

[Shri K. C. Pant]

proviso to rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing of the North-Eastern Council Bill, 1971, inasmuch as it is dependent upon the North-Eastern Areas (Reorganisation) Bill, 1971, the Constitution (Twenty-seventh Amendment) Bill, 1971, and the Government of Union Territories (Amendment) Bill, 1971".

MR. SPEAKER : The question is :

"That this House do suspend the proviso to rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing of the North-Eastern Council Bill, 1971, inasmuch as it is dependent upon the North-Eastern Areas (Reorganisation) Bill, 1971, the Constitution (Twenty-seventh Amendment) Bill, 1971, and the Government of Union Territories (Amendment) Bill, 1971".

The motion was adopted.

MR. SPEAKER : This was a very tight programme. I have been relaxing it after declaration of the emergency. Just as war-hit areas have to be rehabilitated, we will have to rehabilitate our procedure also after this session. This should not be taken as a precedent. I am not going to follow it in the next session.

13.35 hrs.

NORTH-EASTERN COUNCIL BILL

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

"That the Bill to provide for the setting up of a Council for the north-eastern areas of India to be called the North-Eastern Council and for matters connected therewith, be taken into consideration."

When the North-Eastern Areas (Reorganisation) Bill 1971, came up before the

House, I had given a broad indication of the scheme of reorganisation of these areas and had mentioned that the scheme would be given effect to through a series of Bills. The House has already passed that Bill, and three other Bills, namely, the Manipur (Hill Areas) District Councils Bill, the Constitution (Twenty-seventh Amendment) Bill, and the Government of Union territories (Amendment) Bill. This is the last Bill in the series.

With the passing of the Reorganisation Bill, the north-eastern region will consist of five States and two Union territories. With the exception of Assam, all the other units will be small. At the same time, they will have to assume relatively more onerous tasks in the field of development. When the reorganisation Bill was before the House, I had referred to this matter. As I then stated, in the next decade we will have to pay particular attention to the development of the north-eastern region as a whole. Financial resources, trained manpower and necessary expertise are the basic needs of development. A dynamic programme of development can be put through only if these resources are available in adequate measure.

Another factor which has to be kept in view is that no sizeable programme of development which can have a decisive impact on the economy of the people can proceed without roads, transport facilities, power supply, irrigation facilities, etc. It is also obvious that the development of the region has to proceed on an even keel and cannot be allowed to be lopsided. The objective, therefore, has to be to secure the balanced development of the entire region.

The financial resources of the States in this region are not adequate even to meet their non-plan expenditure. Even now, Assam, Nagaland and Meghalaya require sizeable grants-in-aid. The position of Manipur and Tripura is not going to be different. The Central plan assistance is determined more or less on an *ad hoc* basis in respect of the States in the north-eastern region and is on a much larger scale than in the case of other States. Manipur and Tripura being Union territories, also receive comparatively larger Central assistance. As

* Moved with the recommendation of the President.

our objective is to accelerate the development of the region it is evident that in the years to come, the Central Government will have to make available still larger financial resources for the development of this region.

The need for co-ordinated development of the north-eastern region was recognised even when the scheme for establishing the autonomous State of Meghalaya was drawn up and in May, 1970 this House had passed the North-Eastern Council Act, 1970. This law had provided for a regional plan being formulated by bringing together plan schemes included in the State plans of common importance to all the States. In the context of the reorganisation of this region and keeping in view the resources available to the new States, we came to the conclusion that apart from the State level plans of the various units, there should be a separate regional plan with a separate allocation of Central assistance for the entire region as a whole. This is a basic departure from the concept of the earlier law.

Having decided that there should be a separate regional plan, it became necessary to restructure the machinery envisaged in the 1970 Act. That Act had provided that the Governor and the Administrators of Union territories and also the Chief Ministers of the States and Union territories and one Minister from each State should be members of the Council. There was also a provision for a separate Co-ordination Committee of the Council to review measures taken by the States for the maintenance of security and public order and recommend further measures necessary in this regard. Nagaland had been given an option to join the Council at a later stage. We felt that instead of having a Council and a separate Co-ordination Committee to deal with developmental and security aspects respectively, it is better to have a small and compact body which would look after both the aspects. As the benefits of the regional plan will extend to Nagaland also, there is now no point in retaining the provision for option. Clause 3 of the Bill has been drawn up accordingly.

It is necessary to maintain close links between the Central Government and the Council and for this purpose it may be found necessary to associate a Central Minister with the Council. Clause 3(2) provides for this.

The functions of the Council have been spelt out in clause 4 of the Bill. As at present the Council will continue to be an advisory body. It has been given the specific task of formulating the regional plan in all its details keeping in view the need for securing the balanced development of the north-eastern area. A large number of projects and schemes relating to road construction, provision of transport facilities, generation and transmission of power, irrigation facilities, flood control measures, industrialisation, etc. are bound to form part of the regional plan. These may have to be undertaken in areas extending into two or more States. The implementation of such projects and schemes will involve co-ordination among the States concerned. The question of maintaining or managing such inter-State projects and schemes, sharing of benefits and the question as to how expenditure is to be incurred would be other matters which will require the attention of the Council. Another important function of the Council would be to watch the progress of implementation and recommend release of financial assistance to the State Governments.

13.41 hrs.

[SHRI K. N. TIWARY *in the Chair*]

For recommending fresh projects and schemes for inclusion in the regional plan, preliminary surveys and investigations have to be undertaken. The Council will go into these matters also and make necessary recommendations to the State Governments, or where necessary, to the Central Government.

The present scheme envisages that this Council will also perform the functions of the Zonal Council. According to the 1970 Act, representatives of the Ministries of Finance and Planning were to be advisers of the Council. Now that the functions of the co-ordination committee are also being entrusted to the Council, it has been provided in clause 6 that representatives of the Ministries of Defence and Home Affairs may also attend the meetings of the Council.

There has been some misgivings, particularly in Assam, regarding the scheme of this Bill. May be, this was because at the initial stages our thinking was that there

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may be some advantage in conferring on the Council a measure of executive authority in securing the implementation of the regional plan and that for achieving this object the Central Government may have the power to give suitable directions to the States. There was opposition to this idea on the ground that any such provision would entail an encroachment on the powers of the State. We conceded this point and decided that the Council should continue to be an advisory body as at present. As, in effect, the Council has to function on the basis of consensus and co-operation among the participating units, the provision of the earlier Act that the Council should take decisions by votes has also been dropped. It will be for the Council itself to formulate its own rules of procedure and no approval of the Central Government to such rules would be necessary. With these changes all the features to which any objection could possibly have been taken, have been removed.

I hope the North-eastern Council as envisaged in this Bill will provide an adequate forum in which all the States and Union Territories in this region will work in a spirit of co-operation for the larger good of the region as a whole. I commend this Bill for the approval of the House.

MR. CHAIRMAN : Motion moved .

"That the Bill to provide for the setting up of a Council for the north-eastern areas of India to be called the North-Eastern Council and for matters connected therewith, be taken into consideration."

Does Mr. Jharkhande Rai want to move his motion? No. Shri Biren Dutta, Please be brief.

SHRI BIREN DUTTA (Tripura West) : I want to oppose this Bill...*(Interuptions)* At the outset I want to state that belatedly the Government of India have taken steps to confer statehood on Tripura, Manipur and Meghalaya but the attitude to maintain authority over the States still persists. The Statement of Objects and Reasons says :

"The Act also envisaged a Co-ordination Committee of the Council to review measures taken by the States represented on the Council for the maintenance of security and public order

and recommend further measures necessary in this regard."

Mr. Pant has dealt in detail with the need to develop that area.

He has stated that co-ordination is needed in development activities, but there are Zonal Councils in all areas of India and they are powerful enough to co-ordinate such matters. Why is it that only in this area the people having their legislature cannot discharge these duties through the Zonal Council? Why does he require a special measure for development activities? There is no reason to believe that the new States will not have the capacity to devise means for development activities in their zone, through the Zonal Council. The Assam people resisted it from the very beginning, and the Nagas also agitated because it more or less makes them Second Class States.

The Council is loaded with nominated members. Clause 3(2) says :

"Notwithstanding anything contained in sub-section (1), the President may, if he deems it necessary so to do, nominate a Union Minister to be a member of the Council

"One of the members of the Council to be nominated by the President shall be the Chairman of the Council.

"The President may, if he deems it necessary so to do, nominate another member of the Council to act as Vice-Chairman of the Council."

In this way, nominated persons are given power over the elected members of the different States which are going to form the North-Eastern Council.

Not only this. The States are not allowed to have an independent voice in formulating their plans in respect of their development. It has to go through this Council which will have the power to draw them up after discussion as the plans may be inter-linked with other areas.

Clause 6 says :

"...the Ministries of the Central Government dealing with matters relating to Defence, Finance, Home Affairs and Planning shall nominate an officer to attend the meetings of the Council."

So, all the functions of the States are going to be interfered with by this super body. It is not as simple as has been explained, and we are afraid that this Bill is really negating what has been achieved through a long struggle by the people of that zone. From the beginning of the proposal we have seen in the press that Assam was opposing it, and there is a Committee in Assam which has sent a memorandum to the Government. Nagaland has also refused. In Tripura most of the parties have opposed the suggestion. So, I would request Mr Pant to reconsider it.

What is the necessity of putting in this Council the Security Adviser and other officers? Will it not practically interfere with the day to day administration? It is said to be for the maintenance of law and order. You have given statehood to all these areas. The State will not have the power to consider about their own development schemes. It has to go through this Council. It will not have the power to regulate the internal affairs of the State. What is the real motive? Why has it been thought proper that while conferring Statehood, it can be negated by the backdoor through this Bill. I oppose this Bill.

