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Wednesday, December 15, 1971
Agrahayana 24, 1893 (Saka)

LOK SABHA DEBATES

(Third Session)



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LOK SABHA SECRETARIAT
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LOK SABHA DEBATES

1

LOK SABHA

Wednesday, December 15, 1971 | Agrahayana 24,
1893 (Saka)

The Lok Sabha met at Ten of
the Clock

[MR. SPEAKER in the Chair]

PAPERS LAID ON THE TABLE

ANNUAL REPORT OF ALL-INDIA INSTITUTE OF MEDICAL SCIENCES

THE MINISTER OF STATE IN THE
MINISTRY OF HEALTH AND FAMILY
PLANNING (PROF. D. P. CHATTO-
PADHYAYA): On behalf of Shri Uma
Shankar Dikshit, I beg to lay on the Table
a copy of the Annual Report (Hindi version)
of the All India Institute of Medical
Sciences, New Delhi, for the year 1970-71,
under section 19 of the All India Institute
of Medical Sciences Act, 1956. [Placed in
Library. See No. LT—1280/71].

MYSORE MOTOR VEHICLES (SIXTH AMENDMENT) RULES

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND SHIPPING AND
TRANSPORT (SHRI RAJ BAHADUR): I beg to lay on the Table a copy of the
Mysore Motor Vehicles (Sixth Amendment)
Rules, 1971 (Hindi and English versions)
published in Notification No. G.S.R. 226 in
Mysore Gazette dated the 22nd July, 1971,
under sub-section (3) of section 133 of the
Motor Vehicles Act, 1939, read with clause
(c) (iv) of the Proclamation dated the 27th
March, 1971, issued by the President in
relation to the State of Mysore. [Placed in
Library. See No. LT—1281/71].

2

NOTIFICATION UNDER INDIAN TELEGRAPH ACT

THE MINISTER OF COMMUNICA-
TIONS (SHRI H. N. BAHUGUNA): I beg
to lay on the Table a copy of the Indian
Telegraph (Sixteenth Amendment) Rules,
1971 (Hindi and English versions) published
in Notification No. G.S.R. 1679 in Gazette
of India dated the 6th November, 1971
under sub-section (5) of section 7 of the
Indian Telegraph Act, 1885. [Placed in
Library. See No. LT—1282/71].

REPORT OF C. & A. G. AND FINANCE ACCOUNTS OF CENTRAL GOVERNMENT

THE MINISTER OF STATE IN THE
MINISTRY OF FINANCE (SHRI K. R.
GANESH): I beg to lay on the Table :—

- (1) A copy of the Report of the
Comptroller and Auditor General
of India for the year 1969—70 Central
Government (Commercial) Part
VI—National Seeds Corporation
Limited, under article 15(I) of the
Constitution.
- (2) A copy of the Finance Accounts
(Hindi version) of the Central
Government for the year 1967-68.
[Placed in Library. See No. LT—
1283/71].

REVIEW AND ANNUAL REPORT OF HINDUSTAN CABLES, LIMITED

THE MINISTER OF STATE IN THE
MINISTRY OF INDUSTRIAL DEVELOP-
MENT (SHRI GHANSHYAM OZA): I
beg to lay on the Table a copy each of the
following papers under sub-section (1) of
section 619A of the Companies Act, 1956 :—

- (1) Review (Hindi and English versions)
by the Government on the working
of the Hindustan Cables Limited
for the year 1969-70.
- (2) Annual Report of the Hindustan
Cables Limited, for the year 1969-
70, along with the Audited Accounts

[Shri Ghanshyam Oza]

and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT—1284/71].

NOTIFICATIONS UNDER MYSORE FIRE FORCE ACT AND MYSORE POLICE ACT

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : On behalf of Shri K. C. Pant, I beg to lay on the Table :—

- (1) A copy each of the following Mysore Government Notifications (Hindi and English versions) under sub-section (3) of section 39 of the Mysore Fire Force Act, 1964, read with clause (c) (iv) of the Proclamation dated the 27th March, 1971, issued by the President in relation to the State of Mysore :—

(i) The Mysore Fire Force Regulations, 1971, published in Notification No. G.S.R. 245 in Mysore Gazette dated the 12th August, 1971.

(ii) The Mysore Fire Force Rules, 1971, published in Notification No. G. S. R. 260 in Mysore Gazette dated the 19th August, 1971. [Placed in Library. See No. LT—1285/71].

- (2) A copy each of the following Mysore Government Notifications under sub-section (4) of section 163 of the Mysore Police Act, 1963, read with clause (c) (iv) of the Proclamation dated the 27th March, 1971, issued by the President in relation to the State of Mysore :—

(i) The Mysore State Police Services (Recruitment) (First Amendment) Rules, 1971 published in Notification No. G.S.R. 153 in Mysore Gazette dated the 27th May, 1971.

(ii) The Mysore State Police Services (Recruitment) (Second Amendment) Rules, 1971 published in Notification No. G.S.R. 161 in Mysore Gazette dated the 3rd June 1971. [Placed in Library. See No. LT—1286/71].

STATEMENT CORRECTING ANSWER TO U.S.Q. No. 4240 Re. TARAI DEVELOPMENT CORPORATION

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ANNASAHAB P. SHINDE) : I beg to lay on the Table a statement correcting the reply given on the 8th July, 1971 to Unstarred Question No. 4240 by Shri Jitendra Prasad regarding Tarai Development Corporation and giving reasons for the delay in correcting the reply.

Statement

In reply to part (b) of Unstarred Question No. 4240 by Shri Jitendra Prasad answered on the 8th July, 1971 it has been stated as under :—

- (b) There is no farmer, participating in the Tarai Seed Development Project, who has holdings upto ten acres.

The correct reply to this part of the Question will be as follows :—

- (b) There are 140 farmers, participating in the Tarai Seed Development Project, who have holdings upto 10 acres.

Reasons for delay

The correct information was received from the Tarai Development Corporation after the Question was answered. Delay in laying the correct reply on the table of the House is regretted.

10.03 hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY : Sir, I have to report the following messages received from the Secretary of Rajya Sabha :—

- (i) (1) "I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Tuesday, the 14th December, 1971, adopted the following motion in regard to the Code of Criminal Procedure Bill, 1970 :

"That this House recom-

mends to Lok Sabha that Lok Sabha do appoint a member of Lok Sabha to the Joint Committee of the Houses on the Code of Criminal Procedure Bill, 1970, in the vacancy caused by the resignation of Shri Kedar Nath Singh from the membership of the said Joint Committee, and communicate to this House the name of the member so appointed by Lok Sabha to the Joint Committee."

- (2) I am to request that the concurrence of the Lok Sabha in the said motion, and also the name of the member of the Lok Sabha appointed to the Joint Committee may be communicated to this House.
- (ii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 13th December, 1971, agreed without any amendment to the Jayanti Shipping Company (Acquisition of Shares) Bill, 1971, which was passed by the Lok Sabha at its sitting held on the 4th December 1971."
- (iii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 2nd December, 1971, agreed without any amendment to the Forward Contracts (Regulation) Amendment Bill, 1971, which was passed by the Lok Sabha at its sitting held on the 24th November, 1971."
- (iv) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 14th

December, 1971, agreed without any amendment to the Manipur (Hill Areas) District Councils Bill, 1971, which was passed by the Lok Sabha at its sitting held on the 9th December, 1971."

- (v) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 14th December, 1971, agreed without any amendment to the Asian Refractories Limited (Acquisition of Undertaking) Bill, 1971, which was passed by the Lok Sabha at its sitting held on the 10th December, 1971."
- (vi) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha. I am directed to return herewith the Appropriation (Railways) No. 3 Bill, 1971, which was passed by the Lok Sabha at its sitting held on the 9th December, 1971, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

REPORT OF STUDY TOUR

SHRI BUTA SINGH (Rupar) : I beg to lay on the Table the Report of the Study Tour of Study Group III of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes to Madras, Andhra Pradesh and Calcutta in September, 1971.

10.04 hrs.

RE : ARREST OF EDITOR OF
'NAVASAKTI' BY TAMIL NADU
GOVERNMENT

SHRI SHYAMNANDAN MISHRA
(Begusaral) : I would like to bring to the

[Shri Shyamnandan Misra]

notice of the House as also the Government the action of the Government of Tamil Nadu in arresting the leader and the news editor of the 'Navasakti'.

SHRI K. MANOHARAN (Madras North) : He is raising a matter without prior consultation, but the question is...

MR. SPEAKER : I think this is a matter between you and him.

SHRI K. MANOHARAN : The problem is this. A case has been registered against that particular Editor who has been arrested under the Defence of India Rules and the hearing is going to be held tomorrow. So, I think it is *sub-judice* and the question is whether it can be discussed on the floor of the House now. He is a doughty champion of the supremacy of the judiciary and I hope he will accept it.

SHRI SHYAMNANDAN MISHRA : The point is that the House must know in what circumstances was the editor arrested. The editor had the audacity to criticise the Chief Minister of Tamil Nadu for expressing pro-American views. The Chief Minister was reported to have said that the decision of America could not be except on the side of justice. Now, the entire country...

SHRI SEZHIAN (Kumbakonam) : I want to put it on record that the matter has already been discussed in the Tamil Nadu Assembly.

MR. SPEAKER : As the House has already been informed by Shri K. Manoharan, the matter is *sub-judice*...

SHRI SHYAMNANDAN MISHRA : There is no question of my raising any *sub-judice* matter here. He was arrested first under the Defence of India Act. It appears that the Defence of India Act has been misused in this case. The editor had the courage to criticise the Chief Minister for expressing pro-American views. The Chief Minister had said that the decision of America could not be except on the side of justice. Now, the entire country is of one opinion, quite different from his. Does the Chief Minister of Tamil Nadu expect the editor of a newspaper to give a certificate to America at the present moment ?

MR. SPEAKER : Since the matter is *sub-judice*, it is much better that we keep silent over it.

SHRI SHYAMNANDAN MISHRA : How can we keep silent ? The basic question is that the editor has been arrested under the Defence of India Act.

SHRI K. MANOHARAN : My hon. friend must be rational rather than emotional I had told him point blank that the matter was pending in the court. I have got the full papers with me regarding it, whereas my hon. friend has only got some extracts with him. The matter is *sub-judice*. Therefore, the matter should not be discussed here.

SHRI SHYAMNANDAN MISHRA : We have always been given profuse assurances that the Defence of India Act would not be misused in any manner, but before the ink is hardly dry on it,—we passed it only the other day,—we find that an editor has been arrested and put under detention without trial.

SHRI K. MANOHARAN : May I ask one question of my hon. friend ? Can he cite the number of arrests that have been made by the Tamil Nadu Government under the Defence of India Rules ? we have not arrested any editor except the editor of the *Navashakti*.

AN. HON. MEMBER : He is worried because it is his party's paper.

10.08 hrs.

RE : MOVEMENT OF SEVENTH FLEET OF USA

श्री छटल बिहारी बाजपेयी (ग्वालियर) : अध्यक्ष जी, आप प्रतिदिन देख रहे हैं कि प्रतिपक्ष की ओर से माँग की जा रही है कि अन्तर्राष्ट्रीय क्षेत्र में जो कुछ हो रहा है, विशेष कर अमरीका और चीन हमारे क्षत्र को मद्दद पहुँचाने के लिए कूटनीतिक तथा गैर-कूटनीतिक तरीका जो अपना रहे हैं उसके सम्बन्ध में संसद को विद्वांस में लेना चाहिए लेकिन मुझे खेद है

कि इस तरह का कोई भी वक्तव्य सरकार की ओर से नहीं आ रहा है। अभी हमारे ऊपर युद्ध घोषा गया और अब युद्ध विराम घोषा जाने वाला है उसमें सरकार का क्या रबैया होगा क्या सदन को इसपर चर्चा करने का भी अवसर नहीं दिया जायेगा? यह भी समाचार पत्रों में छपा है कि राष्ट्रपति निक्सन ने प्रधान मन्त्री को कोई पत्र लिखा है तो उसमें क्या है? क्या उसमें कोई घमकी दी गई है? और उससे निपटने के लिए हम क्या कर रहे हैं?

अध्यक्ष जी, आप हमारे अधिकारों के रक्षक हैं। मैं समझता हूँ समय आ गया है जब सदन को विश्वास में लेकर सरकार युद्धबन्दी के बारे में और अमरीका और चीन की नीति के बारे में एक वक्तव्य दे और यदि आवश्यक हो तो उस पर चर्चा करने का अवसर दें।

PROF. MADHU DANDAVATE (Rajapur): I wanted to say exactly the same thing. But I want to point out one thing more, namely that news has been coming about the Seventh Fleet and some Chinese postures, and in the light of all this, this sovereign Parliament is entitled to know the mind of Government, and if need be, we would also like to express our viewpoint so that Government may be backed for a strong posture by the entire Parliament and so that President Nixon also may not give such threats, and if he gives such threats, he may know that it will only end in leading him to another end of his imperialistic design. That is exactly what we desire, and I think that this clarification should be made by Government.

SHRI H. N. MUKERJEE (Calcutta—North—East): This is the third occasion when we have had to draw the attention of the House to this matter, and Government does not still respond. That is very peculiar. You had permitted us, Sir, to mention it yesterday and also the day before, and Government still does not say a word about it.

SHRI JYOTIRMOY BOSU (Diamond Harbour): On the first day, you had been kind enough to allow us to raise this issue, and the hon. Minister of Parliamentary

Affairs told us that the Prime Minister would be holding a conference with the leaders of the Opposition groups, but three days have passed and nothing has happened. As regards the movement of the Seventh Fleet, it is moving towards us in full steam, and still we are kept ignorant of it. We would like to know from Government about the movement of the Seventh Fleet which is really posing a threat to us.

SHRI SHYAMANANDAN MISHRA (Begusarai): Regarding the meeting of the Leader of the House with the Leaders of the Opposition, I must say that we are not satisfied with the way in which we are being treated. We are not being given any information which might be of use to us in advising the Government properly. These meetings are not of the same kind as we used to have during the last two wars.

