

[English]

MR. DEPUTY SPEAKER : No, no. It is too late now. We have already adopted the suspension Motion. What can I do now ? We have adopted it.

[Translation]

SHRI C. JANGA REDDY : The Bill on Mizoram has been brought. Does it mean suspension of the rules ?

[English]

S. BUTA SINGH : No, no. It was carried.

MR. DEPUTY SPEAKER : The Bill on Mizoram has already been circulated. What is there for discussion ?

[Translation]

SHRI C. JANGA REDDY : I am bringing it to your notice.

[English]

MR. DEPUTY SPEAKER : The Memorandum of Reasons has also already been circulated. Before the Motion for suspension was put to vote, you should have raised it. The suspension Motion has been adopted. Now the Minister is taking up items 7 and 8 for consideration.

12.23 hrs.

CONSTITUTION (FIFTY-THIRD
AMENDMENT) BILL, 1986
AND
STATE OF MIZORAM BILL, 1986

[English]

THE MINISTER OF HOME AFFAIRS
(S. BUTA SINGH) : I beg to move :

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

The Memorandum of Settlement on Mizoram and Sequence of Events signed on the 30th June, 1986 envisages the following

steps which are required to be taken by the Mizo National Front :

- (1) The MNF undertakes, within the agreed time-frame, to take all necessary steps to end all underground activities, to bring out all underground personnel of MNF with their arms, ammunition and equipments; and
- (2) The MNF Party will take immediate steps to amend its Articles of Association so as to make them conform to the provisions of law.

Regarding the coming overground of MNF personnel, the total number of MNF personnel who have come overground till the 1st August, as per the time frame worked out, is 534. This excludes their 154 family members. The MNF have surrendered weapons of various types such as Light Machine Guns, Sub-Machine Guns, Self-Loading Rifles, Rocket Launchers etc. They have also surrendered ammunition and equipments.

Regarding amendment of Articles of Association, the MNF have already taken steps to discard the Constitution of Mizoram based on the assumption that Mizoram is an independent State. They have also abrogated and set aside 'declaration of independence' announced on the 1st March, 1966. They have also amended their Articles of Association so as to conform to the provisions of law.

As per the Memorandum of Settlement, the Government will initiate necessary legislative and administrative measures including those for the enactment of the Bills for the amendment of Constitution with a view to satisfying the desires and aspirations of all sections of the people of Mizoram, subject to the fulfilment of the conditions by MNF. Accordingly, the Constitution (Fifty-third Amendment) Bill gives effect to the provisions of the Memorandum of Settlement on Mizoram in paragraph 4.3 (II) and 4.3 (III).

The Bill seeks to insert article 371 G. As we do not wish to interfere with the social practices, customary laws, religious beliefs

etc. of Mizo, it would not be desirable to bring them at one shot within the range of laws made for others. Protection of such customary laws, social practices etc. has been provided for in the Constitution in respect of Nagaland also. The tribal communities in our North-Eastern States represent distinct ethnic and religious minorities which are, at the same time, the dominant majority people in their own States, unlike other tribal groups in the rest of India. They are also linguistic minorities. They live in contiguous areas on international frontier of great strategic importance. They are thus ethnically, linguistically and culturally identifiable as a separate stream. All these factors justify a careful, sympathetic, enlightened and perhaps a pragmatic approach to their problems. Our country is a unique experiment towards a composite nationhood guaranteeing the fullest respect and autonomy for diverse cultures, religious, language and political beliefs existing side by side.

As far back as in 1958, the then Prime Minister, Pt Jawaharlal Nehru had laid down five fundamental principles that are to be pursued in regard to administration in tribal areas. These are :

- (1) People should develop along the lines of their genius and we should avoid imposing anything on them. We should try to encourage in every way their own traditional arts and culture.
- (2) Tribunal rights in land and forests should be respected.
- (3) We should try to train and build up a team of their own People to do the work of administration and development. Some technical personnel from outside will, no doubt, be needed, especially in the beginning. But we should avoid introducing too many outsiders into tribal territory.
- (4) We should not over-administer these areas or overwhelm them with a multiplicity of schemes. We should rather work through, and not in rivalry to, their own social and cultural institutions.

- (5) We should judge results, not by statistics or the amount of money spent, but by the quality of human character that is evolved.

