

- (3) A statement (Hindi and English versions) regarding Review by the Government on the working of the Society, for Promotion of Wastelands Development, New Delhi, for the year 1986-87.

[Placed in Library See No. LT - 5116/87]

ELECTION TO COMMITTEE

[English]

**National Shipping Board**

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): Sir, I beg to move:

"That in pursuance of sub-section (2) (a) of Section 4 of the Merchant Shipping Act, 1958, the members of this House do proceed to elect, in such manner as the Speaker may direct, four members from among themselves, to serve as members of the National Shipping Board, subject to other provisions of the said Act."

MR. SPEAKER: The question is:

"That in pursuance of sub-section (2) (a) of Section 4 of the Merchant Shipping Act, 1958, the members of this House do proceed to elect, in such manner as the Speaker may direct, four members from among themselves, to serve as members of the National Shipping Board, subject to other provisions of the said Act."

*The motion was adopted*

12.08 hrs.

ILLEGAL MIGRANTS (DETERMINATION BY TRIBUNALS) AMENDMENT BILL\*

[English]

THE MINISTER OF HOME AFFAIRS

(S. Buta Singh): I beg to move for leave to introduce a Bill to amend the Illegal Migrants (Determination by Tribunals) Act, 1983.

MR. SPEAKER: Mr. Banatwalla.

SHRI G.M. BANATWALLA (Ponnani): I oppose the Bill strongly and with all the vehemence at my command. Sir, the Bill is a gross betrayal of all minorities — religious, linguistic and ethnic. To say that the Bill is as a result of experience gained in the working of the principal Act is nothing but political hypocrisy. The Bill represents a meek and reprehensible surrender to dark forces of chauvinism.

Mr. Speaker, Sir, the principal act was passed by this House in the context of the situation as developed in Assam. Therefore, there were several inbuilt safeguard and the amendment Bill destroys all these safeguards. I therefore, say that the Bill is an instrument for legalised persecution and oppression. As it is, there is a great deal of persecution and oppression in Assam and the provision of this Bill will further facilitate the oppression and persecution of even the innocent citizen of Assam. I, therefore, strongly oppose the Bill. The Bill is a fraud on constitutional guarantee. This is a mockery of our legal system.

Sir, I once again, urge upon the Government, even at this stage to withdraw this obnoxious Bill. I appeal to the House to throw the Bill out.

SHRI BASUDEB ACHARIA (Bankura): This Bill will open a flood-gate of harassment to Indian citizens who are living in Assam for decades. In the names of detection and expulsion, thousand of genuine Indian citizens will be evicted, those who are living since 47.

What is the difficult with the present Act? The present Act is sufficient enough to detect the foreigners. Now with this amendment, any person can make a complaint against any other person because the territorial limitation of 3 kms. has been done away with. Then, the decision of the appellate tribunal will be final. Nobody will be allowed to go to the High Court against the decision of this Tribunal.

This Amendment Bill violates Articles 226 and 227 of the Constitution. Thousands of citizens who are living in Assam and who came to Assam even during 1947 will now be evicted. I know Sir, about 85000 genuine citizens who are residing in Maligaon and other areas are now being evicted, being identified as foreigners.

So, this Bill will help to evict thousands of India citizens. As this Bill violates the fundamental rights of the Constitution, I oppose the introduction of this Bill the Illegal Migrants (Determination by Tribunals) Amendment Bill—and I urge the Minister to withdraw this Bill.

[*Translation*]

MR. SPEAKER: Mr. Somnath Chatterjee, you may please tell me if your notice was tabled in time?

SHRI SOMNATH CHATTERJEE (Bolpur): Yes, Sir, in time.

MR. SPEAKER: Yes, it was received in time.

[*English*]

SHRI SOMNATH CHATTERJEE (Bolpur): It should have been the first Sir. I thought my notice would be the first.

MR. SPEAKER: Your notice was in time: so I included it.

PROF. MADHU DANAVATE (Rajapur): He is the authority on the Constitution Sir.

SHRI SOMNATH CHATTERJEE: For the sake of humanity and civilised behaviour, I stand to oppose the introduction of this Bill. It is clearly a matter of political expediency so far as this Government is concerned and that is going to prevail over justice and fairplay.

The statement of objects and reasons of the present Bill shows that the 1983 original Act was for the establishment of tribunals for determination in a fair manner of the question of whether a person is an illegal migrant or not. But that modicum of fairplay or justice which was included in the initial legislation is being done away with. Now the entire procedure is sought to be changed for the purpose of not helping or assisting a fair determination of the question; but to make it possible for a complainant to make allegations and charges, so that people can be driven out of Assam on the plea of being foreigners.