There must be some institutional arrangement with the Leader of the House so that we might be in a position to know about the matter fully.

SHRI S. M. BANERJEE (Kanpur): I want to know whether the fleet actually moving.

SHRI H. N. MUKERJEE: You could ask Government to make a statement. We hear most disquieting reports about statements that Shri L. K. Jha, our ambassador, is making about the movement of the 7th fleet. In spite of what is being said inside Parliament and outside, the Government keeps mum.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR): As regards the movement of the Seventh fleet, I am sure it will not unnerve anybody, any member of this House, or anybody outside in the country. We shall take due note of it, but we shall not give undue importance to it.

About meeting the Leader of the House, I would certainly communicate to the Leader of the House what has been said just now by the leaders of the Opposition. As for taking the House into confidence, we would like to do so at the appropriate time.

SHRI H. N. MUKERJEE : What does the Minister mean by saying that we are 'unnerved'? This kind of statement about the members of this House made by the Minister of Parliamentary Affairs is unworthy, undignified and absolutely undeserved. Shri Chavan is here. He is the leader of the Government now in the House. He should clarify the matter.

SHRI ATAL BIHARI VAJPAYEE : We are not unnerved.

SHRI RAJ BAHADUR : Let me clarify. I did not say we are unnerved. I said we are determined.

अव्यक्त महोदय : आप ने पहले भी कहा था, आज भी कहा, और उस को मैंने उन से कह दिया। वह कहते हैं कि प्राइम मिनिस्टर को कन्वे कर देंगे।

I think it is for the Minister to inform the House about what is happening.

SHRI INDRAJIT GUPTA (Alipore) : They always make statements after "halla" for three days. Before that, they do not do so.

SHRI RAJ BAHADUR : This is a delicate situation.

10.12 hrs.

COMPANIES (SURCHARGE ON INCOME-TAX) BILL*

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : I beg to move for leave to introduce a Bill to provide for the levy of a surcharge on income-tax payable in advance by companies during the financial year 1971-72 under the Income-tax Act, 1961.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for the levy of a surcharge on income-tax payable in advance by companies during the finan-

cial year 1971-72 under the Income-tax Act, 1961".

The motion was adopted.

SHRI YESHWANTRAO CHAVAN : I introduce† the the Bill.

PERSONAL INJURIES (EMERGENCY PROVISIONS) AMENDMENT BILL*

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR) : I beg to move for leave to introduce a Bill to amend the Personal Injuries (Emergency Provisions) Act, 1962.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill to amend the Personal Injuries (Emergency Provisions) Act, 1962".

The motion was adopted.

SHRI R. K. KHADILKAR : I introduce † the Bill.

PERSONAL INJURIES (COMPENSATION INSURANCE) AMENDMENT BILL*

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR) : I beg to move for leave to introduce a Bill further to amend the Personal Injuries (Compensation Insurance) Act, 1963.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Personal Injuries (Compensation Insurance) Act, 1963."

The motion was adopted.

SHRI R. K. KHADILKAR : I introduce † the Bill.

INDIAN TARIFF (AMENDMENT) BILL*

THE MINISTER OF FOREIGN TRADE (SHRI L. N. MISHRA) : I beg to

* Published in the Gazette of India Extraordinary, Part II, Section 2, dated 15.12.71.

† Introduced with the recommendation of the President.

move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934".

The motion was adopted.

SHRI L. N. MISHRA : I introduce the Bill.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : Sir, with your permission, may I inform the House that the Defence Minister may be allowed to introduce the Bill connected with naval aircraft, connected with the emergency and the war ? It may be introduced and allowed to be passed and the necessary suspension of the rules may also be done at 11.30.

MR. SPEAKER : I had already allowed that.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Sir, on a point of order. Mention was made about this Bill about three or four days ago in the House. (*Interruption*) Let me finish my submission, Sir. They could have easily circulated the Bill of our study. Why do they want to suspend the rules ? (*Interruption*)

MR. SPEAKER : Please listen. Sometimes you do not obey and you do not listen.

SHRI JYOTIRMOY BOSU : Sir, I bow to you

MR. SPEAKER : They only want it to be passed today. Everything is circulated ; everything is in order.

10.16 hrs.

NORTH EASTERN AREAS (REORGANISATION) BILL—*Contd.*

MR. SPEAKER : Shri Biren Dutta.

SHRI BIREN DUTTA (Tripura West) : Mr. Speaker, Sir, I rise to welcome

this Bill. At the outset, I would like to narrate the history of the movement of the people of Manipur and Tripura for having Statehood for Manipur and Tripura. In the first general elections, the people of Tripura and Manipur fought for getting this Statehood, but the Government refused. It was in that election that the two seats of Parliament were captured by us, and out of the 30 seats in the Territorial Council, we won 21 seats, but the Government, without according to the proper demand of the people of Tripura and Manipur, introduced the Advisory Councils with the defeated Congressmen. Again, the people of Tripura and Manipur felt that without a bitter struggle, their demand for Statehood cannot be realised. Then, the States Reorganisation Commission came and it also admitted that there should not be three types of States, that is, A, B, and C, in the Indian Union. But unfortunately, they also recommended the merger of Manipur and Tripura with Assam. Again, against this decision, there was a big mass movement in Manipur and Tripura. The Government came forward with the Territorial Councils Act. But the people did not divert or back out from the stand that they had taken for having Statehood. They began another mass movement. In 1962, with another Act, the Central Government took for themselves all the powers at the Centre, and denied Statehood to the people of Tripura. There was again a big mass movement. The people of Manipur laid their lives on the streets of Imphal, and thousands were killed, and many people entered jails in Tripura. Now at last this Bill has come. So, I welcome it.

Sir, while I am welcoming it, I cannot but express my pain that even at this stage, the people of Goa have been denied their right, and Statehood has not been conferred on them. The People of Goa, after coming into the Indian Union—

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : This is the North-eastern Reorganisation Bill. Goa is not in the north-east.

SHRI BIREN DUTTA : You may have brought another separate Bill along with this. The Goanese are entitled to have Statehood conferred on them.

† Introduced with the recommendation of the President,

[Shri Biren Dutta]

I would like to refer to some important provisions of the Bill. Yesterday while introducing the Bill Mr. Pant stated that there were a large number of tribal people in Tripura. So I would be happy if he introduced the Tribal Councils in Tripura also. It is stated that there are some difficulties, but the new District Councils formed only a few months ago have created this problem. Otherwise, in Tripura there were clearly demarcated areas for the appointment of Tribal Councils. If you take the northern portion of Tripura West and extend the area to the southern portion of Tripura North, you have a big area with a big tribal population for a Tribal Council. Again, if you take the area east of the Agartala-Assam Road, you can create another Council. These will cover a larger population than the Council formed in Manipur. So, I would request the hon. Minister to reconsider the formation of Tribal Councils in Tripura.

There is another thing in this Bill which I would like to oppose. It has been said that there will be a North-eastern Council. It is said to be an advisory body, but Clauses 4, 5 and 6 show that its powers are more than advisory and amount to domination of the State by the Centre in all aspects. So, I would request the Government not to have this Council. Let the present Zonal Council system continue in this zone.

The hon. Minister should give us a clear assurance, and if possible amend the concerned Clause, so that the Chief Justice of the Assam High Court would have courts in Tripura, Manipur, Mizoram and Arunachal.

In respect of the services, I would like to recall an anomaly that took place when Tripura was integrated with the Indian Union. All the TCS officers were taken as I.A.S. officers, and they worked for 17 years. After that the Government of India appointed a Committee to have an examination of the officers to see if they were of I.A.S. standard. There was a court case, and this matter was then settled by negotiation. So, when the new State comes up and new arrangements are made Government should see that such things do not happen again.

I would like the hon. Minister to assure us that Tripura would get a little more

finance than what is strictly due to her, because during this period of war and the liberation movement in Bangla Desh, Tripura has suffered heavily. All the roads have been damaged due to heavy military movement and due to the shelling from across the border by Pakistani forces. Many of our towns and villages have been devastated. So, I urge upon the Government to see that the new State gets more amount than what has been provided for in the Bill.

With these words, I support the Bill.

SHRI N. TOMBI SINGH (Inner Manipur) : I welcome and support this measure, and I can say without any hesitation that this is one of the best and most important legislations ever taken up in this House. This will bring about great change of the entire eastern zone consisting of Assam, Manipur, Tripura, Meghalaya, Mizoram and NEFA which will be now named as Arunachal. So, this Bill deserves the utmost consideration and support from all sections of the House.

This is the first time that the Government of India and our leadership have been able to go deep into the problems of the eastern zone, not piecemeal, but comprehensively into all their aspects and details. Till now the grievance of the eastern zone has been that their problems have been taken up piecemeal and attention has been casual. Therefore, whatever steps were taken in the political and economic sphere especially when new states were formed they left room for discontent and dissatisfaction in other corners of the area. But this Bill, in spite of certain short comings which may be a matter of opinion, indicates that the Government of India, under the able leadership of the Prime Minister, have been able to see the problems of the eastern zone and remove the fear of the people there arising from their distance from the Capital. Distance from the Capital has proved an important factor in the case of Pakistan today. This distance from the Capital has been removed in the case of the eastern zone today, and the people there have full satisfaction of working and participating in the development of the country. This distance in physical geography has been rendered insignificant by this Bill. We have to praise the Home Ministry and the Prime Minister for having taken great pains to

go into the details of the area and make these proposals which will satisfy more or less all these units. Each unit has its own justification for up grading of its status to State hood or Union territory but I shall confine my observations to Manipur.

It will be impossible to express what I feel in the short time available, but I shall try my best. In view of the importance of this measure the time allotted should have been more. I, however, appreciate the intention of the government to pass the Bill quickly and the circumstances under which we are transacting our business. The struggle for Statehood by Manipur and for the realisation of the people's aspirations started with the integration of the State with the Indian Union in October, 1949. We were a native State, never a part of any State, and before the British conquest we were a sovereign State. The historical background and the history of our long struggle for Statehood is too well-known to this House. But we are happy that we are a part of a great nation. We like to continue this perpetually and in every aspect of national life, we would like to participate. This measure which we are passing today should continue to enthuse and inspire the people to work more and more for national integrity and unity.

So far as the statehood of Manipur and other related matters are concerned, I do not think I should waste any time on them, because only last year, all parties sent their representatives to Manipur to see how deeply the people there feel about it. We also submitted a memorandum to all the members. So, we are grateful to the Prime Minister, the Home Ministry and to all the parties in this House for having taken the pains to go into all those aspects and seen the justification for Manipur to have statehood and for having sympathised with the people of Manipur in the critical days of their struggle for this legitimate right.

Coming to the Bill, there are two aspects. There is provision for a common cadre of service for Manipur and Tripura and a common Governor of the whole area. I hope the Home Minister will reconsider it, if not now, at least later. This Bill should not be the last word on the subject. It will be a matter of experiment. We do not know whether this arrangement will stand the test of actual need of the area or not. After seeing how it works, I hope the

Ministry will not hesitate to reconsider it and see if things can be improved. At this stage we cannot give it our unqualified support.

One thing which stood in the way of the formation of the new States was the aspect of economic viability. Manipur has a rich forest areas. Geological and mineral resources are in plenty. But we are very sorry that a proper and adequate geological survey has not been made in Manipur for in spite of repeated demands in this behalf. If it is done and followed up by quick action, I think Manipur will be not only self-sufficient but it will be a rich boon to the rest of the eastern zone of the country. From the point of view of agriculture, the lands are very fertile and it will be a granary to the rest of the country if irrigation facilities are increased.

Before I conclude, Sir, I urge with all the emphasis at my command that the area must be industrialised, irrigation facilities have to be enhanced, geological survey has to be made without delay, communication facilities should be improved, all available economic resources have to be utilised to enable Manipur to stand on her own legs.

With these words, I support this Bill.

SHRIMATI JYOTSNA CHANDA (Cachar) : Sir, I welcome this Bill and I congratulate the Government for giving an opportunity to the people of these areas to strive for their welfare and upliftment. I take particular interest in the Mizo district, which is part of my constituency. The population of this area is 2.30 lakhs, comprising Mizos, Mars, Chakmas, Pawi-Lakher, Rihang, etc., of which one tribe is distinctly separate from the other. The Mizos constitute the majority and the minority tribes do not get scope to develop their education or culture. But this aspect has not been thoroughly looked into in this Bill and no safeguards are provided for them.

The other day, the Manipur Hill Areas Bill was passed, providing for district councils for the tribal people. But I do not find any such provision in this Bill for the minority communities in this Bill. The Chakmas are nearly 31,000 and Pawi-Lakher are nearly 30,000. I understand they have already submitted memoranda to the Government requesting them to provide district councils for them for their safeguards,

[Shrimati Jyotana Chanda]

I hope that the government will give due consideration to their appeals and sanction district councils to them, if necessary, even by amending the Bill in future.

It may not be out of place to mention that discontent in the minds of a big section among the Mizos, which is a majority community, resulted in the uprising in 1966. May I request the government to set up a commission to study and investigate into the root causes of such uprise so that it does not recur in the future? I for myself feel that the Mizos have been kept isolated during the British period and they have inherited a misconception that they are not Indians and keeping them isolated even after independence for about 25 years have augmented this feeling. Government should think over the matter and give them full opportunities so that they feel they are Indians. It is the only area in India where one has to enter with a movement permit. Even myself, their representative, is not exempted from this.

The economic condition of the Mizo district is probably at the lowest ebb and the communication within Mizo district and its link with Cachar are far from satisfactory. The Silchar-Aijal-Lungleh road, though built at great cost, is in very bad condition due to lack of proper maintenance.

Another very important factor is that the government have given pardon to many Mizo rebels but have not considered the question of amnesty to many of those captured after last disturbance. May I make a humble suggestion that these cases have to be considered in the new set up and they should also get the pardon mainly on humanitarian ground as I believe that they are repentant for their past actions.

With these words, I support the Bill.

