem of autonomy in Karbi Anglong and North Cachar districts of Assam.

As you all know, for a long time, these areas have seen mass uprisings demanding greater autonomy for the tribal people who were at one point of time neither considered to be hills people nor plains people.

Karbi Anglong and North Cachar have been an integral part of Assam and the people of those areas including the tribal people have also contributed vastly for the development of Assamese literature, culture and Assamese ethos. There has not been any contradiction between the Assamese people and the Karbi Anglong and North Cachar Hills people. I take it that their desire for autonomy was more for participation in the Government, for their welfare at the grass-root level, which they felt was not taking place properly. It was more an assertion of their desire for decentralised governance than any desire to get separated from the mainstream of the Assamese people. In fact, I compliment the leaders of Karbi Anglong and North Cachar Hills that all throughout their agitation, they have been able to strengthen the points of unity between the tribals and the non-tribals living in that area as well as outside that area.

I am also thankful to the leadership of Karbi Anglong and North Cachar Hills that they have been able to evolve a kind of consensus in solving intricate problems, which may, at times, lead to division and bitterness among communities. But they have been able to resolve it in a very dignified and praiseworthy manner. In fact, our Member from Karbi Anglong, who is sitting in front of me, was one of the leaders of the movement and is still the Chief Executive Member of the District Council. There has been a complaint from organisations which I do not think is of every serious nature and which, I think, is more of a political nature. It is about justice to be meted out to non-Karbhis in Karbi Anglong and North Cachar Hills and non-Kachar Hills people. I think this can be resolved and I am very sure that the younger leadership which is coming up in North Cachar Hills and Karbi Anglong will do proper justice, as has been mentioned by Shri Dwaraka Nath Das.

My only last submission before the Government is that Assam is miniature India. The social and political contradictions which we are witnessing in Assam may one day overwhelm India also.

Autonomy and integration are both two sides of the coin and we have to be very careful in seeing that for shallow political interests, for short-term political benefits, we overlook the dimensions of the case. In this respect, I must point out that actions from various political authorities at various points of time lead to bitterness and division which could be very easily avoided with a little amount of sane application of mind and little amount of understanding and cooperation from various sides of the country.

Lastly, I welcome this Bill. I hope that through this Bill the people of Karbi Anglong and North Cachar Hills will be able to have a greater participation in the improvement of their people. I wish them well.

SHRI SYED SHAHABUDDIN (Kishanganj) : Sir, I rise to welcome the Bill as a step in the process of decentralisation to which we are committed under the Constitution.

The whole world today is at the threshold of the age of ethnicity and it is not surprising that many ethnicities which had been long suppressed are surfacing all over the world, as they are in our own country.

The desire to be accommodated, the desire to be given equality and the desire to be empowered in order that they can participate in Government and Administration, as pointed out by Shri Kirip Chaliha, so that they can take care of themselves, so that they can feel like masters in their own home. I am happy that these sentiments are being respected by all of us and we are trying to provide flexibility and accommodativeness within the framework of our Constitution in order to satisfy these legitimate aspirations.

I have only two basic points to make. I have a feeling that we are still reacting to various situations and we do not yet have a global and a holistic vision of India as a whole. I think we are pledged to autonomy at every level, right down to the Panchayats and, therefore, depending upon the area and the population, each ethnic unit, in its own area of concentration, can be accommodated within a common pattern. Here, we are trying to devise special solutions for specific problems which, to my mind, can, at a later stage, lead to great complexities. Already the map of Assam has become like a quilt-patch and you cannot quite distinguish it, and the various levels of power between the various forums that we have adopted, whether you call them Autonomous Regional Councils or Autonomous District Councils or just District Councils or Panchayat Raj Institutions, they are likely to create some confusion. I would, therefore request the Government that they should apply their mind to this. We do not want to have micro units being weighed with an infrastructure which they cannot maintain.

I do not have to give examples. Therefore, we should have an idea where India is the union of States but each State should progressively become, under a constitutional frame, a union of districts, and each district should become a union of *prakhands* or blocks and each block should become a union of *panchayats*, and at each level specified powers should be given to the people at that level to be exercised so that each group in that area which is, say, the ethnic majority in that area, feels that they have got a say in their own affairs.

Having said this, that also brings me to the other aspect of the problem. The other aspect is, howsoever we draw the lines, there will always be some other ethnicities included within that area. While we are taking care of the claims of the major ethnicity in that particular domain, whether it is at the level of *panchayat* or whether it is at the level of block or whether it is at the level of the district, we have got to take care that the legitimate aspirations of others who are there are also fully protected and defended. The affairs under the Constitutional framework should be such. I find here, for example, that there is no mention of the other ethnicities which would form minorities in those districts. How are their interests to be protected? I hope that the Government will take care that in the Constitution of the District Councils and the various bodies, the other ethnicities are also represented as equal citizens so that they also have a sense of participation.

