

[*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

the people of these regions and areas are demanding more powers and rights than what are prescribed in the above Articles and Schedules to make the essence of autonomy real.

Sir, the proposed autonomous region of Darjeeling does not fall in the category of the above said regions and areas. Nevertheless the condition of the people of this region is not different than that of the people of the abovesaid areas, no matter whether they fall in the category of Scheduled Tribes, Scheduled Castes, Backward Classes, Minority Communities or not.

But it is a fact that they have not been provided with the full opportunity to fully participate in the administration and developmental activities of the country in keeping with their distinct language, distinct culture, distinct habit, manner and aptitude and other peculiarities which are distinguished from the people of West Bengal as well as the rest of the country.

The crux of the problem is, in spite of their gallantry service, loyalty and devotion to the cause of independence of India, their substantial contribution to rebuild a new India after independence, their patriotic urge and aspiration have not been recognised and they have not been drawn in the main-stream of the national life.

That is why they have a feeling of isolation and of being kept out of the main-stream of the country. The alien rulers deliberately kept them educationally, culturally, economically and politically backward for their own interest and these people have felt for decades to have been cut off from the national main-stream. Therefore, there has been a persistent demand for their fuller and greater participation in the process of national development consistent with their separate identity and development of their own economic, political and cultural life in consonance with their specific aptitude and characteristics unitedly with the people of West Bengal and other parts of the country. That would be possible only by granting autonomy.

Sir, when we go to trace the history of the demand for autonomy, we find that the alien rulers had classified these hill areas as

'excluded' or 'partially excluded' area for a long time and the people were kept isolated from the rest of the country. That is why there was the persistent demand for autonomy for the people of Darjeeling to undo this injustice in independent India.

Ever since the period of Morley-Minto Reforms, the people of the area have been demanding autonomy which was reiterated time and again. They represented their case for autonomy before the Simon Commission and also before the famous Gandhi-Jinnha Meet on the eve of independence. After independence, not only the Nepali speaking people but also all the political parties of the area including Indian National Congress, Communist Party of India, Gorkha League, Bhutia and Lepcha Associations, Bar Association, Bengali-Behari and other communities in Darjeeling untendedly represented their case for Regional Autonomy within the State of West Bengal before the then Prime Minister of India, Pandit Jawaharlal Nehru in April 1957. Fifty-two M.L.As of West Bengal Legislative Assembly had also signed the Memorandum submitted to Pandit Jawaharlal Nehru on that occasion. They also represented their case for autonomy before the State Reorganisation Commission when it visited Darjeeling in 1955. The demand was also voiced on the floor of Parliament from time to time.

Sir, we can understand that the alien rulers were insensitive to the claims, urge and aspirations of the people of the above said area, but unfortunately even after the independence, their reasonable and justified demand has not been considered favourably. This has created deep-rooted frustration amongst the people, which is being exploited by the reactionary and vested interests resulting in the demands for separate State, separate 'Gorkha Land' etc. Some of these elements are also demanding arogation of Indo-Nepal Treaty of 1950 and similar other things.

Such demands are being exploited by interested and designing persons and parties and will result in disintegration of the country. Under such a situation, it is unfortunate that a section of the Congress (I) in Darjeeling is also talking about a separate Centrally administered area in Darjeeling. However, it has to be noted

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that these elements have not been able to create communal riots or separatist movement because of presence of working class movement in our party, otherwise the situation would have been exploded there.

Therefore, with a view to harness the patriotic urge of the Nepali speaking people in the process of national integration and development of the country and draw them into the mainstream of national development and progress and instil in them a sense of belonging and involvement and isolate the fissiparous elements I urge upon the Government to accept the democratic demand of regional autonomy for the people of Darjeeling within the State of West Bengal as narrated above.

This is the only solution, practical solution of this vexed problem. This is not a separatist demand but it is just against it. This is not a narrow nationalistic partisan demand, but a democratic, principled and constitutional demand.

The entire democratic people of West Bengal have supported this demand of the people of Darjeeling.

The United Front Government of West Bengal had incorporated this demand in its programme in the years 1967 and 1969. The Left Front Government of West Bengal has not only incorporated this demand in its 34-Point Programme but also supported the demand for constitutional recognition of Nepali language and its inclusion in the Eighth Schedule of the Constitution and set up a Napali Academy for the overall development of Nepali language.