SHRI S. M. BANERJEE (Kanpur):
Mr. Speaker, Sir, as far as the Bill is concerned, after hearing the hon. Minister, Shri K. C. Pant, on behalf of my group and myself I support the grant of state hood to Tripura, Manipur and Meghalaya and the formation of the Union Territories of Mizoram and Arunachal Pradesh. But I would like to mention here that all the parties, including some of the Congress members who formed into a samiti in Assam called the North Eastern Samgram Parishad have

clearly stated that the formation of a council is not acceptable to Nagaland which, I think, the representative of Nagaland has made very clear here. They have stated that the government of Nagaland have rejected the scheme and the government of Assam have approved the scheme for reasons of political exigency. The Government of Assam carried out the wishes of the federal government rather than the voice of the people of Assam. Because of this arrangement Assam will surely be reduced to a non-entity in the political set-up of India. This is the feeling of the people of Assam, which definitely includes those who belong to the ruling party. In fact, the Assam Government at the very outset opposed the idea of the formation of a council and gave enough reasons for it. There was a move by the opposition, which was spear-headed by our representatives in the Assam Assembly, for opposing the scheme. Of course, our move was defeated because of the majority on the other side. But I feel that the representatives of Assam have a feeling of disappointment in this House as well as in the Assam Assembly and it is in this light that I feel that this requires reconsideration. We have always welcomed it. We have demanded autonomy, Statehood, for Manipur, Tripura, Meghalaya and other Hill States or Union Territories like Mizoland or Mizoram and other places.

In that sector, we know how the Britishers treated those tribals, our brothers and sisters, and they always wanted to isolate them from the national struggle. They wanted to use them and train them as foreigners to this country. But the brave people of those places have realised that they are Indians and they want to die for India. They are safeguarding our borders to the best of their ability.

I have a feeling, while welcoming the Bill, that there is an opposition to a common Bar Council, a common High Court. I hope, the representatives from Assam will voice their feelings. They may ultimate vote for the Bill. But that is a different matter. Is it not that they are opposed to a common High Court. Are they satisfied with the Benches or do they want a separate High Court? There is no question of a separatist tendency. After all even in U.P., there are so many Benches. But even in U.P., some people wanted a

High Court for the western U.P. and many Members supported this cause.

It is not the question of the spirit of separatism. The integration should be done by consent and mutual agreement. It cannot be achieved by simply bringing a legislation. So, while supporting this Bill, on behalf of my party, I voice the feeling of the opposition Members of Assam Assembly. There was a resolution which was moved in the Assam Assembly and, at that time, I am sure the Government of Assam was agreed.

We want that all these newly born States should flourish. The Centre should give them as much help as possible. There should be a understanding and harmonious relations between Assam and all those States. I would request the hon. Minister, before he brings forward the other Bill, that he should consider this aspect very seriously, and have another discussion with the representatives of those places and then come with the necessary legislation. After all, that is not very urgent. What is urgent is the formation of the States, giving autonomy to all the small States. I welcome that and thank the Government for bringing forward this legislation. As far as the other aspect is concerned, it requires a re-thinking & I would request the hon. Minister to kindly give an assurance to this House that nothing will be done which will make the people of Assam unhappy.

SHRI PAOKAI HAOKIP (Outer Manipur) : Mr. Speaker, Sir, I rise to sincerely welcome this Bill concerning the reorganisation of the north-eastern part of India.

At this moment, one is delightfully tempted to say that this is one of the most vital measures which concerns the well-being of the people living in that part of the country. The need is so great that without a proper development of this part of the country, the development and the progress of the country as a whole will not be complete and strong. In this sense, this Bill is a very important one. I would also like to say that never before was there any session as the current one, that fulfills the hopes and aspirations of the different sections of the country under the guidance of our able Prime Minister, Mrs. Indira Gandhi.

Indeed the nation is climbing summits of progress in the face of various situations.

Next I would certainly like to say something about my State of Manipur. But to go into the history of the struggle for the demand of statehood to Manipur will be a very very long one. I think, as my time is very limited, I would not like to go into it. At the same time, the House is fully aware how the struggle of the people of Manipur went on and how it was conceded this year and at last the hope of the people is fulfilled and attained. I think with the attainment of this, the isolation of these people from the Centre will end and this will result in greater progress and development of the country as a whole.

I am also very happy about granting of statehood to Manipur and Tripura and formation of the State of Meghalaya and Union Territories of Mizoram and Arunachal Pradesh. About these two Union Territories newly created, one would like to say naturally something on that.

Mizos, as the House also knows, have been fighting for some time now and to-day the Government has wisely come forward with this Bill to transform the Mizo Hills District into a Union Territory. Now, these two backward areas are hilly areas, the terrain is very difficult and poor and as a result of this, the people are very much backward. In this connection, I would like to stress the need that when these two areas are fully transformed into Union Territories, in order to improve the conditions there, the Central Government should think carefully in sending persons to these areas. Persons of what type should they send? Persons who are very mature and experienced and have full understanding of the interests of the people of the locality should be sent. Otherwise, I have my own experience in Manipur which was also a Union Territory before it became a State. From my experience I can tell you that unless people who could appreciate the interests of the tribal people are sent there, good administration and good relationship is very difficult to expect. That is why I would particularly like to stress this point and I hope that Government would kindly see to it.

These two territories especially will come closer to the centre and with the other parts of the country, and I hope that they will be quick in developing their own outlook and customs and cultures.

As I have said already, I would not like

[Sbri Paokai Haokip]

to go into the different aspects of Manipur. what the position before was. . .

MR. SPEAKER : The hon. Member should try to conclude now. The ringing of the bell is not just an entertainment, but the hon. Member must listen to the bell and try to conclude his speech. I have been ringing the bell for the third time now.

SHRI PAOKAI HAOKIP : I shall try to cooperate with you, Sir. I shall say just one thing only about Manipur and then I shall sit down. In 1967, the Government of India entered into a sort of agreement with the people of Nagaland or with the Naga Convention that certain portions of Manipur would be under the cease-fire agreement. This agreement was entered into without consultation with or the knowledge of the people of Manipur. What has happened as a result of that in this subdivision is that these people tried to create something and as result the people used to suffer. When I say this, I do not mean any ill-feeling towards any section of our Naga brothers. I do not know what has been done to remedy the position in this regard. If nothing has been done so far, I would request that in the best interests of the two neighbouring States, this matter should be looked into and settled peacefully. This was what I wanted to tell you and through you to the hon. Minister and the Government.

As I have said already, this is an important Bill and certainly the House would like to discuss this thoroughly. I myself would like to say something more on the three States and the two Union territories. But since my time is limited, and I have been given warning again and again to conclude, I would not like to continue my speech, and with these few words, I once again welcome this Bill.

*SHRI E. R. KRISHNAN (Salem) : Hon. Mr. Speaker, Sir, I would like to say a few words on the North-Eastern Areas (Reorganisation) Bill, 1971. When this Bill is enacted, Manipur, Tripura and Meghalaya will get statehood and Mizoram and Aruna-

chal Pradesh will become Union Territories. On behalf of Dravida Munnetra Kazhagam, I would like to request the Government of India through you, Sir, that our best wishes may be conveyed to the people of Manipur, Tripura, Meghalaya, Mizoram and Arunachal Pradesh.

Sir, though this Bill has come up before the House after so many years of discontent, struggle, bitterness among the the people inhabiting these areas, I am very happy to state that this Bill will enable the people to fulfil their long-cherished dream of having statehood. This Bill is a standing monument of democracy in our country and I have no doubt that democracy will also have deeper roots in our country.

Sir, this measure will pave the way for economic and social upliftment of scheduled tribes and scheduled castes living in these areas. I am sorry to point out that after 15 years of independence only when China committed aggression on our territory the eyes of the Government opened and they started formulating developmental schemes for these strategic areas. It is not enough that we have our defence forces at readiness to meet any unforeseen aggression from any country. It is imperative that the standard of living of the people, particularly the people living in strategic border areas, should be raised. The problems of the people of any particular area can be appreciated better by the local self-governing institutions and they will be in a position to formulate schemes suitable for the locality for its development. I have no hesitation in commending the laudable step of the Central Government giving statehood to Manipur, Tripura, and Meghalaya and also making Mizoram and Arunachal Pradesh as Union Territories. For another reason also, I would like to congratulate the Central Government and that is, they have voluntarily agreed to share the powers with the proposed State Governments. I would take this opportunity to appeal to all the political parties that they should work with verve and energy for the welfare of the people in these areas and they should not be made pawns in the game of political chess.

The Central Government have given the

*The original speech was delivered in Tamil.

gift of statehood to Tripura for all the magnanimity shown of the matter of giving shelter to lakhs and lakhs Bangla Desh refugees ; it is known to all of us that the number of refugees was even more than that of the local population. The people of Manipur have been agitating for statehood for so many years now and at last they have achieved their goal. I am sure that our hon. Deputy Speaker hailing from Meghalaya will convey to his people our best wishes. I hope that the Central Government, having brought Mizoram their direct central administration, will endeavour to eradicate the discontent of the people of Mizoram which has been the main cause of continued unrest in this area. Similarly, Arunachal Pradesh should receive undivided attention in the hands of Central Government because for two decades this area has been completely neglected.

Though it may be out of place, I would like to plead with the Government that Goa should also be given statehood at the earliest.

It may be inappropriate for me to refer to this, but I say this because the State Governments alone are in a position to understand the local problems and they alone are equipped to deal with them. I request the Central Government that they should delegate more powers to the State Governments so that they are not handicapped in their day to day working.

MR. SPEAKER : Hereafter, I am not going to allow written speeches. This is the last warning. There should be no written speeches in this House. The only exception is for maiden speeches. But I have been seeing since the last few days that members are reading their speeches. I am not going to allow it in future.

SHRI JYOTIRMOY BOSU : (Diamond Harbour) : Including the Ministers.

MR. SPEAKER : Ministers have to give their statements in writing.

SHRI JYOTIRMOY BOSU : That might also be the case sometimes with Members.

MR. SPEAKER : His brain work is wonderful.

SHRI D. BASUMATARI (Kokrajhar) : This is a most welcome measure and I wholeheartedly support Government on this Bill. This is an index of the fact that Government have understood what the feelings of the tribals are. All the time the tribal people have been feeling that they do not have their due share in their government. All the time, they have been feeling that they have been neglected. This time the Government under the dynamic leadership of our Prime Minister has come forward with a Bill as a result of which the tribal people will feel very happy. So I want to tell Government that the entire tribal people will congratulate Government on this measure.

11 hrs.

Shri Banerjee spoke accusing the State Government. I may tell him that it is not that. The present state of affairs is not the creation of the Government or the people of Assam. It is the creation of the British Government which was in power. They created differences among the people and in the process created bad blood among them. Before independence, this whole area had been divided into so many parts. The aim of the British rulers was to divide us and then rule. Therefore, the whole of Assam was divided into so many parts. One part was called Excluded area, another was called partially Excluded area. Into the Excluded area, people could not go without the written permission of the authorities. Even into the partially Excluded areas, free entry was not permitted.

Before the British came, the people of this region had cordial relations with each other. You know, Sir, that Assam had been ruled by many feudals, the Kachars, the Ahoms and so many other chieftains in the hills. But their relations in those times and in those areas were very cordial. The British came and they found that the people were so cordial, and so they imposed their divide and rule policy. Therefore, what my hon. friend over there said,—accusing the Assam people—is quite wrong. It is not a question of accusing anyone. But it is true that the poison was first administered by the British, with the result that the people from the hills could not deal with the people from the plains with confidence and the people of the plains could not see eye to eye with the

[Shri D. Basumatari]

hill people. Therefore, their relations became very acute. Then, with the dawn of Independence, the people of the Naga hills began to agitate, and they wanted a separate State. As I said the other day, I am a believer in a united integrated State, so that we may be able to fulfil our aspirations, and at the same time, enable these regions to grow and develop unitedly. So, in that context, I am glad that the Central Government have taken the first step to make them fullfledged States. I am sure that the people will be very happy.

MR. SPEAKER : The hon. Member's time is up.

SHRI D. BASUMATARI : Please give me a little more time, Sir. I am glad that the Mizo Hill district has now become a separate union territory called Mizoram. Again, NEFA is a peculiar area. Still, you cannot go inside NEFA because there is an inner line. When you keep an inner line, how is it possible for the people to go and meet the people of NEFA? It is not possible. Now, therefore, it has become a separate Union territory. They have brought under territorial Council.

Mrs. Jyotsna Chanda has pointed out one important point. I think our Minister will take note of what she said, because Mizoram, which is now becoming a Union territory, should also become a separate State. She pointed out the reservation for the two tribal sections one is Chakma and the other is Parlekhas. This is a small pocket of tribal people. The policy is that they should not be neglected and that area should be given a chance to develop in its own way and with its own genius. Therefore, she pointed out very correctly the need of that area. I hope the Government will take note of it and make a provision for the reservation of a seat for that small area for the tribals.

Another point is about the Garo and Khasi hills. These people are quite different from one another in various ways. The Garos do not know a single word of what the Khasis speak, and the Khasis do not know a single word of what the Garos speak. They are quite different from each other in their customs and manners. Therefore, I request that the Government should see that in the near future, they should grant

a separate State for the Garo Hills and a separate State for the Khasi Hills. If Mizo hills can become a separate Union territory called Mizoram, why not Garo Hills and Khasi Hills become separate States? I request the hon. Minister of State to see to it. He is the son of an illustrious father whom I respected as my father more than that as a great leader. I am sure Mr. K.C. Pant is following in the footsteps of his noble father, and so, I request him to see that at least there is one reserved seat for the Garo Hills in the House of the People.

Another point is about Diphu. I am glad that for the Mikir and North Cachar Hills Districts of Assam, which are tribal areas, there will be a separate seat in Parliament known as the Diphu parliamentary constituency.

Another point that I want to make is this. When we have such great a statesmanship and unique leadership there is no difficulty for the Government to grant such separate autonomy or Statehood to other parts of the country also. What I mean is, in Madhya Pradesh, there is one district called Jhabua and another district called Bastar. These are very neglected and discarded areas, where the population is 90 per cent tribals. They feel very much neglected. It is not only their feeling. They have been neglected, so to say like beasts. I request that their case should also be considered in the near future.

