

[अध्यक्ष महोदय]

करते हैं। तो यह तो मैं नहीं मानूंगा। कितना भी इम्पोर्टेंट हो किसी प्रोसीजर के तहत होना चाहिए। आज जब कि सिर्फ कांस्टीट्यूशन अमेंडमेंट बिल माना है यह साथ में कैसे ले आए ?

SHRI JYOTIRMOY BOSU : You kindly make an observation.

MR. SPEAKER : I am not bound to make an observation.

SHRI JYOTIRMOY BOSU : We request you.

MR. SPEAKER : As an exceptional case, once in a way, I can understand it. But you do it every day. After all, I am not going to be bound by it every day.

SHRI SAMAR MUKHERJEE (Howrah) : This is becoming very serious. I have received one telegram***.

MR. SPEAKER : I am not calling anybody.

SHRI S. M. BANERJEE : I am sitting down today because I do not want the impression to be created that I am obstructing this Constitution (Amendment) Bill. But I will raise it again on the 25th.

MR. SPEAKER : That was the first observation I made that I am not allowing it today because the Constitution (Amendment) Bill is there and you did not understand it. Tomorrow is a holiday and certainly day after tomorrow he will be given that opportunity.

CONSTITUTION (THIRTY-EIGHTH AMENDMENT) BILL

MR. SPEAKER : The House will now take up consideration and passing of the Constitution (Thirty-eight Amendment) Bill. As this is a Constitution (Amendment) Bill, special majority will be required for adoption of the motions for consideration, clauses and the passing of the Bill.

***Not recorded.

I suggest that the first division for the motion for consideration of the Bill may be held at 3.30 P.M. today. Thereafter the clauses may be considered and disposed of by division. At the end, division for the motion for passing of the Bill may be held at 4 P.M.

After the disposal of this Bill, the Constitution (Thirty-seventh Amendment) Bill will be taken up. Motions for consideration, clauses 2 and 3 and the passing of that Bill will also require special majority for adoption.

The first division in respect of that Bill may be held at 5.30 P.M. and after the adoption of clauses, the division for the motion for passing of the Bill may be held at 6 P.M.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI YESHWANTRAO CHAVAN) : Sir, I beg to move* :

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

The Bill comprises of the insertion of the entry "Sikkim" in the First Schedule to the Constitution under the heading "I. THE STATES" and also the insertion of a new article 371F incorporating special provisions with respect to the State of Sikkim. The Bill also provides for certain consequential amendments to the Constitution.

I think it will be very appropriate at this stage, even at the risk of repeating whatever I have said before in the form of a statement, to give certain historical background of the political developments to date.

In the days prior to independence, Sikkim was one of the many Indian princely States which constituted British India. The Maharaja of Sikkim was a member of the Chamber of Princes since its very inception in 1921, and enjoyed a gun salute of 15.

*Moved with the recommendation of the President.

The political leaders of Sikkim, witnessing the emergence of democracy in the rest of India in 1947, agitated for accession to India and the establishment of an elected responsible government. Arrangements were arrived at, which were not basically dissimilar to those applied to the other Indian States, in the sense that the Government of India had exclusive responsibilities for defence, external relations and communications, as also ultimate responsibility for the maintenance of law and order, good government and efficient administration and for the development of self-governing institutions in Sikkim. The institution of the Maharaja was retained in the hope that the peoples' aspirations for fully responsible government and closer links with India would be fulfilled with the passage of years.

Our hopes that through these arrangements the people of Sikkim would progressively be able to satisfy their aspirations for democratic and responsible government and that there would be orderly socio-economic growth in Sikkim, were believed by the actual course of events. In retrograde fashion, the distance between the ruler and the Sikkimese people progressively became wider. The frustration and the resentment of the people against an autocratic and corrupt system brought matters to a head in April 1973 when, following charges of widespread malpractices, manipulation and nepotism in the elections which had been held three months earlier, a massive popular agitation erupted. A strong articulate demand for sweeping constitutional changes was put forward. In the face of this widespread popular agitation, law and order broke down completely and both the ruler and the people appealed to the Government of India for assistance and intervention.

The House is aware of the history of developments in Sikkim since 1973—the elections held in Sikkim in which the ruling Sikkim Congress won 31 of the 32 seats, the Government of Sikkim Act, 1974, providing a constitutional framework for Sikkim and the request

of the Sikkim Assembly for further participation in the political and economic institutions of India, which led to the Parliament passing the Constitution (Thirty-fifth Amendment) Act, which provided for the association of Sikkim with the Union of India and enabled it to have representation in our Parliament.

While it was our hope that the existing constitutional arrangements would provide a satisfactory working arrangement for progressive responsible government with the Chogyal as constitutional head, the popular government had strong reservations over the Chogyal's willingness to adjust himself to his constitutional role. As early as September 1974, the Chief Minister had publicly indicated that "the Chogyal must go". I fear that India's persistent efforts to reconcile the continuance of the ruler in a constitutional role with the hopes and aspirations of the people proved to be an impossible task.

It is perhaps unnecessary for me to burden the House with a long account of recent developments. Apart from the Chogyal's transparent confrontation with the Council of Ministers in a determined effort to see that the Government should not be permitted to function effectively, intimidation and terrorism were also equally applied. An attempt to assassinate the Chief Minister, which fortunately proved to be abortive, the stabbing of a Sikkim Assembly Member by the Chogyal's Palace Guards, discovery of explosives and weapons, as well as startling evidence of involvement of the Chogyal's Palace Guards and ADCs in a plot to assassinate popular Sikkimese leaders contributed to the heightening of tensions. It was against this background that the Sikkim Assembly met on the 10th April. Observing that the Agreement of the 8th May, 1973, and the Government of Sikkim Act, 1974, had broken down on account of the persistent harmful activities of the Chogyal, the Assembly solemnly declared and resolved:

[Yeshwantrao Chavan]

"The institution of the Chogyal is hereby abolished and Sikkim shall henceforth be a constituent unit of India, enjoying a democratic and fully responsible government."

It was decided to submit the Resolution forthwith to the people for their approval.

Conveying this decision to the Prime Minister, the Chief Minister of Sikkim wrote on the 10th April:

"The survival of democracy in Sikkim is indisputably dependent upon the closest links with India. The Government of India's Commitment to the welfare and progress of the Sikkimese people and to the development of constitutional democracy in Sikkim has provided us with great inspiration. It has generated, in response, an even greater urge amongst the Sikkimese people to complete the work which was left unfinished in 1947, despite the known urges of our people, and to merge in the mainstream of India's political, economic and social life"

The Chief Minister also stressed—I quote:

"We can no longer remain patient in the face of the Chogyal's repeated and persistent manoeuvres against us. Our people are determined that Sikkim immediately be given the full rights and responsibilities which are available to other constituent units of India."

Following their decision, the Government of Sikkim organised a special poll throughout Sikkim on the 14th April. The result was announced on the 15th April. Out of a total electorate of approximately 97,000—59,637 votes were polled in favour and 1,496 votes against the Resolution. The poll was conducted by the Sikkim Government with their existing electoral rules under conditions of scrupulous fairness and was covered by large numbers of journalists and representatives of other publicity media.

The Chief Minister of Sikkim communicated this result to the Government of India on the 15th evening and stated:

"In approving this decision, the Sikkimese people have overwhelmingly made it clear that they can no longer suffer the burden of the institution of the Chogyal and they desire, with immediate effect, that Sikkim henceforth be a constituent unit of India, enjoying a democratic and fully responsible government. Through this poll, which was conducted with scrupulous impartiality under the supervision of Sikkim's election officials and was fully covered by a large number of Press representatives, the Sikkimese people have unitedly endorsed the Assembly Resolution of the 10th April and have confirmed their mandate to the Assembly.

On behalf of the Council of Ministers, I now strongly request the Government of India to make an immediate response and accept this decision, taking, as had been requested in the Assembly Resolution of the 10th April, such measures as may be necessary and appropriate to implement this decision as early as possible."

The entire Council of Ministers of Sikkim accompanied by some senior Sikkimese leaders visited New Delhi on the 16th and 17th April and personally conveyed to the Government of India. Sikkim's strong desire that immediate action be taken to give effect to Sikkim's near-unanimous decision.

The choice for us as far as Sikkim is concerned has always been a clear one. Are we to uphold the narrow, vested interests of the anachronistic system to the breaking point, or are we to respond to the democratic urges of the people and their freely expressed will in favour of fully joining in the mainstream of our national life? We have made every effort to accommodate the interests of the Ruler with the wishes and aspirations of the ruled in Sikkim. The long course of our relations with the Chogyal and with political leaders of Sikkim representing the trodden

masses, bear testimony to our continued efforts to help the different parties in achieving a workable accommodation among themselves.

In the final analysis however, when the constitutional machinery has broken down, when the Constitutional Head is in an irrevocable confrontation with the elected Government, and when events have reached a point of no return, our choice is simple and self-evident. We can do no more than to respond in full measure to the wishes of the people as incorporated in the Sikkim Assembly Resolution of the 10th April, 1975, duly and overwhelmingly approved by the Sikkimese people.

It is these aspirations of the people of Sikkim which are embodied in the Bill which I am submitting to the House for consideration. The people of Sikkim have resolved that :

"the institution of the Chogyal is hereby abolished and Sikkim shall henceforth be a constituent unit of India enjoying a democratic and fully responsible Government."

These wishes of Sikkim are embodied in the Bill which is now before the House for consideration

I need not go into the details of the Bill because the article which is amended and which is now here in the form of clause 3, whereby we are adding article 371F after article 371E is rather self-evident which, really speaking, makes provision for election of the Member of Lok Sabha and, for the interim period, the application of laws, adaptation of measures, etc. I think, we will discuss them in the course of the debate.

With these words, I commend the Bill for the acceptance of the House.

MR. SPEAKER : Motion moved :

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

Shri Samar Mukherjee,

SHRI SAMAR MUKHERJEE (Howrah) : Mr. Speaker, sir, within a period of seven months, another Constitution Amendment Bill has come before the House to discuss the situation in Sikkim. Last time, when the Constitution (Thirty-fifth) Amendment Bill came before the House, we opposed that Bill on certain basic grounds. The difference between that time and this time is that the institution of "Chogyal" is going.

Last time, it was our bitterest attack and criticism against the Government of India for helping to preserve that institution. Feudalism is not only outmoded but, particularly, Chogyal who was linked and connected with American interests was trying to use his position for purposes which go against not only the interests of the people of Sikkim but also against the interests of the people of India. Now, you can understand that by the Constitution Amendment adopted last time, it was the Government of India which did not fully give recognition to the desires of the people of Sikkim because the people of Sikkim long before had demanded that Chogyal must go

From the statement made by the hon. Minister just now, it is also clear that the Government of India tried its best to make some adjustment between the institution of "Chogyal" as well as the elected Assembly and the Government. This does not show that the Government of India is really interested in recognising the exclusive desire of the people, because the exclusive desire of the people was expressed beyond any doubt that the Chogyal must go. This is not the first time that they are giving this expression. So, by the action of the Government it is clear that they are not very much interested in maintaining and recognising the democratic verdict of the people. Last time, what was our criticism? It was true that, last time, the power of the Chogyal was cut; he was turned into just a Constitutional head. But that power was not shifted to the hands of the elected body there; instead, one executive officer was placed over the elected assembly and he was

(Shri Samar Mukherjee)

given the full authority and he was even authorised to act as the Speaker of the House. This does not show that the Government of India loves democracy very much. The whole Sikkim Act, the whole Agreement was antidemocratic and was dominated by the complete rule of bureaucracy. Our basic opposition is this. We welcome the abolition of the institution of the Chogyal. That is a very good thing that has been done. But we have repeatedly insisted that the relation between Sikkim and India is not a simple thing. By this Amendment of the Constitution you are absorbing Sikkim within India as a part of India. Even during the last Amendment we made the same opposition that, though the term was that Sikkim would be considered as 'Associate' would have the 'associate' status, but virtually becoming a part of India—though, in a formal sense, there was the institution of the Chogyal. Now even that formal aspect is going away and Sikkim is becoming a part of India. This is the basic thing which requires a serious consideration. The Government of India is aware that it has its implications and repercussions not only among the neighbouring States, but it has also its international repercussions.

The Minister has just now narrated the history. What was the history? It was true that Sikkim, before Independence, was considered to be one of the States and Sikkim was a member of the Chamber of Princes. Immediately after Independence, an attempt was made on the part of the Government of India to absorb Sikkim, but at that time it was Pandit Jawaharlal Nehru who opposed this. This is the fact. "In fact, Chogyal should not have forgotten that, but for Pandit Jawaharlal Nehru, Sikkim would have been a part of India immediately after Independence." I am reading from an article written by a famous journalist, Mr. Kuldeep Nair. He has written that Pandit Nehru decided to treat Sikkim on a different plane; on the very paper containing the proposal for integration he wrote that he did not want a small territory to be swarmed—notice the language used 'swarmed'—by a big

country and that it was preferable geographically and ethnically to keep Sikkim as a separate entity. These are very serious issues which must be carefully and fully given consideration. Your absorption of Sikkim raises the question whether any smaller State or ethnically a smaller nationality, as a neighbouring State of a big country, has the right of independent existence or not. This is a very basic and fundamental question. From the very start, there was the attempt to absorb or integrate Sikkim within India and because of this consideration, Pandit Nehru opposed this. And hence there was the standstill agreement with Sikkim on the lines India had entered into with Hyderabad and later Sikkim was declared a protectorate. The note which is referred to here contains the opinion given by Mr. B. N. Rau, the then Constitutional Adviser to the Government of India. Mr. Rau said that the word protectorate was a stigma. Nehru overruled him and wrote beneath in that note: "What is in a name?" Their separate identity both ethnically and geographically must be maintained. And this creates confidence among the smaller States that India particularly is not out to grab smaller States and smaller population. Now, herein lies our basic objection. On the one hand we wanted that there should be immediate abolition of the Chogyalism, the rule of autocratic feudal lords and that people should be given full democratic powers to shape their destiny according to their own choice. According to the 1950 agreement, Government of India are given the responsibility in relation to defence, foreign affairs and communications. There is sufficient security for the Government of India to keep Sikkim safe from conspiracies of other anti-Indian and imperialist forces. But we saw that though he was not to be constitutional head, yet, the real power was not changed to the hands of the people. What will be the position now if the Constitution Amendment is accepted? Certainly it will be accepted because of your majority. I am sure you will face no opposition except from our party for getting it passed. But what will happen? I will tell you one instance.

Sikkim had passed an Act called the Land Act in 1917. No outsider is allowed to take land from the local population, Lapchas and Bhatias. But after the passing of this Act that Land Act automatically goes. So the flood-gates are open for big business and trades to purchase their lands there. All the local people will be ousted. They have very good cardamom plantations there. Those also will go out of their hands.

SHRI JAGANNATH RAO (Chatrapur): That is not going. That will remain. We know the implications.

SHRI SAMAR MUKHERJEE. Why do you interrupt? Let me express my fears and apprehensions. These are matters of very serious consequence. You have to understand it. India is dominated by big business, by monopoly capitalists, hoarders, profiteers. So they want that all land would come under their purview, under their field of exploitation.

So, they are very much interested that Sikkim should be part of India. And this constitutional amendment will give them ample scope immediately to purchase lands and to purchase this management of the cardamom plantations and they will turn themselves to be the exploiters there afterwards. What would be the feelings of the Sikkimese people? They will be the victims of the terrible exploitation and they will look to India not as friends but, as exploiters and anti-Indian feelings are bound to rise and that will create further estrangement in the relations between the people of Sikkim and the people of India. Apart from international implications, these implications are of serious consequence and the people of Sikkim will actually become, and they have become, the object of exploitation of the Indian vested interests and big business.

As regards democracy, in the Constitution itself, you have provided special powers to the Governors. For what? For the maintenance of peace. Peace

means law and order. Already there are 3½ battalions of C.R.P. And it appeared in the newspapers that a referendum was conducted in the presence of this C.R.P. Battalion (*Interruptions*) You will deny this. I know that. This is the news which appeared in the newspapers. Three and half battalions of C.R.P., over two lakhs of people . . . (*Interruptions*) You do not know about China. So do not talk about China. (*Interruptions*) I know that China is opposed to this type of absorption of Sikkim into India.

SHRI VASANTI SATHE (Akola) : You are reproducing what the Chinese feel about this.

SHRI SAMAR MUKHERJEE: Last time this issue of Tibet was raised. Mr Speaker, Sir, there is no comparison between Tibet and Sikkim. Sikkim was bound by an agreement with your Government. This shows that Sikkim has separate identity. You want to change that. And that is why you are bringing this constitutional amendment. In the case of Kashmir, you know that there is a special provision in the Constitution whereby you accept their right of a separate Constitution and Kashmir has a separate Constitution and Kashmir has also several land legislations. Under that legislation, the outsiders are forbidden to take possession of the lands. There are certain restrictions. But in the case of Sikkim, there is no such restriction. So, this will open the floodgate for the vested interests to exploit the people of Sikkim. The special powers that are given to the Governor are not given to any other Governor in any of the States in India. The Governor of Sikkim shall have special responsibility for peace. That means, the elected Legislature have no authority even in matters of law and order—internal administration. They have no control over the police. Governor functions as the same executive officer simply in another garb. Let me quote the relevant clause. It says:—

“the Governor of Sikkim shall have special responsibility for peace and

[Shri Samar Mukherjee]

for an equitable arrangement for ensuring the social and economic advancement of..."

This is a special responsibility of the Governor. Then what will be the power of the elected Government and the State Legislature. Under that clause, in the discharge of the special responsibility, the Governor of Sikkim shall, subject to such directions as the President may, from time to time, deem fit to issue, act in his discretion. So, where goes the right of the people of Sikkim *(Interruptions)*

SHRI VASANT SATHE: They will be protected by the President.

SHRI SAMAR MUKHERJEE: How? The Governor will be directed by the President as the head of the Indian Union.

SHRI VASANT SATHE: By respecting the wishes of the people.

SHRI SAMAR MUKHERJEE: By the Government of India and not by the people of Sikkim. *(Interruptions)*. This shows that it was a planned drive; the institution of Chogyal should have been abolished long before. It is the Government of India which tried to retain that institution. Now, his actions have forced the Government to this position.

It is good in that sense that he is going but the other part that full power in the hands of the people of Sikkim to shape their own destiny according to their own desire that has been denied. Its implication is that all smaller States surrounding India will look at this development with apprehension and internationally the image of India will not increase. The whole thing had been prepared in such a way that it could automatically fit in with the framework of the Indian constitution and the way it has been hurried through shows that the Government of India is aware that in future the people of Sikkim may go against the actions of

the Government of India. On 10th April the Assembly adopted the Resolution; on 14th April there was referendum; on 15th April the result was announced and on 16th they rushed through and immediately got the sanction. Within one week the drama was over and within next week the Constitution amendment is over. This shows some motive is in your mind and you want to rush through because some developments may take place which will not be desirable.

SHRI YESHWANTRAO CHAVAN: You know the tea days which shook the world.

SHRI SAMAR MUKHERJEE: Those ten days have a long background of several years of struggle and this one week has also a long background that Government of India has been prepared for several years. That is my charge that for many years there have been preparations behind these seven days which shook Sikkim and Sikkim was incorporated in India.

I request the Government of India and all political parties to give serious and sober thinking to it because it has implications in the life of the smaller States. They feel serious apprehensions. So, our Party is not prepared to support this amendment but we welcome the abolition of Chogyal and we request that full power be given to the people of Sikkim.

SHRI K. HANUMANTHAIYA (Bangalore): Sir, I consider this to be a great occasion in the movement for achieving freedom and democracy by the people of Asia. Nearly 50 years ago the momentum started to assert itself against autocracy, imperialism and feudalism. It took considerable time to grow and develop in order to achieve success.

Sir, in India, we ourselves have gone through this process. When India attained Independence, all the neighbouring countries got an inspiration as it were that they should also be free and that they should have their right to govern themselves in the accepted democratic ways. It is this genuine feeling that took hold

of the minds and hearts of the people of Sikkim. People of India or the Government of India have done nothing against them, nor were they interested in this small bit of territory being joined to India. What we are doing today is to welcome the expression of their genuine feelings that they must have freedom, democracy and socialism and they feel that these things can be had, with their full content enjoyed, by becoming a part of India. It is therefore wholly unjustified and uncharitable, I may say, to accuse the Government that they have started this process of absorption. Sir, if India wanted to absorb these countries, adjoining countries, we could have done it long long ago. In fact, I think, the grand father of the present Maharaja of Nepal came with a blank sheet of paper and we could have written anything on it. But, our leaders did not do any such thing. They allowed the identity of Nepal to continue. So was the case with Bhutan under the then existing circumstances. But, here is a case, where, from 1949 onwards, the people of Sikkim have been agitating for the establishment of a democratic system of Government and to end what is called a virtual exploitation and personal autocracy of the Chogyal. They carried on the struggle for 20 long years and the hon. Minister of External Affairs has briefly given the process of obstruction by the Chogyal in the matter of implementation of the ideals of the people.

Sir, India has been so slow. In fact, we have adopted what is called the evolutionary method. First, we recognised Sikkim to be a protectorate and this status continued for such a long time, when the people were ready for moving several steps ahead. We waited for nearly two decades and we did not take any initiative. It is the Chogyal, when he was in difficulties, who requested the Government of India to take over the administration in order to maintain peace, to protect his property and his very life. Therefore, the protectorate status evolved itself, as it were, into a taking over, at the instance of the Chogyal himself. Then Sir, election were held and the nationalist forces gained such a victory that they almost unanimously, except for

one vote in the Assembly, asked for what is called an associate status. There were, thus, three stages—protectorate, taking over and then the associate status. We agreed to these proposals. If we were so anxious as to absorb, as my friend says, we would have, instead of giving an associate status, straightway passed the amendment Bill which we are now considering.

It was only when the Chogyal not seeing the writing on the wall, the process of history, began to behave as if he was blind to all reasonableness and trends of the time, that the people of Sikkim had to take this extreme course of advocating the abolition of the office of the Chogyal itself. It was only then that the Ministry moved in the matter and in order to make it clear that there is no compulsion, no force, no other undue influence the chosen leaders of Sikkim hold an opinion poll in which the overwhelming majority of the people agreed to two things, that the office of the Chogyal must be abolished and that Sikkim must become a part of India.

Therefore, any impartial observer will see that this process of relationship between India and Sikkim has been gradual, evolutionary and with the consent of the people step by step. In fact, we in India have been a little behind the steps that the Sikkim leaders wanted us to take. To say that we are absorbing it is to misconstrue words, to use words without understanding their meaning. Here is a perfect instance of the democratic process working itself to make two people who were separate administratively an constitutionally to come together in harmony and with goodwill and understanding. If at all, we have to welcome, and welcome wholeheartedly, such a process and congratulate the people of Sikkim.

I do not want to answer the arguments of the CPI(M). I would only say this much that the expression of their opinion proves that in India freedom of expression is so great that they can afford to talk anything, even if it be anti-national even though it may not be acceptable to 99 odd per cent, even more, of the people. Therefore, I will dismiss the arguments adumbrated by the CPI(M).

[Shri K. Hanumanthaiya]

It may be construed as a certificate and this must be shown even to China to indicate that we tolerate criticism even though it may be the perverseness of stands to be taken.

I do not want to comment upon China. It is not good also to do so. It is the declared policy of the Government of India that we want to be on terms of friendship with everybody in the world. To make a point against a man who is dissatisfied, who is disgruntled, is very easy, but to win his heart is very difficult. China is still in the process of formation so far as its outlook towards the world is concerned. It is not yet a completed picture. Let us see how it will go on evolving itself ultimately.

