

12.55 Hrs.

**PUNJAB APPROPRIATION (NO. 2)
BILL, 1971***

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : I beg to move for leave to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Punjab for the services of the financial year 1971-72.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Punjab for the services of the financial year 1971-72."

The motion was adopted.

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

I beg to move† :

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Punjab for the services of the financial year 1971-72, be taken into consideration."

MR. DEPUTY-SPEAKER : The question is :

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Punjab for the

services of the financial year 1971-72, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

"That, clauses 2 and 3, the Schedule, Clause 4, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 2 and 3, the Schedule, Clause 4, Enacting Formula and the Title were added to the Bill

SHRI R. K. GANESH : I beg to move :

"That the Bill be passed."

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

12.58 Hrs.

NORTH EASTERN AREAS (REORGANISATION) BILL

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : I beg to move** :

"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

*Published in Gazette of India Extraordinary, Part II, Section 2, dated 14-12-71.

†Introduced/Moved with the recommendation of the President.

**Moved with the recommendation of the President.

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and Arunachal Pradesh by reorganisation of the existing State of Assam and for matters connected therewith, be taken into consideration."

I am happy to bring forward this Bill in fulfilment of the assurances given to the people of Manipur, Tripura and Meghalaya last year. It was on the 3rd September 1970 that the Prime Minister apprised this House of the Government's decision to accept in principle the grant of statehood to Manipur and Tripura. Similarly a statement was made on 10 November 1970 regarding Meghalaya. Since then, we have had a series of discussions with the Chief Ministers and others in the North-Eastern region and also with the Governor and Lt. Governor. The problems of the region were studied in depth and finally we worked out a composite scheme of reorganisation.

Before going into the details of the Bill, I would like to briefly apprise the House of the main features of the organisation scheme and the objectives we had kept in view. The north-eastern region at present consists of two States, namely, Assam and Nagaland and the two Union Territories of Manipur and Tripura. Within Assam itself, we have NEFA which is constitutionally a part of that State but is administered by the Central Government as if it is a Union Territory. Then we have six autonomous districts which are administered under the Sixth Schedule to the Constitution. These are the Garo Hills, the United Khasi and Jaintia Hills, Jowai, Mikir Hills, North Cachar Hills and Mizo districts. The rest of Assam comprises six districts in the Brahmaputra Valley and the Cachar district. The three autonomous districts of Garo Hills, the United Khasi and Jaintia Hills and Jowai form the autonomous State of Meghalaya within Assam.

The entire north-eastern region covers an area of 98,000 square miles which is a

little over 18 per cent of the geographical area of our country. Large tracts in this region are hill areas which are sparsely populated. These areas are relatively less developed and are mostly inhabited by people belonging to different tribal groups.

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The total population of the region is less than 20 million, that is, about three and a half per cent of the country's population and, of this, nearly one-fourth are tribals. It is on account of these diversities that we have at present a number of administrative units and a variety of administrative arrangements. The geographical location and the size of these administrative units in these areas make maximum co-ordination among them essential for promoting development and security.

Our main objective has been to evolve a scheme which would help in streamlining the administrative set-up in order to gear it up to the task of co-ordinated development and the entire region with the active participation of different sections of the people. The decision to confer Statehood on Manipur, Tripura and Meghalaya was taken in this context. In the same context we came to the conclusion that NEFA and the Mizo district of Assam should be made into Union territories.

The territorial reorganisation contemplated will result in the north-eastern region having given States, namely, Assam, Nagaland, Meghalaya, Manipur and Tripura, and two Union territories, namely, Mizoram, (the existing Mizo district), and Arunachal Pradesh, (the existing NEFA).

For achieving co-ordination among the States and the Union territories in this region in the matter of development and security, this House had passed the North-eastern Councils Act in May, 1970. Subsequent developments, however, necessitated a fresh look at the scheme of that

Act. As I have already stated, large tracts in the north-eastern region remain to be developed. There can be no two opinions regarding the need for concerted measures to develop these areas. At the same time, there has to be a balanced approach to this problem. Even within the region, some areas are more backward and they have to be attended to in whichever State or Union territory they may be located. What is needed is a dynamic programme of road construction, improvement of transport facilities, power generation, industrialisation, etc., in which all the States and the Union territories in the region will have to participate as common beneficiaries.