Then, in Orissa, there are the Bonda-praja hills and the Gonda tribes; again, there are the Sarguja tribes in the Sarguja district. These are concentrated tribal areas. My friend Raja Saheb, Shri P. K. Deo is from that area. He is also a tribal in origin. So I request the Government to see that these areas are allowed to grow in their own way and fulfil their aspirations, and the same treatment, namely, of becoming Union territories, may be accorded to them.

There fifth schedule is promulgated. All those Sixth-Scheduled areas in Assam have been constituted as States and Union territory so the sixth schedule should be promulgated in other States than Assam now and Fifth schedule is to be constituted in Assam State in the areas where Backward Belt and Blocks are in existence. It will enable them to protect their lands, their economic conditions and their whole culture

and manners. I hope this House will take into consideration and promulgate the sixth schedule in States other than Assam. The tribals in all other places feel neglected; they are not getting a fair deal in the Government. The tribals all over India should be given due share of the responsibility in the administration also.

SHRI DINESH CHANDRA GOSWAMI (Gauhati) : I welcome this Bill but at the same time I approach it with a sense of sorrow and anguish. After all, separation in whatever form it may be, is always associated with a sense of sorrow. So it is not unnatural that on this date when finally the process of separation of Meghalaya, NEFA, Mizo Hills from Assam becomes complete, we the people of Assam are approaching this with a feeling of sadness. However, on my behalf and on behalf of the people of Assam, I want to make it clear that we have accepted this separation without bitterness and rancour.

It would have been a matter of great satisfaction if we could have lived together. But when we have not been able to live together as brothers in one house under one common administration, let us part as friends with good grace. On behalf of the people of Assam and on my own behalf, on this occasion I offer my congratulations to the State of Meghalaya, its Government and its people and convey our best wishes to them on their attaining statehood. Our congratulations also to Tripura and Manipur on their attaining statehood, and also to Mizoram and Arunachal for their new Status.

I have said earlier that I have approached this Bill with a sense of anguish. The reason of my anguish is because of the fact that this Bill in spite of the fact that it brings far reaching changes in the political map will not be able to solve the political problems of the North-Eastern region. What the Government has been doing by this Bill is to devise short term measures. It is something like providing or giving anacin to someone having a headache without trying to know the cause of the headache. This Bill is an important measure; yet it is nothing but another anacin. In spite of our saying that for the security of the country, there should be an integrated north-eastern region, we have found that there has been fragmentation of the State of Assam. First Nagaland, then the sub-State

of Meghalaya and then today Maghalaya, and Mizoram and Arunachal.

If we look back to the reasons, we will find that there are historical reasons behind it. In the entire north-eastern region, the Britishers followed a policy of divide and rule. One must remember that Assam, Tripura, Manipur, Nagaland, Mizoram and the hill areas were the last to be conquered by the British. They found tremendous resistance while they were trying to maintain their hold. In the rest of the country, they followed the policy of division between Hindus and Muslims. In these areas they followed a policy of divide and rule between one tribe and another. It is interesting in this connection to note the observation of Alexander Mackenzie in his book *History of the Relation of the Government with the Hill Tribes*, where he writes :

“when the tribes would not submit to our arms the only alternative was to break up and disintegrate their communities”.

They pursued this policy. My anguish is not on what the Britishers did; I could not expect anything better from them. My anguish is that even after Independence we have pursued more or less the same policy. On the advice of Dr. Verrier Elwin a policy was pursued that to maintain their cultural identity, the tribal people were kept separate and isolated. The result was that there was never emotional integration in the North-eastern region. But the crying need of the day was even today is emotional integration.

The other aspect of the matter is the lack of economic development in this region. There has hardly been any growth of indigenous capital and few of the industrialists who have invested their capital in the State have ever identified themselves with the aspirations and urges of the people of this State. They have kept themselves away from the mainstream of the aspirations, hopes, needs and problems of the local people. The result was that people began to have a feeling that they did not develop economically because powers had not come to their own hand. They felt that—the Naga people, the Meghalaya people, the hill people—because the Government is primarily with plains people, their economic aspirations are not being fulfilled; if they acquire power these aspirations will be fulfilled. But once they get these powers and find that there is no economic development;

[Shri Dinesh Chandra Goswami]

as it is not possible without a proper industrial base—they will feel frustrated and new types of demands and new complications will come up. That is why I say that this is just like Anacin; it does not cure the problem but provides temporary relief. Even in the plans districts of the Brahmaputra valley, we hear about the demands for autonomy from one tribe or another. There is already one such demand; other demands are coming up. As such, I would request the Central Government to take particular care of this very sensitive region so that the problem of this region could be solved completely by an integrated economic policy and programme. Otherwise I can foresee new complications in the region. The demand for a separate State by Cachar may gain ground. Mizos will demand that adjoining areas with predominantly mizo-population should be transferred to Mizoram. Nagaland will demand parts of Manipur. In fact reference was made about this by Mr. Kavichusa when we discussed the Manipur District Councils Bill. Sometime after this Bill is passed, these demands are bound to come up and they will not die down unless the basic problems are solved.

Therefore, I request the Central Government to think of the problems of the north-east region in a comprehensive way and come forward with certain concrete proposals.

Coming to the provisions of the Bill, I welcome the idea of a common High Court. But I feel that a High Court for more than four States and two Union Territories may be unwieldy. The constitution of a branch is not an answer. After all eminent jurists like Setalvad have said that benches are nothing but glorified district courts and therefore I feel that if the Central Government thinks that the people of Manipur and Tripura will not be able to pursue their cases effectively in Gauhati, there should be separate High Courts for them. For the transitional period, there may be benches but they should not be taken as permanent answers. I have also my doubts whether there can be a High Court for more than two States and more one Union Territory because under article 231 Parliament may by law establish a High Court for two or more States or for two or more States and a union territory

only. I doubt whether we can have a High Court for all these States and two Union Territories.

Then, I come to the provisions relating to joint cadre. There is a joint cadre proposed for Assam and Meghalaya; there are also joint corporations. Sir, separation has taken place because there were misunderstandings between Meghalaya and Assam. We do not want that there should be another plank or base for bitterness to come up. I have my apprehensions that these provisions for joint cadres or corporations may lead to disagreements or disruption. I request the Central Government to give up this idea. If one sees the proceedings of the Assam Assembly when it discussed this Bill, almost all the members of the Assembly opposed this joint cadre. Under article 3 such a Bill should be referred to the concerned Assembly and its views should be taken into consideration. On that particular point, I request the Home Minister to withdraw the provisions of joint cadres.

Shillong was the common capital of Assam and Meghalaya. Now it has gone to Meghalaya, as it should, because Meghalaya without Shillong is like Hamlet without the Prince of Denmark. But Assam will not be able to run its administration having its capital in a different State, 64 miles away. Therefore, the Central Government should give immediately adequate financial assistance to the Assam Government, so that the capital may be shifted from Shillong and may come to a place within the administrative set-up of Assam.

While welcoming this Bill, with the feelings that I have expressed let me point out that I am an optimist. Though politically we have parted today, yet I have the fullest confidence that when each of us will march forward effectively to the realisation of our aspirations and the goal of social progress, correcting the errors from our past experience, in the near future, we will forget the differences and divergencies and will achieve, may be a politically divergent but emotionally unified and integrated north-east region. We are looking forward to that day.

श्री कानेश्वर प्रसाद यादव (कटिहार) :
अध्यक्ष महोदय, मैं इस बिल का समर्थन

करता हूँ और समर्थन इसलिये करता हूँ कि जन संघ की नीति धुरू से यह रही है कि उत्तर पूर्वी सीमांत प्रदेशों का पुनर्गठन किया जाये, और श्री पन्त ने पुनर्गठन करके वास्तव में राष्ट्र के कुछ पूर्वोत्तर प्रदेशों की सुरक्षा और उनके विकास में एक बहुत बड़ा योगदान किया है। लेकिन श्वेद के साथ कहना पड़ता है कि इस पुनर्गठन में नागालैंड को छोड़ दिया गया है। शायद नागालैंड सरकार ने इसका विरोध किया था। मुझे इस बात की आशांका है कि नागालैंड में कुछ विद्रोही नागा लोगों के भय से, जो पृथक तावादी मनोवृत्ति के हैं, नागालैंड की सरकार ने इसमें शामिल होने से इन्कार किया है।

जहां तक पृथकतावादी मनोवृत्ति का प्रश्न है, वह राष्ट्रीय एकता और अखण्डता में बहुत बाधक है। आज जब कि वास्तव में चीन हमारा शत्रु है और हमारे ऊपर तरह-तरह का दबाव डाल रहा है पूर्वोत्तर सीमा प्रदेशों का पुनर्गठन बहुत आवश्यक है। लेकिन साथ ही साथ वहां पर विकास की धारा भी तेजी से चलती रहे ताकि उन पर्वतीय क्षेत्रों में रहने वाले जो हमारे आदमी जाती के लोग हैं वे वास्तव में विकास की गंगा में नहाते रहें और विकास के दशन कर सकें, इसके लिये भी पुनर्गठन आवश्यक है। दुःख के साथ कहना पड़ता है कि पिछले 24-25 सालों में इन क्षेत्रों के प्रति केन्द्रीय सरकार की उपेक्षापूर्ण नीति रही है, जिसके कारण पर्वतीय क्षेत्रों में विकास के जो काम चलाये जाने चाहिये थे, विकास की धारा जिन अंशों में तेज गति से चलाई जानी चाहिये थी, वह नहीं हो पा रहा है। इसीलिये वहां पर वर्तमान परिस्थितियां उत्पन्न हुई हैं।

सुधी की बात है कि आज सरकार ने मेघालय को एक राज्य का दर्जा प्रदान किया है। साथ ही साथ मणिपुर और त्रिपुरा को भी। जबन्तिया खासी क्षेत्रों के भीजोराम और अक्षयचल को भी इस स्थिति तक लाया जा

सकता है। साथ ही साथ मैं कहना चाहता हूँ कि पर्वतीय क्षेत्रों में रहने वाले आदिम जाति के लोगों को, धरती के पुत्रों को भी इस तरह के अधिकार मिलने चाहिये। चाहे वे नौकरी में हों चाहे उद्योग धंधों में लगे हों, लेकिन उन लोगों की अवहेलना करके हम विकास की गति को तेज नहीं कर सकते। वहां के लोगों को और जो लोग उस परिस्थिति में पाले पोसे गये हैं उनको अधिक प्रोत्साहन दे कर अधिकतम सेवाओं में तियुक्त करना चाहिये ताकि उन स्थानों के विकास की गति तेज हो सके।

आदिम जाति के लोगों को, पर्वतीय क्षेत्रों में रहने वाले लोगों को न्याय मिले, सस्ता और सुलभ मिले और आसानी से सुलभ हो, इसके लिए एक हाई कोर्ट रखने की हमने व्यवस्था की है। इस सम्बन्ध में मैं यह कहना चाहता हूँ कि वहां के लोगों के लिए अलग-अलग क्षेत्रों से भी हाई कोर्ट की व्यवस्था होनी चाहिये और जब तक यह व्यवस्था नहीं होती है, तब तक कम से कम उनके लिए अपने-अपने क्षेत्र में अलग-अलग बैचिज हाई कोर्ट के हों। इस पर भी आपको ध्यान देना चाहिए।

जिस प्रकार की परिस्थितियां नागालैंड में विद्रोही नागाओं ने पैदा की हैं और फेलाई हैं, और फेला रहे हैं, वह हमारी एकता के लिए बहुत ही घातक चीज है। इस वास्ते सरकार का ध्यान उस ओर भी जाना चाहिए।

असम से ये सब भाग अलग हुए हैं और ये राज्यों का दर्जा प्राप्त कर रहे हैं। इस स्थिति में हमें असम की स्थिति के बारे में भी सोचना पड़ेगा। दस साल पहले, बंगला देश जिसको आज हम कहते हैं, वहां से पाकिस्तान ने, पाकिस्तानी शासकों ने योजना बना कर पाकिस्तानी घुसपैठियों को असम में घुसाने की चेष्टा की थी और घुसाया भी था। उसके बारे में असम की असेम्बली में कई बार चर्चा की गई है। अब उन लोगों को वहां से निकालने का प्रयास किया जाना चाहिये। आज तक उसके बारे में कोई कारगर कदम नहीं उठाए गए हैं। अब तो

[श्री ज्ञानेश्वर प्रसाद यादव]

बंगला देश स्वतंत्र होने जा रहा है और उसके साथ हमारे मैत्रीपूर्ण सम्बन्ध रहेंगे। हमारी एकता और भी बढ़ेगी। इसलिए मैं चाहता हूँ कि वहाँ पर पाकिस्तान द्वारा जो घुसपैठिये घुसाए गए हैं, उनको वहाँ से निकाल बाहर किया जाए और फिर से असम प्रदेश की स्थिति के बारे में, उसके विकास के बारे में उचित कदम उठाये जाय, यही मेरी आप से प्रार्थना है।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI ERASMO DE SEQUEIRA (Marmagao) : Sir, in a democracy such as ours, any measure which takes the government closer to the people, and the people closer to local self-government is a welcome measure. In the more advanced countries the administrative divisions of the country are of lesser significance but in our country where the administration plays such a large part in the development of the country and the people the administrative set-up is of much greater importance. It is because of this that we see the demand for self-government coming from various corners of the country. Previously the divisions of India were made by the British, and now for the first time the people have begun to pronounce themselves regarding the kind of self-government they want. It is my hope that the government will recognise the demands as they arise and meet them without undue delay.

Today is a happy day for the people of North East region. I think a tribute is due to the leadership of Assam which had the foresight and statesmanship to recognise the realities of the situation and to collaborate in drawing up the scheme for re-organisation . . . (Interruptions) I do not think we should be so mean to think that way. I think they have played a very large part so I think the leadership of Assam is entitled to our tribute. I wish I could say the same about some States closer to us.

With regard to the creation of the two Union Territories of Mizoram and Arunachal Pradesh, I would like to say this. When for the first time the Union Territory

institution was created it was felt that this would aid the process of development. However, practical experience has shown that it is not so. We are facing tremendous administrative difficulties and we feel that the Union Territories often retard, rather than aid, the process of development. It is for this reason, I think, that most of the Union Territories have made a demand to become States.