SHRI SURENDRA MOHANTY
(Kendrapara): China or Sikkim?

SHRI K. HANUMANTHAIYA: China. Once this very China wanted that we should occupy Kashmir straightway, and they would have supported it. They were through and through. They seem to think that a man who is with them can do anything, whether it is right or wrong and a man who is not with them on certain matters cannot do anything, even right. This is the blind policy they are following. This is the result of the isolationist policy they have been following for centuries. Now that they have come into a bigger arena in the UN and are coming into contact with world opinion, I hope one day they will be able to see things in their proper perspective. Let us wait for that day, instead of either condemning or endorsing their opinion.

The people of Sikkim have come into the Indian Union not as our subordinates, not even as our associates, but as our equals.

There is apprehension that the Government may do something against their interests. It is impossible. Their representative will be in Parliament. They will have perfect right to plead with the Government of India and with this House against any policies that are injurious to

the interest of the people. Secondly when it is a State within the Indian Union it is as impossible to bamboozle Sikkim as it is impossible to bamboozle the DMK Government in Madras. That is the constitutional position. When they become the masters of the situation, to find ways of making distinction between Sikkim people and the people of India is something that does not stand to reason at any rate; I will not use stronger language.

13 hrs.

So far as the Bill is concerned, it is a very well written one and I wholeheartedly welcome its acceptance by the House. The only point that is made is that special powers had been given to the Governor. It is also not the handiwork of the Government of India or the Minister concerned. The Sikkim Assembly itself has passed a resolution. It requested the Government of India to take steps to ensure the further development of democratic institutions and communal harmony and good administration and rapid economic and social development in Sikkim. It is this very phraseology that has been incorporated as the special responsibility of the Governor. Therefore we have not even changed the phraseology used by the leaders of the Sikkimese people.

SHRI SAMAR MUKHERJEE:
What will the elected Government do?

SHRI K. HANUMANTHAIYA: My hon. friend knows that if the elected Government in Sikkim does something other than what the people want, it will go home.

SHRI SAMAR MUKHERJEE:
If the Governor does everything, what is the need for this?

SHRI K. HANUMANTHAIYA: The Governor is not expected to do everything. Even in our Constitution there is a special provision for the Governor to use his discretion. Special powers are vested with the President. He does not use them unless advised by the concerned Ministers. If at any time the Government of India does something

which my hon. friend feels is anti-democratic, he is free to get up and raise a protest. I am sure all of us will be with him. Let us with one voice—I call this almost an auspicious occasion—welcome the people of Sikkim as our partners in the matter of management of this biggest of democracies, the Indian Union.

SHRI INDRAJIT GUPTA (Alipore): Mr. Speaker, this is certainly a historic occasion and since the people of Sikkim, inhabitants of that beautiful valley of the river Teesta are going to join the Indian Union and join this family of peoples and nations which goes by the name of the Indian Union, we should also like to extend to them a very warm welcome and our best wishes for their future prosperity and wellbeing.

Having said that, there are certain points which I wish to emphasise. I do not think that anybody in this country is at all confused or worried over the question of the Chogyal. In this House there is unanimity on this question that at least now the Chogyal is being done away with—the institution of Chogyal, not his person. I do not know what is intended to be done to his person . . .

SHRI K. HANUMANTHAIYA: His wife will take charge of it . . .
(Interruptions).

SHRI INDRAJIT GUPTA: You may find him a Member of this House one day. Nothing is surprising. There are so many people belonging to his former category who are sitting in this House as our colleagues. You may find Mr. Namgyal as a member representing Sikkim sitting here one of these days. He may come here perhaps as a candidate of Mr. Pilo Mody's party and after some time may cross over to the other side—I do not know; we find such things happening every day.

SHRI K. HANUMANTHAIYA: There is room always for evolution.

SHRI INDRAJIT GUPTA: He may begin with this side of the House and end up on the other side. Whatever his future may be, that we shall see, but I do not think anybody has a sort of personal vendetta against him in the sense that we must see that he is physically liquidated or something like that. I hope nothing of that kind takes place. In fact, allegations were being made recently by his supporters here and abroad that he was being kept under house arrest and so on. I do not know exactly what sort of house arrest it was, because he was certainly holding a number of press conferences. But if it means that he was being prevented from physically going outside his palace and wandering about in the streets of Gangtok, I think that is the best thing that was there in his own interest perhaps at this time for his safety and security.

Any way, I would like to supplement briefly some of the things which the Minister said regarding the historical background. Mr. Chavan began the historical background only from that period when Sikkim was being treated on the same basis or practically on the same basis as the other former princely States. But I think it is also necessary briefly to recall that in this northern or north-eastern area of our country, historically long before independence, when particularly the British imperialists had their own strategic "frontier policy" as they called it, they always tried to lump together three of the Himalayan kingdoms—Nepal, Bhutan and Sikkim. That was done for their own strategic motives. They were not able to treat the three exactly the same way, but the basic motive behind their relations with all these three countries was the same. Of course, historically this was not correct, because, Sikkim, it is important to remember, was never in its history an independent State. As long ago as the 13th century, it was settled by migrants coming from outside. They came interestingly enough from Assam. The original people who came and inhabited the territory which came to be known as Sikkim were Lepchas from Assam. Sikkim never had

[Shri Indrajit Gupta]

any sort of political entity perhaps till the 17th century, when the first ruler of Sikkim, known in the history as a ruler, emerged—King Phuntsog. That was in 1641. Even much later, when the sixth ruler was reigning by the name of Tenzing Namgyal, the Sikkim territory was attacked repeatedly from the west by the Nepalese and from the east by the Bhutanese. In 1817, Britain and Nepal signed the treaty called the Treaty of Titalia which for the first time established a boundary between Nepal and Sikkim. I am trying to say this because I find *de facto* and later *de jure* the status of a protectorate which was given to Sikkim by the then British rulers was actually accepted in the year 1890 by China in the course of the Conventions the Conventions which were signed and exchanged between Britain, India and Tibet. In the body of those 1890 conventions, the Chinese Government of that time recognised this protectorate status which the British had given to Sikkim. It was never recognised as an independent country

Then I think in May, 1946, when we were approaching our own independence, the then Viceroy, Lord Wavell made an announcement to the effect that when Britain ceased to exercise its power of paramountcy over the Princely States, these States will have to enter into some sort of federal relationship or into some sort of other political arrangements with the successor Government or Governments which may come in India following the British. Sikkim was naturally bound by this declaration since it was already a protectorate Princely State recognised as a protectorate by the British Government. Then, as my hon. friend Shri Samar Mukherjee has mentioned, in February, 1948 the new independent Government of India signed a Standstill Agreement with Sikkim and the effect of this agreement was to freeze all the existing agreements, relations and administrative arrangements as with regard to matters of common concern, pending a new agreement or a new treaty.

I would also like to point out here—this is an important thing for the future,

what is over is over now—that when the integration of the Princely State was carried out throughout India under the aegis of Sardar Vallabh Bhai Patel, that integration was not extended to Sikkim. It could have been done, but it was not done. Who could have stopped it? Nobody was in a position to stop it, but it was not done, that is a matter of fact of history. Whatever the reasons may be, whether it was Pandit Nehru's sensitivity about it—he was a man of great emotional sensitivity, that is a fact, he could respond to the historical, cultural and traditional motivations of people of this type who lived in these mountain kingdoms on the borders—whatever the reason may be, the facts are facts that when the integration of the Princely States was carried out, it was not extended in that form to Sikkim. And on the 20th March, 1950, a new agreement came about in which the protectorate status was conferred on Sikkim. While the Government of India became responsible for External Affairs, Defence and Communications, Sikkim was to enjoy autonomy, subject always to the responsibility of the Government of India to see that good administration and law and order are preserved. It was a protectorate status and I wish to point out that when Premier Chou En-lai came to India, on the 29th April, 1960 here in New Delhi in a public statement he had said:

“China fully recognise India's special relationship with Sikkim.”

So this was the position then, and I also wish to accuse the Government of India of having consistently tried, I do not know why, to strike some kind of balance, some kind of compromise, between the popular aspirations and urges of the people of Sikkim and this autocratic institution of the Chogyal.

I have no time to go into all these historical details, but I find that even on 7th December, 1947, the Sikkim State Congress had led a deputation to the then Maharaja of Sikkim, Toshi Namgyal and presented to him a memorandum in which one of the demands was immediate accession to India.

Again in 1957, elections were held in Sikkim and the State Congress there, after the elections, once again passed a resolution demanding Sikkim's accession to India.

So, the demand for the accession to India, as distinct from the demand for self-responsibility within the State, is not a new thing which has cropped up just now in 1973 or 1974, but for some reasons the Government of India has always consistently sought to soft-pedal the people's demand which was coming from Sikkim. And the 1973 agreement, in my opinion, was based basically on this theory of balance. The 1973 agreement saved the Chogyal from being swept away by the tide of popular upsurge and indignation. He would not have been able to survive but for that agreement of 1973.

In 1974 this Associate State was formed by our new Constitutional amendment of last year, but the Chogyal was maintained as the constitutional head. Mr Chavan may say it was because we had a hope and trust that he would play the game and so on, but I see it from the point of view of not being willing to give democracy except in a sort of Homoeopathic doses as far as Sikkim is concerned. They must not be allowed to have too big a dose of democracy. Always give it to them in little drops of Homoeopathic doses.

Unfortunately of course the logical consequence of this was what we are now facing, that the Chogyal was not prepared to give up his autocratic powers. In order to save himself from the popular upsurge he had no alternative but to agree to the 1973 and 1974 arrangements, but it is obvious that all the time he was harbouring designs as to how he could internationalise this whole problem of Sikkim.

This was the period last year when he sent his brother abroad to go and canvas in the United Nations. This was the time when his wife, the American queen, Gyalmo, left Sikkim taking her children and went back to the United States. At that time nobody knew why she went. Now it seems she was

active there doing a great deal of propaganda against what was being depicted to be a sort of destruction of the independent entity of Sikkim.

Even in today's papers I found this news report from London about his son, Prince Wangchuk. He has appealed to the British foreign Secretary, Mr. James Callaghan, to persuade India to conduct a fresh referendum about his country's future. This appeal was conveyed in the form of a letter which was delivered to the Foreign Secretary by the leader of the Liberal Party, Mr. Jeremy Thorpe. So, all the British parties, Labour, Conservative and Liberal, are being actively canvassed even now in London. And the newspaper goes on to say that the Prince also urged the Foreign Secretary to support a request by the International League of Human Rights for a U.N. investigation into the recent events in Sikkim. The Prince told a press conference that Sikkim would become "unstable and dangerous" if absorbed into India. I do not know what the hint is, may be that there will be some underground movement organised or some sort of trouble will start. I am not worried so much about our neighbours, I am more worried about what is going to be the future of democracy there. Because now that we have taken the whole responsibility of bringing these small people into this family of ours, the main responsibility is ours to see that this flower of democracy, in a country which has no democratic traditions at all, with people who have never known democratic traditions for no fault of theirs for certain historical reasons, is encouraged to grow there.

Anyway, it has become quite clear. I suppose—why suppose—I am told, by the Government that it is because of these active efforts which are going on in various quarters to internationalise the situation that speed is the essence of the situation and that we should move quickly. With that part, I fully agree. There can be no question about it. If a longer period is given, if a longer interval is given, we know from experience that all

[Shri Indrajit Gupta]

sorts of attempts will be made to interfere from outside. We know that today India is facing all sorts of dangers which are quite patent on her borders. We know what the United States Government is trying to do in relation to Pakistan, in relation to the Indian Ocean. We know how the Americans have become ten times more desperate because of the thrashing they are getting in Cambodia and in South Vietnam. Therefore, they are all the more desperate and they are trying to find new bases and new centres of intrigue somewhere in the South-East Asian continent. Therefore, we cannot be complacent about these things. I agree there.

Is it not true that India has got very vital defence commitments in Sikkim because of the border, because of the Nathula Pass and all that? We know that. So long as it was possible to reconcile our defence security requirements with the presence of the autocratic ruler, the Chogyal, nobody bothered about the Chogyal. So long as his being there as an autocratic ruler was not in any way interfering with the defence security needs there, we were prepared to tolerate it. It cannot be done now. I understand, the situation has come when the Chogyal has started moving in such a way and has launched such a type of international campaign that it is no longer possible to reconcile him and his autocracy with the essential defence requirements of our country. Anybody can understand this. Therefore, it is now for the first time that both the Chogyal and the Government of India have to bow before the verdict of the people of Sikkim. I congratulate the people of Sikkim above all because they have been fighting for many years. But they could not get rid of the Chogyal mainly because of the Government of India. Now, because the Chogyal and our defence requirements cannot go together, at least the verdict of the people has triumphed and both the Chogyal and the Government of India have to bow before it.

Now, I want to end by saying this. The main thing is, we are on test. You

cannot ensure democracy by some constitutional changes on paper. Of course, those things have to be done. Are we to question the fact that elections have been held there? Many things are being written, of course, in various newspapers that the elections were rigged, that elections were not fair and so on and so forth. But the fact remains that elections have been held. The people have participated in the elections and, by an overwhelming majority they have given a verdict. A popular Ministry is there, an elected Ministry is there, and one party called the Sikkim Congress holds the overwhelming majority of the seats, I think, all the seats except one, in the Assembly. They come and say, "We want to join India; don't delay any more; please accept it." They also pass a Resolution there. They come to Delhi to lobby with the Government here and so on and so forth. So, the Government in its wisdom has decided that we should go ahead with it and that it is not necessary to delay any more.

The point is that there should be a break with the past. The record of the Indian Government in the past is not a record of encouraging democratic aspirations of the people. I am sorry to say this. But it is a fact. The most repugnant thing in this was the institution of the "Executive Officer" in last year's Constitution Amendment. We did not vote against it. I agree. But it is a thing which is very difficult to swallow, that an Executive Officer should be appointed who will virtually be the overlord to whom all the Chief Minister and other Ministers are subservient. They cannot do anything without his approval. He is the Speaker of the Assembly also. He can do everything. He is a little Maharaja sent from here . . .

AN HON. MEMBER : A little Chogyal.

SHRI INDRAJIT GUPTA : He is a little Chogyal sent from Delhi in the person of an ICS or a former ICS officer, Mr. B. B. Lal. I do not want to say anything about Mr. B. B. Lal just now. I can say many things about

his record in the past, and all the unsavoury deals in which he was alleged to have been mixed up, with various business firms and so on, foreign oil companies particularly; I do not want to go into all these. (*Interruptions*) But the fact remains that this is not the type of people with whom you can help to integrate the minds and the spirit of this kind of people living in a remote, hilly region, a mountain kingdom, who, historically, traditionally, culturally, linguistically and ethnically, have got an identity of their own. They regard us as foreigners, as the plains people. If you go there, you will understand. You have to be sympathetic. You have to try to understand them. You have to strike some kind of an emotional rapport with them. It cannot be done by picking out some superannuated ICS officer from Delhi and planting him there as an Executive Officer with supreme powers over the Ministry, over the Assembly, over everything. Is this the way to do it? Anyway, that Executive Officer is gone now, thank goodness.

But when you say in your Statement of Objects and Reasons that "it is proposed to include Sikkim as a full-fledged State in the First Schedule to the Constitution", I want to know how this concept that we have of a full-fledged State conforms with the proposed powers that you seek to give to the Governor there. Mr. Hanumanthaiya has argued that, anyhow, under the Constitution the Government has got certain discretionary powers but he cannot exercise them unless he is asked to do so by the Centre and that this is nothing new. If it is nothing new, why should it be put in here in black and white? It is not necessary to put it here if it is not something new. If it is the same old thing that is there already in the Constitution then it is most suspicious that here in this article 371F(g) it should be spelt in such a detail. This is not the way a Governor's powers are defined in any other State. Why is this thing being done now? Why are they being told on the one hand that they are being accepted today as a full-fledged State of the Indian Union and on the other hand

the Governor is being given these powers?

"The Governor of Sikkim shall have special responsibility for peace..."

What is the meaning of that?

"... special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim."

Any Governor may misuse his powers in such a way as to create a lot of mischief under this thing. There are Bhutias, there are Lepchas, there are the Nepalese, there are the Scheduled Caste people there. Now some more people will go there. It was not so easy to go there before, but now many people will go there from outside, and if this Governor is given special powers, he, in his own judgment, will decide how to ensure that the different sections of the population of Sikkim are best guaranteed their social and economic advancement; he may act in his discretion under this Clause. We are totally opposed to this provision. It is a retrograde provision. Why should it be put here at all? If you have not got the full confidence and the big heart to take these people in as really your equals just like any other State, then say so. Do not go on with 'ifs' and 'buts'; do not go on with the hang-over of the past: 'we will give you something but we will take it away with the other hand; we will give you democracy but take it in doses, wait for the full dose later on. Why should you go on like this? We have nothing to be afraid of, once the Chogyal is gone and it becomes a full-fledged State, the elected government is there; and as far as the border is concerned, we are in a position to defend it; we have all the arrangements there. Then why are you going on like this, unnecessarily giving people a handle to create suspicions against the motives of India?

So, I will say that this mentality of the protectorate, the hang-over of the mentality of the protectorate, will cause

[Shri Indrajit Gupta]

havoc." Mere paper and Constitutional merger will not do. Emotional merger is the key question in any national mainstream. And I want to say that how we handle Sikkim now will be watched by everybody. I am not concerned so much with what goes on outside our country, but it will be watched in our country too. How we deal with Sikkim will have a profound impact, may be for good or may be for bad, on all those peoples, tribals and hilly people who inhabit the various regions and States, particularly on our North-Eastern border. Nagas are there. Mizos are there, the people of Meghalaya, Arunachal, etc. are there. We have so much troubles there. But they will also be profoundly impressed one way or the other by what we do in Sikkim. I will end by saying this. Please do not convert this Chief Executive into a Governor, a sort of diluted form of executive officer. Please take a little more time and think over it and have some imaginative person as the Governor under this new set-up, who will have some sympathetic understanding of the psychology and culture of these people. About economic development and so on it is not necessary for me to dilate at length. We will have to give special attention to their problems.

Mr. Samar Mukherjee referred to the Land Act. Well, as far as I understand this amendment, in sub-clause (k) of Art 371F, it is mentioned as follows:

'(k) all laws in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part, thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority'.

If there is any such Land Act there, this provision may safeguard the interest of the present landowners. That Act will be permitted to be continued until it is decided otherwise. That is how I interpret it. This may be clarified by the hon. Minister.

There are some letters in newspapers; some of the Sikkimese people have also expressed certain doubts which need to be clarified. One is about the question of land and another is about jobs. There is an allegation. I forgot to bring those papers. This appeared in the newspapers some two or three days ago. It has been said that even for menial jobs like sweepers and so on, people have been brought to Gangtok from outside. I do not know whether this is true or not but we must know about these things. Finally I would say that the Sikkim congress, the ruling party in Sikkim, should try to restrain itself from the temptation of trying to muffle the opposition because it is occupying 31 seats out of 32. It is true that among those seats all the communities are represented. 16 seats are held by Bhutias and Lepchas; 12 or 14 by Nepalese and some others. In this nascent or infant stage of democracy it is very necessary that the leaders of the Sikkim congress should behave with restraint and not try to fall a prey to the temptations of trying to stifle and muffle any opposition which may be there.—however small it may be. If they try to do that they will also have to come to grief as we have seen happen to others in some other parts of the country. We should ensure the stability of the Government because it is a very sensitive and strategic area, but the stability must be based on the support of the people. We don't want that sort of Governments, which could not function, even though they had huge majorities, as stable governments.

Even with the massive majority, stability was not ensured in State after State. So that massive majority is not enough. They must also work and behave and move in such a manner that they can really command the support of the people and thereby ensure proper stability in Sikkim which is necessary in the interests of everybody concerned. I hope that this will be borne in mind by the leaders of the Sikkimese Congress who are entrusted with the job of running that country.

Then, I will end by welcoming the people of Sikkim, our brothers and

sisters, on this historic occasion and hope for the best that we, as elder brothers, will not be found wanting in our treatment and behaviour towards them so that democracy can really go ahead.

SHRI B. R. BHAGAT (Shahabad) : Mr. Speaker, Sir, it is a momentous moment and we are lucky that we are participating in the final and concluding process of democracy that is taking place in Sikkim.
13.36 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

I too on behalf of myself and all my colleagues congratulate the people of Sikkim for their bold and wise decision and we welcome them in our fold as equal partners, as brothers—all leaders are equal brothers, they are absolutely our equals—and I would not like to go into the historical aspects because it has been dealt with by the Foreign Minister and by my colleagues who preceded me. But, this fact, in judging this issue, should be borne in mind, again and again, as was said by my friend, Shri Indrajit Gupta, that Sikkim has a very tortuous historical process and the fact remains that Sikkim was never an independent country if we go to the thirteenth century. I want to emphasise here the fact that even in the Eighteenth Century, Sikkim was a Tibetan dependency and was taken over by the British in the Nineteenth Century, that is, towards the middle of 19th century and they established the suzerainty over it. We inherited that in 1947. So, it was a sort of a protectorate and that was the arrangement with the British. It was a settled fact. Since then we inherited the responsibility of defending Sikkim on the borders with Tibet earlier an Indian border. But, more than that, the internal problem is this. It is a most sensitive State as has been described. It is a sensitive area without outside interference and is lying on the international border. There the inter-play of the world forces—international forces—is there. That has made it a delicate problem of the Government of India. It is not easy to put the blame on the Government as to why not we do away with the feudalism there

by one stroke of pen. It is easy to say so. If you see that in the context of developments there or in the context of various forces—political forces—operating there, for the Government of India, it would be much easier to deal with the defence and security problems of Sikkim than to deal with their internal problems because, at any time, situated as we are, we could have been blamed for the expansionism; we could have been blamed for interfering in a small country or territory like Sikkim. And all sorts of accusations would have been hurled upon us. Secondly, it is true and, I think, it was a correct policy of the Government of India not to hasten the pace there even though the inevitable concluding result would be the establishment of a democracy in a fullfledged manner. This was the correct policy adopted by the Government of India from the beginning that even after Independence or, say, in 1949 or 1950 or in the earlier stages. Since the Sikkimese National Congress was formed, they demanded and they passed a unanimous resolution and they even went to the Sikkimese Darbar and their delegation came here and met our Prime Minister and other leaders and said that Sikkim should be a constituent part of India. But, then, we more or less exercised a restraint on them. We did not want to hasten the pace of democracy because it would have created many problems. I think we witness the successful culmination of that process and it is worthwhile emphasising this fact that it is a unique process with which the Indian system is involved. It is our way of dealing with our neighbours and various problems of the people who are associated with us. It is a lengthy and slower process because at every stage we want to build up public opinion and their aspirations and do not want to cut the Gordian knot in a stroke. It is neither a process—as we see in the world—of a big country gobbling up another country. This process has got to be slower and for the fact that it took 27 years in this process to take its full shape the blame should not be put on the Government of India but it is a correct policy in which step by step the democratic process, the public opinion and various other aspects have to be built

[Shri B. R. Bhagat]

up. That was the reason why the Government of India's policy in this respect was a policy of restraint and taking in full measure the sensitivities of the people of Sikkim. Even in the last constitutional amendment when the associated status of Sikkim was accepted by the House the hon. Members said as to why to go through this intermediate process. Let us have a full-fledged constituent State. Then I remember the Foreign Minister, Shri Swaran Singh, saying, "Please. Please. Do not hasten the pace. Let it be evolved by the people of Sikkim. Within a year the events took place so fast that ultimately people decided in a referendum by an overwhelming majority for a full-fledged . . ."

