

15.40 hrs.

GOVERNMENT OF UNION TERRITORIES (AMENDMENT) BILL

MR DEPUTY-SPEAKER New we take up Government of Union Territories Amendment Bill.

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY). Sir, I beg to move*

"That the Bill further to amend the Government of Union Territories Act, 1963, the Representation of the People Act 1950 and the Representation of the People Act, 1951, and also to amend the North Eastern Council Act, 1971, be taken into consideration "

This House has kindly and almost unanimously passed the Constitution (Thirty seventh Amendment) Bill thereby approving in principle a Legislative Assembly and a Council of Ministers for Arunachal Pradesh. Subsequently, the President has also approved the Bill and it has received the assent of the President on 3rd May, 1975. While moving that Constitution (Amendment) Bill, I told the House about the administrative setup that is there in Arunachal Pradesh. This Bill seeks to confer more powers on the representatives of the people so far as the day-to day administration is concerned as also to make laws falling within the State list. I submitted then that as at present there are five Zila Parishads in Arunachal Pradesh and the Vice-Presidents of those five Zila Parishads and three members elected from each Zila Parishad from among themselves plus three nominated members and one Member represented in this House and another Member represented in the other House, that is, Rajya Sabha along with the Administrator constitute the setup there. All these persons assist the Administrator in the day-to-day administration. Further, there are five Counsellors who are incharge of cer-

tain subjects and give advice and counsel to the Administrator and assist him in the administration.

15.44 hrs.

[SHRI VASANT SATHI in the Chair]

Sir, the proposition now is that in future we want to replace this present Pradesh Council by an elected body of 30 Members as in the case of other Union Territories like Goa, Daman, and Diu, Pondicherry, and Mizoram. Through this Bill, we also want to give representation to two elected Members of Arunachal Pradesh in Lok Sabha. As at present, there is one Member representing Arunachal Pradesh, who is nominated. We want to give two representatives to Arunachal Pradesh, because I have already submitted and I am submitting just now, Arunachal Pradesh has a vast area. It has about 83,000 square kilometres and, therefore, we felt that it was necessary that this vast area should have at least two elected representatives in the House of Peoples here. And, at the same time, instead of the nominated Member in the Rajya Sabha, there will be an elected Member to the Rajya Sabha elected by the future legislature which will come into being, but the present Member in the Rajya Sabha will continue until his term expires in 1978 or so.

Now, there is another aspect, namely, that as in the case of Mizoram, so in the case of Arunachal Pradesh also, the Administrator will have a special responsibility so far as the security of the border is concerned. The existing Pradesh Council will continue until the delimitation work is over and a fresh Assembly gets elected and this Pradesh Council will continue as the provisional Legislative Assembly of the area.

There is another provision, namely, that at present the Administrator and a Counsellor, who is assisting the Administrator just now, are represented

*Moved with the recommendation of the President

in the North-Eastern Council and after this Bill is passed, the Administrator and the Chief Minister will represent.

These are the salient points of the Bill which are not controversial in any manner and I hope this will receive the assent of this House as it received when I moved the 37th Constitution Amendment Bill.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Government of Union Territories Act, 1963, the Representation of the People Act, 1950 and the Representation of the People Act, 1951, and also to amend the North Eastern Council Act, 1971, be taken into consideration."

SHRI DASARATHA DEB (Tripura East): First I welcome this Bill because the people of that part had been agitating for a long time to have a popular form of government and this should have been done much earlier. And it took the Government 28 years to consider the necessity of having such a type of responsible and popular form of government in that part of the country. It should have been done much earlier. When the re-organization of States was done on linguistic basis, it should have been done at that time. That itself indicates that the Government is very much reluctant and hesitant to concede the legitimate demands of the small nationalities living in the entire north-eastern region. Because these people are very backward and very small in size, their voice is not so strong enough to be heard at the Centre. That is why they have deliberately delayed or denied these rights to these people for a long time. I am happy at least now they have realised the necessity of giving a legislative assembly and a Council of Ministers to Arunachal Pradesh.