The West Bengal Legislative Assembly has unanimously passed resolutions in support of the autonomy for the people of Darjeeling on 2nd July, 1977 and 23rd September, 1981 and urged the Central Government to concede to this demand.

All parties of the Left Front as well as the opposition parties in the Assembly, including Congress have lent their support to this demand.

Therefore, it is high time that the Central Government concede to this

unanimous demand and allow this Bill to be passed in this House.

I am not raising this demand because I belong to that particular area or to a particular community. But I am supporting this demand here in Parliament as a representative of the working class, as a communist, who stands for the unity and integrity of the country in real sense without any hinderance to the unity of the working class.

We always support the democratic urge of the people of different nationalities that inhabit the country to have real autonomy. We work for the preservation and promotion of unity of the Indian union on the basis of real equality and autonomy for different nationalities and develop a democratic state structure. That is why, we are urging for restructuring the Centre State relations with the demand of more power to the States and for their real autonomy. That does not mean that we want to have a weaker Centre. We want that both the States and the Centre grow stronger without any traces of inequality.

But unfortunately, the policy of capitalist path of development pursued by the bourgeoisie-landlord Government in our country made the Centre stronger and stronger and the States weaker and weaker.

15.50 hrs.

[SHRI N. VENKATA RATNAM *in the Chair*]

That is why, sense of frustration and inequality have poisoned the body politic and fissiparous and separatist tendencies have crept into different parts of the country and the imperialist powers are taking advantage of this situation to destabilise our country.

So, if you want to fight against these tendencies, you have to unite the people, and unite the country on the basis of equality and involvement of the people in the matter of development activities and administration by means of decentralisation of powers on a democratic basis.

Concentration of power can never unite a vast country like India where there are so many nationalities, languages, cultures, religions, customs and other peculiarities.

That is why we have to understand the meaning of 'unity in diversity' in a real sense.

But you want to concentrate all the powers in the hands of the Centre for perpetrating the authoritarian rule which in turn is trying to thrive on repressive measures, undemocratic and draconian laws at the cost of democratic rights of the people. But now, people are becoming conscious and are fighting against such tendencies. If you are serious about the democratic principle, you have to ensure fundamental rights to the people in true sense, you have to ensure participation of the people in the process of development and administration, you have to ensure that the Government is 'of the people, for the people and by the people' by decentralisation of power and taking it upto the village level. That is 'democracy' in true sense.

That was what Gandhiji and Pandit Jawaharlal Nehru had propounded and repeated in their lifetime. But you do not want to uphold this principle today. This is the problem.

The structure of our country and the character of our Constitution is said to be federal, but in practice it is not so in true sense.

In this way, you are bidding farewell to all the principles and values for which the Indian people fought for years together against the alien rulers and sacrificed their life.

Therefore, it is high-time that you ponder over this problem seriously and change your policy to suit the need of our country's democracy.

With these words I commend my Bill and urge upon all sections of the House to support this Bill. Will these words, I thank you, Sir,

[*Translation*]

SHRI RAM PYARE PANIKA (Roberts-ganj) : Mr. Chairman, Sir, I vehemently oppose the Constitution (Amendment) Bill

moved by our colleague Shri Anand Pathak, but I heartily support the points raised through this Constitution (Amendment) Bill.

It is a fact that there are certain areas in the country and there are certain linguistic groups for whom separate programmes will have to be adopted for their development if they are to be drawn into the mainstream of the country. It is a fact, as he has also stated in the objects and reasons of the Bill, that not only after independence, but even before that people of five divisions of district Darjeeling have been agitating that they should be treated as an autonomous unit. Not only this, they also feel that they are not getting the fruits of the sacrifices and the contribution made by them to the national mainstream. It is a fact that so far as the security of the country is concerned, the Napalese speaking people have made considerable contribution. Nobody can deny this. But we have also to keep in mind the feeling of nationalism and we will have to be watchful of all these things which might prove to be hurdles in the maintenance of national integrity. You are aware as to what has been the result of the agitations launched after independence for the formation of linguistic States. The States were reorganised on the basis of languages, but despite that, nobody was satisfied. In the recent past, three States were formed out of a large State. Earlier there was the large State of Punjab. Later on Haryana and Himachal Pradesh were carved out of it. If you continued to form the States on the basis of language, religion or geographical situations and granted them autonomy, the feeling of unity and integrity in the country can get a setback. It is correct that Panditji had added Nepali language in the Schedule, in which 15 national languages have been included, but agitations to include other languages are also being launched at many other places. Also, agitations are being launched on regional considerations, for example Jharkhand agitation and Vidarbha agitation. In our State also, there are certain elements which want that hill areas of Western Uttar Pradesh and Eastern Uttar Pradesh should constitute separate States. If these agitations continued, this feeling of separatism would cause harm to national integration.