Like in Mizoram, we have non-Mizos, in Nagaland, we have non-Nagas, in Karbi areas also, we will have non-Karbhis, and while I plead that the karbis should dominate and run the governance of that area, the non-Karbhis should also have a legitimate place. That would be in accordance with the welfare of the country as a whole, in accordance with the spirit of our Constitution and also in accordance with the overwhelming international opinion that is emerging today all over the world through the United Nations and through other bodies.

With these words, I support Mr. Das very much and say that creation of these bodies would be meaningless if you only give them paper powers. You must give them sufficient resources in order that they can really do something good for themselves, in order that they can really feel that now they are in a position to do much more than what was being done for them in the past. Therefore, I would plead that some form of financial devolution must also follow this structural decentralisation.

With these words, I support the Bill.

DR. JAYANTA RONGPI (Autonomous District) : Mr. Speaker, Sir, through you, I, on behalf of one million tribal people of Assam in particular and the entire people of Assam in general, congratulate the Home Minister of the Government of India for bringing this Bill, amending the Sixth Schedule of the Constitution to upgrade the Karbi Anglong Autonomous District Council and the North Cachar

Hills Autonomous District Council with more financial and executive powers as well as increasing the role of the Governor so far as administration of this particular Schedule area is concerned.

Sir, I would like to briefly bring to the notice of the entire nation through this House about the background of this Bill in a very nutshell. This Bill has come as an outcome of nine long years of peaceful movement. The entire nation is not aware of this particular movement because generally when any movement of the North East comes to the national scene it usually comes as an armed movement, violent movement. But the people of Karbi Anglong and North Cachar Hills have peacefully struggled and demanded, in a very democratic manner, for upgradation of these Autonomous Councils. The entire House will remember, the entire nation will remember when the violent movement, armed struggle or secessionist movement in the entire Assam engulfed all the areas, whether it is by ULFA or other secessionist group, whether there was other armed struggle, it starts in the boundary of Karbi Anglong and North Cachar Hills. It is because we, the people of these Hill Districts adhere to certain valued ethos and democracy and peaceful mass movement. It is a very welcoming sign that the Government of India has also reciprocated to this peaceful movement and this Bill is a result of it.

I still remember that as a leader and one of the participants of this movement we first submitted a memorandum to the Government of India to the late Prime Minister, Shri Rajiv Gandhi on 17th of July, 1987. From then we took a long course of persuasions and negotiations and as a result of all those this Bill has come.

I also convey my support and also my thanks especially to the Home Minister and the Government of India and all the officers of the Home Ministry who have taken all the pains to bring this Bill and also we appreciate the support given by all the Opposition Parties and the national Parties to bring this Bill.

This Bill is a very consensus Bill and all political Parties in the Assam Assembly have supported it as a consensus and have ratified the Memorandum of Understanding signed between the Government of Assam and the movement organisations in the presence of the Union Home Minister.

I hope that the Memorandum of Understanding will be implemented properly because it is on the basis of this, the Constitution is amended. Some part of the Memorandum of Understanding is to be implemented by the Government of Assam. It is yet to be implemented. I hope the Union Home Ministry will see to it that the part to be played by the Government of Assam in implementing the Memorandum of Understanding will be done by the Government of Assam as expeditiously as possible. Otherwise we have the apprehension that this particular Accord, like the other Accords, whether it is Bodo Accord or Assam Accord, will also remain unimplemented. So we hope that the

Government of India will take all the action that is required and see that it is implemented fully and properly.

With these words I once again thank all the political Parties and especially the Government of India and the Home Ministry for their help in resolving this problem.

SHRI MANI SHANKAR AIYAR (Mayiladuturai) : Mr. Speaker, Sir, I rise to assure my friend, Dr. Jajanta Rongpi that the whole of this country starting from the deep South and right upto the North wishes to congratulate him on this remarkable achievement. Dr. Rongpi has been, in the course of the last nine years, a living example of Gandhian agitation. He deserves our congratulations. I am glad that he mentioned the presentation of this Memorandum to the late Prime Minister Shri Rajiv Gandhi because it is from that time onwards that we have been using this technique of Autonomous Council—regional, district or otherwise—to resolve local problems within a State without attempting to break up the borders of that State. This is a technique that has been used with particularly remarkable success by the Chief Minister of Assam Shri Hiteswar Saikia. I would commend it for use in other parts of the country, including Jammu and Kashmir.