SHRI TARUN GOGOI (Jorhat): Sir, this Bill is of a new type, different from the others. It has been introduced with a view to make an experiment in the north-east region, which occupies a very important place in the map of India. It is surrounded by different countries, including enemy countries. From the point of view of defence, it is a strategic area and a very sensitive area. Nowhere in India you will find in such a small area large numbers of people of different races, languages, cultures and customs. It is an area full of variety. It is also the most backward area in India. During the British rule also, it was kept separate and neglected like anything. Even after independence, the area did not receive as much attention as it deserved, with the result the whole area has been lagging far, far behind. The backwardness of this area was responsible for causing suspicion among peoples of different groups.

This led to a misunderstanding, as a result of which Assam has been split, which is really very painful. We wanted Assam to develop as an integrated area. But instead of one State, it has been split into 3 States. Two more Union territories have

come up. I do not know whether this is the beginning of disintegration or the end of disintegration. There is an apprehension that Assam may be reduced to a Union territory.

It is heartening to note that the Government has realised the importance of this area at last and with that end in view, it has come forward with this Bill for the accelerated, balanced and co-ordinated development of the whole area. But I find certain missing links in the Bill. There is no provision for giving financial resources. Unless the Central Government allots certain funds for the implementation of this regional plan, it will not serve any purpose. It is not possible for these small units to contribute from their meagre resources for the implementation of the regional plan. Merely drawing up the plan is not enough, unless the Central Government comes forward with sufficient resources. Here in the Bill there is no commitment that the Centre will allot special funds for the regional plan.

I do not understand clause 4(3) which says:

"on a review of progress of the expenditure, recommend to the Central Government the quantum of financial assistance to be given from time to time, to the State or States entrusted with the execution or implementation of any project or scheme included in the regional plan."

How can the States incur expenditure without being assured that the financial assistance recommended by the regional council will be accepted by the Central Government? If the Central Government does not provide the necessary resources, what purpose will be served? The home Minister should look into this matter.

Besides, there is a feeling in Assam that the status of the State has been lowered. We do not want Assam, which is a hilly border State, to have a superior or better status in comparison with Meghalaya, Tripura or Manipur. What we want is that our status should not be lowered in comparison with States like Beagal, Bihar and Orissa.

There is also an apprehension that the autonomy of the States might be infringed. There is a provision that the Council shall review from time to time the measures taken

[Shri Tarun Gogoi]

by the respective States for maintenance of security and public order therein and recommend to the governments of the States concerned further measures necessary in this regard. I think this provision will interfere with the autonomy of the States, interfere with the State subject of law and order. It will also create an impression, may be wrong, that the people of these units are not capable of looking after themselves, maintaining law and order in their units.

I hope the Home Minister will look into the measure and will see that the proposed Council will not interfere with the autonomy of the States or lower down the status of Assam. As a measure meant for the guaranteed balanced development of the areas, it will be welcomed by the people of Assam and the people of the hilly areas. I hope this Council will provide a forum for the people of the different regions to come together, have better understanding and help the co-ordinated development of the area. With these words, I support the Bill.

श्री भोगेन्द्र झा (जयनगर) : सभापति महोदय, यह विधेयक जिस पृष्ठभूमि में धरया है, उसमें यह खुशी की बात है कि हमारे देश के पूर्वोत्तर क्षेत्र में कई क्षेत्रों को राज्य का दर्जा दिया गया है और कई क्षेत्रों में जनतांत्रिक प्रणाली चालू की गई है और वहां पर लोगों की आकांक्षाओं की विजय हुई है। मेरा विश्वास है कि उस क्षेत्र के बारे में सुरक्षा और दूसरे मामलों को लेकर जो आशंकाएं पहले उठाई जाती थी, वहां पर जनतंत्र के विकास के साथ-साथ वे विभूँल साबित होंगी।

इस विधेयक के बारे में कुछ कहने से पहले मैं यह निवेदन करना चाहता हूँ कि हमारे देश में बिहार, उड़ीसा मध्य प्रदेश और पश्चिमी बंगाल के कुछ हिस्से में एक विशाल आदिवासी क्षेत्र है। उस इलाके में तरह-तरह के आन्दोलन होते रहे हैं। आरखंड के नाम पर आन्दोलन हुआ है और बस्तर के आदिवासी भी अड़ गए और कुचले भये हैं। कोई ऐसी व्यवस्था करनी होगी, जिससे उस इलाके के लोग यह समझें कि जनतंत्र में उनकी अपनी विशिष्ट संस्कृति की

रक्षा हो सकेगी, उनका पिछड़ापन दूर हो सकेगा और उनका जो आर्थिक तथा सामाजिक शोषण हो रहा है, उसका अन्त किया जा सकेगा। मैं आशा करता हूँ कि भारत सरकार इस बारे में विचार करके अभी नहीं तो भ्रगले सत्र में कोई विधेयक सदन के सामने लायेगी, जिससे इस विशाल आदिवासी क्षेत्र के लिए, उसके जनतांत्रिक विकासके लिए, उनकी अपनी संस्कृति की रक्षा के लिए कोई विशेष इतजाम हो सके। जो मौजूदा विधेयक है उसमें आशंका का एक आघार जो मंत्री जी ने कहा है वह दूर हो जाना है कि यह जो अभी परिषद् कायम करने की व्यवस्था है परामर्श देने तक ही उसको सीमित रखा जा रहा है। तो जहां तक यह स्याल था कि इसको कार्यपालिका परिषद् बनाया जाय और उसको अमल में लाने के लिये एक यंत्र बनाया जाय उसके मुकाबिले में यह कम नुकसानदेह होगा। मगर जिस तरह की व्यवस्था इस विधेयक में की गई है उसमें उन इलाकों की आशंकाएं नहीं दूर होंगी। इसका जिक्र ही चुका है कि आसाम की विधान सभा में इसका विरोध करते हुए प्रस्ताव पारित हुआ था और अभी जो हमारे मित्र आसाम के सदस्य बोलने हैं कि आसाम की हैसियत इससे कम न हो जाय तो हैसियत तो इससे कम होगी ही क्योंकि यह आसाम की हैसियत बढ़ाने का विधेयक नहीं है और दूसरे राज्यों के मुकाबिले में इस पूरे विधेयक को पारित कर देते हैं तो आसाम की हैसियत हर माने में घटती है।

उसमें एक और अजनतांत्रिक व्यवस्था दी जा रही है जिससे मुझे आशंका है कि टकराव की बात होगी कि सभी राज्यों के राज्यपाल भी रहेंगे, मुख्य मंत्री भी रहेंगे तो मुख्य मंत्री तो हुए रहेंगे और राज्यपाल भी रहेंगे, इस तरह से अगर परस्पर विरोधी विचार आए तो राज्यपाल से मुख्य मंत्री को टकराने या राज्यपालों को मुख्य मंत्रियों का विरोध करने के लिए उच्च परिषद् में बैठाना मैं समझता हूँ कि अवोभनी

भी होगा और हमारे संविधान में जो राज्यपाल का दायरा दिया हुआ है उस हिसाब से भी एक बहुत ही गलत प्रणाली का यह सूत्रपात करेगा। इसलिये मंत्री महोदय इसको विचारें और कम से कम राज्यपाल को हमसे अलग कर दें खास कर जब मुख्य मंत्री के रहने की व्यवस्था है तब।

उसी तरह से दूसरी प्राशङ्का की बात है कि जहाँ तक चौथी धारा में कौन-कौन सी बातों के ऊपर परिषद् विचार करेगी, उनके क्रियाकलापों पर जिक्र किया गया है, अगर इस परिषद को रहना है तो उन क्रियाकलापों पर कोई एतराज नहीं हो सकता, लेकिन बाद में आकर जो मेंटिनेंस आफ सेक्योरिटी ऐंड पब्लिक आर्डर की बात भी की गई है तो यहां सवाल उठाया गया है कि शांति व्यवस्था का जो सवाल है हम चाहते थे कि वहां के लोग खुद शांति की व्यवस्था के लिये इतजाम करें और यह चीज बाहर से उन पर थोप दी जा रही है तो यह इस माने में बहुत ही सीमित हो जायेगी और यह प्राशङ्का और ज्यादा बढ़ने का खतरा है तथा तब अशांति बढ़ने का भी खतरा इससे बढ़ जायेगा। जैसाकि हम सभी जानते हैं अभी जो इसको राज्य का रूप दिया गया है, इसका विरोध किया जा रहा था। जैसे मैंने अभी कहा आज भारत के मध्य में बहुत बड़ा आदिवासी इलाका है, उसके लिये कोई मांग आप नहीं मञ्जूर करते हैं, तो यह आशङ्का बढ़ेगी कि कूकि नागालैंड में या मिजोराम में सशस्त्र संघर्ष हुए हैं, इसलिये इनकी मांगों को मान करके उसे राज्य का रूप दिया है लेकिन बाकी इलाकों में क्योंकि हथियारबन्द संघर्ष नहीं हुये, इसलिये उनकी मांगों को आप नहीं मान रहे हैं। इस पृष्ठभूमि में यह आंतरिक शांति और सुरक्षा का सवाल यहां लाकर जिस के लिये पहले चौथी धारा में उसका कोई जिक्र नहीं है अगर बाद में उसको चुसा कर एक बहुत ही गलत प्रक्रिया और व्यवस्था की जा रही है। इसलिये मेरा आग्रह है कि मंत्री जी

इसको विचारें और इसको हटाने का प्रयत्न करें।

14 hrs.