A programme of this nature has necessarily to be planned and executed for the region as a whole without the constraints of State boundaries. The financial resources of these States being slender, it becomes a national responsibility to spare adequate resources for the purpose. Accordingly, it is proposed to have a regional plan for the entire north-eastern region in addition to the normal State plans and to restructure the machinery conceived in the 1970 Act. We intend introducing a separate Bill for this purpose when I shall have the occasion to explain in greater detail the arrangements we are now contemplating.

Apart from the question of development of the region, we have also gone into special problems of the emerging units. In Manipur, the problem was one of devising a scheme of safeguards for the tribals. Last week this House discussed this matter while passing the Manipur (Hill Areas) District Councils Bill, 1971. In Tripura also, some measures may be necessary for safeguarding the interests of the tribals. As I said the other day, the tribal population in Tripura is dispersed and it is not easy to carve out any area and set up bodies like District Councils as are contemplated for the

tribal areas of Manipur. The Fifth Schedule to the Constitution will apply and the State Government would no doubt, suggest appropriate measures. For the proposed Union territory of Mizoram we intend bringing forward legislation to create a legislature and Council of Ministers. In NEFA, there already exists an Agency Council consisting of the Member of Parliament from that area and representatives of Panchayat Raj bodies. It is proposed to convert this into a Pradesh Council and enable it to function as a deliberative and advisory body. It is also proposed to appoint a few members of this Council as Counsellors to advise the Administrator. This reform will be given effect to through a separate measure.

This, in brief, is the total picture of the reorganisation scheme we have evolved for the north-eastern region. The present Bill deals with one facet of the scheme, namely, the territorial reorganisation. I would like, therefore, that the House should consider this Bill not as a piece of legislation for creating new States and Union territories but as one of the measures aimed at securing the welfare of the people of the region as a whole.

As the provisions of the Bill affect the existing territories of the State of Assam, the Bill was referred to the Legislative Assembly of that State as required by the proviso to article 3 of the Constitution. The Assembly discussed the Bill on the 27th, 28th and 29th October and the 5th November, 1971. The views expressed by the members of the State Legislative Assembly are contained in the proceedings of that House, which are placed in the Parliament Library.

Now I shall come to the provisions of the Bill. Clauses 3 and 4 provide for conferment of Statehood on the Union Territories of Manipur and Tripura. Clause 5 seeks to confer statehood on

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Meghalaya which is now an autonomous State within Assam. At present three wards of the Shillong Municipality and the Shillong cantonment do not form part of the autonomous State. This is a small area, about 1½ sq. miles, and forms an enclave within the autonomous State. We could not possibly keep this area out of Meghalaya even though a suggestion was made to that effect at some stage on the ground that most of the Offices of the Assam Government are located in this area. The entire Shillong area, therefore, will form part of the new State of Meghalaya.

The Government of Assam are thinking of constructing a new capital at a suitable site in the Brahmaputra valley but in the meantime they will continue to have their Offices at Shillong. A special provision has been made in para 3 of the Sixth Schedule to the Bill for this purpose. The Assam Government had also expressed a desire that for so long as their Offices remain at Shillong, they should have some powers in regard to law and order in the European ward of the Shillong Municipality where the main Government buildings are located. This matter has been discussed with the Chief Ministers of Assam and Meghalaya. It has been agreed that when Meghalaya becomes a State the Government of that State would entrust to the Central Government the functions relating to police and public order in the European ward for a period not exceeding three years and the services of Officers of the Assam Government would be utilised for the discharge of these functions. Clause 6 relates to the formation of the Mizo district of Assam into a Union Territory to be known as Mizoram and clause 7 provides for NEFA being made into a Union Territory to be known as Arunachal Pradesh. The other provisions of this part are of a consequential nature.

Part III of the Bill relates to the representation of the new States in the Rajya

Sabha and the Lok Sabha and also the composition of the legislative assemblies of the new States. It also provides consequential changes in the composition of the Assam legislative Assembly, delimitation of the Assembly constituencies of the new States and necessary modifications in the orders relating to Scheduled Castes and Scheduled Tribes.

So far as the Rajya Sabha is concerned, there is no change in regard to Assam, Manipur and Tripura. The members representing these areas at present will continue to represent them. Meghalaya, Mizoram and Arunachal Pradesh will have one seat each in the Rajya Sabha.