Sir, I would like to end just by referring to one small incident. When I accompanied Shri Rajiv Gandhi to Darjeeling for the inauguration of the Darjeeling Hill Council and as we drove up from the helipad towards the town, Rajivji made an unscheduled stop first at the Tibetan Centre and asked Mr. Subhash Ghising whether he had been to that Centre earlier. Then he took him into there and there he said to him: "Just similar to the problems which you as Gorkhas had with the Bengalis, please ensure that this micro minorities, the Tibetans, do not have with you". And urging the same thing upon my friend Dr. Jayanta Rongpi I congratulate him and I congratulate the State of Assam. I congratulate the Union Home Ministry on fulfilling a major aspiration of the people of India that we should all remain united, while having the right to assert our respective diversities.

SHRI UDDHAB BARMAN (Barpeta) : Mr. Speaker, Sir, I welcome this Bill which is introduced by the hon. Minister, Shri Sayeed. It is said by my colleagues that this Bill seeks to expand the powers of the Autonomous Council existing in the North East.

Sir, the House is aware that in Assam there is a lot of struggle going on. Some people are taking the terrorist or the extremist path and some people are taking the democratic path of mobilising the people for their cause. In this case, the attempt of the Karbis is a welcome step. They did not take to the terrorist or the extremist path to solve their problem.

Sir, the House is also aware that Assam is a composite State. Different linguistic groups are living in the State and different tribal groups like the Karbis, the Bodos and others are also there. The Karbi Anglong and the North Cachar

Autonomous District Councils are functioning there. Various tribals are living there with their distinctive culture and languages. Now, these tribal people not only want to develop their own culture, but they also want to preserve their identity. As a result of this democratic aspiration, they are demanding more autonomy in different areas of the State.

I am very happy that this Bill has been introduced to expand the authority of the Autonomous Councils. We are all aware that since 1952 these Autonomous District Councils of Karbi Anglong and North Cachar are functioning well. During the course of development, now it is found that the powers vested with these Autonomous District Councils are not sufficient to meet the requirement of socio-economic development in those areas, particularly of the tribals living in those areas. With the experience of functioning in the Autonomous District Councils, the Karbis and the Dimasas are now coming to realise that the Autonomous District Councils should be given more powers. Initially, there was persistence to this demand. But now the people in the democratic movement are supporting this demand to expand the powers of the Autonomous District Councils in Karbi Anglong and North Cachar.

Sir, these people had to launch a long struggle to achieve their goal. But ultimately good sense prevailed and a Memorandum of Understanding was reached. And on the basis of the Memorandum of Understanding this Bill has been brought. So, I welcome this Bill and I hope that this measure will help a lot in the development of not only the Karbis and the Dimasas, but also help to build unity among the people living in that area.

Sir, most of the *karbis* are still economically backward and their literacy record is also not good. They are very poor people. Not only *karbis* but other tribals are also very poor. I hope that now the problems of the tribals will be properly attended to so that the extremists and anti-national forces do not take the advantage of the discontent of the people, particularly the tribals. Some methods should be evolved not only to deal with the *karbis* but also with other sections of the tribal people so that the peace and harmony could be created in that area and they could be brought to the mainstream of the national life. The culture and basic characteristics of the tribals should be preserved.

So, I hope that by giving autonomous power to this area the democracy and unity of the people will be strengthened. At the same time, I want to point out that since Assam is a composite State—*karbis* are 30 per cent of the total population of that area—every effort should be made to see that the tribals and non-tribals could work together for the development of this area.

With these words, I welcome and support this Bill.

SHRI BALIN KULI (Lakhimpur) : Sir, I rise to support this Bill through which the Sixth Schedule of the Constitution is going to be extended to two hill districts of Assam. This was a long standing demand of the *karbis* and *dimasas* of

that area. It is hoped that through the extension of Sixth Schedule to these two hill districts of Assam, the hopes and aspiration of the people of that area will be fulfilled. It is also hoped that the pace of development of that area will be speeded up and the long agitation launched there will be ended.

Sir, some of my friends here said that this agitation was in a Gandian way. It was not at all a Gandhian way agitation. It was a violent agitation. Many Congress men have been killed there. The leader of the agitation is present here. Under his leadership many Congress men of these two hills had to lay their lives. Even though the Congress man of that area supported this agitation. Even they supported it in a Gandhian way. So, Sir, the violent agitation of that area will end with the extension of Sixth Schedule.

Sir, one thing I shall plead to the leader of the agitation of that area, leader of the *karbis* as well as to the Central and the State Governments that it must be kept in mind that the interest of the non-tribals, minorities—both linguistic and religious—and non-hill tribals which are living there is safeguarded. There must be some provision to see that their culture is not thrown on the way through this Bill.