MR. DEPUTY-SPEAKER: For that you should thank the Chogyal.

SHRI B. R. BHAGAT: You are right. We should thank him even though, not only in the last agreement of associate status but even earlier Tripartite agreement of May 1973 in which Chogyal was himself a party to that he seems to have something like a feudal pipe dream of thinking himself to be a superior person. He tried to maintain the *status quo* which was a historical anachronism. He came in the way of evolution of this democratic process. He became a hindrance at every step. That was the reason why this process was hastened and the public opinion was created sharply. The people of Sikkim had to take this step to ultimately come to this conclusion that the institution of Chogyal has to be abolished if there has to be a full-fledged democracy in Sikkim. That is the reason why we have come to this stage that we have this Resolution of the Assembly in which both the institutions of the Chogyal has to be abolished and Sikkim becomes a constituent part of the Indian Union. Some people have asked as to why these two have been put together. There is a link between the two. They are not two separate issues. The issues are inter-linked and the views of the Sikkimese people have got to be obtained on both these issues. The institution of Chogyal was a feudal order coming

down from the past history, making him a sort of a head of the State. With the abolition of the institution of Chogyal, either a separate institution has to be created or Sikkim becomes a constituent State of the Indian Union. Then, the system we have like the Governor and other institutions will come into being. Therefore, the two issues are inter-linked and it is not correct to say that these two issues should have been put separately to the people. It is a part of the same inter-linked process and it was rightly done. Now, we are here to give our approval to this. In this House, there is almost unanimity not only on the abolition of the institution of Chogyal but also on Sikkim becoming a part of the Indian Union. Sir, various points have been raised. Of course, the Chief Executive Officer goes under the new system. But, an objection has been taken that the Governor has been given a special power. Here, I join issue with my friend, Mr. Indrajit Gupta, who is not here. No special power has been given. He himself has said that Sikkim is in the embryonic process. All sorts of forces are working there. Even, they are suspicious of people coming from outside Sikkim and we have to be very careful. We have to nurture this democracy. We have to watch it with very great circumspection. We have to take care. He himself has spoken about the integration of the various elements, like the Bhutiyas, Lepchas and the Nepalese elements and the evolution of an integrated Sikkim. He has analysed all these factors, the ethnic factors, the political factors, the historical factors, the language factors and so on. It is situated at a nerve centre, it is very sensitive and any time, it can create an explosive situation.

MR. DEPUTY-SPEAKER: For that, the bureaucrats from here and not the people of Sikkim should solve the problem! Is that so?

SHRI B. R. BHAGAT: I am not talking about the Chief Executive Officer.

MR. DEPUTY-SPEAKER: Even the Governor will be sent from here.

SHRI B. R. BHAGAT: The Governor need not be a bureaucrat. That depends on what sort of a person we select. This is only a sort of a special situation. I think, the Government of India will re-view this situation. It can only be in the earlier periods. Certainly, it will not be there for all time to come, and the right should belong and will belong to the people of Sikkim through their elected representatives and elected Government and an Assembly. This is a special situation. It is not that we are taking away the powers of the people or eroding the democratic process. It is to look to the interests and the difficulties, special difficulties, the people of Sikkim may have in the beginning.

I have one more point to deal with. The question is, what we should do in future. Now, Sikkim is going to become a part of India, 22nd Constituent State of India. We have to take some special steps. The hon. Members of this House and public opinion in the country should not only welcome our Sikkim brothers to our fold, but, we should also see that this State which has been a backward State, which has been under a feudal order, which has been on the darker side in this part of the world, when it joins the Indian Union, makes further progress in the political and economic spheres. Democracy cannot be there in isolation. You cannot give powers to the people, while their problems are not solved. There are problems like land, employment and so on. Luckily, the standard of living of the people of Sikkim is twice that of the Indian people. That has not only to be maintained but we have to see that the economic and political life of Sikkim grows. That is the only way in which we can maintain democracy; that is the only way in which we can nurture and strengthen the roots of democracy in Sikkim. I think when Sikkim becomes a part of us in a few days, we will have to see that public opinion in this country not only welcomes Sikkim and the Sikkimese people but we with all our resources, political, emotional, intellectual and economic, go out to help Sikkim.

श्री जगन्नाथराव जोशी (शाजापुर) :

मिक्कीम की जनता ने भारत के संघ राज्य का अंग बनने का भारी बहुमत से जो निर्णय किया है उसका मैं स्वागत करता हूँ और मनःपूर्वक उसका अभिनन्दन भी करता हूँ। आजादी मिलने के 27 साल के बाद भी जबकि देश में अन्तगाव के भाव बड़े जोरो से दिखाई देते हैं, ऐसी स्थिति में मिक्कीम की जनता ने भारत के साथ मिलने का जो निश्चय किया है वह और भी ज्यादा अभिनन्दनीय है। किन्तु सरकार की एक बहुत बड़ी कमजोरी रही है। जब अंग्रेज यहाँ था तो अंग्रेज ने अपने हित को ध्यान में रखते हुए राज्यों की जैसे रचना चाही की। शासकीय दृष्टि से, आर्थिक दृष्टि से जैसा उसका अच्छा नया उमने वैसा किया। जिस तरह की व्यवस्था को उसने अपने हित में समझा उस तरह की व्यवस्था उसने देश में खड़ी की। प्रेजीडेन्सिया उसने बनाई जैसे मद्रास प्रेजीडेन्सी, बम्बई प्रेजीडेन्सी। भाषाई आधार पर या किन्हीं दूसरे ऐसे आधारों पर उन्होंने राज्यों की रचना नहीं की। किन्तु मुझे बड़े दुःख के साथ कहना पड़ता है कि अंग्रेज के चले जाने के बाद भी सरकार के सामने कोई निश्चित लक्ष्य नहीं है। सिक्कीम और भूटान प्रोटेक्टोरेट थे। यह क्या चीज है और आज की स्थिति में प्रोटेक्टोरेट का क्या मतलब है? क्या आप उनका भारत के साथ मबघ इम बीच तय नहीं कर सकते थे? बात क्या है? अगर किसी ने कहा कि एसोसिएट स्टेट बना दो तो आपने कह दिया अच्छी बात है, एसोसिएट स्टेट बन जाओ। उन्होंने कहा कि पूरी बना दो तो आपने पूरी बना दी। आखिर हम चाहते क्या हैं? कुछ चाहते भी है या नहीं चाहते हैं? सिक्कीम को जनता ने कहा कि हम तुम्हारे साथ रहना चाहते हैं, तुन में मिलना चाहते हैं, आपने कह दिया मिल जाओ। अंग्रेज के चले जाने के बाद पुरे देश का कोई बिना आपके सामने है या नहीं है, कोई कल्पना आपके सामने है या नहीं है, यह सवाल है।

[श्री जगन्नाथ जोशी]

पुर्तगाल का कुछ हिस्सों पर कब्जा था। कुछ पर फ्रांसीसियों का था। फ्रांसीसी चले गए। उनके चले जाने के बाद भी जिन छोटे-छोटे हिस्सों पर वे कब्जे करके बैठे थे वे छोटे छोटे हिस्से भी जैसे थे ऐसे हमने मिला कर रख दिए हैं। जैसे पदुचरी है जिम को आम तौर पर से पांदीचरी कहा जाता है उनके साथ यमम और माही को हमने जोड़ कर रखा हुआ है। यमम ईस्ट कोस्ट पर है और उसमें तेलगु भाषा बोली जाती और वह आन्ध्र से मिला हुआ है और मासे जो वेस्ट कोस्ट पर है वहा मलयालम भाषा बोली जाती और इसको केरल के साथ मिला दिया जाना चाहिये था। सिवाय इसके कि फ्रांसीसियों का इन पर राज्य था इसके अलावा इन में आपस में कोई एकता नहीं है। अंग्रेज चला गया, फ्रांसीसी चला गया और उनके चले जाने के बाद हम चाहते क्या है, यह चित्र हमारे सामने कभी साफ नहीं हुआ। व चले गए हैं क्या इनका ही हमारे लिए काफी था? गोआ की हालत भी यही है। पुर्तगाल गोआ, दमन और दीव में था 1954 में दमन और दादरा नगर हवेली आजाद हुए। अब इनके बारे में कुछ चित्र हमारे सामने साफ नहीं था। 1955 में हमने पुनर्गठन आयोग बिठाया ताकि राज्यों की पुनर्रचना की जा सके।

India, that is, Bharat, shall be a Union of States—A, B, C, D —

चार तरह की स्टेट्स हुआ करती थी। ए, बी, सी और डी। अब बी सी और डी चली गई हैं और केवल ए वर्ग की स्टेट्स है या फिर यूनियन टैरीटरीज है। लेकिन इसके बाद भी नई-नई तरह के प्रयोग यहां होते जा रहे हैं। मेघालय को हमने सब स्टेट का दर्जा दिया। सिक्किम को कहा एसीएण्ट स्टेट आफ इंडिया। आज सिक्किम भारत का पूर्ण रूपांतरण राज्य बनने जा रहा है। क्या यह सिर्फ पोलिटिकल

लेवल पर हो होगा। हथ आज 27 साल के बाद कुछ के साथ देखते हैं कि आप लोगों के दिलों को बड़ा नहीं कर पाए हैं। कल यहां एक मोर्चा आया था सीमावर्ती प्रदेशों का, उन प्रदेशों का जिन के दूसरे प्रदेशों के साथ सीमा विवाद है। मराठी भाषी जो लोग हैं उनको ऐसा नहीं लगता है कि कर्नाटक में उनके लिए कोई स्थान है। इसी तरह से दूसरे प्रदेशों में रहने वालों की भी बात है। इसमें माफ पता चलता है कि आप जनता को माथ ले जाने की क्षमता नहीं रखते हैं, आपका दिल इतना बड़ा नहीं है। पता नहीं इसका क्या अर्थ लगाया जाए। भारत सरकार के सामने कोई स्पष्ट चित्र नहीं है, कोई स्पष्ट लक्ष्य नहीं है क्या करना है क्या नहीं करना है इसका उसको कुछ पता नहीं है। सिक्किम ही नहीं, काश्मीर के साथ और हैदराबाद के साथ भी आपने ऐसा ही किया था —

MR DEPUTY-SPEAKER: I am trying to understand what is your objection.

SHRI JAGANNATHRAO JOSHI: It is going to be full-fledged constituent state of this country?

मैं जानता चहता हू कि—

आगे चल कर उनके साथ हमारे संबंध कैसे रहेंगे। सिक्किम के फुल फ्लेज्ड स्टेट बनने के बाद आपने वहा पर गवर्नर को, राज्यपाल को जो ज्यादा अधिकार दिए हैं ये क्यों दिए हैं। भारत के किसी अन्य राज्यपाल को जो अधिकार है वही अधिकार वहा के राज्यपाल को आपको देने चाहिये थे। और अधिक अधिकार उनको देने की जरूरत नहीं थी। इन अधिकारों का दुरुपयोग नहीं होगा, यह कहना बहुत मुश्किल है। इस का पक्ष डर भी है। नागालैण्ड के बारे में आपने ऐसा ही किया था। वहा पर थोड़ी सी अस्थिरता जब आई, इधर से उधर कुछ हुआ तो वहां का शासन अपने हाथ में ले लिया। अब सिक्किम के मामले में अगर ऐसा होगा तो वहां कि जनता को लगेगा कि हम चाहते तो कुछ बे

और ही कुछ और ही गया है। चाहते दो यह थे कि सारे अधिकार हमारे अपने हाथ में आए विकास का काम, प्रगति का काम अपने आघार पर करें लेकिन वह चीज नहीं हुई है। ऐसी स्थिति में केन्द्रीय सरकार ने वहाँ अस्थिरता का बहाना बना कर हस्तक्षेप करने की कोशिश की तो उसके परिणाम अच्छे नहीं होंगे। बड़ी कठिनाइयों का सामना करते हुए, बड़ी तपस्या कर के, चोग्याल के पद के खिलाफ वहाँ की जनता सदा लड़ाई करती आई है और अपने लोकतांत्रिक अधिकारों को मजबूत करने के हेतु आज हिन्दुस्तान की कंस्टीट्यूट स्टेट बनने का उसने जो निर्णय किया है, उस का मैं स्वगत जबर करता हूँ लेकिन स्वागत करने के साथ साथ यह कामना करता हूँ कि हमारी उनके साथ और उनकी हमारे साथ आत्मीयता बनी रहे और बड़े और वहाँ की जनता प्रगति और विकास की गार अग्रेसर हों। यह अवश्य है कि राज्यपाल को आपने जो विशेष अधिकार दिए हैं उनको या तो निकाल दिया जाना चाहिये या राज्यपाल को सरकार यह निर्देश दे कि इन अधिकारों को वे व्यवहार में न लाएँ।

मैं फिर से सिक्कीम की जनता का अभि-
नन्दन करता हूँ और अपना भाषण समाप्त
करता हूँ।

SHRI JAGANNATH RAO (Chattrapur): I welcome this measure which seeks to make Sikkim a constituent unit of India. It marks the culmination of the efforts of the people of Sikkim for democratisation of their political institutions and for integration with India. It also marks the fulfilment of the aspirations of the people of Sikkim. Mr. Samar Mukherjee in the morning said that in 1947 the Chogyal of Sikkim wanted Sikkim to be integrated with India but Pandit Nehru did not agree to it but wanted it to be a protectorate. That only shows that India was not anxious to assimilate some smaller units adjoining our country into the Indian Union. It was kept as a protectorate so that it would

exist and develop its own individuality and identity. Even earlier the people of Sikkim had been agitating, right from 1947, for democratisation of the political institutions but the Chogyal was not favourable to that. This fight has been going on since 1947. In the elections in 1959 this question was there and the fifth election was fought on this point, but was not successful. In 1973 also there were elections. The Chogyal did not at all co-operate. There was breakdown of law and order and the Chogyal himself requested the Government of India to take up the responsibility for law and order and also take over the administration of Sikkim. It is in this context that the Government of India stepped in. All these developments over the last 27 years show that the intention of India was not to grab any part of the territory or area adjacent to its boundary. We had no eye on Sikkim, just as China had on Tibet.

14 hrs.

In 1974, after the general elections in Sikkim, the Assembly passed a resolution making Chogyal the constitutional head and wanting greater participation of the Sikkimese people in the social, political and economic institutions of India. So, we agreed to make Sikkim an Associate State and gave representation to them in Parliament. Even then we did not integrate Sikkim with India fully. But in April 1975, things developed too far. The conduct and actions of Chogyal were inimical to the interests of Sikkim. So, the Sikkim Assembly passed a unanimous resolution abolishing the institution of Chogyal and requesting that Sikkim be integrated with India as a constituent unit. It is in these circumstances that the Government of India agreed to the request of the people of Sikkim. We should appreciate the context in which this Bill has been brought. It lies within the executive power of the Government of India to accede to the request of the Sikkimese people and make Sikkim a part of the Indian Union. But the Government wanted also the seal of the Parliament. That is why, in the Bill the 'appointed day' is given as the day on which the Council of States passes this Bill after it is passed by Lok Sabha.

[Shri Jagannath Rao]

If Sikkim is strong, it will strengthen India. There is a sacred duty cast on us to see that Sikkim grows economically and politically, so that their joining the Indian Union would be a boon to them. We should not create any condition in future which would show that we have not discharged our sacred duty.

It has been argued by some opposition members that the Governor has been given special powers. Even the Governors of Assam, M.P. and Orissa have special powers in respect of scheduled tribes. It is a duty cast on the Government to see that the weaker sections of society are well protected, that the laws passed for their betterment are properly implemented and no exploitation by non-tribals takes place. It is with this intention that article 371F is being introduced. Mr. Samar Mukherjee said that there is an Act in Sikkim which prohibits outsiders from owning property there. It is a wholesome piece of legislation and it should be there. It will not be abrogated simply because Sikkim becomes part of India. We have a similar Act in Jammu and Kashmir also. I request the Government of India to bring forward in the next session an Adaptation of Laws Bill wherein they should examine the existing laws in Sikkim and see if they conform to our Constitution and also see which of our laws have to be applied to Sikkim in the near future, so that the Sikkimese people will also feel that they have become a part and parcel of India.

Shri Samar Mukherjee referred to international repercussions. There can never be any international repercussions when we accede to the request of a neighbouring territory. It is not a case of annexation. But it is not unexpected that Shri Samar Mukherjee naturally speaks on those lines because his inspiration comes from China. Therefore, whatever actions we take with good intentions, they are always misinterpreted and given a slant by some of the big powers, because they do not want India to become strong, or go in the right direction or be held in high esteem by the nations of the world.

This is a very welcome measure. I welcome this Bill and I wish well the people of Sikkim. I wish they grow politically strong because that will add strength to ourselves.

SHRI SURENDRA MOHANTY (Kendrapara): Sir, to suggest that Sikkim was already a part of India, as its Maharaja used to take his seat in the Chamber of Princes is really beside the point, because the Maharaja of Bhutan also used to take his seat in the Chamber of Princes and, if I remember correctly, he was entitled to a 19-gun salute. So, if Bhutan today continues as an independent State as a protectorate of India, the fact that Sikkim was taking its seat in the Chamber of Princes should not be adduced as a reason for justifying this Constitution Amendment Bill.

Nonetheless, Sikkim's close proximity to the Chhumbi Valley of Tibet, its easy accessibility from the Nathu La pass certainly makes it strategically very important from India's defence point of view. Therefore, I would not hesitate for a moment to welcome any measure which seeks to strengthen India's defence lines on Sikkim's borders. Sikkim being a protectorate, its foreign relations are safe in the hands of the Government of India. Anyway, seeking to further streamline the handling of Sikkim's foreign relations, similarly, would have received my whole-hearted support.

But, as you will find, this Bill seeks to achieve none of these objectives. The Statement of Objects and Reasons would show that the Bill seeks only to give constitutional recognition to a resolution, which had been passed by the Sikkim Assembly, with the intention of abolishing the institution of Chogyalship and to make Sikkim a constituent unit of the Indian Union, though both these issues are not mutually related.

Exactly here comes my grievance against the Bill, though I welcome the entry of Sikkim to the mainstream of the Indian Union. You will find that sub-clause (i) of clause 3 of the Bill confers the status of continued legitimacy on the High Court functioning at present at

Gangtok. Yet, these very issues which are embodied in the Bill are *sub judice* before the High Court at Gangtok. So, for the Government of India to rush through this Bill is really ungraceful. If you confer legitimacy on the High Court at Gangtok, then certainly you owe an explanation to the international community as to how you can bring this Bill, extinguishing the right of the Gangtok High Court to sit in judgment over the issues which had been challenged before it

The abolition of the institution of Chogyal seems to have been much high-lighted. I do not hold any brief for the Chogyal, though I have sympathy for these picturesque kingdoms of Bhutan and Sikkim and the institution of those fairy tale like kingship emotionally. But I would like to know what exactly are the charges against the Chogyal. The Government should have done well to have placed a White Paper before the House, detailing therein the specific charges against the Chogyal. For what we know, the Chogyal was running a transmitter in his palace, as his tele-communication lines had been cut, and the Chogyal attended the coronation ceremony in Kathmandu, to which his Ministers were objecting. Are these misdemeanours of the Chogyal for which the institution is going to be abolished?

Consistency has never been the virtue of the Congress Party. Therefore, I would not expect the Government to be consistent in its stand. But one can recollect that the External Affairs Minister, in the course of the debate on the Constitution (Thirtysixth Amendment) Bill on 4-9-74 had made fulsome tributes to the Chogyal and had proclaimed:

"We continue to honour Sikkim's status, its ruler, its Constitution, its Assembly and, above all, its close links with India."

What has happened in these six months that the Chogyal has suddenly turned to be the villain of the piece and the institution of Chogyalship had to be abolished?

MR. DEPUTY-SPEAKER: Does this Bill say anything about the abolition of the Chogyal institution?

SHRI SURENDRA MOHANTY: The Statement of Objects and Reasons says so.

MR. DEPUTY-SPEAKER: That is a different matter. I do not think the Bill says that.

SHRI SURENDRA MOHANTY: That makes the position worse. The Statement of Objects and Reasons says that the institution of Chogyalship must go. But the Bill does not make any such provision. It means that the Damocle's sword is hanging over the head of the Chogyal. I do not know how they are keeping their options open. When the Statement of Objects and Reasons states specifically that the institution of Chogyalship must go, this Bill must have some provision for it.

Since the time at my disposal is very short, I cannot go further. The entry of Sikkim to the mainstream of India's political and constitutional life is now being made possible through a resolution passed by the Sikkim Assembly, subsequently ratified through an unceremoniously hustled referendum.

MR. DEPUTY-SPEAKER: This is where we can say for once we have been very efficient.

SHRI SURENDRA MOHANTY: Very efficient?

MR. DEPUTY-SPEAKER: Within four days we held a referendum. It is a record.

SHRI SURENDRA MOHANTY: That is a record indeed. But that can also be a record for being unceremonious.

MR. DEPUTY-SPEAKER: I hope you understand what I say.

SHRI SURENDRA MOHANTY: I would like to have a specific answer from the Government as to what would happen if this Sikkim Assembly in some remote future passes another resolution for secession from India, which is ratified by a similarly hustled referendum?

MR. DEPUTY-SPEAKER: It is very hypothetical.

SHRI SURENDRA MOHANTY: Therefore, even though I welcome the entry of Sikkim into the Indian Union as the 22nd State—within parenthesis I state that according to the Sikkimese tradition 22 is an unlucky number—I do not approve of the ineptness and the clumsiness with which this Bill has been brought forward, which will give credence to the international community that a big power like India grabbed a small State like Sikkim.

SHRI DINESH CHANDRA GOSWAMI (Gauhati): Mr. Deputy-Speaker, Sir, I take this opportunity of associating myself with my other colleagues in congratulating the people of Sikkim in their achievement of the long-standing struggle for the abolition of Chogyalship and also for being a part and parcel, a constituent unit, of India. Of course, neither the Foreign Minister nor the Government of India can take much credit for it because, in these matters, the Government has not taken much initiative.

The popular will of the Sikkim people was so overwhelming and so insistent that the Government had no other option or no other way but to respond to it. As one can put it, the popular will of the people of Sikkim has almost thrust their will upon us as a *fait accompli*. Of course, we do accept the popular will with all the happiness that we can muster.

As I have said, the Government of India cannot take much credit for taking any initiatives in this matter. In fact, in the matter of political developments of Sikkim, the Government of India has only responded to the situation as it has arisen instead of taking any political decision though they had all the powers to take such a decision under the provisions of the Treaty or otherwise also. I think, it is a very wholesome thing which the Government of India did because Sikkim is a sensitive territory and any political initiative on the part of the Government of India might have been misconstrued by the

local population. Therefore, it is in the fitness of things that when the popular will has been so insistent, the Government of India has responded to it and, I think, that is one of the best way in which the entire thing has developed.