The reorganisation of Assam affects three parliamentary constituencies. A part of the Dhubri constituency will remain in the Assam while the other part, which comprises the Garo Hills, will go to Meghalaya. Similarly, a part of the autonomous districts constituency comprising the Mikir and North Cachar Hills will fall in Assam while the rest of the constituency comprising the United Khasi and Jaintia Hills Districts will go to Meghalaya. A part of the Cachar constituency will go to the Union Territory of Mizoram and the rest will remain in Assam. We have gone into the question as to how these constituencies should be readjusted in the context of the reorganisation. As major portions of the Dhubri and Cachar constituencies would remain in Assam, they have to be kept as separate entities. The Mikir Hills and the North Cachar Hills in Assam have been enjoying the benefit of a reserved seat for the tribals and could not be appropriately added to any other Parliamentary constituency without depriving the people of this benefit.

It is therefore proposed to make these two districts into one parliamentary constituency by the name 'the Diphu Parliamentary Constituency'. As Mizoram will be

a separate Union Territory, it has to be given at least one seat in the Lok Sabha. So far as Meghalaya is concerned, our earlier thinking was that the entire State may form one Parliamentary constituency.

Clause 14 of the Bill has been drafted on this basis. Since then the Government of Meghalaya represented that as parts of all the three parliamentary constituencies falling in Assam are being treated as separate constituencies, it would be unfair to deny the same treatment to Meghalaya. We concede this point of view and I am proposing an amendment which would provide for the Garo Hills and the United Khasi and Jaintia Hills being treated as separate Parliamentary constituencies.

So far as Manipur and Tripura and Arunachal Pradesh are concerned, there is no change in the existing representation. I would also like to add that under the provisions of this Bill, all the sitting members will continue to be members of the House. The allocation of seats proposed in the Bill is in respect of the present House. Under article 82, the allocation of Lok Sabha seats to the States and a re-delimitation of the constituencies would be necessary as soon as the 1971 Census figures are published.

Clauses 20 and 21 provide for allocation of seats in the Legislative Assemblies of the new States. Each of these States will have 60 seats, which is the minimum prescribed under article 170 (1) of the Constitution. The number of seats in the Assam Legislative Assembly will be reduced from 126 to 114 as 9 Assembly constituencies fall in Meghalaya and 3 in Mizoram.

Clauses 22 to 24 relate to delimitation of the Assembly constituencies.

Clauses 25 and 26 relate to amendment of Scheduled Castes and Scheduled Tribes

Orders consequent on the territorial reorganisation.

At present there is no Legislative Assembly in Manipur and the functioning of the Assembly in Tripura has been suspended. Only in Meghalaya is the provisional Legislative Assembly constituted under the Assam Reorganisation (Meghalaya) Act, 1969, functioning. It has therefore, been provided in Clause 27 that until elections are held to the Legislative Assembly of the State of Meghalaya, the existing provisional Assembly shall continue to function as the Legislative of that State.

Part IV of the Bill relates to the High Court. At present the jurisdiction of the Assam and Nagaland High Court extends to the entire northeastern region except Manipur and Tripura, where Courts of judicial Commissioners exist. When Manipur and Tripura become States, we cannot have Judicial Commissioners. There are obvious advantages in having a common High Court for the entire region. It will help in securing a uniform standard in judicial administration. A common High Court and a common Bar Council for the region should help in developing a common outlook on the part of the people of this region. We have, therefore, provided for a common High Court for the entire region. We are aware of the fact that the people of Manipur and Tripura may find it difficult to go to Gauhati where the principal seat of the High Court would be located. Provision has, therefore, been made in the Bill for a Judge or a Division Bench of the High Court sitting also at places other than Gauhati. There is also a provision in Clause 31 for constituting Permanent Benches at other places if the circumstances warrant this. We are already contemplating an arrangement under which at least one Judge of the common High Court would be sitting at Imphal and another at Agartala. The remaining

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provisions of this Part are generally modelled on the corresponding provisions of the earlier Reorganisation laws.

Part V of the Bill relates to financial matters. As the new States will be entitled to a share in the Central taxes and will also require assistance in the form of grants-in-aid, Clause 49 empowers the President to make necessary orders in this behalf.