Sir, the third point is that the extension of Sixth Schedule will not automatically develop the people of that area. Abundant funds must be allotted for fulfilling the hopes and aspirations of the people as well as for the implementation of the programmes of that area. It is because power without money will not do. These two hilly districts are the earliest autonomous districts of Assam. Even then, these two hilly areas are not developed as compared to the two tribal areas uncovered by the District Council. These areas cannot be developed simply by conferring powers. The leaders of that area must lead the people in a right and clean way. Immediately after Independence, these two hilly districts are given autonomous district councils. Even then, they have not come up as expected. The reason for this non-development of the areas must be found by the leaders of the hilly areas.

I again appeal to the Central Government to allocate sufficient funds for the development of the two hill districts.

With these words, I support this Bill.

SHRI SATYENDRA NATH BROHMO CHAUDHURY (Kokrajhar) : Mr. Speaker, Sir, I rise to support the Sixth Schedule to the Constitution (Amendment) Bill, 1995.

In this context, I would like to mention that during pre-Independent era, tribals of Assam, particularly belonging to the hilly areas, enjoyed some special privileges. The hilly areas and frontier tracts were placed under the categories of (1) Tribal area, (2) Excluded Areas and (3) Partially Excluded Areas under Government of India Act, 1935. Under Section 92 (1) of the Government of India Act, no laws either Central or Provincial Legislature applied to these Excluded or Partially Excluded Areas. Only the Governor

with approval of the Governor-General of India extended the laws for peace and good governance to these areas. So, framers of our Constitution justly incorporated the provisions of the Sixth Schedule into the Constitution of India having due regard to the then existing legal framework for these areas.

Since long, it was felt that these arrangements had become inadequate to meet the aspirations of the tribal people. From time to time, we witnessed complaints of too much state interference in the day-to-day administration of the Councils. Agitations and protests were there. Then there were vigorous agitations and finally voices for separate States were raised. Lastly, North East Areas Reorganisation Act, 1971 divided Assam into parts carving out of it the District Councils. It was at that time Karbi Anglong and North Cachar Hills were persuaded to stay in Assam and were promised of better administrative Arrangements. So, by the promise given to them, the people of Karbi Anglong District Council and North Cachar Hills District Council demanded the status of Autonomous State under Article 244A of the Constitution. After years of agitations, discussions and talks since 1985, the leaders of Karbi Anglong and North Cachar Hills finally signed a Memorandum of Understanding and agreed on elevation of the District Councils into Autonomous District Councils with more legislative as well as administrative powers. As the movement leaders as well as Government have agreed to this elevated arrangement, I wholeheartedly support the Bill which the Government has brought in as a good gesture towards the tribals.

It was necessary because at one point of time, tribals of Assam became hostile to the basic philosophy of absorption of tribals into the social mainstream. They also began to doubt the notion that in the name of bringing them into the social mainstream, their language, culture and identity have been put at stake. They agitated for their survival.

I will take just a minute. So, this good gesture towards tribals by bringing forward this Bill would send a good message to the tribal people of Assam so that they feel that they are also as beautiful as flowers in the garden of Indian cultures.

Here, I would like to have your indulgence to express a few words that the Plains tribals of Assam were also feeling like that.

MR. SPEAKER: Your speech should be limited to the amendment itself. You cannot just go on narrating the history of these things. This is not permitted.

SHRI SATYENDRA NATH BROHMO CHAUDHURY : I will mention just one line. Several agreements were signed and the Bodoland Autonomous Council has been formed. The Bodo Accord is there. The Rabha Accord was signed by the Assam Government and the Movement leaders. The Missing Accord and some other Accords are there. All these

Accords are there but these Accords should be implemented properly and in the true sense of the word so that the tribals do not feel alienated; they do not feel that Delhi is far away from them and only the roars of gun can be heard in Delhi. This feeling should not be there. After all, Assam is a land of the tribals. If the tribals die, can Assam or the Assamese live?

MR. SPEAKER : This is a dissertation on Assam. This is not a speech on the amendment itself.

SHRI SATYENDRA NATH BROHMO CHAUDHURY : With these few words, I support the Bill.

MR. SPEAKER : Now, Prof. M. Kamson to speak. It is not necessary for the Members to repeat the point.

PROF. M. KAMSON (Outer Manipur): Thank you, Sir, I welcome and support this piece of legislation to improve the District Council of Karbi Anglong and North Cachar Hill District of Assam. Though these two Councils have been there for a long time, they have not been effective for materialisation of their aims because of lack of power and funds. So, to improve that, I think this Bill is very much an appropriate approach. I must thank the hon. Ministers concerned, Shri P. M. Sayeed also for bring forward this Bill.