ऐसे ही जहां तक परिषद के सुझावों का संबंध है, इनको लागू कौन करेगा? इसको अस्पष्ट रखा गया है। लेकिन जैसा कि बाद की पंक्तियों से ज्ञात होता है राज्य सरकारें ही लागू करेंगी, सिर्फ वित्तीय व्यवस्था केंद्र से की जाएगी। तो लागू करने का काम राज्य का होगा और उसी में कहा है कि भारत सरकार के सुरक्षा वित्त, गृह और योजना विभाग के सचिव इसमें रहेंगे तो योजना और वित्त की बात तो समझ में आती है लेकिन सुरक्षा और गृह विभाग को इसमें लाना जबकि अलग राज्य का रूप दिया जा चुका है, इसका कोई औचित्य नहीं है, उसके सचिव उस परिषद में क्यों जाए? हमारा आग्रह है कि जिनके कार्यों की कोई व्यवस्था इस धारा में नहीं है, उन सचिवों को यहां बिठाना यह भी केंद्र और राज्य के बीच में उस परिषद के अन्दर एक टकराव का आधार दिया जा रहा है जोकि नहीं देना अच्छा होगा। सुरक्षा का कोई काम इस परिषद के जिम्मे नहीं रखा गया है, तो उसके सचिव वहां क्यों जाएं? भारत सरकार के पास जो सुझाव आएं तो वे तो यों ही उन्हें देख सकते हैं, उसके लिये सचिवों को वहां ले जाना और बहुत में हिस्सेदार बनाना मुनासिब नहीं होगा। यह नुकसानदेह होगा। ऐसे ही सचिवालय का जो सुझाव है, मालूम पड़ता है कि यह राज्य सरकारें जो हैं उनके साथ नाबालिग सरकार के रूप में व्यवहार होना और इसीलिये अलग सचिवालय उन 6-7 राज्यों के लिए बनाया जायेगा। मालूम पड़ता है कि इससे पहले विधेयक पारित करके जो लोक सभा ने एक हाथ से उसे अलग राज्य का रूप दिया था दूसरे हाथ से उसको छीनने का प्रयास हो रहा है। यहां मैं नीयत पर नहीं जा रहा हूं। लेकिन जिस समझ के आधार पर हम पहले इन राज्यों को

[श्री भोगेन्द्र झा]

कबूल नहीं कर रहे थे मालूम पड़ता है कि यही समझ इस विधेयक के जरिये से यहाँ व्यवहार में आ रही है और वह धागे फिर फूट और भटकाव का शिकार उस इलाके को नहीं न बना दे, ऐसी आशंका है। इसीलिये मैं इस विधेयक का विरोध करता हूँ।

SHRI BISWANARAYAN SHASTRI (Lakhimpur) : This Bill repeals the North-Eastern Council Act of 1970 which has become a still-born child because that was not given a trial. Without giving a trial of that Bill, this new Bill has been introduced. This Bill is to be welcomed because in the Statement of Objects and Reasons it is stated that for the integrated and balanced development of the North-Eastern region, this Bill has provided for constituting a Council.

This North-Eastern region has a special problem. If the Bill is the outcome of that realisation on the part of the Government, everybody will welcome it. The North-Eastern region which was neglected during the pre-Independence days remained as it was even after Independence, partly, due to the fact that it was separated by the erstwhile East Pakistan, now with the emergence of the independent Bangla Desh the question of development of the entire North-Eastern region is to be reviewed and reshaped. This Bill is brought forward for the integrated and balanced development of that region. Therefore, this Bill is a timely one.

While welcoming the Bill, I must point out certain deficiencies which are observed in the Bill. In the Bill it is stated that the Council will be an advisory body and may discuss any matter in which some or all of the States represented in that Council, or the Union and one or more of the States represented in that Council, have a common interest and advise the Central Government, etc. On the other hand, it is provided in certain clause, particularly, in clause 4 that the Council itself will review, from time to time, the measures taken by the States represented in the Council for the maintenance of security and public order therein and recommend to the Governments of the States concerned further measures necessary in this regard. But, I do not know, when in the objects it is stated that for the integrated and balanced development of the

North-Eastern region this Bill has been introduced, how the security and public order come in here. It is a State subject and people have the apprehension that it will be an inroad into State's autonomy. Thought: I don't think so, I want clear assurance from the hon. Home Minister.

Again, it is stated in the Bill that the Council shall consist of the Chief Ministers of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura and the administrators of the Union Territory of Mizoram and Arunachal Pradesh. One of the Counsellors to the Administrator of the Union territory of Arunachal Pradesh appointed under section 18 of the North-East Frontier Agency (Administration) Supplementary Regulation, 1971, is to be nominated by the Administrator. The statutory provision for the membership of the administration is there. The Administrator of Arunachal Pradesh will be a Member there. That Member has been given the power to nominate another Member to be a Member of that Council. I think this is not proper. Statutory provision is made for membership of the Governor, Chief Ministers and Administrators of the different regions. So, I think, the Administrator of Arunachal Pradesh should not have the power to nominate any one Member to be the Member of the Council. Therefore, if a member of public is to represent Arunachal Pradesh, in the Council he should be elected by the Agency Council of that region. There is an agency Council in Arunachal.

Again, I find that the administration of the Council will be under the supervision, guidance and control of the Chairman. It appears that the Chairman will be a whole-time officer. But here it is provided that the President will nominate one of the Members as the Chairman. He may be either a Governor or a Chief Minister. How can he hold the whole-time office in the Council, I do not know. So, these are some of the problems here and I hope that these contradictions will be explained properly by hon. Home Minister.

Then again, Sir, I would like to say that in the name of integrated and balanced development, if the State autonomy is going to be infringed, it will not be welcomed by the people. Rather, it will be resisted particularly by the people of Assam. The people of Assam have had some bitter

experience not only during the independence period, but even before. I would like to trace the history in Assam. During the time of the Morley-Minto Reforms, Assam was left out from the Scheme of those reforms. Assam sent its representatives to England to represent its case before the British Ministry and then Assam was included in that scheme of reforms. That is the position. At the time of independence, Assam was proposed to be included in a group; that was also resisted by the people of Assam and the proposal was dropped.

Sir, the proverb goes: Once bitten, twice shy. Therefore, there are some apprehensions that the status of Assam is going to be lowered down. When there is a clear declaration that it will be an Advisory Body, I do not have such apprehension, but the people, by and large, have such apprehension. I think their apprehensions should be removed.

Therefore, I would request the Home Minister to state about this clearly on the floor of the House that by this Bill the State autonomy will not be infringed and the Statehood of Assam will not be lowered down in any way.

With these words, I support the Bill.

श्री धार० बी० बड्डे (खरपोल) : माननीय सभापति महोदय, मैं इस बिल का समर्थन करता हूँ। समर्थन इस लिये कर रहा हूँ कि इसमें जो इन्टेन्शन दी है कि :

for securing the balanced development of the North-eastern region.

यह इन्टेन्शन अच्छी है। लेकिन जब मैंने इस बिल का अध्ययन किया तो मुझे भाव्यतुषुभा कि सरकार इसके बारे में सीरियस नहीं है, क्योंकि मैं यह समझ नहीं पाया कि एडवाइजरी कान्सिल नियुक्त करने का क्या फायदा है। आप जानते हैं कि हमारे जिलों में जिला सलाहकार समितियाँ होती हैं, वे जितनी सिफारिशें करती हैं, सरकार उनको मानने के लिए बाध्य नहीं है। इसमें कहा गया है कि :

The Council shall be an advisory body and a recommending body.

इसकी जो सिफारिशें होंगी और जब वे सेन्ट्रल गवर्नमेंट को भेजी जायेंगी, सेन्ट्रल गवर्नमेंट

उनको मानेगी या नहीं मानेगी, इसके बारे में बिल में कुछ नहीं है। इसमें यही कहा गया है :

The Central Government and the Government of each State concerned.... may discuss and make recommendations with regard to :

- (i) any matter of common interest in the field of economic and social planning ;
- (ii) any matter concerning Inter-State Transport and Communications ;
- (iii) any matter relating to power or flood control projects of common interest.

ये तीनों चीजें तो इसमें दी गई हैं, लेकिन साथ-साथ "एनी मैटर रिगाडिंग ला एंड आर्डर" नहीं दिया है। दूसरा मतलब यह है कि जो सिफारिशें होंगी, वे केन्द्रीय सरकार को भेज दी जायेंगी। अब सेन्ट्रल गवर्नमेंट उनको मानेगी या नहीं, ऐसा कोई कम्प्लेशन इसमें नहीं है। जब सिफारिशें केन्द्रीय सरकार को भेजी जायेंगी तो हो सकता है कि केन्द्रीय सरकार उन को न माने। अगर केन्द्रीय सरकार उनसे भिन्न मत रखती होगी तो उनका फिर से कौमिल को विचार के लिए भेज दिया जायेगा और तब कान्सिल फिर से उन पर विचार करेगी। इसके बारे में कोई स्पष्ट प्रावीजन नहीं है।

दूसरी बात—मैंने अखबारों में पढ़ा है कि आसाम और त्रिपुरा के लोगों का कहना है कि शासन ने हमको आटोनमी दी है तो फिर उसको दूसरे के साथ क्यों बांधा जाता है। जैसे किसी जगह पर गाय ज्यादा दौड़ती है तो किसान उस के साथ बछड़े को बांध देता है ताकि गाय कहीं न जा सके, वही हालत आपने यहां पर कर दी है। आसाम और त्रिपुरा को यूनिवर्सल टैरिटरी से बांधने का क्या मतलब है। इसी वजह से आज आसाम में भी असंतोष है और त्रिपुरा में भी असंतोष है। जब आपने आटोनमी दी है तो फिर एडवाइजरी कान्सिल क्यों रखी है। जब आपने सा एण्ड आर्डर के बारे में उनको आटोनमी दी है, तो फिर उसमें हस्तक्षेप क्यों करते