[Shri Ram Pyare Panika]

It is good that through his Bill, you have provided this House an opportunity to have a discussion on this subject. We will have to see for how long shall we continue to form States in very district on the basis of narrow considerations of language, region, religion, caste and creed. I think the entire House would disagree with this Bill and there is no doubt about it. Our colleagues from Bengal are sitting here. Perhaps they might be aware that three or four years back, a massive rally was organised in Calcutta in support of Jharkhand. Every now and then such undesirable things continue to happen. Are the countrymen not aware of the fact that we are encouraging separatist tendencies? I would, therefore, request the House as well as the mover of this Bill to consider this matter seriously. Recently, a discussion was held on the report of the Planning Commission in this House and we had seen that demands were made, which should of course be made, regarding the development of backward areas, hill areas, drought prone areas, desert areas, flood affected or tribal areas, but there was no feeling of autonomy behind them. But the mover of the present Bill has not only demanded that a separate District Council may be constituted for that area, but also that this district council will be totally different from the district councils of other States as all the 44 powers are proposed to be delegated to it. And if all the powers are delegated, it is but natural that people may aspire to form a separate State. This area is a very sensitive area and it has common border with another country. There might be such a feeling and as such this proposal should not be adopted.

16.00 hrs.

All the 44 powers have been included in this Bill and it seems that the rights of the State Government are being snatched. It has been provided in the Bill at one place that the powers shall be vested in the State Government or the Central Government under the Indian Forest Act, 1927. The powers of State Government have ceased automatically. I strongly oppose such a proposition. The country is not facing any such situation as may warrant the acceptance of this demand immediately. It is true that there is need to pay attention to the develop-

ment of Nepalese people. The Government should work for their economic and cultural development and try to preserve their cultural heritage. That is why the Prime Minister recently decided to set up Five Regional Cultural Centres in the country to meet these requirements. One of the Centres will be established in the East. When the Cultural Centre in the East is set up, it will go a long way in preserving your cultural heritage, language and customs. The Hon. Prime Minister has also expressed this desire. Recently, a Centre was also inaugurated and such Centres will be set up in five different areas in the country in the near future. The policies of Government seek to unify the country. I would, therefore, request you to withdraw the Bill as we are following the same path.

Fortunately, the Punjab and Assam problems have been solved. The cause of anxiety in the country has been removed. But recently the Haryana Chief Minister announced that Haryana, Himachal Pradesh and Punjab be merged into one state. All these are fissiparous and separatist tendencies and in order to check such tendencies it is not opportune to bring this Bill. I am understand your feelings as you represent that area. You have the right to bring a Bill which reflects the hopes and aspirations of your constituents. But this is not a question of three divisions only. You cannot change their attitude by providing them autonomy. Just now I gave the instance of Jharkhand and similarly, such demands are being made in Andhra Pradesh as well. Such tendencies are raising their head in the South in the name of Tribals or religion. In several States, particularly in backward areas, language is being used for political ends. So far as the question of their economic development is concerned, we demand that Government should make necessary allocation particularly for backward areas in the Seventh Five Year Plan. Necessary provision should be made for development, whether these are the hill areas in Uttar Pradesh or desert of Rajasthan.

There are several languages, dialects and religions in our country and there is unity in diversity. Therefore we must inculcate a sense of unity in the country. If we desire that all of us should be happy (Sarvejana sukino Bhavantu) then there is no need to

demand autonomy. I would like that there should be no separatist tendencies in the name of language, religion, casteism, and regionalism. How many countries became independent along with India? What is their plight today? Barring our country, all the other countries are under military rule because of their petty gains. We are saved of this situation, and this is because of our cultural heritage. This is because we respect the diversity in our country. I would request the hon. Member who has moved this Bill not to pursue it any more for God's sake as it might incite fissiparous tendencies. Similarly, the people speaking Nepali are an integral part of this country and how can we separate them?