Article 371 G which is sought to be introduced by this Bill is governed by the principle that if the tribal societies are to be allowed to develop according to their own genius, there must not be any imposition from outside, culturally or otherwise and laws relating to spheres of social relationship and community conduct applicable to Mizoram depending on its peculiar needs should not be unnecessarily interfered with. However, I am glad to inform the House that the Chief Minister, Mizoram has assured us in writing that codification of the religious, social practices of the Mizos, Mizo customary law or procedure, administration of civil and criminal justice involving decisions according to Mizo customary law etc. will be undertaken and placed before the Legislative Assembly of Mizoram. In the light of the experience gained in Nagaland in the operation of article 371 A (1) (a) (iv) of the Constitution, it was considered necessary to insert a proviso to article 371 G (a) so as to protect any Central Acts in force in Mizoram immediately before the date from which the Constitution (Amendment) Act will come into force.

The existing Union Territory Assembly of Mizoram has 30 elected Members and 3 nominated Members. The Bill seeks to provide that the Legislative Assembly of the State of Mizoram shall consist of not less than 40 Members.

With these words, Sir, I beg to move that the Bill be taken into consideration.

Now I revert to the State of Mizoram Bill and request that this may also be taken into consideration along with the Constitution (Fifty-third Amendment) Bill, 1986 for consideration.

I beg to move :

"That the Bill to provide for the establishment of the State of Mizoram and for matters connected therewith be taken into consideration."

The Bill seeks to give effect to the provisions of the Memorandum of Settlement on Mizoram relating to the conferment of Statehood on the Union territory of Mizoram and other connected matters. The Bill seeks to establish a new State of Mizoram comprising the territories of the existing Union territory of Mizoram.

The Settlement arrived at with the MNF is a happy augury in the sense that it marks an end to the two decades old disturbed conditions in Mizoram and ushers in a new epoch of hopes and aspirations for the Mizo people towards progress and peace. The Prime Minister's political wisdom, sagacity, statesmanship and his ability to look beyond today have been instrumental in bringing about this Settlement. The multi-pronged strategy adopted by the Government and an imaginative approach to the problem of insurgency in the area have yielded dividends. The Bill is a happy culmination of the policy of the Government that Mizoram problem should be solved by adopting a political approach within the framework of the Constitution of India. With the enactment of this Bill, Mizoram will be an equal partner, in the Union of India, to all the other States and to ourselves.

The Bill is modelled on the lines of the earlier Re-organisation Acts. The new States of Mizoram shall be established on and from the day which the Central Government may by notification appoint. It seeks to provide that the total number of seats in the Legislative Assembly in the State of Mizoram to be filled by persons chosen by direct election from the Assembly constituencies shall be 40. The Bill provides that the Election Commission shall, before the appointed day and in the manner provided in the Bill, undertake delimitation of constituencies according to the procedure generally followed by the Delimitation Commission. The existing common High Court for the States of Assam, Nagaland, Meghalaya, Manipur and Tripura will be the common High Court not only for these States but also for Mizoram. The Bill also contains provisions regarding Services. The consequential amendments in various articles of the Constitution and other enactments have also been provided for in the Bill.

I welcome Mizoram as the 23rd State of the Union of India. The North-Eastern region of our country which enjoys a peculiar geographical position has been rightly called "a frontier of hope". The Bill embodies the urge of the people of Mizoram to grow and develop. The progress of Mizoram is dear to the hearts of the national leadership and the Prime Minister. With one of the highest literacy rates in the country, it should be possible for Mizoram to make rapid strides in the task of nation-building.

MR. DEPUTY-SPEAKER : Motion moved :

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

and

"That the Bill to provide for the establishment of the State of Mizoram and for matters connected therewith be taken into consideration."

12.35 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

[English]

Central Government's reported decision to set up a Joint Venture Company with 51 per cent N.R.I. equity and 49 per cent Indian Public Sector equity for providing consultancy services to the latter.

MR. DEPUTY SPEAKER : We may now take up the Call Attention as announced earlier.

It has been found that copies of the statement were sent by the Ministry late last night. There was some failure of communication which is being looked into. Copies have since been circulated in the House.

SHRIMATI GEETA MUKHERJEE (Panskura) : Sir, I call the attention of the Minister of Industry to the following matter of urgent public importance and request that he may make a statement thereon :—