In the beginning I said that the legitimate demands of the small groups and nationalities, particularly, the tribal people were denied by the Centre for the last 28 years. Our ex-

perience is that in Nagland they had to agitate to have a separate Nagaland and there was a lot of bloodshed and the Government in the beginning was very reluctant, but, ultimately, after a long time and much bloodshed, they had to concede Nagaland. Same is the case with Meghalaya where also there was a big agitation, firing and bloodshed and even the Government said, 'No, we won't concede your demand'.

But, ultimately, they have conceded. So, it indicates that the approach of the Central Government towards the small nation, particularly the tribal people in the eastern region was basically wrong in the beginning. Still it is defective. They do not realise the importance of the aspirations of the tribal people yet. In this regard there is a movement now in Mizoram also. They demand statehood. Arunachal Pradesh people are demanding statehood. But Government does not concede that demand even today. I ask the Government not to repeat the mistakes committed by them. When they are conceding the demand of a legislative assembly for Arunachal Pradesh, I ask the Government to go further. They should give statehood to Arunachal Pradesh and also to Mizoram. By conceding the demands, the aspirations of the small nation—the tribal people—our integration will be strengthened. If their legitimate demands are accepted by the Central Government and if they get proper treatment at the hands of the Centre, there will be no feeling of hostility. People are bound to think that they are one with India and they will try their best to be one with India and there will not only be emotional integration, but national integration also and that good climate would be for their part of the country.

Even the Home Minister says that the Administrator has got certain special responsibility so far as security is concerned. That means that the Central Government has got more confidence in the officials than the elected people of India—Council of

[Shri Dasarath Deb]

Ministers This responsibility must go to the Council of Ministers and not to the Administrator. Ultimately, the people the real force to protect our country If the elected representatives—Council of Ministers—are not taken into confidence by the Central Government and for security purposes if they want to give special power to the Administrator, then I think it is not correct because it shows that still you have some doubts in the people You have to rely on the people and not in an individual

In the other House, Members from Arunachal Pradesh complained, Government spent money and roads were constructed in certain parts. These are very good roads but civilian population is not allowed to use the roads. These roads are meant only for the Armed Forces, for military and for security forces There should be some precaution, I do not mind it. But at the same time, why these roads are not being allowed to be used by the civilian population, I want to know? They should use them That means, some climate is there that people are not taken into confidence This should not be so You must take these people into confidence. Otherwise we cannot strengthen our security forces and border protection forces That is why this special power to the Administrator should not be there It must be given to the Council of Ministers I believe that Council of Ministers will be composed of responsible persons and they will take all steps to protect this area and to look after the security forces Not only that In respect of other areas also Government should think of giving greater autonomy Greater autonomy to the States must be given At present not only in regard to Union Territory, but in respect of States, powers and autonomy are very limited and they have got very little scope to do whatever improvements they like That is why I ask the Home Minister and his Cabinet also to think over the matter and extend greater autonomy to the States also.

I am very happy that ultimately these people of Arunachal Pradesh will have Legislative Assembly. I urge upon the hon. Minister that this Act should be implemented immediately

श्री राजाचतार झाखी (पटना)

सभापति महोदय, सब राज्य क्षेत्र अधिनियम, 1963, लोक प्रतिनिधित्व अधिनियम, 1950 तथा लोक प्रतिनिधित्व अधिनियम, 1951 में और संशोधन करने सम्बन्धी विधेयक पर अभी हम विचार कर रहे हैं। मैं भी इस विधेयक का स्वागत करते हुए दो तीन बातों की तरफ सरकार का ध्यान खीचना चाहता हूँ।