Sir, the forum of the District Council is very important. The framers of our Constitution, the great leaders of our country once thought of these things and included under the Sixth Schedule in the Constitution particularly in the context of the North-Eastern tribal areas. At that time, they were known as Assam generally. So, till today we have to pursue further to fulfil and materialise the hopes, aspirations and ideas emphasised in the Constitution. Therefore, this Bill is one step forward in this regard. I congratulate the people who have got it and the Government which has given it. At this point of time also, through you, Sir, I would like to remind our hon. Ministers who have accepted this and the hon. Minister piloting this Bill, Shri P. M. Sayeed that similar cases are there in other places, particularly in my constituency, that is, Outer Manipur Hill Areas, which have been demanding the provision of Sixth Schedule for the last twenty years. Our hon. Prime Minister, at that time in 1984 when he was the Home Minister, was kind enough to give an assurance in this regard. The hill areas of Manipur constitute nine-tenth of the total area, that is, 20,000 sq.km., bigger in size than Nagaland or Tripura and those people are also asking for this type of autonomy. It is very important to note one thing. This area of Manipur hills is neither in the Fifth Schedule nor in the Sixth Schedule. It has been left out somewhere. Perhaps, we have to find out why it happened like that. It should not have happened because the tribal areas should be either in the Fifth Schedule or in the Sixth Schedule. So, I am taking this opportunity to remind the Government one thing. In the last Session also I tried to bring this matter up through Matters Under Rule 377. You had kindly put it on the last day at the last moment.

MR. SPEAKER : This happens to every Member. Now, you please come to the point.

PROF. M. KAMSON : Sir, through you, I take this opportunity to remind the Government, the Prime Minister and the Home Minister to kindly look into demand for the Sixth Schedule for Manipur hill areas also. (*Interruptions*)

MR. SPEAKER : I take the pleasure for everything that has happened. Now, come to the point.

PROF. M. KAMSON : I request the Government to kindly look into the demand for the Sixth Schedule for the Hill States of Manipur into one single Manipur Hill Areas Autonomous Council.

SHRI MUHI RAM SAIKIA (Nowgong) : Mr. Speaker, Sir, I thank you very much for giving me this opportunity to speak on this Bill. I welcome this Bill because it will go a long way in fulfilling the long standing aspirations of the people of Karbi Anglong and North Cachar Hill districts. This is my only point.

I request that the Government should not confine the Bill to the paper work. As the bill is introduced for a definite purpose, it should be implemented to fulfil that purpose. We have seen since long past that the Government had signed many Accords, like the Assam Accord, the Bodo Accord, the Mishing Accord etc. All these Accords remained on paper and were not fulfilled. The Assam Accord was signed nine years back, but what is the position of that Accord? Similarly, there is apprehension about this Accord in the minds of the people that whether it is going to remain in paper or actually it is going to be implemented. I request the Government to provide sufficient amount of finance for the implementation of this Accord. I appeal to the Government that they should never take the plea of constraint of finance for the implementation of the bill.

Sir, I think that this Bill provides an opportunity to the backward areas, including tribals to fulfil their long standing demands in different spheres—education, agriculture, culture and socio-economic development — so that they would feel themselves as a part of the national mainstream. I appeal to the Government to keep sharp vigilance in the implementation of the Bill.

With these words, I support the Bill.

[*Translation*]

SHRI RAM VILAS PASWAN (Rosera) : Mr. Speaker, I rise to support this Bill. I congratulate the Government on its decision to create Autonomous District Councils by merging North Cachhar hills and Karbi Anglong under the Sixth Schedule but I also wish to draw the attention of the Government to one or two things. As the Government is aware, this agreement was signed on 1 April, 1995. The Central Government, State Government and Autonomous State Demand Council (A. S. D. C.) had discussed the

matter threadbare and thereafter this agreement was concluded. The Powers of the Legislative and the Governor under the agreement have been sought to be given in this Bill but the executive powers, as envisaged in the agreement have not found mentioned in the Bill. According to agreement, 30 additional departments were to be given on the executive side. But that part of the agreement has not been covered in the Bill.

Mr. Speaker, whenever any matter concerning the Scheduled Castes and the poor comes up, it is sought to be hushed up and the poor has to struggle at every level. As such, this tribal issue has got to be taken up in all seriousness because earlier also, about two and a half years back, you had signed Bodo accord.

MR. SPEAKER : Pāswanji, repetition is taking place.

SHRI RAM VILAS PASWAN : Sir, my submission is that the greatest problem is that of the land. Their land has been usurped. Encroachment has taken place and till we restore them their land, this problem cannot be solved. Whenever it comes to returning their land, the Government chooses to keep mum. Same is the position in the case of the issue of delimitation of constituencies. All these things have got to be given due consideration. The first and foremost thing is that the Government must ensure to have the elections conducted in time.

