

Mr. Speaker: There is no meaning in that. Any hon. Member may now move a motion for reference to a Select Committee without any further speech. Let this go to the Select Committee and tomorrow the hon. Minister may move both the official Bills to the same Select Committee. The same Select Committee may look into the entire matter and send them back to us. If there is not sufficient time on official days due to pressure of official work, we may take it up on a non-official day. I leave it to the hon. Minister. As he says, he is agreeable to the principle because Government themselves have sponsored those Bills.

Pandit Thakur Das Bhargava: I would like to move it for reference to Select Committee.

Shrimati Kamalendu Mati Shah: I agree with your suggestion, Sir.

Pandit Thakur Das Bhargava: In three minutes I will give you the names of the Members of the Select Committee.

Shrimati Jayashri: There are three Bills—the Children's Bill, Suppression of Immoral Traffic Bill and....

Mr. Speaker: They are not before the House now. I find there is need-less discussion on this Bill.

Shrimati Kamalendu Mati Shah: I will give the names of the Members who will be on the Select Committee, a little later.

Mr. Speaker: The hon. Member may kindly pass on the names. We may now take up the next item. The motion for reference to Select Committee may be made a little later.

CONSTITUTION (AMENDMENT OF THE SIXTH SCHEDULE) BILL

Shrimati Khongmen (Autonomous Distt.—Reserved Sch. Tribes): I beg to move:

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

The House is aware that the Sixth Schedule of the Constitution of India

is intended for the administration of the six autonomous districts of Assam. The provision is there to safeguard the interests, land, language, culture and customs of the tribal people. This is a commendable act on the part of the Constitution-makers and of Indian statesmanship. It is the intention not only of the people, enjoined in this provision, but the people of India as a whole to see that the scheme of the district autonomy provided under the Sixth Schedule really becomes a success. As the House is aware, in five of the districts this scheme has been under operation for the last four years. It is unfortunate that the sixth district, namely, the Naga Hills District, so far has not taken to it kindly.

I would like to tell the House that as a result of the working of this scheme, many good things have been attempted and have been done in these five districts. The people of this area are gaining experience in this new democratic self-rule. With more experienced, of these District Councils, I have no doubt, will do still better. However, on the basis of the experience gained by those who are responsible for the working of these District Councils, they feel that in order to achieve the object for which special provision was made, the Sixth Schedule needs improvement by way of amendments as proposed in my Bill. I do not claim to be a constitutional expert or that all that I have suggested would be acceptable to this House straightaway. I am open to be convinced of any improvement that may be suggested for fulfilment of the broad objective I have mentioned before.

With these few words I now propose to give a broad outline of the provisions of the Bill.

First of all, I have suggested that for any modification or alteration of the District Council's boundaries, the consent of the District Council should be taken. Secondly, the provision of the North Cachar Hills and Mikir Hills Council should be modified to make room for an elected Chairman,

and the existing veto power should go. So far as land is concerned, in the matter of acquisition and settlement of land, I am suggesting more powers for the District Councils. With regard to legislation that may be passed by the District Councils, I am suggesting that when a Bill is sent for a second time to the Governor, the assent for such a Bill should not be withheld by him.

The particular areas, in which the Sixth Schedule is in operation, are undeveloped areas due to the neglect of our past rulers. In order to develop these areas, the District Councils must have strong financial backing. With a view to give the District Councils an assured income, I am suggesting certain statutory provisions for strengthening the finances of these Councils.

I have also suggested that prospecting licences and mining leases for extraction of mineral resources in the tribal areas should not be granted without the consent of the District Councils.

I am sure that it is not only that I am anxious but also the House is equally anxious that the tribal people of the autonomous districts get proper representation in the State Cabinet in order that they may work for the well-being of the tribal people. I have suggested some obligatory provisions towards that end. I have also suggested that the jurisdiction of the Assam High Court should be extended to certain cases decided by the district or village courts. I have also suggested that no law should be made applicable without the consent of the district councils.