I would like to say one thing more in this regard. The hon. Law Minister is sitting here. In the Seventh Five Year Plan Government should strive for the development of areas such as hill areas and Shri Daga is happy that cent percent funds have been allocated for development of desert areas. These areas should be included in those six types of areas which have been identified by the Planning Commission for this purpose. I feel that if priority is given to development, it would remove the tendencies which are overtaking the people.

The demand for Jharkhand in the Ghota Nagpur area is being made because the Adivasis in that area are economically and socially very backward. You cannot even imagine their plight. The Adivasis are still migrating to other States in search of livelihood and they are being exploited there also. The Government should give a serious thought to their demand for social justice and development. Similarly, if the Adivasis of Bastar make demand for their upliftment, it should be conceded but their demand for autonomy should not be met at any cost. Efforts should be made to bring them in the national mainstream.

The Constitution provides equal rights to all. But only this will not do. Till opportunities are not provided along with the rights, how can right to equality be ensured. The backward people should be provided equal opportunities and also special facilities so as to enable them to draw maximum benefit out of those opportunities. How can a boy who has studied in a school in a Division in

Darjeeling, compete with the Convent educated boy. Therefore, along with right to equality, equal opportunities should also be provided.

Darjeeling is a historic and beautiful place and is situated on the border of the country. We are proud of it. There is need to work for the development of three Divisions, particularly the hill Divisions. If development is ensured in that area, the hon. Member's demands would be met and the question of autonomy will not arise. I would like to remind the hon. Member that this Constitution Amendment regarding autonomy to Darjeeling cannot be accepted at this critical moment. Therefore, I oppose it.

SHRI HARISH RAWAT (Almora) : Sir, I would have been happy had Shri Ananda Pathak made a demand for more allocation of funds for the backward and hill areas of West Bengal, instead of raising the demand for an Autonomous Council. I think that the sole objective for moving this Bill must have been to highlight the lack of desired development in Darjeeling and adjoining areas vis-a-vis other areas of West Bengal.

SHRI NARAYAN CHOUBEY : He is speaking about the mind of the mover of the Bill.

SHRI HARISH RAWAT : What can I do, if Shri Choubey does not have a heart. He is of course a Red in appearance but the same is not true of his heart. Had it been so he would have tried to understand the sentiments of the hon. Member.

The setting up of an Autonomous Council or District Council will serve no purpose. We have a long history of reorganisation of States and finally they were organised on linguistic basis but still the matter did not rest there. Even today such demands are made in different parts of the country and I believe such questions have been raised many times in this House also. There has been demand for Gorkha land, Autonomy for Darjeeling, separate Santhal area and demands of Naxalites in West Bengal. The economic consideration has been the source of all these demands. As regards the demand to remove economic

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backwardness, I am sure there is not a single Member in this House who does not want equal development of all the areas. Sir, I feel that though the Bill may not be practical but it would certainly provide us an opportunity to express our views on some of its practical aspects. The Central Government should pay attention to such backward areas where even now people have been denied the basic fruits of development and where there has been little development whereas other areas and other cities are developing very fast. There is no other good opportunity then this to give vent to one's feelings. I would, therefore, like to congratulate Shri Ananda Pathak for giving us an opportunity, through this Bill, to express our views on the aspirations of the backward areas. The Planning Commission has also conceded it since the First Plan. Our Planners have admitted that there are backward areas in this country which need special attention for development. But due to paucity of funds and other priorities, desired progress could not be made in backward areas, hill and remote areas and problem areas. The people of hill and Tribal areas remember Shrimati Indira Gandhi as 'Mother' as she had set up a separate cell in Planning Commission for the development of these areas and made sufficient provision during the Fifth Five Year Plan under the Special Areas Programme. The people of West Bengal, hill areas of Uttar Pradesh, Himachal Pradesh, Jammu and Kashmir, Palghat in South and other areas benefited from these schemes. I would request the hon. Minister, through the Parliamentary Affairs Minister to apprise the Planning Ministry and the Home Ministry of our problems. There is inter State and inter State imbalance in the country and, therefore, necessary provision should be made for their development in the same manner as it is earmarked for other areas. Many hon. Member have raised the question that the development of a big State Uttar Pradesh cannot be achieved by subdividing it. If we have to develop it, there are different social and economic units. For Eastern Uttar Pradesh a different type of scheme will have to be formulated and we will have to ascertain the reasons on account of which the State Government is unable to resolve the problems. If the State