This dilution of some of the just provisions of the initial legislation negates all the assurances that were given by Pandit Nehru and Sardar Patel on the floor of this very House to those people whose sacrifices and sufferings had ushered in the freedom of this country and put Pandit Nehru and Sardar Patel on the seats of power.

PROF. MADHU DANAVATE: Incidentally the present one also!

SHRI SOMNATH CHATTERJEE: Now, Sir, such assurances which were at that time said to be national commitment to the people of this country and article of faith of those people who became victims of a politically expedient decision, namely, partition of the country how that article of faith is being preserved and how that national commitment is being kept to the subsequent generations of those people who suffered no less than those whom we have given 'Samman Patras' today. I wish the Government has been little more can did in saying that in the statement of objects and reasons how determination of the question of illegal migrants in a fair manner was being hampered. Is the object to make it

[Shri Somnath Chatterjee]

more fair so far as the alleged illegal migrants are concerned or more fair to the complainants against the so-called illegal migrants. This affects lakhs of people. I have got instances and I hope, Sir, when justice is not being obtained from the executive and the Government of India is entering into all sorts of agreements and accords irrespective of their serious consequences and repercussions on humanity as such people who are not at fault at all just because some people—who are our good friends—have mistaken notion that their development is being allegedly hampered by people who have participated in the development of Assam in all its sectors now for the sake of entering into an accord the greatest attack on humanity and minimal rights of the people living in this country were brought about.

If you go through the statement of objects and reasons there will be reduction in the strength of the Tribunal. It becomes easier to make frivolous complaints. Previously under the present Act only a person within 3 km could make a complaint. The base of it was that a person must know himself that somebody was an illegal migrant. Now in a police station area comprising hundreds of km anybody can make a complaint and, as such, the trouble starts for these people. I hope that there is another forum in this country and judiciary will come to the rescue of those people. That is why an attempt is being made to restrict access to the judiciary. This is a serious legislation. I know the hon. Minister has to sacrifice or compromise with his own feelings and sense of fairness but by this surrender to the chauvnistic forces you cannot bring about integration of the country far less you are bringing miseries to the lakhs and lakhs of people. I appeal to the Government to retrace its steps and not surrender in this manner the rights of a large number of people.

SHRI ABDUL HAMID (Dhubri): I also oppose the introduction of this Bill.

MR. SPEAKER: You did not give your notice in time. So I am helpless.

[*Translation*]

SHRI SULTAN SALAHUDDIN OWAISI (Hyderabad): Sir, he is the only Member from Assam. He should be given time.

(*Interruptions*)

[*English*]

SHRI ABDUL HAMID (Dhubri): I have written to you for opposing introduction of this Bill. (*Interruptions*)

[*Translation*]

MR. SPEAKER: Why don't you listen? Please listen to me. Why do you not listen to what I say. I have no objection. You have given your notice late. It is your fault. It is not my fault. Your notice has been received at 10.20 A.M. I would have allowed him too. I have no hesitation.

SHRI ABDUL HAMID: I had given it at 10 A.M.

MR. SPEAKER: You had given at 10.20 A.M. It should have come at 10 A.M.

[*Translation*]

You should have been a little alert. You should have given notice early.

AN HON. MEMBER: Kindly relax this rule for him.

[*English*]

MR. SPEAKER: No, I won't.

[*Translation*]

When I did not stop him, then what was the trouble with him?

[*English*]

Don't waste my time.

S.BUTA SINGH: Mr. Speaker, Sir, at this stage, the merits of the Bill have not to be discussed.

[*Translation*]

SHRI ABDUL HAMID: I stage walk out.

MR. SPEAKER: You may speak when discussion on the Bill takes place. Why do you stage a walk-out? You blame others because of your own weakness.

*At this stage, Shri Abdul Hamid left the House.*

[*English*]

S.BUTA SINGH: Sir, under Rule 72, the introduction of the Bill can be opposed. (*Interruptions*) ....only on the constitutional points and legal grounds. Since no Hon'ble Member from the Opposition has raised any objection as to the constitutional or legal competence of the House therefore, the other things.....

SHRI BASUDEB ACHARIA: I raised.

S. BUTA SINGH: Hon'ble Members, Shri Banatwallaji, Achariaji and my learned friend, have tried to misinterpret certain provisions which are given in the objects of the Bill. The Government of India is fully committed to protect the rights of the minorities... (*Interruptions*)..

Sir, we will not do anything and we will not allow anything to happen in Assam or in any other part of the country which will impinge.....(*Interruptions*)....upon the constitutional rights of our citizens. We are bound to implement the solemn words of Pandit Jawaharlal Nehru. We will not allow anything to happen which is against the spirit of the Constitution.