In fact, if we look back to history of Sikkim, after the Independence till today, it becomes a matter of logical conclusion that the institution of Chogyal was bound to go one day or the other. It was too much to expect that such an institution could co-exist either peacefully or constructively with the popular will of the people. One point has been made by my hon. friend, Shri Mohanty, that Sikkim was never a princely State. I feel that he was actually misquoting history while he was saying that. Sikkim was one of the princely States. If we look back to history, we find that as soon as the then Viceroy Lord Wavell declared that Britain will cease to exercise power of paramountcy over the princely States, an official delegation led by the then Maharajkumar of Sikkim who was later on called the Chogyal came to Delhi for a discussion with the Chamber of Princes of the Government of India in the same way in which the other Chamber of Princes came here. In fact, after those discussions, the Ministry of External Affairs issued a press note in which it is stated:

"As regards the status of Sikkim, it has been agreed that Sikkim will continue to be a protectorate of India. The Government of India will continue to be responsible for its external relations, defence and communications. This is as much in the interest of the security of the state as of India and is dictated by the facts of geography. As regards internal government, the state will continue to enjoy autonomy subject to the ultimate responsibility of the Government of India for the maintenance of good administration and law and order."

It is true that so far as Sikkim is concerned, it was decided to give it some sort of a special status to it because of its geographical location and also because of various other factors. I think, this is not an occasion to discuss all that. At the same time, when these things were happening, we know that the political developments in Sikkim resulted in the formation of a first political party on 7th December, 1947. The heads of political parties met the Maharajkumar and one of the demands was, total accession with India. In fact, how they reacted to the press note can be seen from this when they said in a pamphlet:

"Our demand that Sikkim should accede to India has in principle been accepted because the administration will remain in the hands of Government of India's official."

Therefore, these records show that the position was very clear that in 1950 Sikkim was a princely State as any other princely State and, in 1950, though it was given a special status by a Treaty because of its geographical location and other factors, the issue was never in doubt that India would have control over its external affairs, defence and also over the internal administration.

We know how things developed there. The Chogyal tried to play up the differences of the ethnic groups and he tried to maintain his own power and also how, ultimately, the Government of India had to intervene. The Tripartite Agreement took place and then we had the Constitution (Thirty-Sixth Amendment) Bill. Even in the Constitution (Thirty-Sixth Amendment) Bill, the Government of India did protect the institution of Chogyal because it was expected that the Chogyal would see the reality of the day and would try to respond to the democratic urges and aspirations of the people of Sikkim. But that was not to be. He did not reconcile himself to the situation and created obstacles, one after another, which have been cited already and into which I do not want to go now. Therefore, there was no other option left to the popular

government of Sikkim but to take a decision to abolish the institution of Chogyal.

A point has been raised by Mr. Surendra Mohanty that, in the Bill itself, nothing is said about the abolition of the institution of Chogyal. That is not necessary because the popular government which was established there has itself abolished the institution of Chogyal. If we look to the Assembly declaration, it says:

"The Assembly solemnly declares and resolves that the institution of the Chogyal is hereby abolished."

Therefore, when the institution of Chogyal has been abolished by a properly constituted legislative assembly of that particular State, there is no need to mention the same fact again in this Bill. So, I feel that the points made by Shri Surendra Mohanty as well as by Mr. Samar Mukherjee have no substance. From Mr. Samar Mukherjee we cannot expect anything else because he was speaking His Master's Voice. It is sometimes said that when it rains in Peking, they open their umbrella here. He was merely narrating what the Chinese had tried to repeat in matters of Sikkim.

As I have said, I think, on this matter the Government of India cannot take much credit; the entire credit goes to the people of Sikkim and I congratulate them on that.

I do not think that his Bill should be approached from purely legal and Constitutional standpoints. However, I have two points to submit in this matter. We have made a provision that, so far as Sikkim is concerned, the laws enacted by the Parliament and the Constitutional provisions would be applicable. Power has been given to President in 371F sub-clauses (n) and (o):

"(n) the President may, by public notification, extend with such restrictions or modifications as he thinks fit to the State of Sikkim any enactment which is in force in a State in India at the date of the notification;

[Shri Dinesh Chandra Goswami]

(o) if any difficulty arises in giving effect to any of the foregoing provisions of this article, the President may, by order, do anything (including any adaptation or modification of any other article) which appears to him to be necessary for the purpose of removing that difficulty."

I feel that it may be that when we extend all these Acts of Parliament and the Constitutional provisions, there is the possibility of conflicts with customary laws and customs also. Therefore, in these cases some sort of a power ought to have been retained by the President as was done when our Constitution was promulgated—the transitory provisions whereby some sort of a discretion was retained by the President to give directions so far as application of laws enacted by the Parliament to the State is concerned; also in matters of Constitutional provisions, there was a transitory provision in the Constitution by which the President had the power to omit the application of any Constitutional provision to any particular area. I do not know whether the Government of India has applied its mind to this aspect of the matter, whether it would be desirable to keep such a provision in respect of Sikkim. I feel that, even now, the Government of India may consider this aspect of the matter.

There has been some criticism about the powers given to the Governor. This point also, I feel, has no substance. It is said that, in the case of Sikkim, the Governor has been given certain powers which have not been given to the Governor of any other State and that a new kind of Governorship is being created in Sikkim. I feel that this is not so. In tribal areas and sensitive areas, the Governor has been given certain more powers, for instance, such powers were given in the case of Assam, in the case of Nagaland; in the North-Eastern Region generally. Even today there is the provision in article 371A and 371B, which gives to the Governors in that region some more powers than have been given to the other Governors. In a State where there are so

many ethnic groups, where democratic foundations are still to take firm roots, in a State where confusion is possible also in regard to application of laws, some sort of special powers should be given to the Governor but I do hope that that will be a transitory arrangement and that as soon as the situation improves, this will be done away with. I also hope that the Government of India will take all steps to see that there is rapid pace of economic development in Sikkim, because it is on the basis of rapid pace of economic development alone that there can be true emotional integration of the people of Sikkim with the rest of India. With these words I support the Bill.

SHRI SEZHIYAN (Kumbakonam): I offer my heartiest greetings to the people of Sikkim on the democratic assertion to do away with the special institution of Chogyal and to become part of India. This has been amply demonstrated by the referendum that was taken there and also by the Resolution in the Assembly.

While I welcome and greet the people on their democratic aspiration in this age of democracy and representative government, there is no place for a raja or a Chogyal, and as has been stated by my other colleagues, it is a pity that this institution was allowed to linger on so long. It is a good thing that it is to be done away with. The people have unequivocally expressed their views on two things. They have demonstrated that they do not want the institution of Chogyal. Secondly, they have demonstrated that they want to become part of India. While I welcome these things and greet them, we should see in what way we should help them in the process of development and secondly, by our own treatment accorded to the new State, we should justify the confidence that they have reposed on us.

Some peculiarities are there in this Constitution Amendment Bill as also that which came last time. That Constitution Amendment Bill was introduced on Monday and passed on Wednesday. Here the same situation is being

repeated. But on the last occasion before the Bill was introduced on Monday, copies of the Bill were made available to Members two days earlier but now we find that this time is not there, this was distributed on Sunday and it was introduced here on Monday. I am not here to question on the procedural aspect, the Minister pointed out that it had to be rushed through. But in rushing through, let us not give opportunity for criticism that the formalities have not been observed; and we should not expose the people of Sikkim to certain methods by which they would feel sorry over what we do.

This Constitution Amendment Bill, as the previous one, is of far-reaching and historical importance. Last time I opposed introduction on the basis that enough time was not given for a sober assessment on the implications of that Bill. I felt that the concept of associate State or associateship was a new phenomenon, not to be covered by the federal structure, but now, they have rounded that one and have come up with the concept of the federal structure, whereby, Sikkim is also part of our own country.

This Bill—the present Constitution Amendment Bill—has got four aspects first, it seeks to include Sikkim as an entry 22 in the First Schedule, that is, a fullfledged Statehood; second, by Sec. 371E, special provisions are being provided for the State of Sikkim; third, in the Fourth Schedule—regarding allocation of seats in the Council of States—the name of Sikkim is also introduced. Then we are taking away those provisions which are put into the Constitution by the Thirtyfifth Amendment Act on the Thirty-sixth Amendment Bill.

Before I go into it, I want to refer to what Shri Goswami said just before me, namely, that the formalities have been gone through the Assembly, by passing a Resolution, has given its intention and the referendum has also demonstrated the will of the people. I hope the Law Ministry have examined the question fully; whether the instrument of accession has been gone through and to

see that it is correct so that, later on, it should not be called to question by anybody. I am one with the people that the people's will should be asserted. As has already been pointed out by Shri Indrajit Gupta, there is, in clause 3, amendment to Sec. 371F. There is a sub-clause (k), which says:—

“all laws in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority;”

There is one wellknown act of Sikkim, that is, the Government of Sikkim Act, 1974. I want to know what has happened to that Act. Has this Act been adopted by this Bill because this Bill does not specifically say whether any of the provisions has been repealed or amended. Here it has been provided as follows:—

“any laws in force immediately before the appointed day.... shall continue to be in operation.”

I want to know whether the operation of the act, Government of Sikkim Act, will be continued by this Bill, which goes into the constitution of the Assembly, the Speakership, the place of Chogyal, etc. All these things are mentioned there. As far as I can see, in the Constitutional Amendment Bill, there are enabling provisions to ratify certain acts that are already there. I want to know whether the Government of Sikkim Act which is in force on the appointed day will continue to be there. For example, there is a provision that the Assembly shall, unless dissolved, continue for four years. But, under our Constitution, five year's period for the State Assembly is provided for. I take it that to that extent it will be amended or repealed. Even if that does not come into conflict, still, the fact remains that the Government of Sikkim Act is an Act which is now in force in Sikkim. As per the provisions of this Bill, one thing is clear, namely, that any laws in force immediately before the

[Shri Sezhiyan]

appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority. Whether this has been done here and whether this act will continue to be in force in fullness until they are repealed or amended automatically. I would like to have a clarification on this point. Provision of a chief executive, speakership of the Assembly etc, have all been enunciated in the Government of Sikkim Act, 1974. There the place of Chogyal is also there.

MR. DEPUTY-SPEAKER: Mr. Sezhiyan, you have made that point. That is relevant.

SHRI SEZHIYAN: Sir, I would like to seek a clarification on what would happen to the Government of Sikkim Act and to various other acts that are now in force and how they get amended.

Shri Jagannath Rao stated about the case of Jammu and Kashmir. In Jammu and Kashmir the citizens of J & K are protected. Nobody else can go from any part of India to the Jammu and Kashmir State and buy lands. They are all being protected by the Constitutional provisions. There is also a constitutional obligation because of the Jammu and Kashmir Order, 1954. Unless this sort of specific protection is given, it would be very difficult to maintain inter-check..

MR. DEPUTY-SPEAKER: That will be extended to Sikkim under the provisions after we pass that law. And that can be extended to Sikkim

SHRI SEZHIYAN: In Jammu and Kashmir, the instrument of accession is there.

MR. DEPUTY-SPEAKER: The President is enabled by this to extend any law in any State and to Sikkim.

SHRI YESHWANTRAO CHAVAN: Do not go by any comparisons. Sikkim stands on its own.

SHRI SEZHIYAN: Unless there is a present enactment and you continue the enactment or extend the enactment which is in India or make a new enactment especially for the State of Sikkim you cannot do the things.

SHRI YESHWANTRAO CHAVAN: The hon Member is rather confused because he is going in his normal jurisprudence or legalistic technique in this matter. We never said it was an independent State. It was not an independent State. You cannot compare it with Jammu and Kashmir. There is no comparison. When we say it was a princely State before that was only to show that it was never an independent State even for independence of India.

SHRI SEZHIYAN: If you want to make that no outsider can go and buy or possess property in Sikkim you would do it only on a constitutional basis. I am not comparing Jammu and Kashmir because special provision is there. There was constitution for Jammu and Kashmir which we protected. As far as I can see there is no such provision in the Sikkim Act which we can protect unless we enact a new enactment.

SHRI YESHWANTRAO CHAVAN: We will have to do that.

SHRI SEZHIYAN: Now, Sir, I want to say a word about 370(F). It has come under heavy criticism from many Members in this House. I share their concern. When we take a new State we should treat it on par not only in spirit of law but also letter of law. The hon. Member who preceded me said that this is not a new provision and for other States also there is such a provision. There is such a provision for Nagaland. But that is not the correct thing. Just because it is there on the Constitution book it should not become automatically applicable to others. Now, Sir, I will quote 371 (A) (b):

"the Governor of Nagaland shall have special responsibility with respect to law and order in the State of Nagaland for so long as in his opinion internal disturbances occurring in the Naga Hills...."

That is there. The gentleman who spoke before me said it is there for two to three States. That is not so. Article 371B is a different thing. That is a different aspect—the State of Assam. The only thing that you can see as a parallel is Article 371(1) (b): It says:

“The Governor of Nagaland shall have special responsibility with respect to law and order in the State of Nagaland for so long as in his opinion internal disturbances occurring in the Naga Hills-Tuensang Area immediately before the formation of that State continue therein or in any part thereof and in the discharge of his functions in relation thereto the Governor shall, after consulting the Council of Ministers, exercise his individual judgement as to the action to be taken.”

The words ‘after consulting the Council of Ministers’ are there. But, even that, is not a good thing—the Governor of Nagaland being given certain special powers, which restrictions are not there for the other States. This should not be there. But, now, you have gone to a worst position. There you say ‘The Governor of Nagaland shall have special responsibility with respect to law and order’. The words ‘law and order’ have been omitted here. Here you say, ‘The Governor of Sikkim shall have special responsibility for peace’.

THE DEPUTY MINISTER IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI BIPINPAL DAS): Please read further. Not only for peace. The next one is more important. Please read the clause.

MR. DEPUTY-SPEAKER: The main point, Mr. Sezhiyan, is that here the Governor will exercise his powers under the direction of the President. The President means the Government of India and the Government of India ultimately means this House.

SHRI SEZHIYAN: The same provisions are available to other States also.

MR. DEPUTY-SPEAKER: I think, the provision for Nagaland is much worse than this. In Nagaland, he acts only on his individual judgment. Here, he is under the direction of the President and the President is a Constitutional President.

SHRI SEZHIYAN: The same position is available for all the States. Even now, the Central Government can issue directives to all the States. You have got provisions in the Constitution. Why do you want a special provision here? Apart from this, my main objection is to the discretion being given. The discretionary powers of the Governor have got one more special significance here. In the case of Nagaland, you say ‘The Governor shall have special responsibility with respect to law and order’. Here, you say ‘The Governor of Sikkim shall have special responsibility for peace’. ‘Peace’ has got a different connotation in the legal terminology. ‘Law and order’ is definable whereas ‘Peace’ is a wide word. Even if you take the dictionary meaning, ‘peace’ is a word of wide import, giving wide discretion to the authority to pass Acts, whereas, law and order, is definable. You can go to a Court on any specific point. There, at least, you say ‘law and order’. Here, you have put the word ‘peace’. This is a very old concept, taken from the British law. It is not your intention. But, those legal draftsmen have always taken these ideas from the British legal jurisprudence, wherein for any crime committed, in a Court of law, it will conclude with the accusation that he has disturbed the peace of the Lord, the King.

MR. DEPUTY-SPEAKER: If you play your radio too loud and I am your neighbour, I am being disturbed, you are disturbing my peace.

SHRI SEZHIYAN: Peace is not definable. Law and order is definable. They are restricted. Here, peace. . .

MR. DEPUTY-SPEAKER: Now, let us not go into all that.

SHRI SEZHIYAN: Now, about these two aspects, as has been rightly pointed out, in the Sikkim Act, if it is going to be in continuation, the Chief Executive becomes the Speaker of the Assembly.

MR. DEPUTY-SPEAKER: That is a most relevant question you have put.

SHRI SEZHIYAN: Then, the appointment of the Ministers in consultation with the Chief Executive. These are all very much against the spirit of parliamentary democracy. When we are taking a new step, when Sikkim is going to be a part of the Indian Union, we should show all the courtesy, not only in our expressions of words and greetings, but also, in the letter of law and the constitutional provisions which we make, so that it becomes a part and parcel of the Indian Union, not only constitutionally, but emotionally as well. This will enable the people of Sikkim to feel justified in the decision taken. We should also treat them well so that it becomes an example not only to Sikkim, but also to the other parts of India.

SHRI P. VENKATASUBBAIAH (Nandyal): I wholeheartedly welcome this Constitution Amendment Bill which has been ushered in with the overwhelming will and consent of the people of Sikkim. The so-called big powers have not taken kindly to what we are doing today in this Parliament. I am reminded of a speech made by Adlai Stevenson when the liberation movement of Goa was being carried on. Today in the newspapers, you might have seen the betrayal of feelings of the *New York Times*. This is what the paper has said:

"India's cynical absorption last week of the tiny Himalayan Kingdom of Sikkim is a betrayal of the values that gained India world-wide respect through the teachings of such men as Dr. Radhakrishnan and the late Mahatma Gandhi. Imperial India is a diminished India".

The same feelings have been voiced by one of our hon. members here. That really goes to show that the big powers,

irrespective of their ideological differences, held the same view when the interests of our country are concerned.

The External Affairs Minister, while moving the Motion for consideration, has graphically narrated the events that led to the happy consummation of the people of Sikkim joining the rest of our country. Shri Goswami has been arritical of the Government of India. . .

SHRI DINESH CHANDRA GOSWAMI: No, no.

SHRI P. VENKATASUBBAIAH: . . . in that he said that the Government of India was not able fully to respond to the wishes of the people of Sikkim.

SHRI DINESH CHANDRA GOSWAMI: What I said was that instead of taking a positive direction on their own, the Government of India has always responded to the popular will of Sikkim. They have not taken any decision on their own.

SHRI P. VENKATASUBBAIAH: It cannot be a unilateral action on behalf of the Government of India. That is what I wanted to say.

SHRI VASANT SATHE: In fact, that should be to the credit of the Government of India.

SHRI BIPINPAL DAS: I think Shri that should be to the credit of the Government.

SHRI DINESH CHANDRA GOSWAMI: Yes.

MR. DEPUTY-SPEAKER: You mean to say it was not a unilateral action, it was a reciprocal action, of the Government of India.

SHRI P. VENKATASUBBAIAH: In the process of integration of States with the Indian Union, we have always responded to the wishes of the people. We had to adopt certain modalities in bringing the several princely States in the mainstream of our national life. We did not apply the same yardstick when we tackled the Nizam of Hyderabad.

We did not apply the same yardstick when we tackled the problem of Jammu and Kashmir. Here is a case where the people of Sikkim who have been agitating for a responsible government, for a democratic government and who wanted to very eagerly join the mainstream of the national life, have waited patiently for some time hoping against hope that the Chogyal would act more as a constitutional monarch rather than as a despotic monarch. Unfortunately, Sikkim under the tutelage of the Chogyal had become a cockpit of international intrigues and conspiracies. Our big brother has been instrumental in fomenting certain ethnic difficulties and also confrontations. Sikkim is a symbol of the fusion of several ethnic groups. When the people of Sikkim had made up their mind and through an opinion poll overwhelmingly opted to be a constituent unit of our country, our neighbour, Nepal, as a matter of fact, complimented them on what they have decided.

Therefore it is in the fitness of things and in the fitness of the democratic traditions of our country that we have responded to the the overwhelming will of the people of Sikkim. There are certain constitutional points that had been raised by some of the hon. Members. One Member has pointed out that the institution of Chogyal has not been abolished; it has not been included in the Bill. When it becomes a constituent unit of the country and when the Governor is appointed there as in any other State, by implication, automatically the institution of Chogyal ceases to function. Not only that. Even the Sikkim Assembly and the people of Sikkim had overwhelmingly abolished the institution of Chogyal forthwith.

MR. DEPUTY-SPEAKER: What about the Sikkim Act? The existing Sikkim Act?

SHRI P. VENKATASUBBAIAH: There are enabling provisions in the Bill so that whatever is consistent with the Constitution of the country, whatever is not contravening the rules and regulations and the laws and Acts passed in the Sikkim Assembly and are in

conformity with the laws that we pass today...

MR. DEPUTY-SPEAKER: This is not what the Bill says. See sub-clause (k) in page 3.

SHRI P. VENKATASUBBAIAH: It says:

"all laws in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority".

MR. DEPUTY-SPEAKER: That means the Government of Sikkim Act continues.

AN HON. MEMBER: That means the Chogyal continues.

MR. DEPUTY-SPEAKER: The Chogyal continues; the Chief Executive Officer and everybody else continues.

SHRI P. G. MAVALANKAR (Ahmedabad): Will the Minister clarify the position?

MR. DEPUTY-SPEAKER: He will when he replies. I hope you got the point.

SHRI P. VENKATASUBBAIAH: In clause 371-F(i) they have said:

"The High Court functioning as such immediately before the appointed day in the territories comprised in the State of Sikkim shall, on and from the appointed day, be deemed to be the High Court for the State of Sikkim."

I feel that they have enumerated these things to make some enabling provision.

MR. DEPUTY-SPEAKER: That creates more difficulties because there is a case standing in the High Court in Sikkim.

SHRI P. VENKATASUBBAIAH: After the Act is passed, the High Court of Sikkim will be there as any other High Court of India.

MR. DEPUTY-SPEAKER : That creates more difficulties.

SHRI P. VENKATASUBBAIAH : I hope the doubts that have been expressed by the Chair will be explained in a legalistic manner by the hon. Minister. I have given one amendment with regard to the life of the Assembly. According to the present wording of the Bill, the period of five years referred to in clause (1) of article 172 shall, in the case of the Legislative Assembly of the State of Sikkim referred to in clause (b), be deemed to have commenced on the appointed day. For that I have given an amendment. I hope it is in conformity with the provisions of the Constitution and the Minister will accept it.

Our country had no expansionist designs of any sort. We have been respecting the wishes and sentiments of our neighbours and we have no imperialist design to appropriate any kingdom. Sikkim is a part and parcel of our country. Many members have pointed out how the ruler of Sikkim has been a member of the Chamber of Princes. After independence, when the integration of princely States was going on, we had come to a sort of standstill agreement in order to respect the wishes of the people and the Chogyal. But now the people's wishes have triumphed over the autocratic rule of the Chogyal and we have very gracefully responded to their request. I welcome the people of Sikkim and I am sure their interests will be very well safeguarded.

About the special powers of the Governor, Sikkim has several ethnic groups and the Governor has been given special powers only to have communal harmony and ethnic affinity between different groups. These powers shall be used subject to the directions of the President.

With these words, I welcome this Bill.

SHRI P. G. MAVALANKAR (Ahmedabad): Sir, when the Government came forward with the earlier Constitution (Amendment) Bill last year some of us on this side had certain reservations which we frankly expressed,

with regard to the Government's intention of making Sikkim an Associate State. We wondered whether that kind of constitutional arrangement has any natural and logical reconciliation with the general framework of the Indian Constitution and our political system. Now Government have come forward with this new Bill giving Sikkim the status of a full-fledged State. Obviously things have moved so fast from last September till today that the Government have come with this Bill in this rapid manner because they are not willing to wait a day longer than is absolutely essential. I feel this attitude at this stage is right. If we want to do what we are seeking to do today, let us do it gracefully and as quickly as possible, before the international agencies and parties concerned take advantage of the situation and make things so complicated that although logic may be on our side, we may find ourselves in some difficulty with regard to the natural assimilation of the Sikkimese people with the Indian Union.

The statement of objects and reasons refers to the Sikkim Assembly's resolution about the institution of Chogyal having become an anachronism. I agree that he has been an instrument in the hands of international agencies as also a person helping them, prompted by his own self-interest, to perpetuate the complicated situation there. Therefore, the sooner we get rid of that institution the better, but the Bill hardly makes any mention of the immediate future of the Chogyal. When this Bill becomes an Act, where does the Chogyal go? Will he still remain in Sikkim? Will he be an ordinary citizen of Sikkim, or will he be put under some kind of observation by the Government? What will the Government do with him? We should know that

15 hrs.