[श्री आर० वी० बड़े]

हैं। जिस तरह से आपने चार जोन बनाये हुए हैं, उसी तरह से एक जोन में इन को रखिये, भ्रमण रखने का क्या उद्देश्य है। बिहार कलकत्ता उसमें हैं, उती में इनको भी इन्क्लूड क्यों नहीं किया। इसके बारे में शासन को साफ खुलासा देना चाहिए।

इसके बाद नामिनेशन की बात को लीजिये। कान्सिल का एक मेम्बर प्रेजिडेंट के द्वारा नामिनेट किया जायेगा, ऐसा क्यों? जो वहाँ पर प्रस्ताव रखेंगे, वे ही अपना प्रेजिडेंट भी इलैक्ट करेंगे। लेकिन ऐसा प्रावीजन आपने इस में नहीं रखा है। गवर्नमेंट ने इसमें पूरी तरह से हस्ताक्षेप करने का रास्ता रखा हुआ है, इसलिये इसमें सरकार की नीयत ठीक नहीं दिखती है। आज इसके बारे में जनता में जो असंतोष व्याप्त है, मैं समझता हूँ कि वह ठीक कारणों से है, इसलिये शासन को इसकी तरफ ध्यान देना चाहिये और जो नामिनेशन किया गया है, वह नहीं होना चाहिए। आसाम और त्रिपुरा को इसमें नहीं लाना चाहिए। ला एण्ड चार्डर में हस्ताक्षेप करने की जो व्यवस्था शासन ने रखी है, उसके बारे में जो प्रावीजन है, उसको डिलीट करना चाहिए।

इन शब्दों के साथ मैं इस बिल के जो उद्देश्य हैं, उनका समर्थन करता हूँ, लेकिन इसमें जो प्रावीजन है, उससे जनता के मन में शक होता है, इसलिए माननीय मंत्री जो इसके बारे में खुलासा करें कि इस प्रकार के प्रावीजन क्यों रखे गये हैं।

SHRI DINESH CHANDRA GOSWAMI (Gauhati) : The North-Eastern Council Bill has been approached by the people of Assam with a certain amount of reservation. The reservation arises not because of the objects of the Bill, but because there is a feeling in the minds of the people that this Bill will curtail the autonomy of the State of Assam, and secondly, the feeling is also prevalent that this Bill will not be able to achieve the objects for which it has been

brought forward but will be another exercise in futility.

The object of the Bill is to have an integrated development of the north-eastern region. Nobody can have any quarrel with this object. In fact, we are asserting in this House that the crying need of the hour today is an integrated economic development in the entire north-eastern region.

The north-eastern region is a very sensitive region where there are diverse types of population, with various tribes and communities. Also, because of play of different political forces there have been various agitations in this region from the side of the Mizos, the Nagas and so on and so forth. This is the region which has suffered mostly amongst all the States, from different calamities, either man-made or natural. This region has been subjected to calamities repeatedly; in 1962, it suffered from the Chinese aggression and in 1965 from the Pakistani aggression and it had also suffered in the last aggression. Flood has been a perennial problem in this region. The entire economy of this region has been burdened with the problem of flood. There is no communication worth the name in this region. I think that it takes more time to reach the north-eastern region from some parts of the country than for man to reach the moon from the earth.

The estimates supplied by the Reserve Bank and other sources show that there has been no progress worth the name in this region. The estimate of the Reserve Bank in July, 1970 has shown that the total deposit of nationalised banks in Assam has been Rs. 48 crores, whereas the investment has been only Rs. 20 crores, out of which the investment in the agricultural sector has been only Rs. 74 lakhs. After all, the entire north-eastern region is primarily an agricultural State. How can we expect development in this region when the investment in this region has been so very little?

As I have said, my reservations on the Bill is not because I quarrel with its object but because I feel that this may be another exercise in futility. The problems facing the north-east region have not been solved up till now not because of the want of any legislation of this kind. For example, there is no incentive in the mind of the

people for development on the agricultural front. The problem of flood has always been a curse upon the people of the Assam valley. That is why whatever incentive they have is frustrated by the oncoming floods and has thwarted the agricultural development of the region. I do not think absence of a legislation like the North-Eastern Council Act has stood in the way of the Central Government in solving this problem.

The problem of lack of communications is one of the most difficult problems in this region. The absence of a legislation of this type has not come in the way of its solution. The people have been demanding for long that there should be a broad gauge line for the improvement of the economy. But nothing has been done in this regard. Unless there is a complete change in the approach of the Central Government in dealing with the actual problems, the North Eastern Council Bill is not the answer. What is called for a co-ordinated integrated economic development of this region.

I have faith in the sincerity of the hon. Minister. But unless the sincerity is translated into practice, no fruitful purpose will be served by the Bill. Undoubtedly the Bill will provide a forum where the various States will have the opportunity of discussing the problems. But whether this will help in advancing the cause of the economic development of the region will depend upon the approach each State will make in consideration of the problems. If every State comes to the forum not with an integrated approach for economic development but only with a view to find a solution to their individual problems, no solution will be possible. Therefore, each State must rise to the occasion. It must not act like politicians but like statesmen. The politicians look to the next election, the statesman looks to the future of the country after 20-30 years. Therefore, every Chief Minister or other representative in the Council must act not with an eye on the next election but with a view to effect an integrated solution of the problems of the region as a whole and its economic improvement in that view within the next two or 20 years.

One of the basic drawbacks facing the region is that the bureaucratic machinery there has not identified itself with the

urges, aspirations and needs of the people. They comprise mostly people who have come from outside and are at the helm of affairs. They stay there for some time and go back on transfer. They have not identified themselves with the aspirations and desires of the people. Therefore, this spirit of identifying with the aspirations of the people must be inculcated in the bureaucratic machinery. Otherwise this Act by itself will not solve the problem, but may lead to acrimonious discussions and further disharmony and disunity.

Coming to the Bill, I am in agreement with my learned friends in completely opposing cl.4(4) where by law and order has been brought within its purview. I think nowhere in the dialogue between the Central Government and the State Government, this was brought in. It is for the first time that this has been brought in. We vehemently oppose it because it will directly affect the autonomy of the States.

Lastly, if the object of the Bill is achieved, we will be extremely happy. Only the future will show whether the Minister will be the recipient of brickbats or bouquets. If by a concerted and concentrated effort by the Central and State Governments, there is brought about an integrated economic development of the region, Shri Pant will deserve all praise. Otherwise, probably he will face some criticism. On behalf of my State, I would like to assure him that we will try our utmost to give whatever co-operation is possible in any effort at integrated economic development of the region. That assurance from our end we are giving to Mr. Pant, and I wish him all good luck in his efforts.

SHRI D. BASUMATARI (Kokrajhar) :
Sir, the object of the Bill has to be appreciated. Since the hon. Member who spoke before me has dealt with certain points, I need not repeat them. The other day, we passed a Bill for forming a number of States and Union territories in the eastern zone, and just after that, the question of forming a North-Eastern Council came to the mind of the Government. At the very beginning we opposed the formation of such bodies and in that connection, I had to say somewhere to the Prime Minister also as to what prompted

[Shri D Basumatai]

them to bring forward such measures to deal with Assam from time to time. I used strong language in some forum on one occasion. I felt it, at that time, that such Council might not be an advisory body, but to be in the nature of a bureaucratic machinery was thought of as harmful to the State of Assam. So we opposed it like anything. Then we held a series of discussions, a series of discussions took place between the Home Minister and the Prime Minister and the Chief Minister of Assam and other leaders, and till then, we could not come to an agreement whether this Bill may help the object wherein the Central Government envisages that it is "for the maintenance of security and law and order and recommend further measures necessary in this regard." It is felt as if the people of that region do not know how to maintain law and order and do not know how to protect themselves. So, I feel that this is so because of a guilty conscience on the part of the Centre we have approached the people in a different manner, we had suspected and neglected them and we have been given to understand that we are such that the Centre alone is in a position to help us in the case of law and order and so, on that aspect pricks my mind.

But, after long discussion, this state of affairs has to be dealt with by such a measure, as my friend has stated. We have already discussed the matters regarding the north eastern region, where, the Central Government has come before this House for making NEFA a Union territory under the name of Arunachal Pradesh. At that time, I said that NEFA was a paradise for bureaucrats. If you visit that area, you will feel that these people are not treated as human beings but as inhuman beings, by the bureaucratic people. This is the feeling.

I may point out one thing. You know that at the time of Independence, as our friend just now referred, the State of Assam was sought to be put in A group. It was opposed by the people of Assam under the great leader late Gopi Nath Bardoloi and then that idea was dropped. At the same time, we have to see and consider so many things. In spite of the fact that Assam is the richest State from the point of view of natural resources, it is very much neglected

by the Central and when the State Government cannot fulfil the aspirations of people in that Hill region, it is found necessary for the Central to come out with such measures in various forms. Now, three new States have been formed and two areas have become Union territories, in that region. Why? It is because the Centre never helped the State Government of Assam in regard to the fulfilment of the aspirations of its people. This is the main reason.

I would request Mr Pant to listen to me. I am speaking from my heart. His illustrious father, when he was the Home Minister, said very nicely that Assam epitomised the composite culture of India. The late lamented Prime Minister, Nehruji on some other occasion, also asked why there should be any quarrel over language. The north-eastern region of India including Assam, was exploited for ages, and therefore there was every reason just to resent it.