Government has financial constraints the Central Government should come forward to help. The big question in Eastern Uttar Pradesh is how to provide employment to the manpower there. Industries will have to be set up there. In Bundelkhand are there is need to construct roads and to supply drinking water and electricity. That region needs these basic amenities. There is also lack of communication facilities between our hill areas and other parts of the country. The reason is that Railway and Vryudoot services and roads are not available there. The problems are of different nature. The Centre will have to come forward to resolve those problems. I do not think creation of autonomous councils and district councils by the State Government would deliver the goods. We have district councils and regional committees. Those councils and committees are not able to do work to the required extent. They have the powers but they are not able to make full use of those power. They do not have the requisite funds and, therefore, they do not get the benefit. They should be provided with the funds and the regional imbalance in the country should also be removed. The States like Uttar Pradesh, Madhya Pradesh and Bihar are not getting the desired assistance even under the Gadgil formula. Certain States are capable of cornering the major portion of the Plan outlay for them. That needs to be changed. If inter state imbalance continued, the discontent among the people is bound to be there. The Finance Commission has also considered the matter but it has not been able provide that much assistance as was expected. The beginning made by it is, of course, a welcome steps. But that does not seem to be helping in removing the difficulty. The yardsticks for development in the States are different. In our perception of national development, the yardstick will have to be same and that should be the backwardness of the particular region. I am pained to state that whatever the Planning Commission may profess but the reality is that one who resorts to lobbying gets the maximum amount under the Gadgil formula. I would submit one more demand. It is usually seen in the States that the hill areas and the predominant tribal areas get lesser representation in the State Legislatures and they fail to submit their case effectively in the Legislature. It can be possible in West

Bengal also. In Uttar Pradesh Legislative Assembly the representation of Bundelkhand is much less. The population has been accepted as criterion for representation. The norms of population has been relaxed in the matter of representation in the case of Legislative Assemblies in Arunachal Pradesh, Himachal Pradesh, Jammu and Kashmir, Mizoram and other States. On the same lines, the population norms for representation in the matter of backward areas in the States should also be done away with. That should not be insisted upon.... (Interruptions). The Law Minister is sitting here. My demand relates to him. My demand is that the way population norms for representation in the Legislative Assemblies in Himachal Pradesh, Jammu and Kashmir, Meghalaya, Nagaland, Arunachal, Mizoram and other States have been relaxed, norms for the hill areas in the States which have been treated Special Areas by the Planning Commission, should be relaxed so that they may get more representation in the State Assemblies. They should get this representation on the basis adopted in Himachal Pradesh, Jammu and Kashmir, Meghalaya etc. I am hopeful the way the Hon. Minister is proceeding, he is understanding my point. (Interruptions) I have always been bountiful in the matter of thanks for you. My submission is that indepth study should be made of this aspect. We will have to see that certain people are not kept backward for ever because the urge for development has already sprouted in the hearts of the people. I feel happy and elated when the people in the far flung areas say that Rajivji wants to take the country into 21st Century and how they should join the race. Though it is a universal truth that Saturday shall follow Friday and in the same manner the 21st Century will also come at its due time but our rural folk feel that Shri Rajiv Gandhi wants to make our country more progressive, wants to make our nation economically strong and wants to take the country towards development. People feel that they too have to contribute to it; the way Shri Rajiv Gandhi wants to project the country on the international scene they too want to march forward hand in hand with the other developed people at the national level. We should welcome their feelings and this urge for development, this hunger for doing something for the country should be welcomed. What is needed today is to

channelise the strength of the people and make them join the race for development I feel that the people of all our backward areas and hill areas, which include Darjeeling, the Chota Nagpur area; Vidarbha region in Maharashtra, Telangana area in Andhra Pradesh and certain areas of Madhya Pradesh have mentally prepared themselves for the big leap. The question is to give them right opportunity to progress. Needed today are certain benevolent and sympathetic hands which may pat them so that they may make the desired contribution in the national development.