सब से पहनी बात मैं यह कहना चाहता हूँ कि सरकार यहाँ तक गई है और उसने यह ठीक ही किया है कि वहाँ पर विधान सभा की स्थापना वह जनता के चुनाव के जरिए करने जा रही है। इस के साथ ही लोक सभा में उन के सदस्यों की संख्या एक से बढ़ा कर दो वह करना चाहती है और उन दोनों सदस्यों का चुनाव वह जनता से करवाना चाहती है। विधान सभा के चुनाव होने के पहले चुनाव-आयोग का परि-सोमन करने की बात सरकार इस विधेयक में कह रही है। ये बातें तो सही हैं लेकिन जैसा कि मेरे से पूर्व के वक्ता ने अभी बताया कि आप को इस में धाने जाना चाहिए। हमारे देश में केन्द्र शासित कुछ राज्य हैं जिन में से उन्होंने मिजोरम का नाम लिया और अरुणाचल प्रदेश के सिलसिले में अभी हम विचार कर रहे हैं, इस के अलावा पाकि-स्तान जैसे इस तरह के कुछ राज्य हैं जिनको

पूरे राज्य का दर्जा देना प्रति आवश्यक है। चला नहीं, सरकार अभी भी इनको राज्य का दर्जा देने से क्यों हिचकिचा रही है। या तो सरकार को अपने ऊपर विश्वास नहीं है या सरकार को वहाँ की जनता के ऊपर विश्वास नहीं है। अब समय आ गया है कि आप जनता पर पूरा पूरा विश्वास करके शासन व्यवस्था का भार उनके हाथों में सौंप दें। तो मैं भी इस मांग का समर्थन करता हूँ कि यहाँ से कुछ प्राये बढ़ कर इस तरह के केन्द्र शासित क्षेत्रों को आप को पूरे राज्य का दर्जा देना चाहिए।

16.00 hrs.

दूसरी बात यह है कि आप विधान सभा की स्थापना कर रहे हैं। मंत्री परिषद् की स्थापना होगी जो जनता के चुने हुए प्रतिनिधि होंगे, लेकिन उन के सिर पर आप एक प्रशासक को यानी नीकरशाह को थोपना चाहते हैं, ताकि उन दोनों में झगडा होता रहे और उस इलाके की जनता के विकास के कामों से नुकसान हो। आप कहते हैं कि प्रदेश के विकास और उसकी सुरक्षा में प्रशासक सहायक बनेगा। आपको याद होगा और हम में से भी बहुत से माननीय सदस्यों को याद होगा कि 1962 में जब चीन ने हमारे देश पर हमला किया था तब तेजपुर तक उनकी फौजें बढ़ती चली आई थीं और वहाँ के बड़े-बड़े अफसर जिन पर आप उम्मीद लगाए बैठे थे भाग खड़े हुए थे, जब कि वहाँ की जनता ने बहादुरी के साथ हिम्मत के साथ चीनियों का मुकाबला किया था, वह बंदी रही है देश की हिकाजत के लिए।

आप प्रशासक की और अफसरों की बात करते हैं कि वे देश की हिकाजत करेंगे और देखेंगे कि काम काज सही चले। लेकिन अनुभव यह बताता है कि अफसर या नीकर-शाह या देश के बड़े बड़े घनासेठ जब मुल्क पर मुसीबत आनी है, कोई विदेशी आक्रमण होता है तो भाग खड़े होते हैं और जो सही मानों में जनता है वही जनता मुल्क की हिकाजत करती है। मैं चाहता हूँ कि प्रशासक की व्यवस्था न करके पूरे के पूरे अफि-कार आप मंत्रिपरिषद् को दें ताकि वह लोगों के पिछड़ेपन को दूर कर सके। वह इलाका एक संबन्धशील इलाका है, सीमायी प्रदेश है। वहाँ की जनता के पिछड़ेपन को अगर हम दूर नहीं करेंगे, उनकी जो मांगे हैं उनको हम पूरा नहीं करेंगे, उनका अस्तित्व दूर नहीं करेंगे तो हमारे दुश्मन भीतरी और बाहरी दोनों उनका इस्तेमाल करके हमारी ताकत को कमजोर करेंगे। मैं चाहता हूँ कि उनके आर्थिक विकास में सरकार सहायक बने।