It is from that point of view, which is obvious, one laments that the problems of Assam are not looked after by the Centre with sympathy.

We have demanded for a long time that there should be a commission for the Brahmaputra. That was opposed by the then Finance Minister and he said "I cannot spend money." Every year Floods in the Brahmaputra play havoc in Assam. Do we want money for pleasure? People are undergoing untold sufferings, still money has not been given for that.

We have a refinery at Gauhati of course. We get things done after a good deal of agitations. Is there any project or scheme which had been implemented by the Centre only on a mere request?

None. No scheme had been accepted or implemented by the Centre, plainly on request, that is to say, without a fight, without some agitation.

Take the second refinery. We are glad that the hon Prime Minister is going to lay the foundation stone for the second refinery. A study of that scheme shows its feasibility; it shows that there is every possibility. But it was opposed by bureaucrats. Why? Only after a great deal of agitation it was conceded.

I said the other day that Mr. Pant was

an illustrious son of an illustrious father, whom I respected more than my father. His father knew the problems of Assam very well, he also knows them very well now and the Prime Minister too knows them well. It is an undeveloped State, it is a problem State. Justice should be done to the people of that State.

Speaking on this Bill, some friends said "I support this Bill with reservation." I do not say so so, I support this Bill without reservations with the hope that he will implement the provisions of this Bill and the State's development would be accelerated. It is somewhat sad for us because areas have been sliced out one after another. Will you say that you feel happy if your body is cut part by part? You cannot be happy. But we are to support this. All these years the problems of that area could not be solved by that State Government of Assam. Naturally, the people of the Hill area felt irritated and made agitation against the State Government. I appeal to Mr. Pant to look into the matter with proper perspective and not to wait for agitations from the people of Assam. That is my request.

श्री शिवनाथ सिंह (भुवनेश्वर) समापात महोदय जो यह बिल पेश किया गया है मैं उसका समर्थन करता हूँ। इसलिए कि जिस भावना से यह बिल लाया गया है वह बहुत अच्छी है। ज़रा तक इस बिल के विरोध का सम्बन्ध है, कुछ शकायें प्रकट की गई हैं, लेकिन वह सिर्फ शकायें हैं, वह किसी वास्तविकता पर आधारित नहीं है। मैं आपसे निवेदन करता हूँ कि इस बिल में सिर्फ तीन ही चीजें दी गई हैं जिसके कारण यह बिल बनाया गया है। इसमें है कि

'any matter of common interest in the field of economic and social planning, any matter concerning inter-State transport and communications and any matter relating to power or flood control projects of common interest'

मैं ऐसा मान कर चलता हूँ कि हमारे देश में इस प्रकार की समस्याएँ हैं जो एक एक स्टेट के अपने बने की बात नहीं हैं आज हम देखते हैं कि अलग-अलग स्टेट्स की समस्याएँ दूगरी

स्टेट्स के साथ जुड़ी हुए हैं। यदि इस प्रकार की कमिशन बनती है तो उनमें जो डिजीजन्स होते हैं उन्हें इम्प्लिमेंट करने में दिक्कत आती है। आज आंध्र प्रदेश और मैसूर का भूगडा है, महाराष्ट्र और मैसूर का भूगडा है। इसलिये नार्थ ईस्टर्न जोन में जो छोटे-छोटे राज्य आपने बनाये हैं उनका एकानमिक डेवलपमेंट करने के लिये बहुत बड़ी आवश्यकता है कि इस तरह की कौंसिल बनाई जाये। चूँकि इस समय वह अलग-अलग टुकड़े हैं और छोटे-छोटे हैं इसलिए उनका कोई भी डेवलपमेंट नहीं हो पाता है। इसलिए आवश्यक है कि वह कौंसिल में एक साथ बैठकर, एक छत के नीचे बैठ कर सोचें और अपनी दिक्कतों का दूर करने के लिये प्लानिंग करें।

इस बिना हम मान भी नहीं हैं कि फोड प्रथारिटी नहीं दी गई है वामि। आपका यह कि इस कौंसिल के जा डिजीजन्स हा उनक इम्प्लिमेंटेशन की व्यवस्था की जाय। जव तक यह व्यवस्था नहीं होती तब तब हम कौंसिल क डिजीजन्स से कोई काम मतलब नही निबल सकता। मैं निवेदन करना चाहूँगा कि इस प्रकार की समस्याएँ और स्टेट्स में भी हैं। उदाहरण के लिये हमारा डेजर्ट की समस्या को लीजिये, टक्वायट्स की समस्या को लीजिये, ड्रिफ्टिंग वाटर की समस्या को लीजिये राजस्थान और मध्य प्रदेश में टाकुप्रो की समस्या है। यह मैं इसलिए कह रहा हूँ कि वहाँ जो इस प्रकार की दिक्कतें हैं उनको हम तरह की कौंसिलो में ठीक किया जा सकता है। हमारी जोनल कौंसिलो जो काम कर रही हैं, उनके फंक्शन ने हमारे सामने कोई अच्छा उदाहरण नहीं देखा किया है। चूँकि जोनल कौंसिलो की मार्फत कोई अच्छा ट्रिप्लिकोर्गो नहीं मिला और उनकी मार्फत कोई अच्छा काम ही हुआ, इसलिए केन्द्रीय सरकार को इन बातों की तरफ भी देखना चाहिये। जैसा श्री श्री भा ३६ २६ थ, एक नमिक डेवलपमेंट के लिये हमारे प्रदा

[श्री शिवनाथ सिंह]

के साथ मिल कर जो इस प्रकार की कौंसिलें बनती हैं उनका स्वागत किया जाना चाहिए। जहां तक ला एण्ड आर्डर का सवाल है, यह स्टेट सबजेक्ट है। किसी भी स्टेट की घाटोनोमी कम नहीं होनी चाहिये, लेकिन ला एण्ड आर्डर की ऐसी समस्याये हो सकती है जो एक स्टेट के बूते की बात नहीं हैं। मैं डाकू एरिया के बारे में कहना चाहता हूँ। राजस्थान और मध्य प्रदेश के बीच में ऐसे हिस्से हैं जो डाकूओं की जगहें हैं एक जगह डाके डाल कर डाकू लोग दूसरे प्रदेश में घुम जाते हैं। इसी प्रकार की दूसरी समस्याये हो सकती है। इस लिये ला एण्ड आर्डर की समस्या को इस कौंसिल के तहत नहीं रखना गया यह कोई अच्छी बात नहीं कही जा सकती। मैं नहीं चाहता कि इन समस्याओं को लेकर स्टेट्स की घाटोनोमी कम हो, उनकी पार्वर्स रहे, वह उनको पूरी तरह से एक्ससाईज भी करे, लेकिन जहां एक दूसरे के कोआपरेशन का सवाल हो उन मामलों में वह लोग कौंसिल में बैठ कर ला एण्ड आर्डर की पोजीशन को तय करें। चूंकि इस कौंसिल से किसी स्टेट की घाटोनोमी कम नहीं हो रही है इसलिये मैं इस विषयक का समर्थन करता हूँ और निवेदन करता हूँ कि सरकार दूसरे प्रदेशों की समस्याओं की ओर भी ध्यान दे। मसलन डेजर्ट के हटाने का मसला है। वह मध्य प्रदेश तक फैला हुआ है। उसको हटाना एक प्रदेश के बूते की बात नहीं है। इसी तरह से ट्रिफिंग वाटर की प्रॉब्लेम है। वह भी एक राज्य के हाथ की बात नहीं है। ऐसी बीजों के लिये और डेवेलपमेंट के लिए रीजनल कौंसिलें बनाई जायें। इस तरह स्टेट्स में आपस में यूनिटी आती है। उन को अलग अलग मान कर देश में एक सेपरेशन की भावना आती है। अगर कोई राज्य अपने प्रदेश की प्रगति के लिए कोई काम करता है तो वह अपने बार्डर पर ही रक जाता है। दूसरे स्टेट्स से इसके बारे में वह कंसल्टेशन नहीं होता। एक प्रदेश अपने यहां के लिये

जो सड़क बनाता है वह बार्डर तक जा कर बेकार हो जाती है क्योंकि वह सिर्फ अपने स्टेट के लिए उसको बनाता है।

मैं चाहता हूँ कि इस प्रकार की समस्याओं के लिए चार पांच स्टेट्स कौंसिल में बैठ कर यूनाइटेड प्लैन बनायें। उनकी प्लानिंग से एक स्टेट से दूसरी स्टेट को और दूसरी से तीसरी स्टेट को सृविधा मिलती है और उनका फायदा होता है। इसी तरह से इन्फ्रा का सवाल है, प्लड कंट्रोल का सवाल है। यह काम एक स्टेट के बस की बात नहीं है। एक स्टेट जो कुछ बनाती है उसके बाद वह चीज दूसरी स्टेट को जाती है और उसका फायदा पहुंचता है उसके बाद तीसरी स्टेट को जाती है और फायदा पहुंचाती है। इसलिए इस तरह की कौंसिल बनाई जानी चाहिए। अगर दूसरे प्रदेशों के लिए भी केंद्रीय सरकार डेवेलपमेंट कौंसिलें बनाती है, तो मैं इसका स्वागत करता हूँ।

SHRI K C PANT : I am very grateful to Shri Shivnath Singh for his very lucid speech

SHRI BHOGENDRA JHA : Now you will have Councils for U P , Madhya Pradesh and other States ?