For example, if I have your permission, Sir, to mention, this Goa's request for Statehood is lying with the Central Government. Now that Manipur and Tripura are becoming States I think, in all fairness, this request should be conceded. I hope, it will receive the earliest attention of the Government. It deserves to be fulfilled.

As you know, 19th December, 1971 will be the Tenth Anniversary of the Liberation of Goa. I think, it would be a good time for the Government to announce that the request of Goa for Statehood is under active consideration. This is the natural aspiration of the people of my union territory since the liberation of the territory.

As I said earlier, this is a happy day for the north-east and, I am sure, all of us rejoice in all parts of the country together with the representatives of those territories here and the people those territories. We wish them well, and we wish them progressive and very dynamic local-self Government.

SHRI SOMCHAND SOLANKI (Gandhinagar) : Mr. Speaker, Sir, I do not want to take much time of the House.

This Bill is for the establishment of the States of Manipur and Tripura and to provide for the formation of the State of Meghalaya and of the Union territories of Mizoram and Arunachal Pradesh and, I hope, the people of those States will get as much powers and rights which other States are enjoying. The Government is going to recognise those States and I am sure the people who are staying there, in those States, will get their full rights and privileges which other States are getting. From the point of view of defence, I must say, these States are on the border side and the Government should focus the attention in giving special facilities to these States. There must be good roads and hospitals so that at the

time of war, our jawans, injured jawans, can get proper medical facilities at these hospitals. On the Gujarat side also, on the Kutch border with Pakistan and the Rajasthan border too, at least on the border sides, where we are forming the States, we must see that such facilities are provided to these States.

I also support the case of Mr. Sequeira about the Statehood of Goa. It is demand from the people of Goa to give them Statehood. These States are very small, their area is very small, but it is a hilly area and, therefore, certain things should be provided immediately to these States, economically, socially and politically also, and the Government should help these people. We are very late in forming these States. But it is not too late. There has been the demand of the people for Statehood and the Government has come forward to recognise these States.

With these words, I support the Bill.

SHRI P. K. DEO (Kalahandi) : Mr. Speaker, Sir, I support this Bill though, ordinarily, I would have taken the balakanization of the highly sensitive border like this with a pinch of salt.

Under this Bill, I find, Tripura, Meghalaya and Manipur are getting Statehood. They have been fighting for this for the last so many years. At least their aspirations are going to be fulfilled.

Further, I find that Union Territories of Mizoram and Arunachal Pradesh are being formed. A grave doubt arises in my mind regarding the viability of these small units. I am sure the Centre will come to their aid for the full development of the areas to improve their economy and to make them self-reliant.

At the same time, one cannot forget that this country is a multi-racial and a multi-lingual country. Various fabrics have been inter-woven to make the tapestry a beautiful whole. So, I hope all these small States will eschew their regional chauvinism and join in the minstrel of the Indian national life to make this country more prosperous and democratic.

One word I would like to speak about Cachar. Cachar is predominantly a Bengali-speaking area. It is contiguous to Tripura. We all remember the Bangla Kheda movement in the late fifties. I do not want that

those things should be repeated. For this purpose, I submit that the proper thing would have been to have Cachar and Tripura tagged on together and make a bigger Tripura State.

At the same time, I extend my full support to my friend, Mr. Sequeira for his demand for Goa. He has been elected and his colleague has also been elected on this demand for formation of Goa State. Similarly, the aspirations of various peoples like Vidarbha and Telengana have to be considered because I feel that there is no use to have monolithic States. What is the use of having a sprawling Uttar Pradesh that is Bharat that is India, with 85 MPs in this House. They dominate the entire political life and continue the dynastic rule. These things should be put an end to. All the aspirations of the local people with various cultures should be fulfilled by granting them Statehood.

SHRI S. B. GIRI (Warangal) : I welcome the Bill which was brought by Mr. Pant for carving out separate States for these areas.

On behalf of the people of Telengana I congratulate Mr. Pant for bringing forward this Bill and I hope the people of Telangana also will soon get a separate State—I shall not go into the history of a separate Telangana State movement—and I hope Mr. Pant will soon bring forward a Bill for carving out a separate Telangana and fulfil the aspirations of the people of Telangana.

DR. KAILAS (Bombay South) : I support the North Eastern Areas (Reorganisation) Bill, 1971 which constitutes the States of Manipur and Tripura and also provides for the formation of the State of Meghalaya and also the Union Territories of Mizoram and Arunachal Pradesh.

This Bill fulfils the assurance given last year by the Government of India to the people of Manipur, Tripura and Meghalaya that statehood will be granted to them. While supporting this Bill, I wish to draw the attention of the House and the Home Minister in particular that when we are re-organizing the States in this country or the Union Territories to fulfil the aspirations of the people or for security purposes, we must not forget the Union Territory of Goa which also deserves grant of Statehood. In Bombay when I went to my constituency,

[Dr. Kailas]

the leaders of the different Parties from Goa waited on me and they said wanted to start an agitational approach for the State of Goa. But, I assured them that I would speak in Parliament and bring home to the Members of Parliament and particularly, to the attention of the Home Minister that I would voice their feelings and hence, I request the Home Minister that he may bring forward a Bill in the next session of Parliament for granting statehood to Goa.

SHRI KARTIK ORAON (Lohardaga) : I would like to make only one point very clear, namely that there should not be different laws and different types of organisation for tribes all over India. There should be only one uniform policy. There are tribal people living all over India in almost all States. Bihar has 42 lakhs tribals, Madhya Pradesh has about 68 lakhs tribals, and Orissa has got about 42 lakhs tribals. All these tribals have been included in the Fifth Schedule. Only those living in Assam have been included in the Sixth Schedule so that they could have district councils which are competent to look after the tribal affairs. Although there are laws and bye-laws which have been made for their protection as tribal people in other areas, they have not been so protected. Therefore, I would like to request Government through you that they should not make a separation between the tribes in different parts of the country, but they should have one uniform policy for all the tribes all over India, in whichever State they may live. Tribal areas other than Assam should also be put under Sixth Schedule and/or provisions of Sixth Schedule should be extended to them. Chotanagpur and Santhal Parganas can very well have a separate State. This is the richest area inhabited by the poorest people.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : I am very grateful to all the Members who have participated in the debate, for supporting this measure. Each and every Member has extend his support, and that is as was expected, because this is a joyous occasion, this is a happy occasion and it marks the achievement of the cherished goal of the people of the north-eastern part of the country. It marks the end of

one chapter and the opening of a new one. And if one were to permit a pat on one's own back, I think it marks the success of the democratic process in this country as opposed to something which is happening in a neighbouring country, in which through the process of mutual cooperation, mutual consideration and the acceptance of the legitimate aspirations of the people, a very big exercise has been carried out to restructure the north-eastern area of this country. And this has been done with the consultation of the leader of that region and with a very large measure of agreement.

It has been my good fortune and my privilege to be associated with these consultations and discussions all through, and I would like to place on record my deep appreciation for the understanding exhibited by the various leaders of public opinion in that area, of my own party, and the leaders of the Opposition groups, and others including non-political people who have tried to understand the problems in an objective manner and have tried to solve rather than create problems.

On this occasion, we are assembled here to extend our good wishes and congratulations to the people of the north-eastern region. Each region has its peculiarities. Since the time at my disposal is short, I do not think that I should go into the various peculiarities that we have taken account of in framing this measure and the individual provisions in this measure.

I would only like to say that we have tried our best to take into account all the individual difficulties of each region and discuss with them, with the various protagonists of different points of view in these regions before arriving at a solution.

The importance of the north-eastern region has been emphasised by various hon. friends. Its importance is well-understood. It is a sensitive area. It is a border area. It is an area with several international frontiers. From the defence point of view, its importance is obvious. It is a beautiful area; it is an area which has many ethnic groups with their different ways of life. As some hon members have remarked, during the British days there was a deliberate attempt to keep the tribal people of this area insulated from the mainstream of Indian life. It is a matter of gratification that today even

while they are engaged in the task of achieving statehood or Union territory status, a measure of self-government, even while they are asserting their identity, there is a consciousness, to which I can testify; of larger identification with the country as a whole. Wherever I have gone, whomsoever I have discussed the problems with, I have found a large measure of concern for the welfare of the country as a whole. All of them have viewed this problem not only in the narrow context of their regions, but in the larger context as well. This has been one of the most gratifying experiences in the course of the discussions.

Many hon. members have emphasised that even while we are creating these States and Union Territories, we should take care to see that there is a proper integrated and co-ordinated approach to the task of their development. It was I think Shri Tombi Singh who remarked that we had made an attempt to take an integrated view of the problem of the whole of the north-eastern region, and it is because of this that we have not waited for any pressure to develop.

Contrary to what was said by my hon. friend in the beginning, Meghalaya did not exert any pressure as such. There were some agitations. We felt that because Manipur and Tripura are being made into States, it was only right that Meghalaya should also have statehood status.

In this I must pay a tribute to Assam. My hon. friend, Shri Banerjee,—he is not here—asked : why are you taking away areas from Assam ?

SHRI D. BASUMATARI : He was not fair to us.

SHRI K. C. PANT : You cannot create new States or Union territories unless you take areas from somewhere. You cannot have the cake and eat it too. Here I must place on record the fact that far from being obstructionist, the leaders of Assam have accepted the legitimate aspirations of the people of the other areas and have given their willing agreement to the creation of these new States and Union Territories. I think this was an act of high Statemanship.

Sir, Assam has a particularly important role to play, a pivotal role to play in that region. It is the one State which has common boundaries with all the other States and Union territories. It has maturity and

experience, and so in the days to come, Assam will have to continue to play this pivotal role and I personally feel, after meeting all the political leaders of all those regions, that now that the aspirations of the people have been met, now that the States and the Union territories in that region have been formed, it will be much more easy for co-operation and co-ordination among the various units.

SHRI KARTIK ORAON : Why don't you apply the same principle in other States also, where there are groups of tribals, say, 27 lakhs and above ? They are inhabited by the poor people.

MR. SPEAKER : What has gone wrong with this gentleman ?

SHRI KARTIK ORAON : You will not realise it. Because we are suffering, we know, but you will not be able to understand us.

MR. SPEAKER : Do not suffer yourself so much in this House. Kindly sit down.

SHRI KARTIK ORAON : You have been a Member of Parliament. Now that you are there, you do not realise it. (*Interruption*).

MR. SPEAKER : Do not lose your temper.

SHRI K. C. PANT : He is not losing his temper. I can assure you that that is his normal way.

SHRI KARTIK ORAON : I could not hear you. Will you repeat what you said and on which others laughed ? (*Interruption*)

MR. SPEAKER : Order please.

SHRI K. C. PANT : The other common point which was stressed by various hon. Members was the need for development of this region and I entirely share their concern for the development of that region. I feel that now that these States and Union territories are being formed the leaders of these States and the Governments that are being formed there are taking on a very onerous responsibility, and in this, they deserve the most sympathetic considera-

[Shri K. C. Pant]

tion of the House and of the Central Government in solving the tasks that lay ahead. I feel that in the next decade we will have to pay particular attention to the development of the north-eastern region as a whole and it is because of this desire to see the north-eastern region develop in an integrated manner that we have suggested a north-eastern council. That Bill will come separately. I do not want to discuss that Bill today, but I only want to explain in brief that there appears to be some misunderstanding about the provisions of that Bill. It is true that at one stage, Assam had opposed it, because there was a provision in this Bill which gave the Central Government the power to issue directives to the States. On the opposition of Assam, we took away that power. Now it is merely an advisory body which can recommend certain measures which will draw up regional plans and so on. In view of its advisory nature, I do not think there should be any opposition to it. After all, we have to have some forum where an integrated approach towards economic development, as was emphasised by my hon. friend Shri P. K. Deo and others, can be had.

I do not want to go into the question of the tribals of Tripura. I have already explained it while I was dealing with the other Bill on Manipur.

There was some reference by Mr. Tombi Singh to the fact that after this measure is passed by Parliament, the distance between the people of the north-eastern region and Delhi will disappear. I was under the illusion that it had already disappeared. I hope that with the active co-operation of Shri Tombi Singh and other friends, the feeling that there was a distance will also disappear.

Shrimati Jyotsna Chanda referred to some very pertinent points about the Pawi-Lakhera case. I can assure her that there will be a separate district council. I know that there are some in that area who want separate district councils for the Pawi-Lakheras. We cannot provide them now, but later on we will study the problem and, if necessary, we will take action. The same applies to Chakmas; because they are dispersed and distributed, it is a little difficult to give them a separate district council. But we will examine their problems also. We

do not want to hold up all these measures for examining this very small area.

We are going through this now. Later on we shall examine this aspect. She also referred to amnesty. We have already offered an amnesty to the underground in Mizoram who want to surrender to the Government. That provision is already there; it is in operation. Now that Bangla Desh has become a reality, the base from which these rebels were operating has disappeared and I should like to repeat that we shall not be found wanting in having a generous view of the problem provided they want to come back and work for the strengthening of that area and the country as a whole as citizens of this country. We would welcome that.

Mr. Haokip referred to the problem of the Nagas in Manipur. I was happy when Kevichusa spoke and said that the Nagas and the Manipuris were one people; he told the Manipuris; you have woken up to this very late, only after an agitation was started. I am very happy that both of them have woken up to the fact and it would give this House great satisfaction if there were greater understanding and mutual co-operation between the Nagas and the Manipuris and the tribals and the plains people. I do hope that the sentiments expressed in this House will further the process of cementing in that particular region.

Mr. Basumatari referred to the need for another seat for the Garos, without saying whether the seat is for the Garos or not. If he examines the provision there is the possibility of another; we have provided for it already.