अब मैं परिसीमन के सिलसिले में कुछ कहना चाहता हूँ। यह बड़ी अच्छी चीज है। ज्योप्रेफिकल कम्पैक्टनेस, भौगोलिक दृष्टि से तमाम इलाके एक निर्वाचित क्षेत्र में सटे हुए होने चाहिए। और भी बहुत से मापबंद आपने रखे हैं। कुछ राज्यों में निर्वाचन क्षेत्रों का परिसीमन हो रहा है। मेरे राज्य में भी हो रहा है। अपने यहाँ की बात मैं जानता हूँ। मेरे क्षेत्र में कम्पैक्टनेस को छोड़ करके, लगातार कोई एरिया है या नहीं, इस सिद्धान्त की छोड़ करके बहुत दूर के एक दो क्षेत्रों को ले लिया गया है एक निर्वाचन

[श्री रामावतार शास्त्री]

क्षेत्र में। अब एक क्षेत्र से घुस कर दूसरे क्षेत्र को जाना पड़ेगा। ऐसा नहीं होना चाहिए। भौगोलिक दृष्टिकोण से इलाका कम्पैक्ट होना चाहिए, कंटिगुअस होना चाहिए, लगातार होना चाहिए। अभी ऐसा हो गया है कि एक क्षेत्र के बीच में दूसरा आ गया है और दूर का तीसरा क्षेत्र उसके साथ जोड़ दिया गया है। यह नहीं होना चाहिए। परिसीमन का जो सिद्धान्त आपने बनाया है उसी के अनुसार काम होना चाहिए। इस मामले में पैरवी के लिए कोई स्थान नहीं होना चाहिए। कुछ पैरवी करके जिस में उनको लाभ होता है क्षेत्रों को बनवा लेते हैं और इसका नतीजा यह होता है कि दूसरों को सहूलियत नहीं मिल पाती है। दूसरों की सहूलियत वे नहीं देखते हैं। परिसीमन करते वक्त आपने जो सिद्धान्त निर्धारित किए हैं, चुनाव कानून में जो सिद्धान्त है तथा दूसरे कानूनों में व्यवस्थाएँ हैं उनका पालन करें।

इस विधेयक का समर्थन करते हुए मैं निवेदन करना चाहता हूँ कि जो इस में खामियाँ रह गई हैं उनको आप दूर करें ताकि वहाँ की जनता को और ज्यादा विश्वास हो कि अब हमारे हुस्मन उसका इस्तेमाल करके हमारी एकता को तोड़ नहीं सकेंगे। यही मुझे निवेदन करना है।

SHRI DINESH CHANDRA GO-SWAMI (Gauhati): Mr. Chairman, Sir, I take my stand here to support this Bill. In fact, support is bound to come from every section because, this is only a follow-up measure of the Thirty-seventh Constitution (Amendment) Bill which this House passed unanimously. But, I, for one, expected that while we will be debating this Bill, some more interest would be shown by the Members. Though the North-East Frontier Agency, as it was then called, or, the present Arunachal Pradesh, is an exclusive territory to a certain extent, yet nobody can deny its strategic importance. Sir, this is a territory through which runs the most direct route from Lhasa to India. This is one of the easiest invasion route from Tibet to the Brahmaputra valley. In fact, this was one of the territories comparatively unknown to the rest of this country, but became famous in 1962 when the Chinese marched into the Indian territory by this route.

Now, two criticisms have been levelled against this Bill by Mr. Dasaratha Deb and Mr. Ramavatar Shastri. Their criticisms are, firstly, that the democratic urges of the people ought to have been satisfied long back; and secondly, the administrator ought not to have been given greater power within this democratic structure. I think both these criticisms are not tenable. It is true that all territories of our country should be given democratic rights and their democratic urges should be fulfilled as early as possible. But nobody can deny that these territories with various divisions of tribal communities, economic backwardness and so on and so forth were not prepared for a complete institutional change even for quite some time.