Now, Sir, I am prepared to believe that the opinion poll in Sikkim could have been conducted in a fair manner, but we have to be satisfied—when I say “we”, I mean all fair-minded people all over the world. After all we have to convince people outside India also, not only ourselves—whether such

a referendum within four days was conducted in a fair manner. I want to ask the Minister this question and get a satisfactory answer.

SHRI YESHWANTRAO CHAVAN :
I have given very specific information about this and I have stated that it was done in the fairest possible manner.

SHRI P. G. MAVALANKAR :
I accept his statement, but let us also not forget that although the opinion poll in favour of Sikkim joining India is by a majority, out of 97,000 people in the electorate as many as 37,000 have not bothered to record their votes. We have to accept that situation also. Therefore, let us not take the Sikkimese people entirely for granted. Their democratic urges and aspirations must be looked at from the point of view of trying to understand their special situation and helping them to become normalised so that they could join the normal pattern of democratic institutions and practices in the country at large.

In the Statement of Objects and Reasons in the last para the Minister says that it is proposed to include Sikkim as a full-fledged State. If it is a full-fledged State, I should have thought it would have the same normal status as the other 21 States of the Indian Union. But on the one hand you are saying full-fledged, and on the other hand you are saying that certain reservations, certain powers, certain special precautions will have to be taken. I agree that these precautions will have to be taken because it is a border State, but then do not say that you want to make it a full-fledged State. Many will argue that it is better to have it as a full-fledged State, straightaway rather than in stages, but why not have Sikkim as a constituent unit? After all, The Assembly asked for Sikkim to be made a constituent unit of India: Could we not have made it a constituent unit by having it as a Union Territory? Perhaps the Government of India's answer would be that if we are to make it a Union Territory and later on into a full-fledged State, why not do it now itself? I am inclined to be in favour of it, but I want to make this point that

we are injecting a dose of democracy to rapidly and too intensely into an area and into a people where unfortunately because of the Chogyal and because of other historical traditions, democracy was by and large absent.

I want this House to go somewhat into the history of the early years of independence. Soon after independence came to our country in 1947, it is on record that Sardar Patel, the then Minister of States, apart from being the Deputy Prime Minister of the country, very much wanted Sikkim to be considered as one of the Princely States of the Indian Union but because of the thinking of the South Block then, the then Prime Minister Pandit Nehru was advised that it would perhaps upset and disturb our relations with our great neighbour China and that Tibet's autonomy might not be preserved. The argument was: If you make Sikkim part of India, then China would have another excuse and Tibet would be taken over. So, that was the argument, but what happened later on? In 1958 Tibet was annexed by China. In 1962 the entire world knows, and we also know to our shame, the debacle that took place when the Chinese troops attacked India.

Therefore, it is only from 1962 onwards that the Government of India's attitude towards these Northern Himalayan border areas became different and began to be based on more realistic considerations. Therefore, if what Sardar Patel wanted in 1947-48 had been done at that time, has would never have arisen.

You, Mr. Deputy-Speaker have raised certain objections.

MR. DEPUTY-SPEAKER : I have not raised any objections. It is none of my business to raise any objection, but it is my duty to guide the House.

SHRI P. G. MAVALANKAR : I stand corrected in the use of my words. You were guiding us. I would therefore like to be further guided by the Minister whether it is not true that by the passing of this Bill, all treaties of

[Shri P. G. Mavalankar]

friendship etc. will automatically lapse, and that there will be no further need to go into a special procedural arrangement declaring that these Acts and Treaties are null and void. I should have thought at least from the commonsense point of view. I do not know the legal point of view, that once this Parliament passes a Bill of this nature, all previous Act and agreements would stand cancelled.

If you look at page 2 para (g), it is said that the Governor of Sikkim shall have special responsibility for peace etc. If you give special responsibility to the Governor, is there any guarantee that this special responsibility will be used with utmost discretion by whoever be the Governor of Sikkim, which will be the 22nd State of Indian Union, in the interests of Indian security, independence and freedom? After all, you have removed one man, the Chogyal, who was an obstacle but the Governor, acting in his discretion but under the authority and instructions from New Delhi, may perhaps sometimes do things which may be contrary to the wishes of the elected people or the Sikkim Government. That is my fear. It is based not on mere academic considerations. It is based on the experience of Governors of other States of the Indian Union behaving as mere subordinate agents of the Government of India, setting aside the wishes and aspirations of ever the elected Members of the respective States. Therefore, in a changing situation, it is no use merely incorporating something from the old Government of India Act of 1935 into this Act. My fear is that by giving these wide and large discretionary powers to the Governor, it is possible that the Kazi who is now perhaps naturally happy as we are all in this House happy, that the institution of Chogyal has been dissolved, may find himself in a new difficulty or danger or challenge in the Governor being an agency for thwarting the democratic wishes of the people.

I would like to say in conclusion that I wish all prosperity to our friends and brethren of Sikkim who are now

going to become a part of our larger family. I do not think it is an annexation by India, but it is the culmination of forces, historical, logical and political, in that part of the country. I only hope that the normalisation of the democratic processes in Sikkim will be such as will make the Sikkimese people enjoy all the rights and freedoms of Indian democracy and the Indian Constitution as much as we do. It is, of course, true that in many States of the Indian Union today we are unable to exercise our freedoms and rights, even though they are freely recognised by our Constitution. This is because of certain political factors. I only hope that that dark cloud will soon disappear and that the rights and freedoms conferred on us, or rather recognised by the Constitution, will be ours and of the people of Sikkim too.

श्री राम रूपाय पांडे (राजनदगाव) :
उपाध्यक्ष जी, मन्विधान (38 वां संशोधन)
विधेयक, जो श्री चव्हाण जी लाये हैं, उसका
मैं समर्थन करता हूँ।

सन 1921 में लेकर आज तक हिमालय की
गोद में बसे हुए एक छोटे से भूखंड, सिक्कीम
और हमारा, भारत का क्या संबंध रहा
उसकी पृष्ठभूमि भी श्री चव्हाण ने बताई
है। सन् 1950 में हमारी एक सन्धि हुई,
जिसके अन्तर्गत अन्तर्राष्ट्रीय संबंधों, आन्तरिक
स्वच्छ प्रशासन, कम्मुनिकेशन और अनेक
प्रकार के सहयोग और सद्भावना का हम
पालन करते चले आ रहे हैं। लेकिन आज के
युग में प्रजा राजा को स्वीकार करने के लिये
तैयार नहीं है। भले ही राजा अपने आप में
राजा समझे और यही भूल चोग्याल से हो
गई। अंग्रेजी में कहते हैं—

He failed to read the writing on the wall.

अगर जन-मानस की स्थिति को, इस परिवर्तन को, विचारशील और प्रगतिशील विचारधारा को चोखाल ने आत्मसात किया होता तो, जो क्रांति की ओर, वहाँ की, मिक्किम, की जनता ने कदम बढ़ाये, संभव है सन् 1950 की संधि के अन्तर्गत हम और आगे बढ़ते। लेकिन चोखाल का यह रख और उनकी पत्नी श्रीमती होप कुक, जो अमरीकन महिला हैं, कि विचारधारा जनता की विचार-धारा के बिल्कुल विपरित थी जिसे जनता ने स्वीकार नहीं किया। इससे जन-मानस को उभार मिला। हमने किसी प्रकार के प्रभाव से उनको प्रभावित करने का कोई आचरण नहीं किया, कोई कोशिश नहीं की। यह उनका अपना ही अमर था। एक लोकतंत्र जो पनप रहा है, जो हमारा पड़ोसी है, जिम पर 1950 की संधि के अनुसार यह दायित्व है, हम उसके साथ क्यों न हो जाये, और वह हमारा एक पार्ट एंड पार्सल क्यों न बन जाये। वह हमारी धरती का अंग है, हम क्यों न सामीप्य और मान्निध्य प्राप्त कर लें। श्रीसमर मुखर्जी की बात में मुझे बड़ा दुख हुआ। जिस समय हम संशोधन विधेयक लाये, कास्टीट्यूशन अमेंडमेंट की बात आई, तो उन्होंने कहा कि हमें इस बात का स्थाल कर लेना चाहिये था कि अन्तर्राष्ट्रीय स्थिति क्या होगी, उसकी प्रतिक्रिया क्या होगी, उसका रिपकशन क्या होगा। समार की कल्पना में शायद उनकी एक ही कल्पना चीन की तरफ है कि वह क्या सोचेगा। वह क्या सोचेगा, हम कब तक इसकी परवाह करेंगे। हमने क्या सोचा था, जब हमने चीनी-हिन्दी भाई-भाई कहा था और पड़ोसी राष्ट्र के नाते यह कहा था। आप चीन की तरफ इशारा करते हुए उसकी प्रतिक्रिया की बात के माध्यम से अपनी प्रतिक्रिया आप बताना चाहते हैं। (संशोधन)

श्री शशि बूबन : चीन की तरफ से उत्तर देने का इन्होंने कब से ठेका ले लिया है?

SHRI SAMAR MUKHERJEE: Do you know the difference between China's stand and our stand regarding Kashmir and Sikkim? They have demanded self-determination. At least, that much idea you must have.

SHRI R. S. PANDEY: How has Tibet been taken? What is your answer?

SHRI SAMAR MUKHERJEE: What is our stand we have explained. You have no idea as to what is the difference between self-determination and full rights for internal administration.

श्री राम सहाय पांडे : जिम समय चीन की प्रतिक्रिया कहकर आप अपनी प्रतिक्रिया बना रहे थे, उस समय मुझे प्रधान मंत्री के उस बयान का ध्यान आया जिसमें उन्होंने कहा कि जब पाकिस्तान ने हुंजा स्टेट को हड़प कर लिया, तब चीन कहां चला गया था? तब चीन ने प्रतिक्रिया नहीं बताई और वह चुप रहा। मिक्कीम की जनता जब जनमत के माध्यम में स्नेह और प्रेम के साथ हमसे मिलना चाहती है और हम छानी से उनको लगाना चाहते हैं प्यार से, स्नेह से, ममता से और मोह से, लोकतंत्र के नाते तो उसमें क्या बुरा हो गया क्या अनुचित हो गया। हमें इस बात की क्या चिन्ता है कि हम अन्तर्राष्ट्रीय प्रतिक्रिया को देखें। कोई भी अन्तर्राष्ट्रीय प्रतिक्रिया हमारी अपनी राष्ट्रीय प्रतिक्रिया में बड़ी नहीं हो सकती है। हमारी राष्ट्रीय प्रतिक्रिया यह है कि हम विस्मयवादी नहीं हैं, हम स्वीकारवादी हैं। जो हम ने मिलना चाहता है, जिसको हम सहयोग और सहायता देते चले आ रहे थे, अगर आज वह भू-खंड, मिक्कीम की जनता अपना निर्वाचन कर के स्वतंत्र स्वायत्त शासन बनाकर जनमत सहक के द्वारा यह विचार प्रकट करती है कि हम भारत के साथ रहना चाहते हैं तो हमें इस धारा में किसी प्रकार का अवरोध करने की प्रतिक्रिया नहीं करनी चाहिये। हम इसका स्वागत करेंगे और आज का दिन बड़ा शुभ है, महत्वपूर्ण है जब कि माननीय मंत्री जी यह संशोधन

[श्री राम सहाय पंडे]

विधेयक लाये है। हम उनको छाती से लगायेंगे लोकतंत्र के नाम पर और उनका जीवन ऊपर उठाने के लिये तथा शिक्षा, आर्थिक और अध्यात्मिक जो भी उनकी परम्पराएँ हैं उनको मजबूत करने में हम उनका सहायता करेंगे कि यह हमारा सक्तप्य है हमारे प्रतिज्ञा है।

हम उनको एक दिन भा। ऐसा महसूस नहीं होने देंगे कि उन्होंने हमसे मिलने का निर्णय कर के कोई गलत काम किया है।

चोग्याल का पत्नी का एक वक्तव्य न्युयार्क टाइम्स में छपा है कि चोग्याल को भारत सरकार ने सिक्किम में गिरफ्तार कर रखा है। इसकी निन्दा होनी चाहिये, यह गलत बयान है। चोग्याल आज भी स्वतंत्र हैं। वह बीमार है, हम चाहते हैं उनका स्वास्थ्य अच्छा हो वह एक नागरिक की तरह बहा रहे। अन्तर्राष्ट्रीय जगत् में जा यह गलत बयानी की जा रही है मैं उसका खडन करता हू। वह एक स्वतंत्र नागरिक हैं।

SHRI G VISWANATHAN (Wandiwash) Mr Deputy-Speaker, Sir, while passing this Constitution (Amendment) Bill, we are going to put an end to the 334-year old rule of the Namgyal dynasty in Sikkim. I take this opportunity to congratulate and welcome the people of Sikkim into this large family of India. Many speakers before me were attacking the Chogyal. I think, he has done something because but for his actions this Bill would not have been before us today. His utterances, at Kathmandu were a blessing in disguise. Immediately the Sikkim Congress and the Assembly of Sikkim took up the matter and they passed a unanimous Resolution, upon which the Government of India has brought forward this Bill before us. This is not a sudden development. If we go through the political history of Sikkim, we will find that the Sikkim Congress has been demanding accession of the Sikkim territory, that beautiful Himalayan Kingdom to India for a long time, for more than two decades. In 1949-50, before

the Stand-still Agreement was signed, the Sikkim Congress had passed a Resolution that there should be accession of Sikkim to India. In 1959 also they passed a Resolution demanding merger of the territory with India. But the Chogyal was there as a hindrance, as a stumbling block. Somehow the Government of India was also carrying on with him without having any other alternative. But the recent elections in Sikkim, where the Sikkim Congress won a wonderful victory gaining 35 out of 36 seats, brought about the change. Now the people have expressed themselves clearly that they should become a part of this country, and I think it is our bounden duty to welcome them and it should become the 22nd State of this great country.

It is the Chogyal himself who wanted a referendum on the future of this territory. On 3 March 1975, he stated that Sikkim's status could only be changed through a free and fair referendum reflecting the will of the Sikkimese people. This is what the Chogyal himself said. After the referendum, he should have accepted the decision of the people. After the 1974 elections, when a popular Ministry was installed in Gangtok, Chogyal refused to accept that government, he refused to accept the Assembly, he refused to accept the result of the elections conducted in that territory. When he went to Kathmandu to attend the coronation ceremony of the King of Nepal, he met the press and he told the press and the world

'There is no fully responsible democratic Government in Sikkim'. Not only that, Sir. He said this also 'A few ministers there cannot claim to be Government'. Neither the Assembly nor the Ministers could be termed Government, but only the Chogyal could be termed so; this is the attitude which he took and so he could not pull on with the Government or the Chief Minister there. Now we are going to pass this Bill and Sikkim will become the 22nd State of India. We will have to do something for the economic betterment of these people. In Sikkim I may say there has been no land reform as such

In 1907 the Sikkim Government passed an order banning the transfer of land from bhutias and lepchas to Nepalese who were forming the majority. In 1949 the Zamindari Abolition Act was passed. I was going through this report. And it struck me as something curious. They fixed land ceiling like this. I don't know how far this is being implemented. But this is how they fixed. The individual family can own upto 20 acres of land. But the village headman can own upto 30 acres of land. Another interesting feature is this. The Bhutias, the Lepchas and the Nepalese landed aristocracy can own land upto 100 acres; they are called khazis, and Thikadars. There has been no regular land survey and this Act is not a uniform Act. There are private estates which account for 45,000 acres. There are some few monasteries, owning thousands of acres also. These have to be taken over by Government immediately so that landless people get the land. In the northern part of Sikkim there is a system prevailing now. This is there in Lachung, which is in northern Sikkim. Every 12 or 15 years all the lands are put together and they are distributed according to the existing population. It may be called a crude form of socialism! But this cannot go on for ever. There must be some permanent laws and permanent ceiling on land and there should be special Acts. These Bhutias and Lepchas are minority communities and they should be properly looked after. Their interests should be safeguarded.

I hope that after passing this Bill the Government of India will take up all these issues with the Government of Sikkim and see that their economic development takes place quickly. I am told, in many places, taxes are collected, but they are not being credited to the Government. There are private persons who are taking away this money. These attempts should be stopped immediately.

The people of Sikkim have taken a bold political decision and they justly feel that their economic advancement is going to be looked after well by their brethren in India. I congratulate the people of Sikkim.

SHRI HARI KISHORE SINGH
Pupri) : I take this opportunity like some other Members before to congratulate the people of Sikkim and I welcome them into the fold of the Indian Union. I don't view this problem as a legal one. It is a political question and it should be viewed in that context legal niceties and constitutional methods are no doubt helpful in this process but it is primarily a political decision and I am glad that the Government of India has at last come to this conclusion that Sikkim should form part of the Indian Union. This problem should be viewed in the larger context of the march of the Indian revolution which triumphed in this subcontinent in 1947.

Unfortunately, for certain reasons or certain reservations in some quarters, Sikkim could not become a part of India in 1947 itself.

I think the States Congress which was the popular organisation in Sikkim had demanded more or less, in 1947, that the accession of Sikkim to India should be accepted as a part of Indian Union. But, unfortunately, it was not done. The same point was repeated in 1959 also. I am glad that in 1975, the aspirations and urges of the people which were there all along, are now being fulfilled.

Now, a charge may be made internationally that India—has the expansionist tendency and, if that charge has to be accepted, then it is equally valid for the accession of other Indian States which were much earlier ruled by the rulers. If the merger of the other princely States into the Indian Union were considered as a step in fulfilment of political urges and aspirations of the people, then the case of Sikkim should also be treated on the same basis.

In Sikkim, we had not only the struggle for a representation or popular Government but there was also a struggle between the democracy and autocracy. Now, we have been able to fulfil the objective of ending the feudalism there and merging it with the rest of the country. It was unfortunate that there feudalism and autocratic rule had to be

[Shri Hari Kishore Singh]

continued. It had the support and sympathy from the countries in many parts of the world. Certain elements—national or international—have expressed sympathy for the Chogyal. I blame the Chogyal; as has been rightly pointed out here, the institution of Chogyal is so anachronistic that it has now been done away with by the Resolution of the Assembly itself. If there is any ambiguity in this Act about the position of the Chogyal, I am sure, the External Affairs Minister will make the point quite clear.

There are now certain elements which are quite active in Nepal who are in sympathy with the Chogyal. Government of India should make it clear to the Government of Nepal that this kind of thing. . .

MR. DEPUTY-SPEAKER. Do not get entangled by bringing in Nepal.

SHRI HARI KISHORE SINGH. Sir, I mean the pro-Chogyal elements in Nepal and other parts of India are active. It is a matter of concern to us. The Government of India should make it clear to Nepal that it cannot be tolerated.

My last point is this. That is about the behaviour of certain business community and traders in Sikkim. It is very unfortunate that in this difficult terrain and in the geographic situation of Sikkim, there are certain traders, who are of Indian origin, who take advantage of this situation.

With these few words, I support the Bill.

SHRI TRIDIB CHAUDHURI (Berhampore): Mr. Deputy-Speaker, Sir, I could have whole-heartedly supported this Bill if the abolition of the institution of the Chogyal—as a matter of fact it is the Government of India itself that has really consolidated the position of the Chogyal by its action in the past—and, if now the abolition of this office and the integration of Sikkim territory with India as a full-fledged state would have really ushered

in popular democracy into being a part of this country. Unfortunately, the way the Bill has been framed, there is little hope that there will be any modicum of democracy there in Sikkim even after its integration with the rest of India. Already, in this Constitution Amendment Bill, under clause (3), Section 371 (g), the Governor has been given special responsibilities of an extraordinary character about which already comments have been made from both sides of the House. There are certain features of this Bill which have aroused apprehension even in the minds of the Sikkimese people themselves. Unfortunately, in this country and even in this Parliament we have a tendency like ostrich to bury our heads in the sand and refuse to see evil or hear evil. The pleasant or unpleasant fact—the objective fact—about population composition of Sikkim is that there the original Sikkimese population or Lapcha-Bhutiya population is in minority and the Nepalese population is in a great majority. When the Government of Sikkim Act was passed in 1974 the new Assembly was elected on parity formula. Now, you are incorporating the Sikkim territory to India as full-fledged State of the Indian Union. What will be the position with regard to the equilibrium that has been created by the Government of Sikkim Act and election by method of parity between the Nepalese and the Sikkimese? Now, if this Bill is passed the existing Assembly will be continued. It will be given a fresh lease of life for another five years. That means the Assembly elected on the parity formula will continue. Will that be liked by the majority?

I have in my hands today's issue of 'Business Standard' of Calcutta, where I find that the General Secretary of Sikkim Congress, Shri S. K. Rai and Shri Narbahadur Khatiawara, President of the Sikkim Youth Congress have jointly issued a statement saying that this parity formula must go. That means immediately there will be an out-cry on behalf of the majority of the Nepalese population about the citizenship rights of the Nepalese people as a citizen of a full-fledged State of India. They have already issued a

protest. I think the way this Bill has been formulated in a hurried manner **this will only open hornet's nest**. There will be no democracy so to speak.

Sir, I do not know whether any reference in the House by other hon. Members has been made to the existing constitution of the Assembly. In that Assembly the Chief Executive nominated by the Government of India and accepted by the Chogyal is the Speaker of the Assembly. What will be the position of the Chief Executive? In the present arrangement whatever the decision the Government of Sikkim or the Cabinet of Sikkim might take, that has to be communicated to the head of the State, that is, the Chogyal through the Chief Executive and the Chief Executive is responsible to the Government of India. Now, Chogyal goes. Whether the same arrangement between the Chief Executive and the Governor will continue, I would request the hon. Minister for External Affairs to make this point very clear, secondly what they are doing about the apprehensions that have already arisen in a section of the Nepalese population. How are they going to tackle the same? I hope Government will try to satisfy the House on these scores.

MR. DEPUTY-SPEAKER: Before I call the Minister to answer, I would like to say that there is a certain amount of confusion in the debate as far as I can see. Apart from the other questions of a general nature, which the Members have put across, I would like him, in particular, to deal with certain constitutional issues in the course of his reply. First is the provision in sub-clause (k) of the Bill, wherein you have ensured that all the laws existing in Sikkim today will continue. Does it mean that the Government of Sikkim Act also continues, where the position of the Chogyal, his powers, and as you have said, that constitutional monstrosity of the Chief Executive in Sikkim, they all remain. Do they remain? This is one question. Another question is, sub-clause (i) of the Bill, where you have ensured the continuance of the High Court of Sikkim. Now, there is a report here that there is a case before the Sikkim High Court where the Chief

Magistrate had given some injunction to the Sikkim Assembly not to proceed with the election of the Members to this House, not to discuss the Chogyal and so on and so forth. What is the constitutional implication of that? Then, sub-clause (m), where you have said that any agreement entered into by the Government of India and the Government of Sikkim should be outside the jurisdiction of any Court including the Supreme Court. Now, the agreement here between the Government of India and the Chogyal says very clearly that the ~~affairs of the Chogyal, his house and everything~~ should not be discussed. Before we proceed in this, if you can shed some light on these implications, the House will be in a better position to give its support. I think, generally, we support the intention of this Bill.

SHRI INDRAJIT GUPTA: Now, it seems, Sir, that the Chogyal will remain.