Mr. Goswami referred to the various points in a thought provoking speech. He has studied the measure and I am grateful to him for his remarks. He has reflected the spirit in which Assam has accepted this measure and said: we shall part as friends, with good grace and without bitterness and rancour. I am sure the House will appreciate that sentiment. He went on to say: why this fragmentation of that region? As I have said, we have tried when the new States and Union Territories are set up, to maintain common links between various units as far as possible, with their agreement. The North-eastern council is one such link; the High Court is another; so is the common

Bench, so also the joint cadre. I want him to appreciate the spirit in which we have provided these links. He had some doubts about these various links that remained. We have deliberately provided these links because we hope with these links an integrated view of all the problems can be taken. He referred to the crying need for emotional integration. I agree with that and I have referred to that in the context of Nagas and Manipuris. I am sure that would apply to the other regions as well. He referred to the need for an integrated economic policy; I could not agree with him more. That is the purpose of the North-eastern council Bill and when the Bill comes before the House they will have occasion to go into the various provisions. He referred to the High Court; he welcomed it. He doubted whether a common High Court can be created for two Union Territories. I think he quoted article 23:

Article 230 is clear; 230 extends the jurisdiction of the High Court. Therefore you will find that in the Bill a High Court has been created for the States and its jurisdiction has been extended to both the Union Territories.

Therefore, that has been taken care of, and the common High Court is the same as the High Court in the context of the provisions of the Constitution.

He referred to the joint cadre and the sentiments of the Assam Assembly in this matter. I can do no better than quote, if you will allow me, a few lines from the speech of the Chief Minister of Assam in the Assembly when he dealt with the criticism of the joint cadre. This is what he said:

"Provision has been made for a joint cadre of the three All-India Services for Assam and Meghalaya. A joint cadre of the All-India Services is expected to provide for uniformity in administrative polices, besides developing a common approach to the problems of the two administrations, particularly in matters of common concern and interest. Such a cadre is considered as an effective means of, I may say, unity, co-operation and goodwill between the neighbouring States in the formulation of polices and day to day administration. It is also expected to improve the efficiency and experience of officers, besides ensuring their legitimate prospects."

I think that should satisfy everybody about the basic soundness of the approach to a common cadre.

He referred to the need for helping Assam to set up a new Capital. Certainly the Centre is aware of Assam's requirements in this respect.

SHRI D. BASUMATARI: Adequate amount.

SHRI K. C. PANT: "Adequate" is a very elastic word. We will provide some assistance to Assam. We will go into their requirements, and when we know which site has been selected and what the estimates are, we will be in a position to say something definite. To Haryana we provided Rs. 2½ crores, Rs. 10 crores as grant and Rs. 10 crores as loan, but in Assam they have made out a case that the costs are higher. We will have to go into all these things and then come to a final decision, but we have not got the final estimates on the basis of which I can say anything final today.

My hon. friend Shri P. K. Deo and some other Members referred to Goa. That is not under discussion today, nor is this the time to say anything about it, but I do not know if Shri Deo helped the cause by bringing in Telengana and Vidarbha and other places. In fact, he seemed to underline the risk of applying it to Goa before it is time, and for this warning I am grateful to him.

I do not think I should take more time. I am once again grateful to the hon. Members for their support to the Bill, and on their behalf, if they will permit me, I would like to extend our good wishes and congratulations to all the new States and Union Territories.

SHRI S. B. GIRI: What about Telengana?

SHRI K. C. PANT: Telengana is not under discussion. It does not call for a reply.

MR. SPEAKER: I put Amendment No. 1 of Shri Shivnath Singh to the House.

The question is:

"That the Bill to provide for the establishment of the States of Manipur and Tripura and to provide for the formation of the State of Meghalaya."

[Mr. Speaker]

and of the Union territories of Mizoram and Arunachal Pradesh by reorganisation of the existing State of Assam and for matters connected therewith, be referred to a Select Committee consisting of 9 members, namely :—

- (1) Shri Bashweshwar Nath Bhargava
- (2) Shri Chhutton Lal
- (3) Shri M. C. Daga
- (4) Shri Hiralal Doda
- (5) Shri Nathuram Mirdha
- (6) Shri Krishna Chandra Pant
- (7) Shri N. K. Sanghi
- (8) Shri Nawal Kishore Sharma ;
and
- (9) Dr. H. P. Sharma

with instructions to report by the last day of the first week of the next session."(1)

The motion was negatived.

MR. SPEAKER : The question is :

"That the Bill to provide for the establishment of the States of Manipur and Tripura and to provide for the formation of the State of Meghalaya and of the Union territories of Mizoram and Arunachal Pradesh by reorganisation of the existing State of Assam and for matters connected therewith, be taken into consideration."

The motion was adopted.

MR. SPEAKER : The question is :

"That Clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

12.00 hrs.

Clause 4 (Establishment of the State of Tripura).

MR. SPEAKER : There are some amendments by Shri Biren Dutta and Shri Dasaratha Deb.

SHRI BIREN DUTTA : I beg to move :

Page 2, line 30, *add* at the end—

"and an autonomous council for contiguous Tribal areas within the State of Tripura"(2)

SHRI DASARATHA DEB (Tripura East) : I beg to move :

Page 2, line 30, *add* at the end—

"and in which Tribal Autonomous Regional Council or a District Council on the pattern of the Manipur (Hill Areas) District Council may be constituted."(3)

Page 2, line 30, *add* at the end—

"and in which a Tribal Autonomous Council or Councils for the contiguous Tribal area of areas within the State of Tripura may be constituted." (5)

12.01 hrs.

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

After the partition of India and after integration of Tripura into Indian territory, we are getting blessings as well as curses. I say blessing because after the influx of the advanced people there, they have started so many schools and colleges and we are deriving benefit out of that. I say curse because this area which was originally tribal-populated areas has been overshadowed by the non-tribal population there and this creates a very serious problem for the tribals to exist. The argument was advanced by Mr. Pant that the tribal areas are scattered in Tripura. He is telling a half truth and not the whole truth, because the entire area of Tripura is mainly by four high hill ranges stretching from north to south. One hill area is Unnakuti range, which is situated between Dharmanagar subdivision and Kailasahar subdivision. From the footsteps of the hill areas, on both sides upto 3 or 4 miles the entire area is dominated by the tribal population which is 80 to 90 per cent of that particular area. Then there is the Longtrai range which divides Kamalpur and Kailasahar. There also, from the footsteps of the mountain or hill areas on both sides, upto 4 to 6 miles the entire area is populated by tribals, who from more than 95 per cent of the population of that particular area,

Similarly, there is a long stretch from footsteps of Atharamma Hill for a distance of six to eight miles on either side *i.e.*, from the southern and Northern part. So also, from Baramma Hill for a distance of 10 to 15 miles in breadth and 150 miles in length is a tribal area. In these areas the tribals are contiguous and it is a tribal belt. But after the influx of refugees these divisions have been re-organised in such a way and the boundaries have been made in such a way that in no division the tribals would be in a majority or more than 50 per cent of the population of the particular sub-division. This is not fair. That is why I say that real physical possibility exists in Tripura to form five to six regional councils in the tribal belt. That is why I would request Shri Pant to accept my amendments and try to form councils in that area. If he does not believe my word, I would request him to form a parliamentary committee and examine the possibility by going to the sub-division. Then he will appreciate the validity of my argument. That is why I request him to accept my amendments.

SHRI K. C. PANT : I can do no better than give the percentage of tribal population in all the ten sub-divisions.

SHRI DASARATHA DEB : When tribal contiguous areas have been created the tribal population is shown as less.

SHRI K. C. PANT : He was saying that the tribals constitute 80 to 90 per cent of the population. In none of the sub-division is the tribals 80 to 90 per cent. That is why I am giving the percentage. Amarpur. 70.12 per cent ; Belonia 32.02 per cent ; Dharmanagar 26.42 per cent ; Kailashahar 32.72 per cent ; Kamalpur 32.32 per cent ; Khowai 45.19 per cent ; Sabroom 46.85 per cent ; Sadar 25.56 per cent ; Sonamura 10.58 per cent and Udaipur 23.49 per cent. So, the tribals are dispersed. The Eighth Schedule will continue to apply. I cannot accept the amendments.

MR. DEPUTY-SPEAKER : I will now put amendments Nos. 2, 3 and 5 to the vote of the House.

Amendments Nos. 2, 3 and 5 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 to 13 were added to the Bill.

Clause 14—(Allocation of seats in the existing House of the people)

Amendment made

For line 23, substitute—

"4. Meghalaya ... 2 ... 2".(15)
(Shri K. C. Pant)

MR. DEPUTY-SPEAKER : The question is :

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clause 15 was added to the Bill.

Clause 16—(Provision as to sitting members representing Cachar and Dhubri parliamentary constituencies in the House of the People and the election of representative from Diphu parliamentary constituency).

Amendment made

Page 6,—

For lines 17 to 19, substitute—

"(3) As soon as may be after the appointed day election shall be held to the House of the People to elect a representative from the Diphu parliamentary constituency as if the seat of the member elected to the House of the People from that constituency has become vacant and the provisions of section 149 of the Representation of the People Act, 1951 shall, so far as may be, apply in relation to such election."
(16)

(Shri K. C. Pant)

MR. DEPUTY-SPEAKER : The question is :

"That clause 16, as amended, stand part of the Bill"

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17.—(Parliamentary constituency of the State of Meghalaya and provision as to sitting member)

Amendment made

Page 6,—

For lines 20 to 26, substitute—

"Parliamentary constituencies of the State of Meghalaya and provision as to sitting member representing the Autonomous Districts parliamentary constituency in the House of the People and the election of representative from Tura parliamentary constituency.

17. (1) There shall be two parliamentary constituencies in the State of Meghalaya to be called the Shillong parliamentary constituency and the Tura parliamentary constituency.

(2) The area falling within the Garo Hills district as it exists immediately before the appointed day shall form the Tura parliamentary constituency and the remaining area in the State of Meghalaya shall form the Shillong parliamentary constituency and the said two parliamentary constituencies shall deemed to have been delimited accordingly.

(3) The sitting member of the House of the People representing immediately before the appointed day the Autonomous Districts parliamentary constituency shall, as from that day, be deemed to have been elected under sub-clause (a) of clause (1) of article 81 to the House of the People from the Shillong parliamentary constituency.

(4) As soon as may be after the appointed day election shall be held to the House of the People to elect a representative from the Tura parliamentary constituency as if the seat of the member elected to the House of the People from that constituency has become vacant and the provisions of section 149 of the Representation of the People Act, 1951 (43 of 1951) shall, so far as may be, apply in relation to such election."

(Shri K. C. Pant)

MR. DEPUTY-SPEAKER : The question is :

"That clause 17, as amended, stand part of the Bill"

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clause 18.—(Parliamentary constituency of the Union territory of Mizoram)

Amendment Made

Page 6,—

for line 31, substitute—

"constituency, as if the seat of the

member elected to the House of the People from that constituency has become vacant and the provisions of section 149 of the Representation of the People Act, 1951 (43 of 1951) shall, so far as may be, apply in relation to such election." (18)

(Shri K. C. Pant)

MR. DEPUTY-SPEAKER : Now, I put clause 18, as amended, to vote. The question is :

"That clause 18, as amended, stand part of the Bill"

The motion was adopted.

Clause 18, as amended, was added to the Bill

Clauses 19-29 were added to the Bill

Clause 30 (Abolition of certain courts)

SHRI DASARATHA DEB : I beg to move :

Page 12,—

for lines 1 to 3, substitute

"30. (1) On and from the appointed day, the Courts of the Judicial Commissioners for Manipur and Tripura shall function as Benches of the Assam High Court." (4)

Page 12,—

for lines 1 to 3, substitute—

"30. (1) On and from the appointed day, the Courts of the Judicial Commissioners for Manipur and Tripura shall function as Benches of the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura)." (6)

Sir, here is a provision that if the Chief Justice of Gauhati High Court desire, he can get some Benches functioning in this territory. But you must realise the difficulties of the people of our State. If this court is withdrawn and our people have to go to Gauhati High Court, they cannot afford to go. The communications are so difficult. That is why I have moved this amendment. We are in favour of having a separate High Court for every State. There is no point in having a common High Court in Assam.

Even then, I concede that due to financial difficulties, etc., there may be a common High Court but on this Common High Court it must be made obligatory that they should get Benches functioning in Tripura and Manipur. I hope, the hon. Minister will realise the difficulties of the people of our State and accept my amendment.

SHRI K. C. PANT : Sir, clause 31(2) already empowers the President to establish permanent Benches at different places. There is also another provision in sub-clause (3) of this clause that the Judges and division courts of the common High Court may also sit at other places other than its principal seat. It is our intention that at least one of the

Judges of the common High Court may have a sitting in Manipur and Tripura. If cases requiring consideration by the division court arise, the High Court can always have a Bench and, whether there should be a permanent Bench or not, will really depend on the volume of work-load which continuously arise.

MR. DEPUTY-SPEAKER : First I put Amendment Nos. 4 and 6 moved by Shri Dasaratha Deb to the vote of the House.

Amendments Nos. 4 and 6 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 30 stand part of the Bill"

The motion was adopted.

Clause 30 was added to the Bill.

MR. DEPUTY-SPEAKER : On clause 31, there is some amendment by Shri Goswami. Are you moving it ?

SHRI DINESH CHANDRA GOSWAMI : I am not moving my amendments.

MR. DEPUTY-SPEAKER : You are not moving any of your amendments. Then, I put all these clauses together to vote.

The question is :

"That clauses 31 to 78 stand part of Bill"

The motion was adopted.

Clauses 31 to 78 were added to the Bill.

Clause 78A (New)

SHRI DASARATHA DEB : I beg to move :

Page 31,—

after line 15, insert—

"78A. For the purpose of associating Tribals with the developmental works of the Tribal areas and also in safeguarding of the interests of tribals, the Government of India or the Government of the State may constitute a Tribal Council or Councils for contiguous Tribal belt or belts within the State of Tripura." (7)

MR. DEPUTY SPEAKER : Now, I put the amendment moved by Shri Dasaratha Deb to the vote of the House.

Amendment No. 7 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clauses 79 to 88 and the First to the Seventh Schedule stand part of the Bill"

The motion was adopted.

Clauses 79 to 88 and the First to the Seventh Schedule were added to the Bill.