In fact, today my mind goes back to one of the most prominent Members of that region, Mr. D. Bhaag.

who was a member of this House and who for the first time raised this question of giving more democratic rights to the people. As early as in 1963, it was Mr. Ering who brought to the notice of the Prime Minister, Shri Jawaharlal Nehru, the necessity of making various changes to fulfil the democratic urges of the people and, in fact, it is because of his initiative that later on Shri Lal Bahadur Shastri made a Commission which went into the matter and made certain changes in the administrative set-up of the entire territory. Even in 1963 when Mr. Ering asked this House and also wrote to the Prime Minister to make the necessary changes in the democratic foundations he did not ask for complete institutional change as we are trying to achieve today but only a limited change, almost something like a change to something like the Panchayat administration we have today. Therefore, the complaint that is made that this type of democratic urges ought to have been fulfilled long back is made by those who are not acquainted with the diverse problems facing that part of the country.

The second criticism that has been made of this Bill is that the administrator ought to have been given greater power. If the situation would have been such where one could have done away with the administrator or the task of governing that territory could have been left to the people then I would have been the first person who would have been very happy. But still we cannot shut our eyes to certain realities and the realities are that because of the backwardness and diversity up till date it has prevented the emergence of leadership—either traditional or modern—capable of welding numerous tribes into a cohesive political force in that territory. There are many tribes with various types of different cultures and different ways of life. They have got different

urges and aspirations. They have also got certain inner conflicts amongst themselves. Obviously up till now a leadership—either traditional or modern—has not developed which can create unity amongst all these forces to bring them into a cohesive political force with the result that if you do not give sufficient amount of power to an administrator these divisive forces may come into play and create serious administrative and other complications. After all, even in advanced states we have found how these divisive forces come into play and try to hit at the democratic foundations. In a sensitive territory like Arunachal, if a certain amount of power is not given to the Administrator, I have got my grave doubts that while trying to provide democratic rights, we may really create a climate where there may be a premature death of the rights themselves. Therefore, I feel that to that extent,—though in other areas, we will not support such a measure,—giving of certain powers to the administrator in Arunachal Pradesh, shall have to be viewed in that context. We should not also forget the other aspect of the matter that Arunachal is a very vulnerable zone. I have seen a report in the *Hindustan Standard* of 3rd May which says:

“Move for Eastern Hill State at China’s stance. A systematic co-ordination among the rebels and hostiles of Nagaland, Mizoram and Manipur, the Chakmas of the Chit-tagong Hill Tracts and the Chins and Kachins of Burma for forming a separate hill State is being encouraged by China from outside and the churches operating within the States of the North-Eastern Region. A Chinese recently came to Nagaland and met a number of Naga underground workers with a view to boosting their morale. China is also persuading the Naga rebels to form a government in exile in the Eastern Naga Revolutionary Council Area in Burma.”

[Shri Desesh Chandra Goswami]
The report goes on to say:

"The Indian authorities have positive information that China is actively encouraging the idea of formation of a Eastern Hill Region State by uniting the rebels and hostiles of Nagaland, Mizoram, Manipur, the Chittagong Hill Tracts and Burma. A systematic coordination among these elements, they are sure, has been stepped up after a secret meeting some time ago in Burma which was attended by, among others, some CIA men."

This makes a very serious reading. I hope the hon Minister will take this also into consideration and will throw some light as to whether these reports which are appearing in some of the very important newspapers are true. Sir, if a person with a certain amount of authority is not put there in that territory, to maintain a balance amongst the different tribes and sub-tribes, I have got my apprehension that powers hostile to us may try to play up the dissent of a particular group against another group when the democratic institutions go on functioning and that may create further complications. In that context, I feel that the argument advanced or the criticism levelled by Mr Dasaratha Deb has no basis. Therefore, I support this Bill

Of course, when you are giving democratic rights to the people of this area, you have taken upon yourself the greater burden because if you want integration of Arunachal Pradesh with the rest of the country, the main necessity is the total development of that region and provision of greater infra-structure in that region. Today, Arunachal Pradesh is completely isolated from the rest of the country and if a part remains in complete isolation how can we expect the forces of integration to play their role properly? I think one of the greatest tasks before the Government of India today is to bring about this real integration of the people of this area with the rest of the

country. I hope the hon. Home Minister will look into this aspect of the matter.