MR. DEPUTY-SPEAKER: He will continue, as far as I can see.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI YESHWANTRAO CHAVAN): Mr. Deputy-Speaker, Sir, I am thankful to all the hon. Members for participating in this debate and giving their hearty and friendly welcome to the people of Sikkim for joining the family of the States of the Republic of India.

Sir, at present, what we are dealing with is not a normal situation. It is a very important political development, which has taken place in Sikkim. So, we will have to see, not purely in a legalistic manner, what is happening. We must, at the same time, try to see the political significance of the law and the constitutional amendment that we are passing. Sir, first of all, I will try to deal with the problem that you yourself have raised. I must give it the top most priority and explain the position. My first argument is meant to invite your attention to the political situation. You mentioned about the provision (k) which says "laws in force immediately before. . ." This applies to all laws in force, but, as a matter of political fact,

[Shri Yeshwantrao Chavan]

the Government of Sikkim Act, 1974 has become inoperative. It is not in force and they have already abolished the institution of Chogyal.

MR. DEPUTY-SPEAKER: They have not repealed the Act.

SHRI YESHWANTRAO CHAVAN: It is not a question of repealing or not repealing. The point is that it is a political fact today that the institution of Chogyal, by the people's resolution and people's mandate, has been abolished. The Act has become inoperative. Therefore, the legal difficulty that you are in. . .

SHRI TRIDIB CHAUDHURI: May I point out that in the Bill itself, you have almost stabilised the position of the Government of Sikkim Act?

SHRI YESHWANTRAO CHAVAN: We have not. This refers to the law in force immediately before the appointed day. The political fact is that the Government of Sikkim Act is not in force today. By this Constitution Amendment Act itself, we will take a certain new position.

SHRI INDRAJIT GUPTA: Is it not to be formally repealed?

SHRI YESHWANTRAO CHAVAN: Let us leave it to the judgment of the Assembly of Sikkim. It is not for us to repeal that Act because, as far as we are concerned, it is whipping a dead horse.

SHRI DINESH SINGH (Pratapgarh): Should they not repeal the Act?

SHRI YESHWANTRAO CHAVAN: If they want to repeal, they can repeal. Let us leave it to their judgment in this matter. Once I say that they have to repeal, it would mean that I accept that that Act is in operation, but we know that it is not in operation. This is the political circumstance that we have to take into account.

SHRI INDRAJIT GUPTA: This is a very good political argument, but is it a sound constitutional argument?

SHRI YESHWANTRAO CHAVAN: A constitutional argument is essentially a political argument. Constitutional law is very fundamentally the political law of a country. When we are amending the constitutional law, really speaking we are making both political and constitutional arguments.

MR. DEPUTY-SPEAKER: Does the Executive Officer continue? He is part of the Act?

SHRI YESHWANTRAO CHAVAN: As I said, at the present moment, the Chief Minister continues. The actual fact is that it is not the Government of Sikkim Act that operates there; it is the will of the people that is operating there at the present moment. Let us face the situation. We are not dealing with some sort of normal, ordinary, legalistic situation, we are really dealing, if I may say so, with some revolutionary political situation. This is a fact. I have tried to meet your point as far as I can.

SHRI INDRAJIT GUPTA: We are not satisfied.

SHRI YESHWANTRAO CHAVAN: Mr. Indrajit Gupta may himself argue about it. But the entire House is agreed that the Chogyal has been abolished.

SHRI INDRAJIT GUPTA: That is there.

SHRI YESHWANTRAO CHAVAN: This is what I am repeating. That office stands abolished. I am confirming what you say. That office has been abolished by the people of Sikkim. We are acting on the will of the people as it is expressed in the Resolution passed by the Assembly and ratified by the people's opinion. This is the basic political fact which is at the root of this constitutional amendment which must not be lost sight of.

SHRI INDRAJIT GUPTA: That is about the Chogyal. But so long as the Act is there, can the Sikkim Assembly remove the Executive Officer and elect a Speaker? Can they elect the Speaker of the Assembly?

SHRI YESHWANTRAO CHAVAN :
Once this Constitution Amendment Act becomes law, naturally the Executive Officer and everybody goes. It becomes a normal State. The Executive Officer has no place in that scheme of things. It will be a normal State, a normal legislature, a normal High Court, a normal Council of Ministers; it will be a normal Governor.

SHRI MADHU LIMAYE (Banka) :
You say 'normal Governor'. But you are endowing him with very abnormal powers.

SHRI YESHWANTRAO CHAVAN :
There I may have a little argument with you.

SHRI TRIDIB CHAUDHURI : I will invite your attention to sub-clause (i) of clause (b):

"The Assembly for Sikkim formed as a result of the elections held in Sikkim in April 1974 with thirty-two members elected in the said elections. . . shall be deemed to be the Legislative Assembly of the State of Sikkim duly constituted under this Constitution".

That stabilises the position, the stereotype position of the existing Assembly with its President, the Chief Executive Officer, as the Speaker.

SHRI YESHWANTRAO CHAVAN :
It only stabilises the election of the members and it constitutes the Assembly of the State. It, really speaking, does not mean anything more than that.

SHRI N. K. P. SALVE (Betul) : It does not repeal the existing law.

SHRI YESHWANTRAO CHAVAN :
That is a different matter. I have made my position clear. You are a lawyer and you are trying to interpret a dead law.

MR. DEPUTY-SPEAKER : I am no lawyer; I am just a man of common-sense.

SHRI YESHWANTRAO CHAVAN :
I am both a lawyer and politician. Coming back to the question whether we are giving any less type of statehood to Sikkim, I really do not know how many more arguments I can advance in this matter because I have said so and I should like to repeat that the new State of Sikkim which is taking birth under the amendment of the Constitution is as important and has as equal status as any other State in India like U.P., Andhra Pradesh, Maharashtra, Gujarat, Nagaland, Tripura or Meghalaya. Having given equal status to the States, we have seen some provisions in our Constitution. Situations vary from State to State and therefore certain arrangements have to be made for those special situations. In the case of Nagaland we have given certain powers to the Governor to be exercised in his individual judgment. In the case of Andhra, we have given some special powers to the President. In the case of Maharashtra and Gujarat, for the purpose of development we have given certain special responsibility to the Governor. Sometimes we are prone to neglect or ignore the provisions that are meant for certain special conditions. I know for instance that the special provisions about the responsibility of the Governor in the case of Gujarat and Maharashtra had remained inoperative because of certain situation developing there. In Sikkim we have some specific situation. There is a certain history behind it that has to be met with certain powers which are put in the hand of the President ultimately discretion has to be used under the orders and directions of the President, who is the constitutional head of India, that means that it will be only on the advice of the Council of Ministers who are responsible to this hon. House here. It would be wrong to say that what we are creating is something less than a State.

[Shri Yeshwantrao Chavan]

I should like to make one point here. It is my duty to make this observation. Shri Inderjit Gupta made a very brilliant speech on this Bill but he was rather unfair to the executive officer there. One may not like him he may not like the executive officer; he made certain observations about the officer who is holding office there. He may be an ICS officer, I know under what difficult circumstances he functioned in Sikkim in the last few months since he went there as executive officer, with what devotion he has been of service to the people of Sikkim and to India. It will be a failure if I do not make a mention of that here.

15.49 hrs.

[MR SPEAKER in the Chair]

Some Members mentioned about Bhutan. I should like to tell them that the King of Bhutan was never treated as one of the princes of India. Let us not make wrong comparisons; it will be unfair to do that sort of thing. I cannot forget what my hon friend Shri Samar Mukherjee said. It seems that we have found ourselves always on different wave lengths. We were talking about India; he is worried about international opinion. We are worried about what the people of Sikkim want. I do not know what sort of international opinion he is worried about. . . (Interruptions) Whatever the founding fathers of the Constitution may have done, we have made certain changes in that. There were princely States; they disappeared. There were privy purses; we have abolished them. This is the process of evolution. The nation is developing and responding to the new urges and new problems as they arise. There was an effort made to evolve some sort of reconciliation between the Chogyal and the people, but it has not succeeded. So, we have come here to say, it has not succeeded. It was an evolution in that sense. Formerly he was a completely unrestricted feudal maharaja there. Then he was made a constitutional head, which he did not accept. Not only that, but he certainly tried to subvert the entire Government there and went against the democratic urges of the people of Sikkim.

SHRI INDRAJIT GUPTA: Don't make him the Chief Executive Officer there!

SHRI YESHWANTRAO CHAVAN: There would not be any Chief Executive Officer under the new system. The question was asked, what about the future of the Chogyal? It depends on him. He does not remain Chogyal. We would be interested in his individual welfare and in his family's welfare, just as we would be interested in the welfare of any other citizen of India. There is no question of the Chogyal remaining Chogyal and dealing with him as an institution.

Sir, I have tried to deal with the important points raised. This is one of the rare occasions when, excepting one group, the entire House has supported this Constitution (Amendment) Bill. I appeal to the House to accept this Bill unanimously.

MR SPEAKER: Before I put the motion for consideration to the vote of the House, this being a Constitution (Amendment) Bill, voting has to be by Division.

Let the Lobbies be cleared

The Lobbies have been cleared. The question is:

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

The Lok Sabha divided:

Division No. 12]

[15.59 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agarwal, Shri Virendra
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Arvind Netam, Shri

Azad, Shri Bhagwat Jha
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Balakrishniah, Shri T.
 Banamali Babu, Shri
 Banerjee, Shri S. M.
 Banerji, Shrimati Mukul
 Barman, Shri R. N.
 Barua, Shri Bedabrata
 Barupal, Shri Panna Lal
 Basappa, Shri K.
 Basumatari, Shri D.
 Besra, Shri S. C.
 Bhagat, Shri B. R.
 Bhagat, Shri H. K. L.
 Bhargava, Shri Rasheshwat Nath
 Bhatia, Shri Raghunandan Lal
 Bheeshnadev, Shri M
 Bist, Shri Narendra Singh
 Brij Raj Singh-Kotah, Shri
 Buta Singh, Shri
 Chakleshwar Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrappan, Shri C. K.
 Chandrashekarappa Veerabasappa.
 Shri T. V.
 Chandrika Prasad, Shri
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chavan, Shrimati Premalabal
 Chavan, Shri Yeshwantrao
 Chellachami, Shri A. M.
 Chhotey Lal, Shri
 Chhuttan Lal, Shri
 Choudhary, Shri B. E.
 Choudhury, Shri Moinul Haque
 Chowhan, Shri Bharat Singh
 Daga, Shri M. C.
 Dalip Singh, Shri
 Damani, Shri S. R.
 Das, Shri Anadi Charan
 Das, Shri Dharnidhar
 Daschowdhury, Shri B. K.

Desai, Shri D. D.
 Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S.
 Dhamankar, Shri
 Dharamgaj Singh, Shri
 Dinesh Singh, Shri
 Dixit, Shri Jagdish Chandra
 Dumada, Shri L. K.
 Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Gandhi, Shrimati Indira
 Ganesh, Shri K.R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 Gill, Shri Mohinder Singh
 Giri, Shri S. B.
 Godara, Shri Mani Ram
 Godfrey, Shrimati M
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K
 Goswami, Shri Dinesh Chandra
 Gotkhunde, Shri Annasaheb
 Gowda, Shri Pampan
 Gupta Shri Indrajit
 Hansda, Shri Subodh
 Hanumanthaya, Shri K.
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M
 Ismail Hossain Khan, Shri
 Jadeja, Shri D. P.
 Jaffer Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jamilurrahman, Shri Md.
 Jayalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Jitendra Prasad, Shri

Joseph, Shri M. M.
 Joshi, Shri Jagannathrao
 Kadam, Shri J. G.
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kale, Shri
 Kamakshaiiah, Shri D.
 Kamble, Shri T. D.
 Kamla Kumari, Kumari
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Kavde, Shri B. R.
 Khadiikar, Shri R. K.
 Kinder Lal, Shri
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishnan, Shri G. Y.
 Krishnan, Shrimati Parvathi
 Krishnappa, Shri M. V.
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lakshmikanthamma, Shrimati T.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 'Madbukar' Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Majhi, Shri Gajadhar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manhar, Shri Bhagatram
 Manjhi, Shri Bhola
 Maurya, Shri B. P.
 Mavalankar, Shri P. G.
 Mayavan, Shri V.

Mehta, Dr. Jivraj
 Melkote, Dr. G. S.
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Misra, Shri S. N.
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri
 Mohanty, Shri Surendra
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammed Khuda Bukhsh, Shri
 Mukerjee, Shri H. N.
 Murthy, Shri B. S.
 Naik, Shri B. V.
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Panda, Shri D. K.
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parikh, Shri Rasiklal
 Parthasarathy, Shri P.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patel, Shri R. R.
 Patil, Shri Anantrao
 Patil, Shri C. A.
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri J. B.

Peje, Shri. S. L.
 Purty, Shri M. S.
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri P. V. G.
 Ram Dhan, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Singh, Shri
 Rao, Shri Jagannath
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Raut, Shri Bholi
 Ray, Shrimati Maya
 Reddi, Shri P. Antony
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das
 Robatgi, Shrimati Sushila
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangaliana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Satish Chandra, Shri

Satyanarayana, Shri B.
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sethi, Shri Arjun
 Sezhiyan, Shri
 Shah Nawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhboram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Dr. Shanker Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Ramavatar
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Prof.
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Sardar Swaran Singh
 Somasundaram, Shri S. D.
 Sudarsanam, Shri M.
 Sunder Lal, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swaran Singh, Shri
 Tayyab Hussain, Shri
 Tewari, Shri Shankar
 Tiwary, Shri D. N.
 Tombi Singh, Shri N.

Tula Ram, Shri
Uikey, Shri M G.
Unnikrishnan, Shri K. P
Venkatasubbaiah, Shri P
Verma, Shri Balgovmd
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Virbhadra Singh, Shri
Viswanathan, Shri G
Yadav, Shri Chandrajit
Yadav, Shri Karan Singh
Yadav, Shri N P
Yadav, Shri R P
Zulhquar Ali Khan, Shri

NOES

Bhattacharvya, Shri Dinen
*Dixit, Shri G C
Haldar, Shri Madhuryya
Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
*Kachwai, Shri Hukam Chand
Mukherjee, Shri Samar
Mukherjee, Shri Saroj
*Negi, Shri Pratap Singh
Saha, Shri Gadadhar
Sen, Shri Robin
*Surendra Pal Singh, Shri

MR SPEAKER The result of the
division is

Ayes—288,

Noes—12

*Wrongly voted for NOES

†The following Members also record-
ed their votes —

AYES: Sarvashri V Shanker Giri,
Kamala Prasad, Sidrameshwar Swamy
Banamali Patnaik, Kushok Bakula, K
Chikkalingaiah, Dattajuroo Kadam, Ram
Dayal, Anand Prasad Dhusia, Tulsidas
Dasappa, Ram Hedaoo, N E Horo,
Surendra Pal Singh, Pratap Singh Negi,
G C Dixit and Hukam Chand Kachwai

NOES: Sarvashri Mohammad Ismail,
Bijoy Modak and Jagadish Bhatta-
charyya.

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

The motion was adopted

**Clause 2- (Amendment of First
Schedule)**

MR SPEAKER We will now take
clause by clause consideration For
clause 2 there is one amendment by the
Government

SHRI YESHWANTRAO CHAVAN
I beg to move

Page 1, lines 13-14,

for "Thirty-eighth Amendment"
substitute "Thirty-sixth Amendment
(3)

MR SPEAKER The question is

Page 1, lines 13-14,

for "Thirty-eighth Amendment"
substitute "Thirty-sixth Amendment
(3)

The motion was adopted

16 hrs.

MR SPEAKER The question is

'That clause 2, as amended, stand
part of the Bill'

The Lok Sabha divided

Division No. 13

16.03 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agarwal, Shri Virendra
Agrawal, Shri Shrikrishna
Ahrwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri

Ankineedu, Shri Maganti
 Ansari, Shri Ziaur Rahman
 Arvind Netam, Shri
 Azad, Shri Bhagwat Jha
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Balakrishniah, Shri T.
 Banamali Babu, Shri
 Banerjee, Shri S. M.
 Banerji, Shrimati Mukul
 Barman, Shri R. N.
 Barua, Shri Bedabrata
 Barupal, Shri Panna Lal
 Basappa, Shri K.
 Basumatari, Shri D.
 Besra, Shri S. C.
 Bhagat, Shri B. R.
 Bhagat, Shri H. K. L.
 Bhargava, Shri Basheshwar Nath
 Bheeshmadev, Shri M.
 Bist, Shri Narendra Singh
 Brij Raj Singh-Kotah, Shri
 Buta Singh, Shri
 Chakleshwar Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrappan, Shri C. K.
 Chandrashekhharappa Veerabasappa.
 Shri T. V.
 Chandrika Prasad, Shri
 Chaturvedi, Shri Rohan Lai
 Chaudhari, Shri Amarsinh
 Chavan, Shrimati Premalabai
 Chavan, Shri Yeshwantrao
 Chellachami, Shri A. M.
 Chhotey Lal, Shri
 Chhutton Lal, Shri
 Chikkalingaiah, Shri K.
 Choudhary, Shri B. E.
 Choudhury, Shri Moinul Haque
 Chowhan, Shri Bharat Singh
 Daga, Shri M. C.
 Damani, Shri S. R.
 Das, Shri Anadi Charan

Das, Shri Dharnidhar
 Dasappa, Shri Tulsidas
 Daschowdhury, Shri B. K.
 Desai, Shri D. D.
 Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S.
 Dhamankar, Shri
 Dharamgaj Singh, Shri
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Dumada, Shri L. K.
 Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Gaekwad, Shri Fatesinghrao
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Garcha, Shri Devunder Singh
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 Gill, Shri Mohinder Singh
 Giri, Shri S. B.
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Godfrey, Shrimati M.
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gotkhdme, Shri Annasaheb
 Gowda, Shri Pampan
 Gupta, Shri Indrajit
 Hansda, Shri Subodh
 Hanumanthaiya, Shri K.
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Horo, Shri N. E.
 Ismail Hossain Khan, Shri

Jadeja, Shri D. P.
 Jaffer Sharief, Shri C. K.
 Jaguvan Ram, Shri
 Jamilurrahman, Shri Md.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Jitendra Prasad, Shri
 Joseph, Shri M M
 Joshi, Shri Jagannathrao
 Kachwai, Shri Hukam Chand
 Kadam, Shri Dattajirao
 Kadam, Shri J G
 Kader, Shri S A
 Kahandole, Shri Z M
 Kailas, Dr
 Kakodkar, Shri Purushottam
 Kale, Shri
 Kamakshaiiah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri T D
 Kamla Kumari, Kumari
 Kapur, Shri Sat Pal
 Karan Singh, Dr
 Kasture, Shri A S
 Kavde, Shri B R
 Khadilkar, Shri R K
 Kinder Lal, Shri
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A K
 Krishnan, Shri G Y
 Krishnan, Shrimati Parvathi
 Krishnappa, Shri M V
 Kulkarni, Shri Raja
 Kureel, Shri B N.
 Kushok Bakula, Shri
 Lakkappa, Shri K.
 LakshmiKanthamma, Shrimati T.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri

'Madhukar', Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Majhi, Shri Gajadhar
 Malaviya, Shri K D.
 Malhotra, Shri Inder J.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Naran
 Mandal, Shri Yamuna Prasad
 Manhar, Shri Bhagatram
 Manjhi, Shri Bhola
 Maurya, Shri B P
 Mavalankar, Shri P G
 Mayavan, Shri V
 Mehta, Dr Jivraj
 Melkote, Dr G S
 Mishra, Shri Bibhuti
 Mishra, Shri G S.
 Misra, Shri S N
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F H
 Muhammed Khuda Buksh, Shri
 Murthy, Shri B S
 Naik, Shri B V
 Nair, Shri Sreekantan
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Tuna
 Pabadia, Shri Jagannath
 Patuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Panda, Shri D K
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar

Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parikh, Shri Rasiklal
 Parthasarathy, Shri P.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patel, Shri R. R.
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Purty, Shri M. S.
 Radhakrishnan, Shri S.
 Raghuramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri P. V. G.
 Ram Dayal, Shri
 Ram Dhan, Shri
 Ram Hedao, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Singh, Shri
 Rao, Shri Jagannath
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Raut, Shri Bhola

Ray, Shrimati Maya
 Reddi, Shri P. Antony
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das
 Rohatagi, Shrimati Sushila
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satyanarayana, Shri B.
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sethi, Shri Arjun
 Sezhayan, Shri Era
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Dr. Shanker Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Ramavatar
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Shetty, Shri K. K.

Shinde, Shri Annasabeb P.
 Shivappa, Shri N.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Prof.
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Sardar Swaran Singh
 Somasundaram, Shri S. D.
 Sudarsanam, Shri M.
 Sunder Lal, Shri
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Swell, Shri G. G.
 Tarodekar, Shri V. B.
 Tayyab Hussain, Shri
 Tewari, Shri Shankar
 Tiwari, Shri D. N.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Uikey, Shri M. G.
 Unnikrishnan, Shri K. P.
 Venkatasubbaiah, Shri P
 Verma, Shri Balgovind
 Vidyalankar, Shri Amarnath
 Vikal, Shri Ram Chandra
 Virbhadra Singh, Shri
 Viswanathan, Shri G
 Yadav, Shri Chandrajit
 Yadav, Shri Karan Singh
 Yadav, Shri N. P.
 Yadav, Shri R. P.
 Zulfiqar Ali Khan, Shri

NOES

Bhattacharyya, Shri Dinen
 Bhattacharyya, Shri Jagadish
 Halder, Shri Krishna Chandra
 Hazra, Shri Manoranjan
 Modak, Shri Bijoy

Mohammad Ismail, Shri
 Mukherjee, Shri Samar
 Mukherjee, Shri Saroj
 Saha, Shri Gadadhar
 Sen, Shri Robin

MR. SPEAKER: The result* of the division is:

Ayes—303;

Noes—10.

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

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3.— (Insertion of new Article 371F)

SHRI MADHU LIMAYE: I beg to move:

Page 2,

Omit lines 43 to 49 (1)

SHRI YESHWANTRAO CHAVAN: I beg to move.

Page 2, line 7,—

for "Thirty-eighth Amendment" substitute "Thirty-sixth Amendment" (4)

Page 4, lines 4-5,—

for "Thirty-eighth Amendment" substitute "Thirty-sixth Amendment" (5)

Page 4, lines 7-8,—

for "Thirty-eighth Amendment" substitute "Thirty-sixth Amendment" (6)

*Shri Shankarrao Savant also recorded his vote for AYES.