The Eighth Schedule

SHRI DASARATHA DEB : I beg to move :

Page 48, line 6,—

for "Assam and Meghalaya" substitute—
"Assam, Meghalaya and Tripura".(8)

Page 50, line 3,—

after "Meghalaya" insert—
"or Tripura" (20)

Page 50, line 4,—

after "Meghalaya" insert—
"or Tripura" (21)

Page 51,—

after line 16, insert—

"PART IV

1. The Tripura Tribal Areas District,"
(22)

SHRI K. C. PANT : I beg to move :

Page 50,—

For lines 43 to 45, substitute—

"(2) as if—

(a) in sub-paragraph (3) of paragraph 1,—

(i) after clause (g), the following clause had been inserted, namely :—

"(h) divide any autnomous region into two or more autonomous regions and define the boundaries thereof" ;

(ii) the first proviso had been omitted ;" (19)

SHRI DASARATHA DEB : There, Mr. Pant has not accepted my amendment. Should he accept my amendment here to include Tripura, we can consider later when such an occasion will arise. Instead of making an amendment of the Constitution we can make this a clause here itself.

SHRI K. C. PANT : I don't think he can amend the Constitution this way unless Tripura is mentioned in Art (244)2. Mere mention of Tripura in the VI Schedule is not going to serve the purpose. The Sixth Schedule is meant for areas where the tribal population is in a majority and there is a large State. That is the idea behind the Sixth Schedule. It cannot apply here.

MR. DEPUTY-SPEAKER : I will put amendments Nos. 8, 20, 21 and 22 of Shri Dasaratha Deb to the Eighth Schedule to vote.

Amendments Nos. 8 and 20 to 22 were put and negatived.

MR. DEPUTY-SPEAKER : Now, the question is :

Page 50,—

For lines 43 to 45, substitute—

"(2) as if—

(a) in sub-paragraph (3) of paragraph 1,—

(i) after clause (g), the following clause had been inserted, namely :—

"(h) divide any autonomous region into two or more autonomous regions and define the boundaries thereof" ;

(ii) The first proviso had been omitted ;"(19)

The motion was adopted.

MR. DEPUTY SPEAKER : Now, the question is :

"That the Eighth Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Eighth Schedule, as amended, was added to the Bill.

The Ninth and the Tenth Schedules, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI K. C. PANT : Sir, I beg to move :

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

MR. DEPUTY-SPEAKER : Motion moved :

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

SHRI DASARATHA DEB : After the sustained agitation and movement conducted by the democratic people of Tripura headed by our Party since 1952, I am glad at last the united efforts of the people of Tripura have been able to convince the Government of India the necessity of conferring statehood on Tripura and two other States also... (*Interruptions*). It is to our credit because we have sacrificed our lives. Since 1952 we have been fighting and you were opposing it. After the formation of the State also, I don't think our financial difficulties will be over. There will be certain handicaps. I would request the Centre at least to see that there is adequate financial allocation given to these newly formed States.

My third point which he has not accepted is that the Government should see that the interests of the tribal people are safeguarded and find out some sort of arrangement so that the people of Tripura can be protected.

The fourth point is about the High Court which, of course, he has not accepted but I again request him to reconsider it before the execution of the provision of the legislature.

In the end, I will request the Home Minister and his Government at least to see that the people of Goa also get statehood very soon.

SHRI DINESH CHANDRA GO-SWAMI (Gauhati) : It is really gratifying that this Bill is being passed when you are in the Chair.

SHRI K. C. PANT : Sir, I echo the sentiments expressed by the Member.

Sir, I am surprised that Shri Deb has

chosen to inject party considerations on this measure.

SHRI DASARATHA DEB : I said 'the democratic people of Tripura'... (*Interruptions*).

SHRI K. C. PANT : After saying 'Our Party has been responsible'. He realises the importance of the occasion perhaps and then he said 'the united effort of the people'. I am grateful for these small mercies.

He has talked about financial handicaps. We all realise that financial assistance will have to be given to the North Eastern States in the coming years. I have said that in my main speech. But, of course, when people agitate for statehood, they should also realise that transition from adolescence into maturity brings its own responsibility and the time for considering the economic burdens of statehood is when one is agitating for the State and not afterwards. But, in spite of that, this is not the occasion when one should at all minimise the difficulties that these States face and I am sure I reflect the sentiments of the House when I say that the whole Parliament and the Central Government are mindful of the need to develop the North Eastern region as quickly as possible.

On the question of tribals, I assure him that I appreciate the anxiety which he has expressed and I appreciate his concern, and I know what has motivated him to bring forward these amendments. It is only the practical difficulty of being able to carve out an area for a district council that would take care of the problem, which stands in the way. You can carve out one small district council which would cover a very small percentage of the population, but that will not take care of the problem. That has been our difficulty and not a lack of understanding of his motives.

The Fifth Schedule, would continue to apply. Under the Fifth Schedule, the State can have a territorial council, and I hope the State Government will take whatever measures are necessary to protect the interests of the tribals, and if we can help in any way, I can assure him that we would certainly be prepared to help.

MR. DEPUTY-SPEAKER : The question is :

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

The motion was adopted.

NAVAL AND AIRCRAFT PRIZE BILL*

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA) : I beg to move for leave to introduce a Bill to provide for the establishment and procedure of Prize Courts and for matters connected therewith or incidental thereto.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for the establishment and procedure of Prize Courts and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI VIDYA CHARAN SHUKLA : I introduce the Bill.

I beg to move :†

"That the Bill to provide for the establishment and procedure of Prize Courts and for matters connected therewith or incidental thereto, be taken into consideration."

The objects and reasons of this Bill before the House have been circulated to hon. Members along with the draft Bill. This measure is essential to discharge our duty towards the international community in accordance with the international conventions and practices.

The Bill proposes to set up tribunals which will go into the merits of each case of seizure of contraband and decide whether the cargo should be sentenced to condemnation or should be returned to the owners. The Bill aims at safeguarding the interests of the neutral States and their nationals. The Prize Courts proposed to be set up would have to adjudicate upon the seizures of cargo and ships in a judicial manner with an opportunity available to the parties concerned to present their cases. We propose also to appoint an appellate authority so that a second opportunity is also available to such parties as are aggrieved by the decisions of the tribunal.

This Bill thus provides for a judicial

scrutiny of the acts which may be carried out by our defence forces in the course of their duties in connection with the defence of the country. During the armed conflict, it becomes the duty of our Navy to enforce contraband control, that is, to ensure that the enemy is denied access to goods which will be of direct and indirect use to him in the prosecution of hostilities. This necessarily entails our boarding neutral vessels and scrutiny of cargoes which are carried therein. The naval authorities have been instructed to exercise their authority with discretion and flexibility. When such cargoes fall under the category of contraband, ships are brought to the nearest port and then the contraband cargo is removed. But even then, the owner of the cargo will have an opportunity under the proposed Bill to represent their case before the Prize Court and have a judicial verdict on the naval seizure.

I am sure that this measure which is in accordance with the international conventions and procedures would be appreciated by all Members and will be appreciated by countries, neutral countries with whom we have maritime relations.

I would like to add that this Bill conforms to the normal rules and practices of international conventions.

It provides for the adjudication of cases by judges of legal competence and integrity and safeguarding of the properties until the prize courts have given their verdict, and appeal to the appellate authority which will hear appeals against the verdicts of the prize courts. I move.

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill to provide for the establishment and procedure of Prize Courts and for matters connected therewith or incidental thereto, be taken into consideration."

SHRI SOMNATH CHATTERJEE (Burdwan) : I welcome this measure which has become necessary due to the armed conflict through which we are passing as a result of the Pakistani aggression. We welcome it also because we are certain that

*Published in the Gazette of India Extraordinary, Part II, Section 2, dated 15-12-71.

†Moved with the recommendation of the President.

we are going to have a rich haul of enemy property.

It is a long-standing practice in international law that nations, which are in a state of belligerency at the outbreak of war, enact laws dealing with substantive and procedural rules and in keeping with international practice, with regard to enemy property seized in the course of hostilities. In view of this, such a law in our country has become necessary in keeping with our international obligations. If I may quote from one of the most recognised authorities on international law, Oppenheim, "one of the objects of prize courts is the wish of the belligerents to be guarded by decisions of the court against claims by neutral states regarding alleged unjustified capture of neutral vessels and goods." In keeping with our position in the comity of nations, it has really become necessary to constitute such prize courts. It is also well known that it is only through an adjudication that an enemy property captured can finally be appropriated.

The Bill was received by us only this morning and we had no occasion to submit our amendments. But I wish to submit two points concerning two provisions for the Minister to consider.

The first relates to cl.6 which says :

"Any person aggrieved by an order or decree of the Prize Court may prefer an appeal to the Central Government within a period of ninety days... .."

The Prize Court is to be presided over by a person who is not only a citizen of India but has been or is qualified to be appointed a judge of a High Court. So it is intended to be a judicial proceeding. To provide for appeal from such a judicial authority to the Central Government, is, on principle objectionable. I submit Government should consider this. After all, it will be a matter of policy decision or political expediency that will be paramount when the Central Government would be sitting in appeal against the decision of a judicial tribunal. Instead of this, a judge of a Supreme Court may constitute the appellate authority. On the principle of jurisprudence, I object to the provision making the Central Government as appellate authority. It does not redound to the credit of our judicial set-up that the execu-

tive should sit in appeal over a judicial authority. Therefore, I would request the hon. Minister to consider this aspect. I could not table an amendment to this effect for want of time.

The other point concerns cl.11 which says in the latter part :

".....the Central Government may purchase on account or for the service of the Central Government all or any of such stores."

This gives the right of pre-emption to the Central Government. International law does not require our Government to purchase these stores or properties. Further, nothing has been indicated in the clause as to what will be the basis of calculation of the purchase price. Why should not these goods be condemned as well, as has been provided in the Bill in other cases. I do not find any rational justification for the exemption in cases contemplated by clause 11.

I hope Government will consider these two suggestions concerning the Bill which we certainly welcome and support.

SHRI INDRAJIT GUPTA (Alipore) : Sir, it is of course difficult for us to go into the provisions of this Bill because nobody knew till we came to the House that it was going to be taken up today.

There are one or two points I would seek clarification upon from the Minister. I would like to know whether the powers given under this Bill relate to goods which are seized from vessels or aircraft belonging to the power or powers with whom we are in a state of belligerency or whether they also extend to goods carried by neutral ships but whose destination may be the country with which we are engaged in hostilities. This is not clear to me. I am not much of a lawyer, and I do not know much of international law ; may be what I say is a very elementary thing, but I would like, for my own satisfaction, that this matter is made clear.

I am glad that the Minister of Shipping is also here. I invite the attention of both the Minister of Shipping and the Defence Minister to a case which has just occurred, three or four days ago, in the port of Madras, and which has been brought to my attention. Out of that case certain points arise, and that is why I would like to have this clarification.

[Shri Indrajit Gupta]

A Dutch vessel by the name *Abbeckerke*, carrying cargo meant for Pakistan, has been docked in the Madras harbour. I do not think it was captured or anything like that on the high seas. It is a neutral ship; it is not a Pakistani ship. It was a Dutch ship, but then, after being docked in the Madras harbour. It was found mainly I may say due to the vigilance of the dock workers themselves, to be carrying different types of cargo meant for East Pakistan. It was the workers who kept a watch on the ship and reported it to the relevant authorities, the Chairman of the Madras Port Trust and so on. Then, the Principal Officer of the Mercantile Marine Department, Madras, directed the officers to board the vessel to find out what it contained. Then it was found that there was a whole number of items which were meant for East Pakistan including 25 trucks and miscellaneous types of cargo of about 7,000 tonnes. The list of cargo, I am told, contains, for instance, items which are listed, among other things, as refrigerators, cigarette paper, and so on.

I will just read the relevant part of the letter which has reached me from the dock workers' union. It says :

"The Principal Officer and others of the Mercantile Marine who met us about an hour ago say that we may get into touch with the Government of India, and if the Government of India orders them to confiscate all this cargo bound for Pakistan, then they will do so. But in the absence of any clear orders, they say they have to go by the list which has been supplied to them... .."

I presume from this that a list covering what is called contraband cargo is in operation at the moment, and any goods which do not figure on that list can be carried if any neutral vessel so wants to go to Pakistan even in the midst of the hostilities that exist between India and Pakistan. I would like to know what exactly is the position.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : May I give a clarification, because the hon. Member has mentioned my presence also. There is a list of contraband

which is given. Apart from that, there is a notification that all exports to or imports from Pakistan, directly or indirectly, are also prohibited. And under that list, hardly any item can pass.

SHRI INDRAJIT GUPTA : I am glad that you have given this clarification. In that case I may say that the Mercantile Marine Department's officers should be better informed. They do not seem to know what you are saying here. That is precisely why I raised this matter, because it seems to be common sense that when we are in a state of belligerency and hostility with another country, even any neutral vessel which is carrying cargo which is consigned to that enemy country is liable to have all that cargo at least confiscated.

SHRI RAJ BAHADUR : I only wish to say that we have just to take one precaution. We have got to trace the ownership of a particular commodity or consignment. If it is FOB, the ownership becomes that of Pakistan. If it is CIF the ownership does not pass till it reaches there and payment is made. That is the only qualification. Because we do not want in the process to do anything which will upset the shipping world or undermine the confidence in our ports. I seek your permission, Sir, to take this opportunity to assure international shipping community and everybody concerned, particularly people who are bringing crude oil and other things to our country that our ports are completely free and they are working normally and we are not taking steps which are not warranted by international law.

SHRI INDRAJIT GUPTA : It seems that the Minister has taken this opportunity to make a much bigger speech than he himself anticipated he would.

But I am confused further. Does it mean that by transacting documents under C.I.F. it is possible for a neutral vessel to carry cargo to Pakistan and you cannot lay your hands on it, though they may be of direct and indirect assistance to the enemy? If the ownership has according to the documents not passed to a Pakistani, by this simple subterfuge any amount of contraband cargo can be carried and you cannot do anything.