That is why I referred to the Bodo accord. Two and a half years have elapsed but the elections have not been conducted. Nor has that accord been implemented. I urge upon the Government to see that elections are conducted there and the said accord is implemented at the earliest. If it is done, this Bill will go a long way to remove the resentment prevailing among tribals and other people, particularly those of the North East and Assam. With these words, I support this Bill.

[English]

MR. SPEAKER : Mr. Suraj Mandal, Suraj Mandalji, please be very brief and please do not repeat the points.

[Translation]

SHRI SURAJ MANDAL (Godda) : Mr. Speaker, Sir, we welcome this Bill because it is after 8 years that the Government is feeling that there should be decentralization of power. When the country became free, Gandhiji's aim was ...

MR. SPEAKER : Please do not go so back in the past. Please speak on the present Bill.

SHRI SURAJ MANDAL : Mr. Speaker, many people speak in this connection but they act very late. If people are to be done justice, this should be done before they suffer any loss. I am told that in Assam, the State Government

had discussed the elected autonomous council in Carvilon. They had to go to the court and the court granted them the stay. The State Governments urged upon the Central Government not to violate their rights. So a national commission was formed to safeguard the rights of the State Governments. If the Central Government believes in the decentralisation of the power, it should ensure that the rights of the autonomous councils, whether they are in Assam or Jharkhand or elsewhere are not trampled upon.

Mr. Speaker, Sir, I demand the constitution of such a commission to safeguard the interests of the State Governments. If the Central Government, after forming the autonomous council, leaves all financial burdens on the State Government, the objective will not be achieved. Therefore, the State Governments should be vested with certain rights to enable it to augment its income and have a free hand in sources of income. If the Central Government does not provided funds to the State Governments, the schemes cannot be implemented. The question of matching funds often crops up. If the State Governments do not have their own source of income, the schemes of the Central Government cannot be implemented. Therefore, I urge upon the Central Government to provide funds to the autonomous councils direct, because if they are compelled to approach the State Government for funds, this will take time and the implementation of the scheme would be delayed.

[English]

MR. SPEAKER : Yes, please conclude now.

[Translation]

SHRI SURAJ MANDAL : Mr. Speaker, Sir, I thank the Central Government for bringing forward this Bill and providing legislative power, and hope that they will further liberalise their policy so that decentralization of power takes place in real terms and the tribal people are benefited. (Interruptions)

[English]

MR. SPEAKER : Yes, Mr. Yaima Singh. What Mr. Yaima Singh Speaks will only go on record

(Interruptions)*

SHRI YAIMA SINGH YUMNAM (Inner Manipur) : Sir, I rise to support the Bill.

I shall not repeat all those points which have been made by the hon. Members. I would only like to point out that after the passage of this Bill, the role of the Governor will be great. Also, the part to be played by the Chief Minister will be very great. The Governor has to play a role of conciliation and accommodation and since the Chief Minister has been parting with many of his powers of legislation and other executive powers to this Council, he may not be happy

to execute it, to implement it sympathetically. That is what our apprehension is. So, through the House and through you, Sir, we are appealing to these agencies to try and implement it successfully.

The second point is this. I consider that this Bill is a stepping stone to the proposal of awarding the territorial status to the combined territory of North Cachar and East Karbi Anglong. Since we have given so many administrative and legislative powers to them, what is the difference in awarding territorial status to these two Councils, if they agree to combine? That will be my proposal.

I also support the view that it must be supported by financial facilities.

MR. SPEAKER : It is not necessary to repeat that, please.

SHRI YAIMA SINGH YUMNAM : I agree that the State Government or the Central Government must provide the funds as grants and not as a matching fund or just like any other thing.

Lastly, my point is that since the tribal areas are to be included in the Sixth Schedule, the tribal areas of Manipur, the State which I represent, also deserves for the extension of the facilities of the Sixth Schedule. So, I strongly support and strongly propose for the extension of the Sixth Schedule to the tribal areas of Manipur.

Before you ring the bell, I conclude.

MR. SPEAKER : It is very good; you are very clear.

SHRI INDRAJIT GUPTA (Midnapore) : Thank you Sir, I just wanted one minute, first of all to put on record my party's wholehearted support for this Bill and I congratulate the Government for this even though it is late. But there is a saying, 'better late, than never.' After so many years, a very extensive and traditionally troubled area of our country is being brought within the Constitutional ambit of decentralisation down to the local level.