4-01 P.M.

[SHRI BARMAN in the Chair]

There is one more point. The municipal area of Shillong is not under the jurisdiction of the district council concerned the district council of united Khasi and Jaintia Hills. I have suggested that this area should come under the jurisdiction of that district council.

The Constitution provides for the appointment of a commission to enquire and report about the working

of the district councils in the autonomous region. I have suggested that before such reports are placed before the State Legislature, the view of the district councils shall be obtained. I am sure the House will realise the difficulties that one encounters while working in that area according to the provisions of the Sixth Schedule. I, therefore, earnestly request the House and the Government to come to our help and accept this amendment.

Mr. Chairman: Motion moved:

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

Shri L. Jogeswar Singh (Inner Manipur): Sir, I whole-heartedly support the Bill which has been moved by Shrimati Khongmen. But, I want to have a more comprehensive Bill introduced by the Government. For the time being, I feel that this Bill may be held over till the discussion on the Constitution (Ninth Amendment) Bill is taken up. There it has been elaborately dealt with—the question of administration of these district councils. There is also the question of linguistic minorities which has been dealt with in the S.R.C. Bill. So, unless and until these Bills are discussed in this House, there is no use of proceeding with this and so I suggest that this may be held over till that time.

The Prime Minister announced yesterday that he was anxious to give more powers to the autonomous district councils. In the autonomous districts of Assam, there are many linguistic groups. Every district has got its own language and its own dialect and these are to be safeguarded.

The district councils have not been given full powers so far as financial matters are concerned. Development programmes such as the construction of roads, digging of wells and tanks, etc. have to be taken up there, more especially in the hill areas where these district councils are functioning. They will have to be given the first priority. But the provisions as they are in the Sixth Schedule are not

[Shri L. Jogeswar Singh]

very satisfactory or adequate and they do not give adequate powers to the district councils to utilise money. The Governor has, at the same time, over-riding powers above the district councils. Wider powers should be given to the district councils. Otherwise, it will not be possible for them to undertake these development programmes and work them out satisfactorily. Now and then, they have to refer to the Assam Government and the Assam Legislature.

According to the Constitution, district autonomy is given to certain hill districts in Assam. There are six such districts. In one district, the Naga district, no council is functioning. In the case of the other districts, the district councils are functioning. There are certain difficulties in the way of their working and Shrimati Khongmen has brought in this Bill to remove them. I hope this House will also realise the difficulties which are experienced by those who are working in the district councils.

I would suggest that this Bill may be held over till the Constitution (Ninth Amendment) Bill comes before this House and we discuss the SRC proposals contained in that Bill. There will be full discussion about the future set-up of the district councils, district autonomy in Assam, etc. There was also a suggestion to appoint a commissioner to supervise the activities of the district councils in Assam. There is also the question of putting in some safeguards for the linguistic and other minorities. This Bill should be taken into consideration when the Constitution (Ninth Amendment) Bill is taken up for discussion here. I appeal to the Government to see that the intention of the Mover is carried out in that Bill so that the handicaps and difficulties experienced by those who are in charge of the district councils are removed. I support this Bill.

The Prime Minister and Minister of External Affairs and Finance (Shri Jawaharlal Nehru): Mr. Chairman, I am placed in some difficulty because I have every sympathy with the hon.

lady Member who has brought this Bill forward, and I have every desire to further the cause which she has at heart. But, I do feel that amending the Constitution in this rather piecemeal way, in regard to an area which is very much before our minds and about which we want to do something, may not be a very desirable method of progress.