SHRI RAJ BAHADUR : There was no confusion. The intention is clear. If we suspect something to be Pakistani ownership, we try to find out and the ship will not go till it is cleared. The question is something different. We have to follow the international law on this subject and I do not think that there is anything which is against international law.

SHRI INDRAJIT GUPTA : I have not said that you had contravened international law. I want you to understand the position. In any case I think the officers of the mercantile marine department should be better instructed. If cargo meant for Pakistan can be held up by us, it should be done so. The workers there are agitated and I think, quite rightly so.

As for this Bill it is meant to provide for the Prize courts and so on and I believe it is in conformity with the requirements of international law and convention. I have nothing more to say on that matter.

I just wanted you to make this clear whether there are means by which ships can carry cargo to Pakistan which according to the provisions of international law you may not be able to lay your hands on; you better look into that.

***SHRI J. M. GOWDER (Nilgiris) :** Mr. Deputy Speaker, Sir, while welcoming the Naval and Aircraft Prize Bill, 1971, I would like to seek some clarification from the hon. Minister of Defence.

You are aware, Sir, that we had a similar conflict with Pakistan in 1965. I am not able to understand why such a legislation was not enacted at that time. I would like the hon. Minister to inform the House whether such a measure was not considered necessary then. Sir, with the huge and sprawling administrative machinery at their disposal, it is really surprising that the Government should have introduced this Bill only today morning and the House is to pass in such a hurry. If it is considered so essential now, why was it not done in 1965 ?

I would like to say that just because some neutral ships belonging to other countries carry cargo to Pakistan whether it is contraband or otherwise, I don't think it is advisable to allow them to go without a

proper and thorough investigation of the nature of cargo. The Government should not be hesitant to do this thing because of certain international shipping conventions and procedures. In fact, I would say that the Government should have necessary authority to check even neutral ships which carry cargo to Pakistan. This is very essential especially when we are at war with Pakistan.

I recall, Sir, that in the 1965 conflict also we captured a few ships belonging to Pakistan and similarly Pakistan also captured one of our merchant ships. In addition to ships, we also got some other enemy property. I do not know whether we have returned all of them to Pakistan and also whether we could get back our ship captured by Pakistan. Since this law was not there in 1965, how did we dispose of the enemy property at that time ? I am constrained to refer to this because I see in the newspapers different kinds of compromise formulae being worked out by many countries to end the war between India and Pakistan. I would urge upon the Government that, having been fortified with this law, they should at no cost return the enemy property captured by us during this war to Pakistan. I have referred to this in particular because we cannot afford to commit the same mistake again.

Before I conclude, I would stress that the Government should not as a matter of routine allow neutral ships belonging to other countries but carrying cargo to Pakistan to proceed ahead without proper verification and checking. Secondly, I would like to know from the hon. Minister as to what happened to the enemy property we captured during 1965 conflict with Pakistan. Thirdly, I would request the hon. Minister not to hustle the House by bringing such important legislature measures at the last moment.

SHRI SAMAR GUHA (Contd.) : I want to draw your attention to a very important news. The Seventh Fleet has already entered the Bay of Bengal. The whole House is feeling concerned, and the Government should make a statement.

श्री आर० बी० बहू (सरगोन) : उपाध्यक्ष महोदय, यह जो नवल एण्ड एयरक्राफ्ट प्राइज

*The original speech was delivered in Tamil.

[श्री आर० वी० बड़े]

बिल सदन में प्रस्तुत हुआ है उसका मैं समर्थन करता हूँ। लेकिन ऐसा लगता है कि यह बिल एमजेंसी में बड़ी हरीडली लाया गया है। इसमें उन्होंने पहले यह कहा है स्टेटमेंट आफ ग्रान्जेक्टस एण्ड रीजन्स में :

"In India, the High Courts at Madras, Bombay and Calcutta having Admiralty jurisdiction under the Letters patent of 1862 had been declared Prize Courts by the Naval Prize Act, 1864 and had to be commissioned in accordance with the procedure prescribed in the Prize Courts Act, 1894."

और इसके बलाज 19 में यह कहते हैं :

"The Naval Prize Act, 1864, the Naval Agency and Distribution Act, 1864, the Prize Courts Act, 1894, the Prize Courts Procedure Act, 1914, the Prize Courts Act, 1915, the Naval Prize Act, 1918, the Prize Act, 1939, in so far as they apply in India are hereby repealed."

अब जब यह रिपील हो गये हैं तो हाईकोर्ट का जूरिस्डिक्शन एकाडिग टु बलाज 3 जो है उसमें यह कहते हैं :

"Subject to the provisions of section 18, the conditions of service of a member of a Prize Court shall be such as the Central Government may by order determine."

और उसकी बवालीफिकेशन के बारे में यह है :

"A person shall not be qualified for appointment as a member of a Prize Court unless he is a citizen of India and has been or is qualified to be appointed as a Judge of a High Court."

उसके साथ में 1894 का देखा जाय तो उसमें यह था कि हाई कोर्टस आफ बाम्बे, कैलकटा एण्ड मद्रास जो हैं वह प्राइज कोर्टस होंगी।

इसमें हमने एपीलेट एथारिटी रख दिया। लेकिन एपीलेट एथारिटी इज दी सेंट्रल गवर्नमेंट नाट दि हाई कोर्ट। मैं पूछता हूँ कि यह हाई-कोर्ट को देने में शासन को क्या प्राप्ति थी ?

दूसरी बात यह है अभी आपने कहा कि जो दूसरे देश के शिप्ट आते हैं उनका जो माल

आयेगा वह इन्टरनेशनल ला के अनुसार गवर्न होगा। लेकिन 1965 में वह लागू नहीं था। उस वक्त यह क्यों नहीं आप ले आये ? 1965 में जो गुड्स पाकिस्तान ने लिए वह ,09 करोड़ के थे और आपके पास केवल 27.5 करोड़ के थे उसमें भी एक चौथाई शायद छोड़ देना पड़ा। लेकिन मैं जानना चाहता हूँ उस 109 करोड़ का क्या नतीजा हुआ ? क्योंकि इस के अनुसार देट बीकम्स दी प्रापर्टी आफ दि सीजिंग गवर्नमेंट। तो वह तो प्रापर्टी हमें मिली नहीं और आपको पता है बिरला साहब को अपनी इण्डस्ट्री याह्या खां के रिश्तेदार को बेचनी पड़ी।

तो मेरा कहना यह है कि यह जो कानून बनता है इसे बनाने में इतनी देरी क्यों की गई ? इसका कोई खुलासा मंत्री महोदय ने नहीं किया। दूसरे जो हमारा 109 करोड़ का माल पाकिस्तान के कब्जे में था उसका क्या हुआ यह भी उन्होंने नहीं बताया। इसके अलावा यह जो तीन हाई कोर्ट्स थे बाम्बे, मद्रास और कैलकटा, यह प्राइज कोर्ट्स थे तो इनके अतिरिक्त कुछ और हाई कोर्ट इंडोइयस करने वाले हैं क्या ? वैसे एमजेंसी के टाइम में इसकी जरूरत है, इसलिये मैं इस बिल का समर्थन करता हूँ।

SHRI VIDYA CHARAN SHUKLA :
Sir, Mr. Chatterjee raised a relevant point when he asked, what would be the appellate authority. Although it has not been specified in the Bill, it is implied that although the Central Government is the appellate authority, the Central Government would appoint a person of a judicial standing higher than the standing of the judges who will constitute the tribunals. We have stated in the Bill that people who will constitute the tribunals would be persons qualified to be judges of a High Court. Therefore, the appellate authority would be person of a higher judicial standing than the judges of the tribunals. Therefore, on this point, he should have no misgivings about the Central Government itself hearing and disposing of the appeals.

Then, he referred to clause 11 and he

was a little doubtful about the question as to why and how we should pay any money or purchase anything which is taken in our action to seize the contraband goods. This provision has been made only to enable Government to act in cases where the position is not absolutely clear. There may be borderline cases where condemnation may take a long time or it may be doubtful whether condemnation of those goods as contraband may come about or not. In such cases, if we think it is necessary in the interests of our country, we may take over the goods and pay the amount.

SHRI SOMNATH CHATTERJEE :
Who will fix the price ?

SHRI VIDYA CHARAN SHUKLA :
I suppose that it would be the tribunals themselves or the appellate authority or the authority which will be nominated under the rules to be framed under this Act.

Mr. Indrajit Gupta asked, how do we decide what are contraband goods and whose goods should be seized and in what manner. A normal distinction that is made, on which we are proceeding, is that the goods which are seized on high seas from neutral shipping, which are bound for enemy countries or in the territorial waters of countries with which we have belligerency, will constitute contraband. There is an exhaustive list of contraband goods, which includes almost everything which can directly or indirectly help the country in prosecuting hostilities against us. The cargoes which are seized in the Indian ports would not necessarily be subject to this particular Act now before the House. They may be dealt with under the Sea Customs Act and other existing Acts. This Act will mainly relate only to such seizures which are made on the high seas from neutral shipping or in the territorial waters of belligerent countries.

The goods or ships that are captured that belong to Pakistan Government are not contraband ; they become the booty and outright they become the property of the nation. These courts will have no jurisdiction over the capture of goods or ships that belong to a belligerent State. This Act deals with only neutral ships and neutral shipping. The ships which belong to the belligerent nation become the property of the nation outright and those seizures will not come under the purview of this Act.

Shri J. M. Gowder asked for a clarification why we did not pass such an Act in 1965. The reason is that in 1965 we did not effect any seizures of contraband in the high seas. The Pakistan Government captured some of our ships and we also captured some of their ships in our ports. Later on the ships were exchanged. During the hostilities of 1965 no, goods were captured on the high seas.

There were certain British Acts on the subject which were made applicable to us. They were old Acts. We wanted to have a modern Act which is in consonance with the modern world. That is why we have brought this measure before the House.

I have replied to the point raised by Shri Bade, though in different words. I want to assure him that in this case nobody will have an escape route. There will be judicious adjudication in the case of neutral shipping and in case any goods have been wrongfully seized they will be returned. If the aggrieved party does not have full satisfaction with the decision of the tribunal, we have also provided for an appellate authority. Therefore, there need be no apprehension in the minds of any friendly maritime powers about this measure.

SHRI R. V. BADE : What about an appeal to the High Court ?

SHRI VIDYA CHARAN SHUKLA :
We have done better than that. The people who constitute the tribunal will have the standing of High Court judges and the appellate authority will have an even greater standing than that. That is our intention. Therefore, I hope this Bill will receive the unanimous approval of the House and will be passed.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill to provide for the establishment and procedure of Prize Courts and for matters connected therewith or incidental thereto be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER : Since there are no amendments, I will put all the clauses together. The question is :

"That Clauses 2 to 20, Clause 1, the

[Mr. Deputy-Speaker]
Enacting Formula and the Title stand
part of the Bill”

The motion was adopted.

*Clauses 2 to 20, Clause 1, the Enacting
Formula and the Title were added
to the Bill*

SHRI VIDYA CHARAN SHUKLA :
I beg to move :

“That the Bill be passed”

MR. DEPUTY-SPEAKER : The ques-
tion is :

“That the Bill be passed”

The motion was adopted.

12.56 hrs.

RE: MOVEMENT OF SEVENTH FLEET
OF U.S.A.—*Contd.*

MR. DEPUTY-SPEAKER: We have four
more minutes. I have received a slip from
Prof. Madhu Dandavate saying that the
Seventh Fleet of the American Navy has
entered the Bay of Bengal. Since this is a
matter which has been agitating the members
of the House, he may say what he wants to
say in one or two minutes.

PROF. MADHU DANDAVATE
(Rajapur): Mr. Deputy-Speaker, just now
an announcement has been made over the
All India Radio—probably the way in
which it is given might not be correct; it
might be a garbled version probably—that
the Seventh Fleet has already come to the
Bay of Bengal.

We would very much like the Govern-
ment to clarify two or three important
points. What is the official communication
that the Government of India has already
sent? What is the attitude that our rep-
resentative in the United Nations has
taken? In the United Nations, for the last
two days, the issue has been coming up.
What are the implications? Can an indi-
vidual member of the United Nations
unilaterally, on its own, take such an action
and move the fleet in the direction in which
probably there can be an escalation of war.
Today, it is a localised war in one region
but it may escalate into a world war.
Fortunately, Soviet Russia...

MR. DEPUTY-SPEAKER: No speech
please. You have made your point.

PROF. MADHU DANDAVATE: I am
only seeking information. Since Soviet
Russia has, fortunately, already announced
that they want all the nations of the world
not to get themselves involved in this con-
flict, and if there is going to be an escala-
tion of this conflict into a world war, in
view of this, what is the further categori-
cal statement that the Government of India
wants to make. These clarifications should
be made on the floor of the House.

SHRI S. M. BANERJEE (Kanpur):
The news that has come is that some forces
have moved from Singapore and that the
Enterprise accompanied by some other
destroyers has reached the Bay of Bengal.
As far as we are concerned, we are not
worried about the 7th fleet or the 14th fleet,
whatever the fleet may be. The question is
that the Government of India should make
a statement and allay the fears. The Prime
Minister has said something about the
American intervention. She has made a
statement outside. The statement should
be made only in this House. If America
tries to do anything like that, they will meet
the same fate as they met in North Korea
and Viet Nam.

MR. DEPUTY-SPEAKER: These feel-
ings and submissions of the hon. Members
may be conveyed to the Government.

12.59 hrs.

INDUSTRIES (DEVELOPMENT AND
REGULATION) AMENDMENT
BILL

THE MINISTER OF INDUSTRIAL
DEVELOPMENT (SHRI MOINUL
HAQUE CHOUDHURY): Mr. Deputy-
Speaker, Sir, I beg to move :*

“That the Bill further to amend the
Industries (Development and Regula-
tion) Act, 1951 be taken into considera-
tion.”

MR. DEPUTY-SPEAKER: You can
continue tomorrow.

The House stands adjourned to meet
again tomorrow at 10 A.M.

13.00 hrs.

*The Lok Sabha then adjourned till Ten of
the Clock on Thursday, December 16, 1971/
Agrahayana 25, 1893 (Saka)*

*Moved with the recommendation of the President.