I can assure the Hon'ble House and the Members opposite. This House is supreme. At the time of discussion, the Hon'ble Members may point out what are the things which really hit at the constitutional rights of the citizens. Definitely this House is supreme. But at this stage, the introduction of the Bill should not be interrupted only on the frivolous grounds—the grounds which are not legal and constitutional. Certain insinuations made by the Hon'ble Members are not in the order I can tell you only one thing..... (*Interruptions*) ....Fairplay and justice are the cardinal principles of the Acts that Parliament has passed. Our party is committed totally to protect the lives and the property of the minorities of our country in any part of the country.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to amend the Illegal Migrants (Determination by Tribunals) Act, 1983".

*The Loka Sabha Divided*

Division No. 9]	AYES	[12.29 hrs.
Abbasi, Shri K. J.	Ataur Rahman, Shri	
Abdul Ghafoor, Shri	Athithan, Shri R. Dhanuskodi	
Ahmed, Shri Sarfaraz	Awasthi, Shri Jagdish	
Akhtar Hasan Shri	Azad, Shri Bhagwat Jha	
Anand Singh, Shri	Baghel, Shri Pratapsinh	
Ansari, Shri Abdul Hannan	Bairagi, Shri Balkavi	
Ansari, Shri Z. R.	Bairwa, Shri Banwari Lal	
Arunachalam, Shri M.	Baitha, Shri D. L	

Banerjee, Kumari Mamata

Bhagat, Shri H. K. L.

Bharat Singh, Shri

Bhardwaj, Shri Parasram

Bhoi, Dr. Krupasindhu

Bhumij, Shri Haren

Bhuria, Shri Dileep Singh

Birinder Singh, Shri

Buta Singh, S.

Chandrasekhar, Shrimati M.

Chandrashekarappa, Shri T. V.

Chandresh Kumari, Shrimati

Charles, Shri A.

Chaturvedi, Shri Naresh Chandra

Chaudhry, Shri Kamal

Chavan, Shrimati Premalabai

Chinta Mohan, Dr.

Choudhari, Shrimati Usha

Choudhury, Shri Samar Brahma

Dalwai, Shri Hussain

Das, Shri Sudarsan

Das Munsi, Shri Priya Ranjan

Dennis, Shri N.

Deora, Shri Murli

Devi, Prof. Chandra Bhanu

Dhillon, Dr. G. S.

Digal, Shri Radhakanta

Dighe, Shri Sharad

Digvijaya Singh, Shri

Dikshit, Shrimati Sheila

Dinesh Singh, Shri

Dogra, Shri G. L.

Gaikwad, Shri Udaysingrao

Gamit, Shri C D.

Gavit, Shri Manikrao Hodlya

Gholap, Shri S.G.

Ghosh, Shri Bimal Kanti

Gomango, Shri Giridhar

Goswami, Shri Dinesh

Gupta, Shrimati Prabhawati

Jain, Shri Nihal Singh

Jangde, Shri Khelan Ram

Jatav, Shri Kammodilal

Jena, Shri Chintamani

Jhansi Lakshmi, Shrimati N. P.

Jhikram, Shri M. L.

Jitendra Prasada, Shri

Kamla Kumari, Kumari

Kaul, Shrimati Sheila

Ken, Shri Lala Ram

Khan, Shri Mohd. Ayub

Khan, Shri Rahim

Khirhar, Shri R. S.

Kinder Lal, Shri

Kolandaivelu, Shri P.	Netam, Shri Arvind
Krishna Singh, Shri	Pandey, Shri Manoj
Kurien, Prof. P. J.	Panigrahi, Shri Sriballav
Lal Duhoma, Shri	Parashar, Prof. Narain Chand
Lowang, Shri Wangpha	Pardhi, Shri Keshao Rao
Madhuree Singh, Shrimati	Patel, Shri U. H.
Mahabir Prasad, Shri	Patil, Shri Vijay N.
Mahalingam, Shri M.	Pattnaik, Shri Jagannath
Mahendra Singh, Shri	Penchalliah, Shri P.
Malviya, Shri Bapulal	Peruman, Dr. P. Vallal
Manorama Singh, Shrimati	Pilot, Shri Rajesh
Manvendra Singh, Shri	Poojary, Shri Janardhana
Mavani, Shrimati Patel Ramaben Ramjibhai	Potdukhe, Shri Shantaram
Mehta, Shri Haroobhai	Purushothaman, Shri Vakkom
Mishra, Dr. Prabhat Kumar	Raj Karan Singh, Shri
Mishra, Shri Ram Nagina	Ram, Shri Ramswaroop
Mishra, Shri Umakant	Ram Dhan, Shri
Modi, Shri Vishnu	Ram Singh, Shri
Mohanty, Shri Brajamohan	Ramachandran, Shri Mullappally
Murmu, Shri Sidha Lal	Ramulu, Shri H. G.
Naik, Shri G. Devaraya	Rana Vir Singh, Shri
Naik, Shri Shantaram	Ranga, Prof. N. G.
Naikar, Shri D. K.	Rao, Dr. G. Vijaya Rama
Namgyal, Shri P.	Rao, Shri P. V. Narasimha
Natarajan, Shri K. R.	Rao, Shri Srinari
Negi, Shri Chandra Mohan Singh	Rao, Shri V. Krishna
	Rathod, Shri Uttam
	Raut, Shri Bholu