SHRI SAMAR GUHA (Contai) :
beg to move :

Page 2,—

for lines 33 and 34, *substitute*—

“by the people of the State of Sikkim
in accordance with the provision of
the Constitution;” (7)

Page 2,—

after line 42, insert—

“(ff) a Commissioner of Minorities
shall be appointed by the President
for safeguarding the social, eco-
nomic and cultural rights of the
minorities of the State of Sikkim
and the Commissioner shall enjoy
statutory right to recommend to the
Parliament for implementation of
his recommendations :

Provided that the President may im-
plement such recommendations im-
mediately subject to approval by
the Parliament;” (8)

Page 3,—

after line 6, insert—

“(hh) the President shall fix up the
quantums of personal properties and
determine the nature of the ameni-
ties and privileges to be enjoyed by
the Chogyal of Sikkim for a period
of five years and thereafter, such
matters shall vest with the autho-
rity of the State Assembly of
Sikkim;” (10)

Page 3,—

after line 31, *insert*—

“Provided that such orders shall be
approved by the Parliament within
six months after gazetting of such
notifications;” (11)

Page 3,—

Omit lines 40 to 43. (12)

Page 3. line 48,—

add at the end—

“and such order or orders shall be
placed before the Parliament for
its approval within six months after
such public notification;” (13)

SHRI P. VENKATASUBBAIAH :
beg to move :

Page 2,—

for lines 22 to 25, *substitute*—

“(c) in the case of the Assembly
deemed to be the Legislative As-
sembly of the State of Sikkim under
clause (b), the references to the pe-
riod of five years in clause (1) of
article 172 shall be construed as
references to a period of four
years and the said period of four
years shall be deemed to commence
from the appointed day;” (14)

SHRI B. V. NAIK (Kanara) : I beg
to move :

Page 3, line 46,—

for “do anything” *substitute*—

“direct all or any such measures” (16)

श्री मधु लिमये (बांका) : अध्यक्ष महोदय,
मैं जो मसौदा रखना चाहता हूँ उस का यह
अर्थ है कि जो यह 371 (एफ) दफा जोड़ने
का प्रयास किया जा रहा है, उसका (जी)
हिस्सा हटा दिया जाए। यह हिस्सा गवर्नर
के विशेष दायित्वों के बारे में और अधिकारों
के बारे में है। यह हिस्सा गवर्नर के विशेष
अधिकारों के बारे में है, इसलिए मैं चाहता
हूँ कि इस को विधेयक से हटा दिया जाए।

अध्यक्ष महोदय, जब 1950 में मिक्कीम
के साथ भारत का करार हुआ, उस समय
विदेश मंत्रालय ने एक प्रतिवेदन प्रकाशित किया
था और उस में उन्होंने कहा था :

“The Government of India's policy
is one of progressive association of
the people of the State with its Gov-
ernment, the policy with which hap-
pily His Highness the Maharaja is in
full agreement.”

[श्री मधु लिमये]

यह 25 साल पहले कहा था और उस के बाद 25 वर्षों में लोकतंत्र का विकास करने के बजाए, 1973 तक लोकतंत्र का सिक्कीम में लोप हुआ था और स्वयं विदेशी मंत्री जी ने विगत साल, जब सिक्कीम बिल पर बहस हुई थी, तो स्वीकारा था,

"During this period, it was becoming obvious that the internal administration of Sikkim and its political structure had led to the progressive isolation of the people from participation in administrative and political institution "

तो 1950 में आप ने जो घोषणा की थी, 23 सालों में उस के विपरित सिक्किम में काम हुआ और आप ने न केवल चौग्याल की सस्था का समर्थन किया, बल्कि सिक्कीम के अन्दर जो सामतवाद है, उस को भी बनाए रखने की कोशिश की। आप केवल यही चाहते थे कि सिक्किम चाहे लोकतंत्र बने या न बने, हिन्दुस्तान का वह जो अफिसर है, वह अपनी बात को जब तक मनवा सकता है, तब तक आप की परवाह नहीं थी कि सिक्किम की जनता को लोकतंत्र के अधिकार मिलते हैं या नहीं। अभी यहाँ पर लम्बी बहस हुई थी कि यह विधेयक पास होने के बाद हिन्दुस्तान के अधिकारी का, अफसर का जो प्रभाव सिक्किम में है, क्या उसे समाप्त किया जाएगा? मुझे ऐसा लगता है कि चीफ एक्जीक्यूटिव अफिसर जो है, वह तो चला जाएगा लेकिन उस की जगह वर्तमान विधेयक के अन्दर गवर्नर लेने वाला है। आज चव्हाण साहब ने कहा कि हमारे सविधान में बहुत सी ऐसी धाराएँ हैं जहाँ पर गवर्नर को विशेष अधिकार प्राप्त हैं और आप ने नागालैण्ड का विशेष तौर पर उल्लेख किया, लेकिन नागालैण्ड के बारे में स्थिति बिल्कुल भिन्न है। 371 ए जो नागालैण्ड के बारे में है, उस की क्लॉज (बी) की ओर मैं आप का ध्यान दिखाना चाहता हूँ

"The Governor of Nagaland shall have special responsibility with respect to law and order in the State of Nagaland for so long as, in his opinion, internal disturbances occurring in the Naga Hills-Tuensang area immediately before the formation of that State continue therein "

यानी चूँकि नागालैण्ड में एक विद्रोह चल रहा था इसलिए इस तरह का प्रावधान किया गया अभी आप ने यह घोषणा नहीं की है कि सिक्किम में कोई आन्तरिक विद्रोह दो रहा है। चुनी हुई एसेम्बली है और चुनी हुई एसेम्बली की चुनी हुई सरकार वहाँ राज्य कर रही है। तो ऐसी हालत में नागालैण्ड का जो आपने हवाला दिया है, मेरी समझ में वह बिल्कुल बेमनलब है। मुझे ऐसा लगता है, जैसा कि मैंने पहले भी कहा है कि 1935 के गवर्नमेंट आफ इण्डिया एक्ट में जो कि अग्रजों का कानून था गवर्नरों को जिन तरह के विशेषाधिकार दिये गये थे, उसी तरह का प्रावधान आप इस विधेयक में रख रहे हैं और जब मैंने 1935 के कानून की चर्चा की थी तो चव्हाण साहब को अच्छा नहीं लगा था। उन्होंने कहा यहाँ तो लोक सभा है, सरकार लोक सभा के प्रति जिम्मेदार है और यह चुनी हुई लोक सभा है। अगर यही तर्क माना जाए तो सभी राज्यों के अधिकारों को समाप्त किया जा सकता है और यह तर्क दिया जा सकता है कि यह लोक सभा चुनी हुई लोक सभा है, सरकार का उत्तरदायित्व इस चुनी हुई लोक सभा के प्रति है, इसलिए अगर राज्यों के अधिकारों पर अतिक्रमण किया जाएगा तो वह ठीक बात होगी।

मुझे ऐसा लगता है कि उपनिवेशवाद की जो पृष्ठभूमि रही है उसी का यह अवलोकण है। ऐसा लगता है कि प्रधान मंत्री और विदेश मंत्री अच्छे ढंग से अग्रज के चेलों के नाते यह सारा काम कर रहे हैं। जिस तरह से अग्रज के जमाने में यह विशेष उत्तरदायित्व की बात चलती थी आज भी ये इसको इसी तरह से चलाता

चाहता है। मैं विदेश मंत्री से जानना चाहता हूँ कि इस तरह के विशेष प्रावधान की जरूरत क्या है। आप संविधान के पूरे ढांचे को देखें उसमें 256 और 257 धाराएँ हैं। इन धाराओं के तहत केन्द्र सरकार को यह अधिकार प्राप्त होता है कि राज्यों से सभी कानूनों का और संविधान का पालन करवाए। आप निर्देश दे सकते हैं। कोई विशेष प्रावधान की जरूरत नहीं है। आगे चल कर 353 है एमरजेंसी वाली। उस में सब तरह के अधिकार आपको हासिल हैं। फिर 354 है एमरजेंसी वाली। इस में राज्यों के तत्काल सभी अधिकार आप समाप्त कर सकते हैं। फिर 256 है। अगर सिक्किम में या अन्य किसी राज्य में काम्टीट्यूशनल मशीनरी फेल हो जाती है तो आप राष्ट्रपति शासन भी जारी कर सकते हैं। इतना ही नहीं 365 धारा तो एकदम पीनल धारा है और विशेषाधिकारों की जरूरत ही नहीं है। यह इस प्रकार है :

"Where any State has failed to comply with, or to give effect to, any directions given in the exercise of the executive power of the Union under any of the provisions of this Constitution, it shall be lawful for the President to hold that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of the Constitution."

256, 257, 353, 354, 356 और 365 इन सब धाराओं के होने के बाद भी आपको क्यों आवश्यकता महसूस होती है कि गवर्नर को विशेषाधिकार दिए जाएं, इस की मैं विदेश मंत्री से सफाई चाहता हूँ।

विगत 23 वर्षों में जो भी गलतियाँ हुई हैं जिन के चलते सामानतवाद चलता रहा, कोर्टों की संख्या बनी रही, अगर आप एक नया चैप्टर अब खोलना चाहते हैं तो कम से कम सिक्किम के जो चुने हुए प्रतिनिधि हैं, वहाँ की जो विधान सभा है, उन पर विश्वास करना सीखा, उनके साथ विषम व्यवहार मत करो,

असमान व्यवहार मत करो, जो अधिकार उत्तर प्रदेश की विधान सभा को है, बिहार की विधान सभा को है, वही अधिकार आप उनको भी दें और उसी तरह का व्यवहार आप सिक्किम की विधान सभा और सरकार के साथ मत करें।

SHRI INDRAJIT GUPTA : I think, it is the same amendment as I have given. My amendment is :

"Page 2,—

omitted lines 43 to 49".

I just want to add one word to what Mr. Madhu Limaye has said I have already indicated my views in my speech earlier.

I think that, as the Minister is very fond of emphasising, and rightly so, we have to see it in the political perspective. This is a political decision of historic importance which we are taking and from that point of view I feel that at this moment when we are welcoming the Sikkimese people into the Indian family, it is very incongruous and in bad taste to insert this clause here which says this and inserts a sort of proviso which is a limitation upon the democracy which we are wanting them to enjoy, although we say we are treating them on a basis of equality with other States. Here again, as I said, Sir, there is a hang-over from the old mentality and thinking that they must be given democracy only in restricted and small homeopathic doses, they should not be allowed full democracy. I think that psychologically this will have a very bad effect on the people in that remote corner of the country because there are many barriers over the years which have been created which we have to break. We should not give the impression that here, unlike other States, there is going to be a Governor who will be given some special powers which he can use according to his own judgment. Therefore, I am against this because I consider it to be against the spirit of democracy. There is no need for it also.

SHRI SAMAR GUHA (Contai) : While welcoming the spirit of this Bill, I wish to say that it has spared the whole of the Indian nation and also our Constitution, of incorporation of a political idea which can be termed as a political chimacra, the concept of Associate State of India, now that Sikkim is going to be a full-fledged State of India with the consent of the people there. At that time when this halting measure, his confused measure, this half-hearted measure was taken up, when this Bill was introduced in this House, you will remember, we also requested for the referendum of the people and at that time the Government almost scornfully rejected our demand. Instead of imposing any kind of status on them, they proceeded on the basis of the Resolution of the Assembly only, but the Assembly was not elected on the basis of any kind of referendum for integration. When we pointed this out, the Government totally rejected our views but now at least it is a welcome thing that after a few months they have come to realise that we made sensible suggestions to the Government that instead of accepting the Resolution of the Assembly the Referendum of the people should have been taken earlier. Now at least wisdom has dawned upon them and therefore we welcome it.

There are one or two more words which I should say because I did not take part in the consideration stage. About the international criticism, we need not bother about it; we know in whatever India does, there is a set of people in the international community who never spare India. But I would urge upon the Minister of External Affairs to prepare a well-documented paper, call it 'India Paper'—let us not call it 'White Paper', some kind of paper for the international community, at least the talking-point for our embassies, in different parts of the world. That is absolutely necessary. Historically, geographically, economically, socially and culturally, Sikkim was a part of India and during the British days also it was a part of India. Only, I should say, due to over-liberalism on the part of some of our founding-fathers of the Constitution, Sikkim was

left out from the community of India and the fraternity of India and the Indian nation.

Coming to the amendment, my amendment is for Clause (c) which says :

The representative of the State of Sikkim in the House of the People in existence on the appointed day shall be elected by the members of the Legislative Assembly of the State of Sikkim.

Here I object to it.

Why the representatives of the House of the People should be elected by the limited constituents. This can be done only by two lakhs of people. They have 97,000 voters. If a referendum could be held within three or four days as to whether there should be integration with India or not, there is no reason why within a week the people of Sikkim cannot choose their representative to Parliament? There cannot be any delegated representation. It will mean that a person who represents Sikkim will be some kind of a delegated representative. He will be elected by the Assembly of Sikkim just as our Rajya Sabha Members are elected by the Assembly Members of different States. Therefore, I object to it there cannot be any reason whatsoever why they want to give a full-fledged representation to the state of Sikkim. They have accepted the referendum of the people in regard to integration of Sikkim with India. The people should also be given their right to choose their representative directly for the House of the People. I object to this because instead of the Assembly electing the representatives to the House of the People they have given a delegated representative. Within a week in such small constituencies, elections can be held just as a referendum was held. Therefore, there should be a direct election by the people. Secondly, the President has been given some powers in regard to the question of determining the social and other problems of the different sections of the people there. There are people known as Lapchas and Bhutias. They are apprehensive of the

majority of the people there. It is the duty of the Indian Parliament to give protection to them. You know there are two Commissioners, one is the Scheduled Castes Commissioner and the other is the Linguistic Minority Commissioner. My amendment is :

"a Commissioner of Minorities shall be appointed by the President for safeguarding the social, economic and cultural rights of the minorities of the State of Sikkim and the Commissioner shall enjoy statutory right to recommend to the Parliament for implementation of his recommendations :

Provided that the President may implement such recommendations immediately subject to approval by the Parliament".

Sir, it is wellknown that there are two minorities there—Lapchas and Bhutias—who are very much apprehensive of the majority rule there. And some of the troubles were created by some of the reactionary elements. This is the apprehension in the minds of the minorities there. Even the Chogyal tried to do the mischief with the help of these people. They entertained a very legitimate apprehension about the majority. Therefore, I say that certain safeguards should be provided in this Bill whereby these minorities—Lapchas and Bhutias—are assured that, in future, in the State of Sikkim, the rights, their privileges and, particularly, their cultural, social and their economic rights are safeguarded, as has been provided for in our Constitution in the case of the scheduled castes as also other linguistic minorities. Mr. Speaker, Sir, the hon. Finance Minister is not hearing me. I do not know whether he has heard me.

MR. SPEAKER : You address me and not him.

SHRI SAMAR GUHA : Anyway, I shall again repeat. I hope certain safeguards will be provided for to the minorities—Lapchas and Bhutias—by which they are assured of their rights in regard to the social, cultural and

economic rights. They should be protected of their rights as is the case in the case of scheduled castes and other linguistic minorities in respect of their rights by providing the same in the Bill itself.

My next point is this. That is a sensitive issue. Of course, I may be dubbed as a reactionary for supporting the princely privileges. But, Sir, I want that the Chogyal should be given certain facilities at least for five years. I do not know what will be his status. There is no human consideration or any other consideration here. It is only for a political consideration. I want to draw the attention of the Minister of External Affairs that at least for five years, he should not be left completely at the hands of the Assembly. For some time, certain privileges—certain amenities—should be given to him so that—I should not use that word ; I do not want to support it—he should not use this for any political purpose. As soon as this Bill is passed, Sikkim will become a State like other States in India but what will be the position of the Chogyal who was enjoying certain privileges and benefits. We do not want to throw him in the hands of some forces which are not very helpful to India for a few years to come. I have my amendment. I am not happy about my amendment but we want to know what will be his position.

Then I come to my amendment No. 11. I have said after line 31 insert :

"Provided that such orders shall be approved by the Parliament within six months after gazetting of such notifications."

Certain rights are given completely to the President of India but the President is not in reality an independent entity. All rights of the President are worked through the Executive, that is, the Home Ministry. I want that there should be a say of the Parliament. Parliament should be linked with the Presidential Order. Whatever notifications are issued those should be placed before Parliament for its ratification.

[Shri Samar Guha]

Now I come to sub-section (n) clause 3. It is absolutely redundant. I read it out:

"the President may, by public notification, extend with such restrictions or modifications as he thinks fit to the State of Sikkim any enactment which is in force in a State in India at the date of the notification;"

Sir, just a few minutes back the hon. Minister in a raised voice said that Sikkim will be a State equal in status, privileges and rights as any other State of India. If it is so as soon as this bill is passed and enacted and Sikkim becomes a State like any other State in India why should there be scope for President. Does it mean the rights which you are giving by right hand are being taken by the left hand? Why President should be given more rights than that are applicable to other States. If Sikkim is made full-fledged State of India as any other State of India then this sub-section (n) of Clause 3 completely denies whatever you are giving. That means you are giving special status and not full-fledged status. This clause is absolutely redundant and meaningless unless one took Sikkim to be a State not enjoying privileges and rights as in other States.

Sir, my last point is that the orders made by the President, under the powers given to him, should be laid on the Table of the House so that Parliament may be linked with all the notifications that are issued by the President. I do not want to say anything more on Clause 3. My friend, Mr. Madhu Limaye has elaborately mentioned about it. I also subscribe to his views. At the meeting with the leaders of the Opposition, Mr. Chavan categorically said that there should not be any special status for Sikkim and no special power will be given either to the Governor or to anybody, than what is being enjoyed by the Governors of other States. But, it appears, from clause (g) that certain special status has been assigned to Sikkim. You are not giving it a full-fledged status and you are not giving them the privileges

which are being enjoyed by the other States of India. Though you have been talking about it, in the Bill, you have curtailed their privileges. You have given some sort of a special status, but, you have not given a full-fledged status, as is given to the other States. Therefore, I move my amendment.

SHRI P. VENKATASUBBAIAH (Nandyal): Sir, my amendment is simple and it is in conformity with Article 172 of the Constitution. Sir, I would like to bring this to the notice of the hon. Minister, through you. Sir, Clause 3(b) (i) says:

"The Assembly for Sikkim formed as a result of the elections held in Sikkim in April, 1974 with thirty-two members elected in the said elections (hereinafter referred to as the sitting members) shall be deemed to be the Legislative Assembly of the State of Sikkim duly constituted under this Constitution;"

So, Sir the Sikkim Assembly, as it is constituted today, becomes, under the Constitution, an Assembly duly constituted under the provisions of Article 172 of the Constitution. Again, Clause 3 (c) says:

"the period of five years referred to in clause (1) of article 172 shall, in the case of the Legislative Assembly of the State of Sikkim referred to in clause (b), be deemed to have commenced on the appointed day."

So, Sir, this runs counter to the actual provisions of Article 172 of the Constitution. Article 172 says:

"Every Legislative Assembly of every State, unless earlier dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the Assembly."

Therefore, my amendment is very simple. It will be in conformity with Article 172 of the Constitution. I would request the hon. Minister to accept this amendment.

SHRI B. V. NAIK (Kanara) : Sir, I had tabled two amendments. In regard to the second one, amendment No. 17, I thought it is more appropriate to withdraw because in the course of the debate, we did contemplate a substantial amount of difficulty in the intervening period. Before I come to my other amendment, I would like to add only one word in regard to what has been said by my friend Mr. Indrajit Gupta. Taking the spirit what Mr. Gupta said was that we should defer consideration. But, I am wondering very much about the plight of Mr. Kazi and he has gone on record many times saying that this is an urgent matter. Under these circumstances, irrespective of a certain amount of legal nuance existing or not existing, I think, we should give a good push to this Constitution Amendment Bill. The only anxiety I have is in regard to the wording. I am afraid, whether in the general and popular context, the idiom that we have used is proper.

Sub-clause (o) reads :

"If any difficulty arises in giving effect to any of the foregoing provisions of this article, the President may, by order, do anything..."

There was a similar provision in our Constitution in art. 392. It provided for certain contingencies as a transition, but there the word used was much happier. Particularly since this Constitutional amendment will be looked through the microscope of international opinion, I think we may make a change which would look more acceptable for all, if we say "The President may, by order, direct all or any such measures.....". I think from the point of view of the External Affairs Ministry this phraseology is more diplomatic. I urge upon the hon. Minister to accept it.

SHRI YESHWANTRAO CHAVAN : I will deal with the amendments as moved by hon. Members. The amendments moved by Shri Limaye and Shri Indrajit Gupta are the same. I think they have made the same arguments and probably I will have to give the same reply again. They think we are

trying to reduce the status of the State of Sikkim—which we do not accept. I made a reference to the case of Nagaland or Andhra or Maharashtra to say that in this big country of ours, conditions differ from State to State because of certain peculiar situation existing in these States. Therefore, certain different responsibilities were given to the President. Either individual judgment was allowed to the Governor or discretion was left with him. In this particular case, it has been accepted by Shri Samar Guha in his other amendment that we should do something for the minorities. He also enables us to do something for the minorities.

SHRI SAMAR GUHA : Why not straightway do it ?

SHRI YESHWANTRAO CHAVAN : There are some specific conditions historically existing in Sikkim. It is a border State. There are some problems of national security...

SHRI MADHU LIMAYE : He is constitutional head—no problems.

SHRI YESHWANTRAO CHAVAN : This fact will have to be taken into consideration. For that, the President will have to give certain directions. It is only in this strictest, limited sense, that the Governor is left with discretion. I think we are not reducing the status of the State. It will be the same State as any other State. Therefore, I cannot accept the amendments moved by Shri Limaye and Shri Indrajit Gupta.

In the case of Prof. Samar Guha, I can explain to him that the provision which is made today is only for the present Lok Sabha. As long as this Lok Sabha lasts, the member for Sikkim will be elected by the members of the Legislative Assembly there. When the next election takes place, it will be by the people of Sikkim as a direct election. This is only for the present purpose.

About his amendment about a Commissioner of Minorities etc. I think I have answered this question. If any situation arises, certainly a law of Parliament can be made.

SHRI SAMAR GUHA : Why don't you accept it now ?

SHRI JAGANNATH RAO : If the Constitution is accepted, automatically it is there.

SHRI YESHWANTRAO CHAVAN : It is there already.

Then he has made a very unusual suggestion about keeping the Chogyal and his institution for five years. (*Interruptions*).

SHRI SAMAR GUHA : Do not force me to spell it out. It is something political; it is a politically motivated amendment. If you accept that aspect of it, I am satisfied. (*Interruptions*).

SHRI YESHWANTRAO CHAVAN : I can only say that there is no scope for accepting his amendment; it is completely contradictory to the spirit and letter of this Bill. I can only say one thing to him; in the course of the last few days in answer to some of the letters which the Chogyal had written to the Prime Minister, the Prime Minister had assured him that he should co-operate with the democratic forces; he should fall in line with the democratic forces. Certainly the welfare of the Chogyal and his family will be taken care of as a citizen of India.

SHRI MADHU LIMAYE : Will that letter be laid on the Table of the House so that we may know the contents ?

SHRI YESHWANTRAO CHAVAN : His other amendment that every adaptation order as a result of this amendment should be approved by Parliament; it has to be passed, clause by clause. There are many progressive laws and they will have to be applied by adaptation immediately. It is no use delaying the whole process. I do not think I can accept that amendment. With regard to amendment No. 12, that provision is for enabling and ensuring smooth transitional arrangements. I do not know why he should take objection to that particular matter. I cannot accept the other amendment. As far

as Mr. Venkatasubbiah's amendment and my own amendments are concerned, I accept them. May I request Mr. Naik to withdraw his amendment ?

MR. SPEAKER : I shall now put Mr. Madhu Limaye's amendment No. 1 to clause 3 to vote.

Amendment No. 1 was put and negatived.

MR. SPEAKER : I shall put amendments Nos. 4, 5 and 6 of Shri Chavan to the vote of the House.

The question is :

Page 2, line 7, for "Thirty-eight Amendment" substitute "Thirty-sixth Amendment". (4)

Page 4, lines 4-5, for "Thirty-eighth Amendment" substitute "Thirty-sixth Amendment" (5)

Page 4, lines 7-8, for "Thirty-eighth Amendment" substitute "Thirty-sixth Amendment" (6)

The motion was adopted.