Sir, the only point I wish to make is this. Firstly, I believe that out of a Council of 30 Members in Karbi Anglong and North Cachar Hills, 26 Members are to be elected and four are to be nominated. I do not know what is the purpose of this provision. One Member here was expressing an apprehension that the interests of non-tribal people may not be looked after adequately. But it is found in the Bill that these four nominated seats are not reserved. They are not reserved for non-tribal people, but they could have made some provision for reservation. If they want to reserve some seats specifically for non-tribal people, that could be done. But that is not being done. All the 30 seats are open seats. Anybody can be elected or nominated to those seats. The nomination is not also restricted to any particular communities or any particular type of people. So, I really do not understand, what is the purpose of this specific provision.

If they want to care for non-tribal people, they could make a provision for some limited number of seats to be reserved. Otherwise, it is preferable that the whole Council should be elected. That would be more democratic and that, I believe, was the demand for which the people of this area were pressing, but that is not being accepted so far.

Secondly, it is very good that there is going to be another list. We will now have four Lists of subjects — apart from the Central List, the State list and the Concurrent List, there will be this Council List. Naturally, there may be some dispute or some difference as to what subjects should be included in that. But law and order, we know, will not be included in it. They had very much wanted that. But the Home Ministry, I am sure, will never agree to law and order being put into the Council List. But, for example, a very important point was raised about this alienation of tribal lands. This is common to many areas in our country. The power of restoring lands to the tribal people, lands which have been taken away from them, I believe, has been given now under Karbi Anglong and North Cachar Hills new dispensation. This Council will have the power to go into the question of lands which have been taken away wrongly or illegally or forcibly from the tribals and the question of restoring them.

The only flaw in the whole thing is that even if they decide to restore certain lands, how will they implement that unless they have police forces to help them or some law and order agency to help them? This provision will remain on paper. They will not be in a position actually to implement it because the people who are already occupying those once tribal lands will not easily give them up. So, there are chances of some conflicts here which may lead to violence, may lead to tension and all that.

So, I think, the Government should look into this matter. It is very good that they have agreed to include this subject in the Council List and give the Council opportunity to identify the lands which have been taken away from the tribals. But how to restore them because they will have no agency of their own, no police force of their own and if the State does not provide the requisite police force, they will not be able to implement this provision at all?

There are one or two other points. I do not wish to take up more time. On the whole, this is a very very welcome step. I think that this is a beginning of a general kind of movement which is spreading now throughout the country. I hope it will spread more widely. What we have always been pleading for is that decentralisation of powers is the only way to keep this country together. And by forcibly trying to bring everybody into one common sort of straitjacket administration, it is not leading to more unity but to more disunity and more discord. Therefore, from that point of view of unity in diversity, we very much support the spirit behind this Constitutional Amendment. I am very happy for it. We support it wholeheartedly.

MR. SPEAKER: Mr. Minister, everybody has supported it.

SHRIMATI DIL KUMARI BHANDARI (Sikkim) : Sir, I rise to support the Bill wholeheartedly on my own behalf and on behalf of my party. As far as giving protection to the non-tribals residing in the area are concerned, I fully associate myself with the feeling expressed by honourable Shri Indrajit Gupta. Government should do something to protect the interests of those people also without hurting the sentiments of the tribal people. With these words, I support the Bill.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P.M. SAYEED) : Mr. Speaker, Sir, I am grateful to all the fifteen Members, including Shrimati Bhandari, who have wholeheartedly supported this measure. In fact, in its wisdom, the Business Advisory Committee had decided that it would be passed without any discussion. In the other House, we did the same thing. Here almost all the 15 Members have supported it wholeheartedly. They have given some suggestions.

Number one is with regard to finance. Regarding finance, according to the MOU arrived at on 1 April, 1995, on the basis of which this Bill was drafted, it is totally in tune with that. At the beginning of every budget year, the State Government will indicate the amount to the Councils. They will discuss it thoroughly and they will plan accordingly and then pass the budget. To a certain extent, 25 per cent of the finance is earmarked and that will be made available.

SHRI HARI KISHORE SINGH (Sheohar) : Will you agree to the proposal that the Centre will not insist on having matching resources for development from these Councils because you give money?

SHRI P.M. SAYEED : This arrangement of taking these two districts to the Sixth Schedule is in the harmonious relations that have developed between the tribal leaders and the Assam Government.

In fact, it is an arrangement and we have come to the picture only to bring these tribals together. Karbi Anglong and North Cachar district leaders and Assam Government were brought together and many such meetings and negotiations at the level of the Home Minister have taken place. It is primarily the responsibility of the State and the district concerned. The amount would be flown from the State Budget. Of course, for the tribals, the funds will go from the Central Government. So, that will also be there.

Without going into the details, the salient feature of the Bill is this. The Governor hitherto was not to consult the issues compulsorily with the Council but in this Sixth Schedule Bill, paragraph 20B is added and under that, it is mandatory for the Governor to have consultation with the Council. That is one point. Secondly, with regard to the interest of the non-tribals which have been referred to by many Members, nomination to that extent would be made from among the non-tribals. That also has been agreed to.