SHRI K. C. PANT : I think Shri Bhogendra Jha will understand both the purpose and the motivation behind this Bill better if he reads what Shri Shivnath Singh said

He was very clear and lucid and he caught the point fully. It is for that reason that he really pleaded for an extension of this idea to other areas including his own. So, if there is any lurking suspicion in the mind of any hon member from Assam or anywhere in the north eastern region about the possible erosion of autonomy on account of this, it should have been fully removed by the speech of Mr Shiv Nath Singh, because no one would invite erosion of the autonomy of his own State. Obviously, when someone from another state, pleads strongly for an extension of this Bill to his state, he is fully aware of the implications, and he

would not do so if he feels that it will result in erosion of autonomy of his own State.

Hon. members who have spoken have, I think, understood the Government's intention in bringing forward this measure, but some of them nevertheless have made certain points of criticism. I would take up those points to the extent I am permitted. Firstly, I would like to repeat that this House in 1970 passed the North-eastern Council Act and Parliament made it into law. That was the occasion when the experiment with Meghalaya State within the State of Assam was being tried out. Manipur and Tripura had not then become States. Arunachal Pradesh and Mizoram had not become Union territories. Even then this House in its wisdom felt there was need for coordination and that need was to be met by the creation of the North-eastern Council. How much more need is there today when there are five States and two Union territories in that region. It stands to reason that if there was need in 1970, the need in 1971 is very much more.

The North-eastern Council Act, 1970 created an advisory body. This council also is an advisory body and continues to remain an advisory body. Only its functions in relation to the regional plan have been redefined. In my opening speech I had dealt with the difference between that Act and the present Bill. I will not repeat it.

SHRI R. V. BADE : The recommendations are not binding on the Central Government.

SHRI K. C. PANT : I appreciate the point that there is a weakness in this scheme, viz., its recommendations are not binding automatically on the Centre or on the States themselves. We have to face up to this question : Either we make it binding, in which case to that extent there is erosion of State autonomy, or we do not make it binding to which extent there is this weakness.

SHRI BHOGENDRA JHA : We want to be binding on the Centre.

SHRI K. C. PANT : If you want to make it binding on the Centre, if they suggest that Rs. 1000 crore should be spent this year, is Parliament prepared to forego its own privileges to that extent and delegate

its powers of budgeting to the North-eastern Council ?

SHRI BHOGENDRA JHA : I request you to withdraw the Bill.

SHRI K. C. PANT : Your own contradiction should not apply to me. These are not simple matters. We did earlier think that there should be some provision which would enable the Centre to issue directions that the recommendations of the Council which are acceptable should be implemented. This was the first scheme which we discussed with various States in that region and the representatives of the States and Union Territories in that region.

I sometimes feel that some of the apprehensions expressed even today owe their origin to the misapprehension that the scheme in its original form is still applicable. When the power to give directions was taken by the Centre, it was with a view to implementing the recommendations. Even then the idea was not to interfere with the development but to promote the development of the entire region. But because of the objection from the States and from the leaders of that area, we have removed that power to issue directions. Today it is purely an advisory body. So, I do appreciate the point made by Shri Singh. But I do not want to begin this new chapter in the history of the north east area by creating a feeling that the Centre is interested in foisting anything into the north eastern area. That is the main reason why we have not included it. This is the last Bill in the series which completes the process of restructuring of the north eastern region and in this Bill we have done the very minimum that we must do to provide for co-ordination in respect of development and security matters.

If we did this in a manner which would create an impression in the Union Territories in the north eastern part of the country that somehow the Centre was interested in an erosion of their autonomy or in taking over something from them, it would be a bad beginning. If they do it willingly, we would be prepared to shoulder the responsibility ; if they are not willing, we are not foisting it on them. That is why we have created this Council.

It is an advisory body to discuss and debate, which will make recommendations.

[Shri K. C. Pant]

I need not read out the whole thing again. In section 4 it says clearly that the Council shall be an advisory body.

SHRI R. V. BADE : Why don't you make provision that if the recommendation is not acceptable to the Central Government, it would be sent to the Council for further discussion ?

SHRI K. C. PANT : Discussion is an interminable process and, certainly, there will be discussion and exchanges. The Centre saying 'no' in any matter has not stopped the discussion so far between the Centre and the States. They keep coming back. That is a part of the democratic process.

The need for the Council or some such body was felt even at the time of making the original announcement in this House when we agreed to the creation of Tripura and Manipur as separate States. Even at that stage, in that very statement, the Prime Minister had stated that there would be some arrangement for effecting co-ordination in the field of development and security. Security came in already at that stage.

A point has been raised by many friends as to why security came in. The answer has been given by Shri Singh and I do not want to repeat that. Even in respect of security there is no imposition from the Centre. May I read the relevant provision :

"The Council shall review from time to time the measures taken by the States represented in the Council for the maintenance of security and public order therein and recommend to the governments of the States concerned further measures necessary in this regard."

Where is the imposition ? It is a recommendation ; it is not mandatory. Who will make the recommendation ? The States themselves.

Now I come to the question as to why it is necessary. Even in a big State like UP I have seen in many districts that between the various districts, there are problems. When certain criminals come over from one district to another, a certain amount of co-ordination has to be effected. That is very easy in a State where there is a regular machinery, DIG, IG and so on.

SHRI BHOGENDRA JHA . Without any advisory council being there ?

SHRI K. C. PANT : Exactly, because it is one state. When there are different States, inter-State problems crop up. The problem of dacoits as it affects Rajasthan, UP and Madhya Pradesh is a case in point. Any hon. Member who comes from that region knows how essential it is to have inter-State co-operation. I am sure the House will appreciate the reasonableness of the proposition that there should be consultation in regard to law and order problems in this small area which is now carved into various States.

Some of these States were previously districts. I do not say in a derogatory sense. But from the administrative point of view, some of these States were districts, small areas, small populations, before. Today, there will be so many problems in which there will be need for consultation and there will be need for helping each other out and to sort out various problems. So, I think, this will be a helpful step and I am quite certain that if we did not provide this Council, even otherwise, the States would have to get together on all these questions because the very situation demands that there should be such consultations. There is no imposition from the Centre. There is no question of law and order being taken over by the Centre. I really do not think that there is any ground to oppose public order or security being considered by the Council.

SHRI R. V. BADE : So far as law and order is concerned, why are you clubbing full-fledged States with Union Territories ? About this public order situation, they have got their own police officers, etc.

SHRI K. C. PANT : They will certainly have their own police officers. If there is need for consultation between States, they consult each other and recommend. What is wrong in that ?

SHRI R. V. BADE : There is coordination between police officers in Madhya Pradesh and UP.

SHRI K. C. PANT : That justifies it. You have got my point at last. There is

need for inter-State consultation. There are five States and two Union Territories in this small area. Does that not call for some such body where consultation is held? I thought everyone would welcome it.

A question was raised by Shri Biren Dutta: Why not leave it to the Zonal Council? There is a slight difference. Some of the functions enumerated here, on p. 2, are the functions of the Zonal Council. Any matter of common interest in the field of economic and social planning; any matter concerning inter-State transport and communications; and any matter relating to power or flood control projects of common interest are covered by the Zonal Council. The other functions and, particularly, those relating to the regional plan, formulating of a unified and coordinated regional plan, etc. which are given in subsequent sub-clauses, do not fall within the purview of the Zonal Council. Therefore, a Zonal Council alone will not achieve the purpose we have in mind.

This is absolutely vital. This is the basic concept of having an integrated regional plan for the whole of the north-eastern part of the country. It is quite clear to those who are familiar with the geography of that region that it is like a cup. Assam has common boundaries with all the States. All of them are inter-linked in so many ways in terms of economic development. You can hardly touch any aspect of economic growth and development in which there is not some kind of link between the various States. If you come to, say, the question of roads, obviously, there has to be coordination between the various States. All the roads connecting various units to the rest of the country pass through Assam. If you just think of that, there has to be inter-State connection of the communication links. It is an absolute must.

Then, from the point of view of say, irrigation and power, you have to have dams. Sometimes, there may be a dam which inundates a certain area in one State and gives power to other States. There has to be an agreement in these matters.

There may be a question of locating industrial units. Forests are an important resource of this region. If we do not have such a Council to consider these matters, there may be a temptation for each unit to have a small forest-based industry which is not economically viable. But here, we can

have a regional view of it. There can be economically viable units set up in the interest of the whole region and in such a manner as to give satisfaction to all. This can be considered rationally in such a Council.

Similarly, there are other inter-State projects where the same thing would apply.

So, Sir, I think a body like this Council where decisions can be arrived at after free and full discussions is absolutely necessary from the overall point of view of integration of development schemes in these States to see that the development of the region takes place as rapidly as Members would desire.

A question was raised about the resources. I agree that the Council alone cannot produce the results unless resources are there. Resources have to be given to the North-Eastern region in order that with in the umbrella of this Council inter-State projects can be taken up. There would be, apart from these, the State Plans. These do not replace the State Plans, but over and above that, there will be a regional plan. In respect of the resources position, one must appreciate that when States are formed, in a way it is a transition to adulthood. Adulthood carries its own responsibilities. So, resources have to be raised by the States. Apart from that, however, in the rest of the country one may talk of the States raising their own resources, but, for the North-Eastern region, I feel, the Government must take a more liberal view. Now, a more liberal view can be taken if you could persuade the other States also that this region requires some special treatment and you give to this region something over and above what you give on pro-rata basis to other States. You know there are certain provisions for distributing Central resources to various States. In this case, for the North-Eastern region more resources will have to be allocated and this can best be done when you have such a Council which does formulate a Regional Plan and makes recommendation for raising of resources that are required and this provides that basis for persuading other States that here is something for which extra assistance would be required and, therefore, you should be willing to make your contribution for the development of this region. This would be an important step in procuring more resources for the North-Eastern region.