MR. SPEAKER : I shall not put amendments, 7, 8, 10, 11, 12 and 13 of Shri Samar Guha to the vote of the House

SHRI SAMAR GUHA : In view of the statement made by the hon. Minister, I do not press my amendment No. 10. My purpose had been fulfilled.

SHRI S. M. BANERJEE (Kanpur) : He has to seek the permission of the House to withdraw the amendment.

MR. SPEAKER : Let all of them be put together.

Amendments nos. 7, 8, 10, 11, 12 and 13 were put and negatived.

MR. SPEAKER : I shall now put amendment No. 14 by Shri P. Venkatasubbiah, which was already accepted by the hon. Minister, to the vote of the House. The question is :

Page 2, for lines 22 to 25, substitute "(c) in the case of the Assembly deemed to be the Legislative Assembly

of the State of Sikkim under clause (b), the references to the period of five years in clause (1) of article 172 shall be construed as references to a period of four years and the said period of four years shall be deemed to commence from the appointed day." (14)

The motion was adopted.

MR. SPEAKER : Amendment No. 15 by Shri Indrajit Gupta is not moved, being the same as No. 1 of Shri Limaye.

SHRI B. V. NAIK : I am requested by the hon. Minister to withdraw my amendment No. 16. I withdraw it.

MR. SPEAKER : Has the hon. Member leave of the House to withdraw his amendment ?

SOME HON. MEMBERS : Yes.

Amendment No. 16, was by leave withdrawn.

MR. SPEAKER : I shall now put the clause as amended to the vote of the House. Let the Lobbies be cleared.

The question is :

"That clause 3, as amended, stand part of the Bill".

The Lok Sabha divided :

Division No. 14]

[16.49 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand, Singh Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Arvind Netam, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar

Balakrishniah, Shri T.
Banamali Babu, Shri
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagaf, Shri B. R.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatit, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bheeshmadev, Shri M.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Buta Singh, Shri
Chandrakar, Shri Chandulal
Chandrashekharappa Veerabasappa, Shri
T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhuttan Lal, Shri
Chukkalingaiah, Shri K.
Choudhary, Shri B. E.
Choudhury, Shri Moinul Haque
Dalbir Singh, Shri
Dalip Singh, Shri
Damani, Shri S. R.
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dharamgaj Singh, Shri
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri

Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Dumtda, Shri L. K.
 Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Gaekwad, Shri Fatehsingbrao
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Gangadeb, Shri P.
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Gill, Shri Mohinder Singh
 Giri, Shri S. B.
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gotkhunde, Shri Annasaheb
 Gowda, Shri Pampan
 Hansda, Shri Subodh
 Hanumanthaiya, Shri K.
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Ismail Hossain Khan, Shri
 Jadeja, Shri D. P.
 Jaffer Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jamilurrahman, Shri Md.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Jitendra Prasad, Shri
 Joshi, Shrimati Subhadra
 Kadam, Shri Dattajirao
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.

Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kale, Shri
 Kamakshaiiah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 Kamala Kumari, Kumari
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Kavde, Shri B. R.
 Khadiikar, Shri R. K.
 Kinder Lal, Shri
 Kotoki, Shri Liladhar
 Kotrasbetti, Shri A. K.
 Krishnan, Shri G. Y.
 Krishnappa, Shri M. V.
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lakshmikanthamma, Shrimati T.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Manhar, Shri Bhagatram
 Maurya, Shri B. P.
 Mehta, Dr. Jivraj
 Melkote, Dr.. G. S.
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Misra, Shri S. N.
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri

Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammad Khuda Bukhsh, Shri
 Murthy, Shri B. S.
 Naik, Shri B. V.
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parthasarathy, Shri P.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patel, Shri R. R.
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Purty, Shri M. S.
 Qureshi, Shri Mohd. Shafi
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri P. V. G.
 Ram Dayal, Shri
 Ram Dhan, Shri
 Ram Hedaoo, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri

Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshankar Prasad Singh Shri
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasa
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Raut, Shri Bhola
 Ray, Shrimati Maya
 Reddi, Shri P. Antony
 Reddy, Shri K. Kodanda Ran
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das
 Rohtagi, Shrimati Sushila
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satyanarayana, Shri B.
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sethi, Shri Arjun
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.

Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Prof.
 Singh Shri Vishwanath Pratap
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Sardar Swaran Singh
 Sudarsanam, Shri M.
 Sunder Lal, Shri
 Surendra Pal Singh Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Tarodekar, Shri V. B.
 Tayyab Hussain, Shri
 Tewari, Shri Shankar
 Tiwary, Shri D. N.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Uikay, Shri M. G..
 Unnikrishnan, Shri K. P.
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Vikal, Shri Ram Chandra
 Virbhadra Singh, Shri
 Yadav, Shri Karan Singh
 Yadav, Shri N. P.
 Yadav, Shri R. P.
 Zulfiquar Ali Khan, Shri

Div. No. 14]

NOES

Bhattacharyya, Shri Dinen
 Halder, Shri Krishna Chandra
 Hazara, Shri Manoranjan
 Modak, Shri Bijoy
 Mohammad Ismail, Shri
 Mukherjee, Shri Samar
 Mukherjee, Shri Saroj
 Sen, Shri Robin

MR. SPEAKER : The result* of the division is : Ayes 284; Noes 8

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

The motion was adopted

Clause 3, as amended, was added to the Bill.

Clauses 4 and 5— (*Amendment of Fourth Schedule; and Consequential amendments*).

MR. SPEAKER. We will take up clauses 4 and 5 together. The lobbies have already been cleared

The question is :

“That clauses 4 and 5 stand part of the Bill.”

*The following Members also recorded their votes.

AYES : Sarvashri Brij Raj Singh—Kotah, Yamuna Prasad Mandal and Shastri Bhushan;

NOES : Sarvashri Jagadish Bhattacharyya and Gadadhar Saha.

The Lok Sabha divided :

Division No. 15]

[16.51 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agarwal, Shri Shrikrishna
Ahrwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Arvind Netam, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri B. R.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bheeshmadev, Shri M.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh-Kotah, Shri
Buta Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekarappa Veerasappa, Shri
T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chavan, Shrimati Premalabal

Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhuttan Lal, Shri
Chikkalingaiah, Shri K.
Chaudhary, Shri B. E.
Choudhury, Shri Moinul Haque
Dalbir Singh, Shri
Dalip Singh, Shri
Damani, Shri S. R.
Das, Shri Anadi Charan
Das, Shri Dbarnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dharamgaj Singh, Shri
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesingh Rao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Gangadeb, Shri P.
Garcha, Shri Devinder Singh
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Gogoi, Shri Tarun
Gohain, Shri C. C.
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan

Hansda, Shri Subodh
 Hanumanthaiya, Shri K.
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Ismail Hossain Khan, Shri
 Jadeja, Shri D. P.
 Jaffer Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jamilurrahman, Shri Md.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Jitendra Prasad, Shri
 Joshi, Shri Jagannathan
 Joshi, Shrimati Subhadra
 Kadam, Shri Dattajirao
 Kadam, Shri J G
 Kadannappali, Shri Ramachandran
 Kader, Shri S A
 Kahandole, Shri Z M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kale, Shri
 Kamakshaiah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 Kamala Kumari, Kumari
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kasture, Shri A S
 Kavde, Shri B. R.
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishnan, Shri G. Y.
 Krishnappa, Shri M. V
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lakshmikanthamma, Shrimati T.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri

'Madhukar', Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojim
 Majhi, Shri Gajadhar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manhar, Shri Bhagatram
 Manjhi, Shri Bhola
 Maurya, Shri B P
 Mehta, Dr. Jivraj
 Melkote, Dr G S
 Mishra, Shri Bibhuti
 Mishra Shri G S
 Misra, Shri S N
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F H
 Muhammed Khuda Bukhsh, Shri
 Murthy, Shri B S
 Naik, Shri B V.
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parthasarathy, Shri P.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas

Patel, Shri R. R.
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Purty, Shri M. S.
 Qureshi, Shri Mohd. Shafi
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj, Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri P. V. G.
 Ram Dayal, Shri
 Ram Dhan, Shri
 Ram Hedao, Shri
 Ram Prakash Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Singh, Shri
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Raut, Shri Bhola
 Ray, Shrimati Maya
 Reddi, Shri P. Antony
 Reddy, Shri K. Kodanda Rami
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das

Rohatgi, Shrimati Sushila
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satyanarayana, Shri B.
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sethi, Shri Arjun
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Dr. Shanker Dayal
 Shashi Bhushan, Shri
 Shastri Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Ramavatar
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Prof.
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Dharam Bir

Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Sardar Swaran Singh
 Sudarsanam, Shri M.
 Sunder Lal, Shri
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sdrameshwar
 Swaran Singh, Shri
 Tarodekar, Shri V. B.
 Tayyab Hussain, Shri
 Tewari, Shri Shankar
 Tiwary, Shri D N.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Ukey, Shri M G.
 Unnikrishan, Shri K P.
 Venkatasubbarah, Shri P.
 Venkatswamy, Shri G
 Verma, Shri Balgovind
 Vikal, Shri Ram Chandra
 Virbhadra Singh, Shri
 Viswanathan, Shri G.
 Yadav, Shri Karan Singh
 Yadav, Shri N P.
 Yadav, Shri R P
 Zulfiqar Ali Khan, Shri

NOES

Bhattacharyya, Shri Dinen
 Bhattacharyya, Shri Jagadish
 Halder, Shri Krishna Chandra
 Hazra, Shri Manoranjan
 Joarder, Shri Dinesh
 Modak, Shri Bijoy
 Mohammad Ismail, Shri
 Mukherjee, Shri Samar

*Wrongly voted for NOES.

Mukherjee, Shri Saroj
 *Pandey, Shri Krishna Chandra
 Saha, Shri Gadadhar
 Sen, Shri Robin

MR. SPEAKER : The result* of the division is :

Ayes—292

Noes—12

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

The motion was adopted.

Clauses 4 and 5 were added to the Bill.

Clause 1.—(Short title and Commencement)

SHRI YESHWANTRAO CHAVAN :
 I beg to move :

Page 1, lines 3-4,—

for "Thirty-eighth Amendment" substitute "Thirty-sixth Amendment" (2)

MR. SPEAKER : The question is :

Page 1, lines 3-4,—

for "Thirty-eight Amendment" substitute "Thirty-sixth Amendment" (2)

The motion was adopted.

MR. SPEAKER : The question is :

"That clause 1, as amended, stand part of the Bill"

* (a) The result of this division is applicable to each of the clauses (i.e. clauses 4 and 5) separately.

(b) The following Members also recorded their votes for AYES :

Sarvashri H. K. L. Bhagat, K. Ramakrishna Reddy, S. B. Giri and Krishna Chandra Pandey.

*The Lok Sabha divided***Division No 16]****[16.54 hrs.****AYES**

Achal Singh, Shri
 Aga, Shri Syed Ahmed
 Agrawal, Shri Shrikrishna
 Ahirwar, Shri Nathu Ram
 Alagesan, Shri O. V.
 Ambesh, Shri
 Anand Singh, Shri
 Ankineedu, Shri Maganti
 Ansari, Shri Ziaur Rahman
 Arvind Netam, Shri
 Azad, Shri Bhagwat Jha
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Balakrishniah, Shri T.
 Banamali Babu, Shri
 Banerjee, Shri S. M.
 Banerji, Shrimati Mukul
 Barman, Shri R. N.
 Barua, Shri Bedabrata
 Barupal, Shri Panna Lal
 Basappa, Shri K.
 Basumatari, Shri D.
 Besra, Shri S. C.
 Bhagat, Shri B. R.
 Bhagat, Shri H. K. L.
 Bhargava, Shri Basheśhwar Nath
 Bhatia, Shri Raghunandan Lal
 Bhattacharyya, Shri Chapalendu
 Bheeshmadev, Shri M.
 Bist, Shri Narendra Singh
 Brahmanandji, Shri Swami
 Brij Raj Singh-Kotah, Shri
 Buta Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrapan, Shri C. K.
 Chandrika Prasad, Shri
 Chaturvedi, Shri Roban Lal
 Chaudhari, Shri Amarsinh
 Chavan, Shrimati Premalabai
 Chavan, Shri Yeshwantrao
 Chellachami, Shri A. M.

Chhotey Lal, Shri
 Chhuttan Lal, Shri
 Chikkalingaiah, Shri K.
 Choudhary, Shri B. E.
 Choudhury, Shri Moinul Haque
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Damani, Shri S. R.
 Das, Shri Anadt Charan
 Das, Shri Dharnidhar
 Dasappa, Shri Tulsidas
 Daschowdhury, Shri B. K.
 Desai, Shri D. D.
 Deshmukh, Shri K. G.
 Dharamgaj Singh, Shri
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Dumada, Shri L. K.
 Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Gaekwad, Shri Fatesingh Rao
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Gangadeb, Shri P.
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Gill, Shri Mohinder Singh
 Giri, Shri S. B.
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gotkhinde, Shri Annasaheb
 Gowda, Shri Pampan
 Gupta, Shri Indrajit
 Hansda, Shri Subodh

Hanumanthaiya, Shri K.
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Ismail Hossain Khan, Shri
 Jadeja, Shri D. P.
 Jaffer Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jamilurrahman, Shri Md.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Jitendra Prasad, Shri
 Joshi, Shri Jagannathrao
 Joshi, Shrimati Subhadra
 Kadam, Shri Dattajirao
 Kadam, Shri J. G
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kale, Shri
 Kamakshaiyah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri T D
 Kamala Kumari, Kumari
 Kapur, Shri Sat Pal
 Karan Singh, Dr
 Kasture, Shri A S
 Kavde, Shri B R.
 Kinder Lal, Shri
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishnan, Shri G. Y.
 Krishnappa, Shri M. V.
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lakshmikanthamma, Shrimati T.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 'Madhukar', Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.

Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manhar, Shri Bhagatram
 Manjhi, Shri Bhola
 Maurya, Shri B P.
 Mayavan, Shri V.
 Mehta, Dr. Jivraj
 Melkote, Dr. G. S.
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Misra, Shri S N
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H
 Muhammed Khuda Bukhsh, Shri
 Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Naik, Shri B. V.
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parthasarathy, Shri P.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas

Patel, Shri R. R.
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T.A.
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Purty, Shri M. S.
 Qureshi, Shri Mohd. Shafi
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri P. V. G.
 Ram Dhan, Shri
 Ram Hedao, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Singh, Shri
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Raut, Shri Bhola
 Ray, Shrimati Maya
 Reddi, Shri P. Antony
 Reddy, Shri K. Kodanda Rami
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila

Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satyanarayana, Shri B.
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen. Dr. Ranen
 Sethi, Shri Arjun
 Sezhiyan, Shri
 Shah Nawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Naval Kishore
 Sharma, Shri R. N.
 Sharma, Dr. Shanker Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Ramavatar
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shetty, Shri K. K.
 Shinde Shri Annasaheb P.
 Shivappa, Shri N.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Prof.
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Dharam Bir

Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tul Ram, Shri
Uikev Shri M. G.
Unnikrishnan, Shri K. P.
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Vikal, Shri Ram Chandra
Virbhadra Singh, Shri
Viswanathan, Shri G
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R P
Zulfiqar Ali Khan, Shri

NOES

Bhattacharyya, Shri Jagadish
Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
Joarder, Shri Dinesh
Saha, Shri Gadadhar
Sen, Shri Robin

MR. SPEAKER. The result* of the division is :

Ayes—292

Noes—6

The motion is carried by a majority of the total membership of the House and

*The following Members also recorded their votes for AYES :

Sarvaswari Shiwajirao S. Deshmukh.
T. V. Chandrashekarappa Vēra-
basappa, Manikrao Palodkar, M. Sudar-
sanam and S. D. Somasundaram.

by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 1, as amended, was added to the Bill.

MR. SPEAKER : The question is :
"That the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

The Enacting Formula and the Title were added to the Bill.

SHRI YESHWANTRAO CHAVAN :
I beg to move .

"That the Bill, as amended, be passed"

MR. SPEAKER : The question is :
"That the Bill, as amended, be passed"

The Lok Sabha divided :

Division No. 17] [16.56 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Abirwar, Shri Nathu Ram
Alagesan, Shri O V
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Arvind Netam, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishnaiah, Shri T.
Banamali Babu, Shri
Banerjee, Shri S. M.
Banerji, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Bera, Shri S. C.

Bhagat, Shri B. R.	Ganesh, Shri K. R.
Bhagat, Shri H. K. L.	Gangadeb, Shri P.
Bhargava, Shri Basheshwar Nath	Garcha, Shri Devinder Singh
Bhatia, Shri Raghunandan Lal	Gautam, Shri C. D.
Bhattacharyya, Shri Chapalendu	Gavit, Shri T. H.
Bheeshmadev, Shri M.	George, Shri A. C.
Bist, Shri Narendra Singh	Ghosh, Shri P. K.
Brahmanandji, Shri Swami	Gill, Shri Mohinder Singh
Brij Raj Singh-Kotah, Shri	Giri, Shri S. B.
Buta Singh, Shri	Giri, Shri V. Shanker
Chandrakar, Shri Chandulal	Godara, Shri Mani Ram
Chandrappan, Shri C. K.	Gogoi, Shri Tarun
Chandrashekarappa Veerabasappa, Shri T. V.	Gohain, Shri C. C.
Chandrika Prasad, Shri	Gokhale, Shri H. R.
Chaturvedi, Shri Rohan Lal	Gomango, Shri Giridhar
Chaudhari, Shri Amarsinh	Gopal Shri K.
Chavan, Shrimati Premalabai	Goswami, Shri Dinesh Chandra
Chavan, Shri Yeshwantrao	Gotkhinde, Shri Annasaheb
Chellachami, Shri A. M.	Gowda, Shri Pampan
Chhotey Lal, Shri	Gupta, Shri Indrajit
Chhuten Lal, Shri	Hansda, Shri Subodh
Chikkalingaiah, Shri K.	Hanumanthaiya, Shri K.
Choudhary, Shri B. E.	Hari Kishore Singh, Shri
Choudhary, Shri Moinul Haque	Hari Singh Shri
Dalbir Singh, Shri	Hashim, Shri M. M.
Dalip Singh, Shri	Ismail Hossain Khan, Shri
Damani Shri S. R.	Jadeja, Shri D. P.
Das, Shri Anadi Charan	Jaffer Sharief, Shri C. K.
Das, Shri Dharnidhar	Jagjivan Ram, Shri
Dasappa, Shri Tulsidas	Jamilurrahman, Shri Md.
Daschowdhury, Shri B. K.	Jeyalakshmi, Shrimati V.
Desai, Shri D. D.	Jha, Shri Chiranjib
Deshmukh, Shri K. G.	Jharkhande Rai, Shri
Deshmukh, Shri Shivaji Rao S.	Jitendra Prasad, Shri
Dharamgaj Singh, Shri	Joshi, Shri Jagannathrao
Dhusia, Shri Anant Prasad	Joshi, Shrimati Subhadra
Dinesh Singh, Shri	Kadam, Shri Dattajirao
Dixit, Shri G. C.	Kadam, Shri J. G.
Dixit, Shri Jagdish Chandra	Kadannappalli, Shri Ramachandran
Dumada, Shri L. K.	Kader, Shri S. A.
Dwivedi, Shri Nageshwar	Kahandole, Shri Z. M.
Engti, Shri Biren	Kailas, Dr.
Gaekwad Shri Fatesinghrao	Kakodkar, Shri Purushottam
Gandhi, Shrimati Indira	Kale, Shri
	Karnakshaiah, Shri D.

Kamala Prasad, Shri
 Kamble, Shri T. D.
 Kamla Kumari, Kumari
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Kavde, Shri B. R.
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishnan, Shri G. Y.
 Krishnappa, Shri M. V.
 Kulkarm, Shri Raja
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lakshmikanthamma, Shrimati T.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 'Madhukar', Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Malaviya, Shri K. D.
 Malhotra Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manhar, Shri Bhagatram
 Manjhi, Shri Bhola
 Maurya, Shri B. P.
 Mayavan, Shri V
 Mehta, Dr. Jivraj
 Melkote, Dr. G. S.
 Mishra Shri Bibhuti
 Mishra, Shri G. S.
 Misra, Shri S. N.
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri

Mohan Swarup, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammed Khuda Bukhsh, Shri
 Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Naik, Shri B. V.
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parthasarathy, Shri P.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patel, Shri R. R.
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Purty, Shri M. S.
 Qureshi, Shri Mohd Shafi
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri P. V. G.
 Ram Dhan, Shri
 Ram Hedao, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri

Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Singh, Shri
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Raut, Shri Bhola
 Ray, Shrimati Maya
 Reddi, Shri P. Antony
 Reddi, Shri K. Kodanda Rami
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sethi, Shri Arjun
 Sezhiyan, Shri
 Shah Nawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri

Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Dr. Shanker Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Ramavater
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shvsnath Singh, Shri
 Shukla, Shri B. R.
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Prof.
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Sardar Swaran Singh
 Somasundaram, Shri S. D.
 Sudarsanam, Shri M.
 Sunder Lal, Shri
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Tarodekar, Shri V. B.
 Tayyab Hussain, Shri
 Tewari, Shri Shankar
 Tiwary, Shri D. N.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Uikey, Shri M. G.
 Unnikrishnan, Shri K. P.
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.

Verma, Shri Balgovind
Vikal, Shri Ram Chandra
Virbhadra Singh, Shri
Viswanathan, Shri G.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.
Zulfiqar Ali Khan, Shri

NOES

Bhattacharyya, Shri Dinen
Bhattachryya, Shri Jagadish
Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
Joarder, Shri Dinesh
Modak, Shri Bijoy
Mohammad Ismail, Shri
Mukherjee, Shri Samar
Mukherji, Shri Saroj
Saha, Shri Gadadhar
Sen, Shri Robin

MR. SPEAKER: The result* of the division is:

Ayes—299.

Noes—11.

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

The motion was adopted.

16.55 Hrs.

CONSTITUTION (THIRTY-

SEVENTH AMENDMENT) BILL
THE MINISTER OF HOME AF-
FAIRS (SHRI K. BRAHMANANDA
REDDY): I beg to move:

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

*Shri B. Satyanarayana also recorded his vote for AYES.

As you know, Arunachal Pradesh became a Union Territory on 21st January, 1972 by virtue of the North-eastern Areas Reorganisation Act, 1971. It was placed under the charge of an Administrator who is designated as the Chief Commissioner. Prior to its becoming a Union Territory, you are all aware that that area used to be called NEFA. There used to be an Agency Council before, and after it was made a Union Territory, a Pradesh Council has come into being to advise the Administrator or the Chief Commissioner on the day to day administration of the area. In addition, there was a provision for selecting five counsellors to be in charge of definite subjects of the administration and also to advise the Administrator in the administration of the area.

Now, this has been going on from 2nd October, 1972 and the local leaders have been associated with the administration. You are also aware that the people of Arunachal Pradesh had their own traditional, customary laws, and a fairly democratic outlook and the experience gained in the last year has also fortified it.

That gives us a hope and also confidence that they have to be entrusted with greater responsibility under the constitutional set-up.

In fact, I had been to that area myself and had been to three or four places in three districts of Arunachal Pradesh. I have met many leaders and many people also. There is an increasingly growing desire amongst the people and amongst the leaders of Arunachal Pradesh that they should have a legislature of their own and a Council of Ministers. Therefore, it becomes necessary for us, for this House, to consider and give them that status so that the people and leaders of Arunachal Pradesh also become actively associated with the administration of the State in their own capacity.

This, in short, is the Bill. You are aware that Arunachal Pradesh has an extensive area. Practically, amongst the