SHRI INDRAJIT GUPTA : But it is not specified.

SHRI P.M. SAYEED: It is not specified but we have made it reserved. I know that when Dr. Rongpi and other leaders had the MOU with the Assam Government, they had indicated it and they had expressed it to us when they had discussions at the central level. They will be given proper protection and regards and nomination from their communities would be taken care of. These are the points which I wanted to say.

My friend Prof. Kamson has raised some points.

SHRI HARI KISHORE SINGH: What about the police power?

SHRI P.M. SAYEED: You know that at the moment, police power is not agreed upon in the MOU. The Bill was drafted after the arrival of the understanding between the Assam Government and the tribal leaders. This Memorandum of Understanding was on 1 April, 1995. On this also, Dr. Rongpi will agree with me that it was not arrived at a consensus. But this is a vital issue and everybody has touched that aspect. This is a noble idea. More and more powers have already been given. Fifteen more subjects are going to be given to the Legislative and at the same time, 30 additional subjects are going to be given to the Legislative. This is the salient feature of the Bill. I request the House to pass this Bill.

[Translation]

SHRI RAM VILAS PASWAN : Please talk to the Bodo. Why don't they do it?

[English]

SHRI P.M. SAYEED : This is not within the ambit of the Bill. My friend, Mr. Paswan may not bring extraneous matters at the moment. In this good atmosphere, Sir, I would request you to adopt this measure and go in for this legislation.

MR. SPEAKER: The question is :

"That the Bill further to amend the Constitution of India in its application to the State of Assam, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

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

MR. SPEAKER : The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. 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.

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

SHRI P.M. SAYEED: I beg to move:

"That the Bill be passed."

MR. SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

[Translation]

AN HON'BLE MEMBER : Now please take up 377.

MR. SPEAKER: That will be taken up in the end.

14.00 hrs

[English]

What do we do now? Should we take up the discussion or break for lunch?

SHRI ARJUN SINGH: Sir, it is purely your discretion. I can hardly say anything. It is better to take it up at 6 O'Clock so that there will be continuity. Otherwise, after half-an-hour, there will be Private Members' Business and then if we take it up again, it will disturb the whole sequence. Moreover, there is nobody here to listen to what I have to say ... (*interruptions*) ... In this case, with all due deference to everyone, I am not going to speak unless the Prime Minister or the Home Minister be present in the House. This is not a light matter. I request you and beg you, Sir.

MR. SPEAKER: Then, should we take it up at 6 P.M.?

SHRI ARJUN SINGH: I have no objection.

MR. SPEAKER: Okay. Let us have it at 6 P.M. because, as you said, by discussing for half-an-hour and breaking the discussion, it will disturb the continuity.

SHRI ARJUN SINGH : Thank you, Sir.

MR. SPEAKER: The House will now adjourn for Lunch to meet again at 3.30 P.M.

14.01 hrs

The Lok Sabha then adjourned for Lunch till Thirty Minutes past Fifteen of the Clock.

15.35 hrs.

The Lok Sabha re-assembled after Lunch at Thirty-five Minutes past Fifteen of the Clock.

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

[English]

MR. DEPUTY-SPEAKER: Now, we shall take up Private Members' Business. Shri Khagapati Pradhani.

COMMITTEE ON PRIVATE MEMBERS' BILLS
AND RESOLUTIONS

Forty-fifth Report

SHRI K. PRADHANI (Nowrangpur): Sir, I beg to move:

"That this House do agree with the Forty-fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 23 August, 1995."

MR. DEPUTY-SPEAKER : The question is :

"That this House do agree with the Forty-fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 23 August, 1996."

The motion was adopted.

15.36 hrs

Resolution Re : STEPS TO PREVENT ATROCITIES ON SC/ST.—[CONTD.]

MR. DEPUTY-SPEAKER : Now, we shall take up further discussion on the Resolution moved by Shri Satya Deo Singh on the 16 December, 1994 on the steps to prevent atrocities on SC/ST.

Time allotted for discussion on the subject was six hours. We have already consumed 5 hours 42 minutes; time left is 18 minutes.

Yes, Pradhaniji, would like to speak on this?

SHRI K. PRADHANI (Nowrangpur): No Sir.

SHRI NITISH KUMAR (Barh) : Sir, please increase the time for discussion on this subject.

MR. DEPUTY-SPEAKER: Yes, Shri Satya Deo Singh.

SHRI SATYA DEO SINGH (Balrampur): Sir, I have already made my submissions on this. The response should come from the Government.

PROF. RASA SINGH RAWAT (Ajmer): Let the reply come from the Minister.

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K.V. THANGKA BALU) : Sir, if no other