Reddi, Shri C. Madhav	Sreenivasa Prasad, Shri V.
Sahu, Shri Shiv Prasad	Sukh Ram, Shri
Saikia, Shri Gokul	Sukhbuns Kaur, Shrimati
Sakargaym, Shri Kalicharan	Sultanpuri, Shri K D.
Sankhawar, Shri Ashkaran	Suman, Shri R P
Sankata Prasad, Dr	Sunder Singh, Ch.
Satyendra Chandra, Shri	Surendra Pal Singh, Shri
Scindia, Shri Madhavrao	Swell, Shri G G
Sethi, Shri Ananta Prasad	Tanti, Shri Bhadreswar
Shah, Shri Anoopchand	Tewary, Prof K K
Shaktawat, Prof Nirmala Kumari	Thakkar, Shrimati Usha
Shankaranand, Shri B	Thambi Durai, Shri M
Shanti Devi, Shrimati	Thomas, Prof K V
Sharma, Shri Chiranjil Lal	Tigga, Shri Simon
Sharma, Shri Nand Kishore	Tomar, Shrimati Usha Rani
Shrvendra Bahadur Singh, Shri	Tulsiram, Shri V
Siddiq, Shri Hafiz Mohd	Van, Shri Deep Narain
Sidnal, Shri S. B	Venkatesan, Shri P R S
Singh, Shri Santosh Kumar	Vijayaraghavan, Shri V S
Singh Deo, Shri K.P.	Vyas, Shri Girdhari Lal
Sinha, Shri Atish Chandra	Yadav, Shri Kailash
Sodi, Shri Mankuram	Yadav, Shri Ram Singh
Solanki, Shri Kalyan Singh	Yegesh, Shri Yogeshwar Prasad
Soundararajan, Shri N.	Zainul Basher, Shri

**NOES**

Acharia, Shri Basudeb	Basu, Shri Anil
Banatwalla, Shri G. M.	Chatterjee, Shri Somnath



Chowdhary, Shri Saifuddin

Reddy, Shri C. Janga

Dandavate, Prof. Madhu

Reddy, Shri S. Jaipal

Kurup, Shri Suresh

Saha, Shri Ajit Kumar

Mahata, Shri Chitta

Sait, Shri Ebrahim Sulaiman

Malik, Shri Purna Chandra

Shahabuddin, Shri Syed

Pandey, Shri Kali Prasad

Tiraky, Shri Piyus

Patel, Shri H. M.

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[English]

12.29 hrs.

[MR DEPUTY SPEAKER *in the Chair*]

MR. SPEAKER: Subject of correction,  
the result \* of the division is:

MATTERS UNDER RULE 377

[Translation]

Ayes : 172

(i) **Need to declare the road between  
Nasirabad and Mhow as a  
National Highway**

Noes : 17

*The motion was adopted.*

SHRI G. M. BANATWALLA: We register  
our strong protest and walk out.

*Shri G. M. Banatwalla and some other hon.  
Members then left the House.*

S. BUTA SINGH: I introduce the Bill.

SHRI BALKAVI BAIRAGI (Mandsaur):  
Mr. Deputy Speaker, Sir, the road from  
Nasirabad Cantonment of Rajasthan to  
Mhow, an important Cantonment of mad-  
hya Pradesh passes through another Can-  
tonment at Neemuch. The present  
condition and maintenance of this road is  
very poor. The entire traffic from Bombay  
to Delhi via Ajmer-Jaipur passes through  
this road. Lakhs of vehicles move on this  
road round the clock. It is becoming very  
difficult day by day for the Governments of  
Madhya Pradesh and Rajasthan to main-  
tain this busiest road. The Government of  
Madhya Pradesh have sent its recent prop-  
osals to the Central Government to declare  
the road from Neemuch to Mhow as a

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\* The following Members also recorded their votes:

Ayes: Prof. Salahuddin, Shri Harpal Singh, Shri Nawal Kishore Sharma and  
Dr. G. S. Rajhans;

Notes: Shri V. S. Krishna Iyer and Shri Mohd. Mahfooz Ali Khan.