[Shri K. C. Pant]

I don't think I need go into various details. But I have tried to cover the main points as I have understood them. There is only one other point which I think I should make because a very wide-awake member like Mr. Goswami made it. He said that we did not mention the question of security at any time before and that we have introduced it here. I shall read out the clause but, as I said earlier right in the beginning when the Prime Minister made an announcement on the floor of the House, even at that time she had talked of a co-ordinated approach in respect of security matters. So, there is no question of taking anyone by surprise.

Many Members have emphasised that an important element in the development of the North-Eastern region will be the approach and the attitude of the Central Government to this region. Personally, I have developed links with that region and during the past few months I have had the good fortune of coming into close contact with them.

I know their problems. I appreciate the pain with which some of them speak here when they talk about the difficulty of Assam in procuring projects and the difficulty of other regions in securing projects. I also appreciate the difficulty of communications which held up many projects coming into this region. I do hope that with the liberation of Bangla Desh, some of the big bottlenecks standing in the way of development of this region would have been removed, because, with the resumption of water transport and navigation along the Brahmaputra, one of the bottlenecks would have been removed. Therefore, I hope that this will open up the North-Eastern region even more than what has been the case in the past and it will facilitate the development of the area.

15.00 hrs.

With regard to the attitude and the approach of the Central Government, hon. Members know full well the attitude of the Prime Minister and they know the approach of the Government. I can certainly assure them that in so far, as it lies within our power, we shall certainly do all that we can to develop this region. We realise its importance. We realise its problems. We know that it is a border area, a sensitive

area on which many international boundaries impinge, and that even from that point of view, it is necessary to develop that region.

But, above all, it is a very vital, a very colourful and a very interesting part of our country, with a variety of culture, with its own way of life, with many peoples represented in this small region which add to the variety of our national life. We certainly want to see that they come into their own, develop their own lives as they think best, develop their own institutions as they think best, and their development will add to the strength and the development of the whole country. This is what we have in mind and I am sure that the House will join me on this occasion in sending our very best wishes to the people of that region to each of the States and Union Territories, and in wishing them well for the future. Thank you.

MR. CHAIRMAN : The question is :

"That the Bill to provide for the Setting up of a Council for the north-eastern areas of India to be called the North-Eastern Council and for matters connected therewith be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : There are no amendments. So, I will put all the Clauses together to the vote of the House. Now, the question is :

"That Clauses 2 to 8, Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 2 to 8, Clause 1, the Enacting Formula and the Title were added to the Bill.

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

"That the Bill be passed."

MR. CHAIRMAN : Motion moved :

"That the Bill be passed."

SHRI DASARATHA DEB (Tripura East) : Even after hearing Mr. Pant, clearing certain doubts expressed in this House. Still I have my apprehensions, about retaining

this particular clause of the Bill. This clause says :

"The Council shall review from time to time the measures taken by the States represented in the Council for the maintenance of security and public order therein and recommend to the Government of the States concerned further measures necessary in this regard "

I have an apprehension that it is an encroachment on the autonomy of the State. For development, occasions may arise when some consultations may be necessary between State and State, but without retaining this Clause, such type of consultations may be carried on between State and State. Such type of consultations are being made. Therefore, I do not think why it is necessary to keep this particular Clause in the Bill. It only signifies this, that in the eyes of the Government, there are certain things, due to which they want to interfere from time to time.

Security, internal affairs, law and order etc are entirely State subjects, and it is the State Government which has to deal with it independently. But here there is an obligatory clause that from time to time they should meet and consult and recommend to the Central Government further measures which are necessary. That is why I have my apprehensions and I feel that this clause should not be there. If it is there, it would be a clear interference in the autonomy of the States.

It is still premature to say whether this Bill will help the development of this particular region or not. The hon. Minister has said that this is necessary for a co-ordinated programme or a co-ordinated approach towards planning for the development of this particular region. But in this council is formed, and the elected members, the Chief Minister and the administrator are taken as members of the council, then different States and Union territories will be there, and they will be placing their own demands and schemes; instead of working as a coordinating body, this council will become a quarrelling body or a quarrelling board, with each State wanting more money for its programmes and projects and thus there will be no coordination.

Instead of forming this type of council, the Central Government could do well if they consult the respective States, sit with them, take up the programmes for their own

development, allocate money and help them as much as they can. It is only in that way that this particular area can be developed.

This council indirectly is an imposition of the Central Government's control over the head of these States. After the Prime Minister announced this scheme, in the initial stage itself, the people of Assam, Tripura, Manipur and other areas had very strongly resented it and they had rejected it very reasonably and correctly too, and their apprehensions have now proved correct.

It is said that this council is an advisory body, but the clause itself indicates that it will not function only as an advisory body, but it will do some other functions ..

SHRI K. C. PANT : What else ? Where is it binding ? Where is the mandatory power ?

SHRI DASARATHA DEB : It is not binding, but the clause says :

"The Council shall review from time to time the measures taken by the States represented in the council for the maintenance of security and public order therein and recommend to the Governments of the States further measures necessary...".

SHRI K. C. PANT : The word is 'recommend'.

SHRI DASARATHA DEB : That is not all. Instead of asking the different States to recommend or to give a report about the affairs in their territory, the hon. Minister is now making it binding on the council to review the security measures from time to time. The word 'may' here means 'must' or 'shall'.

SHRI K. C. PANT : What is mandatory about their recommendations ? Their recommendations are not mandatory.

SHRI DASARATHA DEB : This clause is unnecessary. Why should the Central Government want to get a report from the council ? Why should they not get it from the States themselves ? Do they think that a State is incapable of giving any report or is incapable of reviewing their own affairs ? Why is this provision necessary ?

[Shri Dasaratha Deb]

That is why even at this stage, I raise my dissenting voice and I associate myself with those who have resented this even in the very beginning.

श्री रामावतार शास्त्री (पटना) : सभा-पति महोदय, मैं इस बिल का विरोध करता हूँ। माननीय मन्त्री महोदय ने जो जवाब यहाँ पर दिया है उसमें भी इसकी सार्थकता मिट्ट नहीं होनी है। असम, विधान सभा ने जो प्रस्ताव पास किया है और असम के जिन सदस्यों ने यहाँ पर अपने विचार व्यक्त किये हैं, इन दोनों बातों को देखते हुए तो इस विधेयक को यहाँ प्रस्तुत ही नहीं करना चाहिए था। यह ठीक ही कहा गया है कि इस विधेयक के द्वारा उन क्षेत्रों का अपने विकास की गति को आगे बढ़ाने में बाधा पड़ेगी। यहाँ यह सवाल भी उठाया गया है कि ट्रान्सिल के अंदर उसके सदस्य आपस में झगडा कर सकते हैं, ऐसे मौकों पर केन्द्रीय सरकार पच बन कर अपना निर्णय लादने की कोशिश करेगी।

इसके अलावा जब यह परिषद् बन रही है तो उस पर खर्चा भी होगा उन खर्चों को बिना वजह वहाँ की जनता को बहन करना पड़ेगा। क्योंकि आपने हमसे यह नहीं कहा है कि उसके सिलसिले में जो खर्च होंगे उनका केन्द्रीय सरकार देगी। वे तो अधिक सित राज्य है, उन पर खर्च का और ज्यादा बोझा पड़ेगा। वे उस खर्च को भी बहन कर सकते थे, अगर उनकी आजादी को बल मिलता, उनके विकास को ज्यादा फायदा होता है और उनके आपस में झगड़े न होते।

अभी जब बहस चल रही थी, उस समय माननीय भोगेन्द्र झा जी ने यह सवाल उठाया कि उसमें राज्यपाल क्यों दे रहे हैं, इसका जवाब नहीं दिया गया। राज्यपाल की वहाँ पर क्या आवश्यकता है। सम्पूर्ण देश इस बात की मांग कर रहा है कि राज्यपाल की व्यवस्था को पूरे हिन्दुस्तान से उठा देना चाहिये, लेकिन

उठाने की बात तो दूर रही, आप इस परिषद् में भी उनको बैठा देना चाहते हैं। ताकि वह वहाँ झगडा करवाये और झगडा करवा कर मजा ले। उनके वहाँ बैठाने की क्या आवश्यकता थी और आज भी क्या आवश्यकता है, जब कि वह जनता के चुने हुए प्रतिनिधि नहीं है। जनता के चुने हुए मुख्य मंत्री या दूसरे लोग वहाँ मौजूद होंगे, तो फिर इनको रखने की क्या जरूरत है। जब आप का यह लक्ष्य है कि वहाँ पर जो नई व्यवस्था अभी लागू की जाने वाली है उसके द्वारा वहाँ की जनता को स्वायत्त शासन का अधिकार दिया जाय वे अपने भाग्य का फैसला स्वयं करें, तो फिर उनके अधिकार को कम करने का प्रयत्न क्यों किया गया है।

इन सब बातों को देखते हुए, वहाँ की असेम्बली द्वारा एक प्रस्ताव पास हुआ। यहाँ पर जितने लोगों के भाषण हुए, उससे भी स्पष्ट है कि बिल की भावना के साथ ही है। इन सब बातों को देखते हुए आप अभी भी जिद पकड़े हुए हैं कि इसको पास किया जाय, मैं समझता हूँ कि यह गलत बात है। आपको इसे वापस लेना चाहिए और मैं अपनी पार्टी की ओर से इसका जोरदार विरोध करता हूँ।

SHRI K. C. PANT : Shri Deb says that in spite of all my explanations he still has his fears. He and his party are prey to so many fears that I cannot possibly exercise him and his party of these fears.

SHRI BHOGENDR JHA : There is no question of party here.