As I said earlier, though I agree with my friend in so far as feelings behind it are concerned, yet I cannot support his demand because supporting his demand will mean opening of floodgates to such demands. Then there will be no stopping of the demands of such nature. Today if we accept the demand for setting up of an autonomous council in Darjeeling, tomorrow demand for autonomous council in the hill areas of Uttar Pradesh will also be raised. If that too is accepted then a time will come when people will start thinking of even smaller units and would pressurise the Government for that. As it is not possible that the political aspirations of all the persons may be fulfilled, the people leaning on their democratic rights go so far that they, even without any obvious reason, become discontented and misusing their wisdom and discretion, start putting forth such demands. I would, therefore, urge Shri Ananda Pathak that so far as the question of development is concerned, the entire House is one with him in supporting the idea but he should not press his Bill in view of the existing conditions in our country. We have already seen how Assam had to be divided because of some development there, but did not solve the problem. Punjab was a small unit but what type of situation arose there? Some people started demanding a separate State on the basis of language. When that was acceded to, they felt why not make a demand on the basis of religion. Every State is inhabited by people professing different religions. In one State the followers of one religion is dominant and in some other State followers of some different religion are in majority. The same problems can arise also in adopting the language as the basis. I would, therefore, request the

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mover of the Bill that it is not going to benefit the country.

We will have to see as to how can we maintain the unity and integrity of the country. For this we will have to strengthen all the democratic values so that we can unify the country and if in doing so we have to suffer a little, we should bear that and should strengthen the unity of the country.

Sir, the hill areas of the country have contributed in a big way in maintaining the unity of the country, whether they are of Himachel Pradesh, Jammu and Kashmir or the Eastern hill areas of Uttar Pradesh. A large number of people from the hill areas have done commendable work in the various Forces and the Territorial Army.

Mr. Chairman, Sir, it is possible that the people of the hill areas are backward but intellectually they are not lagging behind the persons who have advanced. We have always utilised our high intellectual calibre in strengthening the country and in saving the country from disintegration. I would, therefore, request Shri Ananda Pathak that it is possible that the hon. Members of the West Bengal Legislative Assembly might, in their wisdom, have passed the Bill keeping in view the local needs and feelings of the people there but when we look it in national perspective, we will have to take into consideration many aspects. Therefore, I feel that keeping in view the prevailing conditions in our country it is not desirable to demand partition of States, creation of autonomous councils in the States etc. I would, therefore, request my friend Shri Pathak that he should withdraw his Bill. I would, like that instead of partition of the States, small units should be constituted and more and more funds should be made available to them for their development.

With these words, Sir, though supporting the spirit behind this Bill, I feel that this Bill is not practical in present circumstances. I would therefore request Shri Pathak to withdraw it on his own.

[English]

SHRI NARAYAN CHOUBEY (Midnapore): I fully support this Bill. The apprehensions as expressed by my dear friends from the Congress Party are wrong apprehensions. I simply share their views because they have shown their real apprehensions. Yes, the country is in doldrum. There is Assam, there is Meghalaya, then there is Punjab, there is demand for Khalistan, this thins and that thing. Naturally, in such a situation it may be construed by many friends that such a Bill at such a time will simply create disruption in this country. But I beg to submit this is not a scientific apprehension. This is wrong. Its understanding is wrong.

My dear friend, Shri Rawat, said just now that the decision to divide India into several linguistic States has not worked well. If that has not worked well, do they propose that there should be no linguistic States in India? Does he propose to say there should be one India, one language, one nation and one king and one emperor? I would beg to submit that this outlook is not a modern outlook. It is not only capitalistic; but rather a feudal outlook. What is a nation? Whether you like it or not, India is a multi-lingual, multi-national State.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): It is a new phrase.

SHRI NARAYAN CHOUBEY: I say it again. India is a multi-lingual, multi-national, State.

*Punjab, Sindhu, Gujarat, Maratha,
Dravila Utkal Banga*

Sir, had not India been enslaved by the Britishers, India would have been like Europe, containing England, France, Belgium, Holland, etc. We had to fight against British enslavers unitedly. The Britishers subjugated us. We had Anga, Banga, Kalinga, Magadha, etc., all within Bharat. Sinca times immemorial, India has been having, 'Unity in diversity'. If any one thinks that unity can be imposed by one-nation theory, he is wrong. By one religion, one culture, one language, you cannot impose