Only yesterday, we were discussing in this House the problem affecting the Naga Hills district. The hon. lady Member's Bill affects the Sixth Schedule and several of the autonomous districts there. I have no doubt in my mind that the Sixth Schedule has got to be amended. How it is going to be amended, I cannot exactly say. As a matter of fact, in this report of the States Reorganisation Commission there is, if I may say so with all respect, an omission and a gap dealing with these matters. I do not think it was an intentional omission in the sense that they deliberately did not deal with this matter. But, as far as I know, they were rather hurried at the end and they wanted to present their Report by a certain date they had undertaken to do and they did not want to deal with this question in a hurry. Anyhow, this matter has not been so fully considered by them there as we had hoped that it might be, although it is really a part of that larger problem. So we have to consider this in this larger perspective and consider more especially the Sixth Schedule.

I submit to the House and to the hon. lady Member that this larger consideration would be affected very much if we go ahead in a piecemeal way which may not fit in. I cannot for the present say whether some of the suggestions made in this Bill would fit in with any larger consideration. They may fit in, some of them; maybe, some other series of changes or amendments might be suggested. Therefore, as I said, Sir, I am in this difficulty, because I do entirely sympathise with and support the broad objective she has. But I fear I cannot support an amendment of the

Constitution, which is a serious matter, in this rather piece-meal way.

Mr. Chairman: After hearing the speech of the Prime Minister, may I know the reaction of the Mover of the Bill?

Shrimati Khongmen: Sir, in view of the sympathy expressed by the hon. Prime Minister, and also in view of the assurance given by him that he will look into this, I beg leave of the House to withdraw my Bill.

Mr. Chairman: Has the hon. Member leave of the House to withdraw the Bill?

The Bill was, by leave, withdrawn.

CRIMINAL LAW AMENDMENT BILL

Shri M. L. Agrawal (Pilibhit Distt. cum Bareilly Distt.—East): I beg to move:

“That the Bill further to amend the Indian Penal Code, 1860, and the Code of Criminal Procedure, 1898, to provide for the abolition of capital punishment, be taken into consideration.”

Sir, I consider it a privilege to have been allowed an opportunity to introduce this Bill and now to move for its consideration. Nobody can gainsay that the subject is of very great importance. Although the subject admits of making a great appeal on emotional grounds, I would refrain from doing so and try to convince this hon. House on sheer merits, and I expect this hon. House also to bear with me and consider the subject dispassionately, with due solemnity and come to a decision on the merits of the case.

In this connection, Sir, I was not a little surprised and pained to find that the hon. Minister in the Ministry of Home Affairs, Shri B. N. Datar, on the 21st April, 1956, in replying to a supplementary on Starred Question No. 1633 permitted himself to make a casual remark: “there are other noughty considerations on account of which it is not possible at this stage

to take up the question of the suspension of the death sentence when nearly 9,000 murders are taking place every year in India.” I presume that the hon. Minister knew that this Bill was pending, and it would have been better if he had refrained from permitting himself to have made this remark without hearing the views of the House. I regret this remark very much and I hope the hon. Minister would also regret it.

Before going into the merits of the Bill, I would like to say briefly the position with respect to death penalty in the world. In Europe capital punishment has been abolished or allowed to fall into disuse in Austria, Belgium, Denmark, Finland, Holland, Iceland, Italy, Luxembourg, Norway, Portugal, Rumania, Sweden, Switzerland, and West Germany; and for murder, the USSR. Six American States are without death penalty and 9 American States have restored it after they have abolished it, the abolition having remained from 2 to 28 years.

Shri Feroze Gandhi (Pratapgarh Distt.—West cum Rae Bareilly Distt.—East): Sir, there is no quorum in the House.

Mr. Chairman: The bell is being rung. Now there is quorum. The hon. Member, Shri M. L. Agrawal, may continue.

Shri M. L. Agrawal: Sir, in 12 of the South American States capital punishment has been abolished. In the British Commonwealth only Queensland is without it. New Zealand abolished capital punishment in 1941 but re-introduced it in 1950. There is again going to be a referendum to decide the position finally.

It would appear that in the American States there has been a slow progress in the movement for abolition. It is due perhaps to the influence of Great Britain that we may, in a measure, attribute the slow progress of the abolition movement in the American States.