With these observations, I lend my support to this Bill.

**THE MINISTER OF HOME AFFAIRS
(SHRI K. BRAHMANANDAN REDDY):**

Sir, I am very thankful to the hon. Members who have participated in this debate, for giving their unqualified support to this Bill. Now, Sir, a point has been raised by Mr. Deb and Mr. Shastri, namely, why not give full Statehood to Arunachal Pradesh? It is not a question of reluctance on our part or a question of having no confidence in the people. It has been made clear quite some time ago that Arunachal Pradesh will have a Legislative Assembly and a representative Government, namely, Council of Ministers. As I said even earlier, on a previous occasion when the Constitution Amendment Bill was being discussed, I had been to this area, seen three districts, saw the people, spoke to them and their representatives.

Therefore, it is a question of progressively associating the people with the administration. As you know, in 1967, the Panchayat Raj regulation came into force, early in 1972 Union Territory status was given and later in 1972 the Pradesh Council etc and the system of Counsellors advising the Administrator was set up. During this period of roughly three-years performance, it has given us confidence that they will be able to administer their affairs in a proper manner. It has also been represented not only here but even in the area by the representatives of several people that it would be in the interest of the territory and the country if an elected Assembly comes into being and a representative government also is formed there.

As I have submitted just now, this is progressive association of the people of Arunachal Pradesh with the administration, Panchayat Raj regulation in 1967, Union Territory status

early in 1972, then late in 1972 the institution of the Pradesh Council and the system of Counsellors advising the Administrator.

Therefore, let us see. After all, they will have to get their statehood sooner or later; I am sure in due course of time, as in the case of Mizoram also, that aspect will be considered—at the appropriate time.

Shri Deb also made the point that some roads are not allowed for civilian traffic. I think it is incorrect to say that. All roads are open to traffic both by civilians as well as others.

Regarding the special powers of the Governor, it is not, as I have submitted, a question of not having confidence in the people. Of course, we have to have confidence in the people, but the area has about 1300 kms. of international boundary and the defence of the country is the responsibility of the Central Government. Therefore, it becomes wise for us to keep some power or some responsibility with the Administrator regarding the security of the border.

Shri Goswami also made the point about some information that is published. I do not want to go into that at this stage. But it becomes necessary for the Centre as well as the administration there to be careful about the activities of other elements which may be hostile to us.

As Shri Goswami has submitted, there are many tribes; there are about 20 big tribes and about 70 smaller tribes. It is necessary that they are brought into a sort of cohesiveness so that misunderstandings between them are reduced and they are able to function effectively as one unit.

So far as development is concerned, I had submitted even during the discussion of the Constitution Amendment Bill that progressively the money allotted for the development of Arunachal Pradesh has been increas-

ing. Though it was roughly Rs. 20 crores for the Fifth Plan, the performance was much bigger, Rs. 21½ or encouraged us to indicate a plan of Rs. 22 crores. This has enthused and roughly Rs. 63 crores during the Fifth Plan. If something more becomes necessary, we have to see whether we would not give a helping hand. But at the present moment, about three times the size of the fourth plan is the indication about investment in the fifth plan. I can assure hon. members that we are aware that we will have to lend a helping hand so far as the development of the area is concerned and we shall do so at the appropriate time when the need arises.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Government of Union Territories Act, 1963, the Representation of the People Act, 1950 and the Representation of the People Act, 1951, and also to amend the North Eastern Council Act, 1971, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: We take up the clauses. There are no amendments.

The question is:

"That clauses 2 to 15 stand part of the Bill."

The motion was adopted.

Causes 2 to 15 were added to the Bill.

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

SHRI K. BRAHMANANDA REDDY.
I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.