SHRI K. C. PANT : It is not possible for me to remove all his fears and hallucinations. But I did try again to point out, then he read out the clause, that there is nothing in it which makes the recommendation mandatory.

SHRI BHOGENDR JHA : The State Government feels that it is not necessary to detain people without trial. But suppose this Council recommends it? A

Central Minister will be the Chairman of the Council. There will be funds due for allotment for development. So the question of applying pressure will come.

SHRI K. C. PANT : That is a good example. Suppose the Council recommends that people should be detained without trial, but that is not permissible under the law. It cannot be done. That is the whole point. That is not a law-making body. It does not replace the Legislative Assembly. I think you have caught the point. It is not mandatory. It cannot replace the Legislative Assembly. A decision by the Council will not have the effect of setting aside the Legislative Assembly's decision and imposing its own decision. That is not there at all.

AN HON. MEMBER : It is unnecessary.

SHRI K. C. PANT : When you say it is unnecessary, you are shifting the ground. It is not longer bad ; it is no longer evil ; but it is unnecessary ! If you are shifting your ground more quickly, I will leave you more time so that you will come round and say it is necessary and desirable.

I would like to point out that even in the original 1970 Act it was there. It was in the 1970 Act—"maintenance of security and public order therein." That has already been accepted by Parliament. I am not bringing anything new.

The other point was about the Governor. I would like to tell Shri Shastri that among the novelties of the scheme of north-eastern region's reorganisation is the fact that all these States are going to have the same Governor. One man is going to be

the Governor of Assam, Meghalaya, Manipur and Tripura, and this common Governor will be one of the binding factors and surely help the States to come together. I think that his representation on this Council will be very, very useful. That is why he has been kept there.

Finally, Shri Shastri raised the point as to why the Central Government does not defray the administrative expenses of the North-Eastern Council. I would refer him to clause 7(4) of the Bill where it is stated as follows :

"The administrative expenses of the said office, including the salaries and allowances payable to, or in respect of, members of the secretarial staff of the Council, shall be borne by the Central Government out of the moneys provided by Parliament for the purpose."

Therefore, after this at least I hope he will support the Bill.

MR. CHAIRMAN : The question is :
"That the Bill be passed" . . .

SOME HON. MEMBERS : We want division.

SHRI K. C. PANT : Mr. Chairman, there has not been a single division in this Bill either in the first reading stage or when we considered the clauses ; nor was there a division on any amendment. A division is wanted at the fag end of the third reading ! I just do not understand this ; I would appeal to my friends. . . (*Interruptions*) Is it the idea to fight the elections on this Council ? (*Interruptions*).

MR. CHAIRMAN : The question is :
"That the Bill be passed."

The Lok Sabha divided :

Division No. 29]

AYES

[15.23 hrs.

Ambesh, Shri
Appalanaidu, Shri
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basumatari, Shri D.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bisht, Shri Narendra Singh
Chandra Gowda, Shri D. B.
Chandrashekharaappa Veerabasappa,
Shri T. V.

Chandrika Prasad, Shri
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chunnten Lal, Shri
Darbara Singh, Shri
Das, Shri Dharnidhar
Dasappa, Shri TulSIDas
Deshmukh, Shri Shivaji Rao S.
Dharamgaj Singh, Shri
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dwivedi, Shri Nageshwar

Gangadeb, Shri P.
 Godfrey, Shrimati M.
 Gogol, Shri Tarun
 Gokhale, Shri H. R.
 Goswami, Shri Dinesh Chandra
 Gowda, Shri Pampam
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Kadannappalli, Shri Ramachandran
 Kakodkar, Shri Purushottam
 Kamala Prasad, Shri
 Kapur, Shri Sat Pal
 Kedar Nath Singh, Shri
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishnan, Shri G. Y.
 Kumaramangalam, Shri S. Mohan
 Lakshmikanthamma, Shrimati T.
 Mahata, Shri Debendra Nath
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Mallikarjun, Shri
 Mandai, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Mehta, Dr. Mahipatray
 Mishra, Shri Jagannath
 Modi, Shri Shrikishan
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Munsri, Shri Priya Ranjan Das
 Oraon, Shri Tuna
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri Sudhakar
 Pant, Shri K. C.
 Pratap Singh, Shri
 Paswan, Shri Ram Bhagat
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Qureshi, Shri Mohd. Shah

Raj Bahadur, Shri
 Raju, Shri M. T.
 Raju, Shri P. V. G.
 Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Singh, Shri
 Rao, Shrimati B Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri P. Anknreedu Prasada
 Reddy, Shri P. Antony
 Reddy, Shri K. Kodanda Rami
 Reddy, Shri P. Bayapa
 Sadhu Ram, Shri
 Sait, Shri Ebrahim Sulaiman
 Saksena, Prof. S. L.
 Sankata Prasad, Dr.
 Satish Chandra, Shri
 Sayeed, Shri P. M.
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Dr. H. P.
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Shastri, Shri Biswanarayan
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivnath Singh, Shri
 Siddayya, Shri S. M.
 Sinha, Shri Dharam Bir
 Sokhi, Shri Swaran Singh
 Suryanarayana, Shri K.
 Swamy, Shri Sidrameshwar
 Taodekar, Shri V. B.
 Tayyab Hussain Khan, Shri
 Tewari, Shri Shankar
 Tiwari, Shri D. N.
 Unnikrishnan, Shri K. P.
 Venkatswamy, Shri G.
 Verma, Shri Sukhdeo Prasad

NOES

Bhagirath Bhanwar, Shri
 Bhattacharyya, Shri S. P.
 Bhaura, Shri B. S.
 Chandra Shekhar Singh, Shri
 Chandrappan, Shri C. K.
 Deb, Shri Dasarath
 Dutta, Shri, Biren
 Haidar, Shri Madhuriya
 Horo, Shri N. E.
 Jha, Shri Bhogendra
 Joarder, Shri Dinesh
 Mukerjee, Shri H. N.

Mukherjee, Shri Samar
 Nair, Shri Sreekantan
 Panda, Shri D. K.
 Reddy, Shri B. N.
 Roy, Dr. Saradish
 Saha, Shri Gadadhar
 Sambhali, Shri Ishaq
 Sen, Dr. Ramen
 Shastri, Shri Ramavatar
 Subravelu, Shri
 Ulaganambi, Shri R. P.

MR. CHAIRMAN : The result* of the division is : Ayes—108 ; Noes—23.

The motion was adopted

15-21 hrs.

**STATUTORY RESOLUTION RE :
MYSORE GOVERNMENT NOTI-
FICATION UNDER COTTON
TRANSPORT ACT**

THE MINISTER OF STATE IN THE
MINISTRY OF AGRICULTURE (SHRI
ANNASAHIB P. SHINDE) : Mr. Chairman,
I beg to move :

"In pursuance of section 8 of the Cotton Transport Act, 1923 (Central Act 3 of 1923) read with the Proclamation by the President G.S.R. 457 dated the 27th March, 1971, this House approves of the Notification No. AF 94. ATN 64, dated the 5th November, 1971 of the Government of Mysore, Agriculture and Forest Department to be issued in exercise of the powers conferred by section 3 of the Cotton Transport Act, 1923."

MR. CHAIRMAN : Anybody wanting to speak ? No. I shall put the motion to vote : The question is :

"In pursuance of section 8 of the Cotton Transport Act, 1923 (Central Act 3 of 1923) read with the Proclamation by the President G.S.R. 457 dated the 27th March, 1971, this House approves of the Notification No. AF 94. ATN 64, dated the 5th November, 1971 of the Government of Mysore, Agriculture and Forest Department to be issued in exercise of the powers conferred by section 3 of the Cotton Transport Act, 1923."

The motion was adopted.

15-23 hrs.

**SUPREME COURT JUDGES
(CONDITIONS OF SERVICE)
AMENDMENT BILL
AND
HIGH COURT JUDGES (CONDITIONS
OF SERVICE) AMENDMENT BILL**
THE MINISTER OF LAW AND
JUSTICE (SHRI H. R. GOKHALE) : There

are two Bills, one relating to the Judges of the Supreme Court and the other, about the High Courts. I was wondering whether it was permissible to have a common discussion. The subject-matter is the same. I shall, if you permit me, move both the Bills for consideration ; let there be common discussion, but separate voting.

MR. CHAIRMAN : You can take them up together.

SHRI H. R. GOKHALE : I beg to move† :

"That the Bill to amend the Supreme Court Judges (Conditions of Service) Act, 1958, be taken into consideration."

I beg to move† :

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, be taken into consideration."

In the matter of conditions of service like leave, pension, etc. the Judges of the Supreme Court are governed by the provisions of the Supreme Court Judges (Conditions of Service) Act, 1958 and the Judges of the High Court are governed by the provisions of the High Court Judges (Conditions of Service) Act, 1954

Under the Act governing the Supreme Court Judges, when a Judge of the Supreme Court avails of leave on full allowances, he is entitled to full salary (equal to monthly rate of pay) for the first 45 days and leave allowance at the rate of Rs. 2,20/- per month for the rest of such leave. If a Judge is forced to take long leave for reasons of ill-health, he has to avail of leave on half allowances during which period he is entitled to an allowance at the rate of Rs. 1,110/-per month only. To give some relief in such cases, it is proposed to extend to the Judges of the Supreme Court, the facility of commuting leave on half allowances into leave on full allowances on medical certificate upto a maximum period of three months during the entire service as Judge on the analogy of the provision obtaining for Government servants. In the Act governing the High Court

*The following Members also recorded their votes for AYES : Dr. Jivraj Mehta, Sarvashri Shashi Bhushan and Iswar Marandi.

†Moved with the recommendation of the President.