Part VI of the Bill relates to distribution of assets and liabilities. Broadly, the scheme is that the assets and liabilities of the Central Government relating to Manipur and Tripura in the State field will become the assets and liabilities of the corresponding new States. In so far as Mizoram is concerned, Clause 52 provides for the assets and liabilities of the existing State of Assam relating to the Mizo District being passed to the Central Government. The rest of the assets and liabilities of the existing State of Assam are to be apportioned in the manner set out in Clause 51 and the Sixth Schedule, between the new State of Meghalaya and the residuary State of Assam. These provisions are generally modelled on the corresponding provisions of the earlier Reorganisation laws and the Assam Reorganisation (Meghalaya) Act, 1969.

Part VII relates to corporate bodies which will become inter-State corporations consequent on the reorganisation of Assam, such as the State Electricity Board, State Warehousing Corporation, Financial Corporation etc. The provisions of this part also follow the corresponding provisions of the earlier Reorganisation laws.

Part VIII of the Bill relates to services. An important feature of this part is Clause 61 which provides for joint cadres of the all India Services, one for Assam and Meghalaya and another for Manipur and Tripura. Manipur and Tripura

will be small States and if we have separate cadres for each of them, the cadres would not be viable. Meghalaya is even now being served by Officers of the Assam cadre and there is a desire in the part of both the States to continue this arrangement. The other provisions which relate to State Services follow broadly the corresponding provisions in other States Reorganisation laws.

Part IX of the Bill contains certain legal and miscellaneous provisions. Clause 71 makes certain consequential amendments in the Constitution. The other Clauses make consequential amendments in certain existing laws. As it is proposed that the North-Eastern Council may also discharge the functions of the Zonal Council in relation to the States and Union territories in the north eastern region, Clause 74 provides that the Eastern Zonal Council will not comprise the States and Union territories in this region.

This is a long Bill, but most of its provisions are on the lines of earlier reorganisation laws with which Members are familiar. As I said earlier, the basic object of the Bill is to restructure the administrative set up in the north-eastern region so as to equip it for the bigger task of development of the region and to promote the welfare of the people of that area. The people who stand to benefit by this measure have been anxiously waiting for the reforms proposed in this Bill. I hope the House would welcome this measure and accord approval.

MR. DEPUTY-SPEAKER : Motion moved :

‘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."

SHRI SHIVNATH SINGH (Jhunjhunu) : I beg to move :

"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 referred to a Select Committee consisting of 9 members, namely :

- (1) Shri Bashweshwar Nath Bhargava
- (2) Shri Chhuttan 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)

MR. DEPUTY-SPEAKER : This will be continued tomorrow.

13 15 hrs.

STATEMENT RE. LATEST POSITION
WITH REGARD TO PAKISTANI
AGGRESSION ON INDIA

THE MINISTER OF DEFENCE
(SHRI JAGJIVAN RAM) : Mr. Deputy-Speaker, Sir, this is the eleventh day of

the war forced on us by Pakistan. The enemy has failed almost completely to achieve the aim of his pre-emptive attack. In the process, Pakistani forces have suffered grievous losses which can be made good only by large scale inductions from foreign sources.

I shall attempt to give you a broad picture of the fighting on various fronts.

In the Kargil and Tithwal sector, a number of posts have been captured. As a result, it has been possible to ensure that the enemy does not dominate our road communications in this area.

In the Uri, Poonch, Rajauri and Naushera sectors, attempts on the part of the enemy to infiltrate behind our lines or to break through our defences have been frustrated and the pressure from the Pakistani forces across the ceasefire line has dwindled. A number of raids were carried out on enemy posts, some of which were captured. Our tactical position is now much better and superior.

The House is aware of the development in the Chhamb sector. The enemy at one stage pushed forward to the eastern bank of Munnawar Tawi. The enemy was forced out of the eastern bank. The enemy is, however, still present on the west of Munnawar Tawi. His repeated attempts to penetrate our defences on the east bank have been foiled. Our forces are now well entrenched on the east bank of the river and are able to mount patrols on its west bank. In the Samba-Pathankot sector, our probing movements have substantially improved our tactical position and our vital road communications in the rear are now more secure.

In the Punjab sector, the enemy made repeated attempts to secure lodgements on our territory. In the result, each side has occupied the other side's enclaves on either