

MR. DEPUTY SPEAKER : That is coming. The question is :

"That the debate on the Code of Criminal Procedure (Amendment) Bill, 1985 (Amendment of Sections 125 and 127) by Shri G.M. Banatwalla be adjourned to the next day allotted for private Members Bills."

The motion was adopted.

MOTION RE : SUSPENSION OF
RULE

[English]

SHRI SOMNATH RATH (Aska) : Sir, I beg to move :

"That provisions of sub-rule (1) of Rule 30 and the proviso to Rule 29 of the Rules of Procedure and Conduct of Business in Lok Sabha in their application to the debate on the Code of Criminal Procedure (Amendment) Bill, 1985 (*Amendment of Section 125 and 127*) by Shri G.M. Banatwalla, which has been adjourned today to the next day allotted for Private Members' Bills be suspended to enable the Bill to be set down in the List of Business without Ballot as the first item therein."

SHRI C. JANGA REDDY : What is the reason ?

(Interruptions)

MR. DEPUTY SPEAKER : The question is...

SHRI G.M. BANATWALLA (Ponnani) : Only a clarification because of my over-anxiety or over-cautiousness you may say. In order to suit the convenience of the Government, I have no objection to this, but on the next day allotted for the Private Members' Bill, this Bill must have precedence over all other Bills.

MR. DEPUTY SPEAKER : That is why we are doing this.

SHRI G. M. BANATWALLA : I have not completed. I am a bit over-anxious. I read a lot and then I come to the House.

The Motion says "next day allotted for Private Members' Bills." According to the list we have, it must be on the 20th December. But supposing God forbid, due to any reason, the House does not meet on the 20th December, in that case, we may not have any other day during the current session that may be allotted for the Private Members. God forbid, in that case, this protection should be available for the first day allotted to the Private Members' Bill in the next session also. That should be clearly understood.

MR. DEPUTY SPEAKER : Yes, that is understood.

(Interruptions)

SHRI G. M. BANATWALLA : In order to suit the convenience of the Government, we have absolutely no objection.

MR. DEPUTY SPEAKER : The question is :

"That provisions of sub-rule (1) of rule 30 and the proviso to Rule 29 of the Rules of Procedure and Conduct of Business in the Lok Sabha in their application to the debate on the Code of Criminal Procedure (Amendment) Bill, 1985 (*Amendment of Sections 125 and 127*) by Shri G.M. Banatwalla, which has been adjourned today to the next day allotted for Private Members' Bills be suspended to enable the Bill to be set down in the List of Business without Ballot at the first item therein."

The motion was adopted.

(Interruptions)

SHRI C. JANGA REDDY : What is the reason ?

MR. DEPUTY SPEAKER : The hon. Member who moved the Bill has also accepted it.

(Interruptions)

[*Translation*]

SHRI C. JANGA REDDY : Why are you suspending the Rule ? Why are you adjourning the debate. It is on account of the elections in Assam and Delhi.....
(*Interruptions*)

I am leaving the House in protest.

(Shri C. Janga Reddy then left the House)

[*English*]

MR. DEPUTY SPEAKER : Next item.
Shri Ananda Pathak.

15.34

CONSTITUTION (AMENDMENT) BILL
(Insertion of new Part XA)

[*English*]

SHRI ANANDA PATHAK (Darjeeling) :
Sir, I beg to move :

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

Sir, this Bill seeks to amend the Constitution of India and make special provisions relating to the Hill areas of the District of Darjeeling.

What are these special provisions and what for are these provisions to be made in the Constitution ? A dispassionate study of the clauses of the Bill as well as the Statement of Objects and Reasons would give clear answers to the above questions and also an idea about the purpose of the Bill.

The Bill seeks to grant regional autonomy to the people inhabiting the compact areas of three hill sub-divisions of the District of Darjeeling and contiguous areas of neighbouring district where the Nepali-speaking people are in majority within the State of West Bengal.

For the administration of the region an autonomous District Council would be constituted on the basis of adult suffrage as may be specified by law.

The elected members of the West Bengal Legislative Assembly as well as the Members of the Parliament representing the area shall be the ex-officio members of the District Council.

Seats also shall be reserved for Scheduled Castes, Scheduled Tribes and Linguistic minorities like Bengalese, Biharis, Muslims, Marwaris and others inhabiting the region and the necessary protection shall be provided to them.

The District Council shall have powers to make laws, rules and regulations for the overall development of the autonomous region. Subject to the laws made or to be made by the Parliament or by the West Bengal State legislature applicable to the region it will make the laws.

This provision would immensely help in applying the laws of the land in true sense with the help of the laws to be framed by the District Council in keeping with specific condition and situation obtaining in the area.

Therefore, there is no reason to believe that these laws framed by the District Council would come into conflict with the laws passed by the State legislature of the Parliament.

There is also the provision for the administration of justice in the autonomous region as per the notified order of the State Government.

There are also provisions for constituting “District Fund”, formation of Executive Committee, appointment of Chairman, Vice-Chairman and other office-bearers of the District Council, etc.

The concept and the principle of autonomy has already been accepted and enshrined in the Constitution of India although it has been made applicable to a limited area and certain regions only.

Article 244, 275 and the Fifth and the Sixth Scheduled of the Constitution have dealt with the concept and principle of autonomy for the Scheduled Areas, Scheduled Tribes and Tribal Areas in the States of Assam, Meghalaya and now in Tripura and the Union Territory of Mizoram although