it. There is nothing to be feared from the Bill of Comrade Ananda Pathak. You have nothing in this Bill which will create further disruption. It is not so. I am very glad that Mr. Rawat and another friend said that economic disparity is a major reason for regional disparities. Very good. He has also mentioned another thing. He said about the way the People's Representation Act is being applied in Jammu and Kashmir, Himachal Pradesh, Meghalaya, Arunchal Pradesh, etc. and said that in the same way this should be applied to the hill and backward areas such as Garhwal, Darjeeling and other places, so that proper representation of these people can be made in their Assemblies. What is the harm if you do it like this? The people of Garhwal areas are not properly represented in the huge U. P. Assembly. So, you can do it. This Bill does not envisage Darjeeling to be taken out of India. Darjeeling will continue to remain within the framework of Bengal; but it will only be one autonomous region within Bengal if this Bill is accepted. We have already done it in Tripura in early eighties. My friends have already spoken about it. In Respect of Tripura, the autonomous region is functioning under the Eighth Schedule. But we wanted it to function under the Sixth Schedule. However, the autonomous region has come into being in Tripura. Do you mean to say that the problems will be solved if India is one State? No, it cannot be done that way. Much before Independence, the Congress party was working on linguistic basis. Jamshedpur, though in Bihar, was under Utkal Congress Committee before Independence. Large number of people in and outside Jamshedpur were Oriya-speaking and so Jamshedpure was taken in under Utkal Congress Committee. The biggest political party, National Congress, accepted the idea much before independence that after independence India will be divided linguistically. The great struggle which the people of Andhra waged in 1953 under the leadership of Potti Sriramulu, created the State of Andhra Pradesh. Similarly, the struggle of the people of Maharashtra for linguistic States created Maharashtra and Gujarat which were previously parts of unittd Bombay State. In Bengal, we also got a portion of area from Bihar where the people are Bengali-speaking. So, it is all a very natural thing.

The Great Communist Leader, Stalin wrote a book on national questions in the year 1911. Therein, he said, 'the semi-nationals and tribals in India, numbering several hundreds are in a dormant state today but they will rise one day and they will demand their rights and exert their influence.' This is what he wrote in 1911. This is coming true. After independence only, modern science, literature and knowledge is entering those areas. It is a good thing. Now their eyes are being opened. They shall come out with their own demands, they shall come out with their own ethics, they shall come out in their own morals, they shall come out with their own culture, and we must accept them—not all of them—but we must try to digest them. Naturally all the movements that take place for these things are not proper and all the movements are not also improper. There are disruptive movements and there are also constructive movements. The demand for Khalistan is a disruptive movement, the demand to drive out the Bengalis from Assam is a disruptive movement, but the demand for making Darjeeling as an autonomous region in Bengal and Nepali should be included as the language in the Eighth Schedule of the Constitution is not disruptive. It adds to the national unification, it leads to national integration. So, naturally all movements are not proper and all are not improper. We must see every movement from its own point of view. The demand for Khalistan is of course wrong. It is aided and abetted by imperialism. But the demand to include Napali in the Eighth Schedule of the Constitution is definitely correct and if Mr. Panika is afraid that Santhals will also demand like that, yes, Santhals will demand, Hos will demand, Mundus will demand. They shall demand, if not today they will demand tomorrow. That is the course of history. They can make their own demands. History will tell us about it.

My dear Minister is a big man, he knows many things, he has moved throughout the world. What did Lenin do? The Revolution took place in the Soviet Union on 17th November, 1917. Before that the Czar did not allow any language to flourish in Russia other than Russian. He said, only Russian must be learnt. The Muslim areas of Uzbekistan, Khazakistan and

[Shri Narayan Choubey]

Tazakistan are big States. The Czar said that they must learn Russian and without Russian nothing could be done. They were debarred from learning their national languages. Christian religion was imposed on them. What did Lenin do? We have got our own strifes between Hindus and Muslims, between Sikhs and Hindus, between this region and that region, between this language and that language. After the Revolution in Soviet Union we have never heard any such strifes which were frequent before the Revolution. During the time of Czar, sometimes the Christians were killing the Muslims, and sometimes the Muslims and Christians combined to kill the Jews. But these were completely halted in the Soviet Union after the Revolution of 17th November, 1917. Why? Lenin said that every State is independent, Uzbekistan is independent, Khazakistan is independent, and Tazakistan is independent. But even they have been given the right to secede, but at the same time no State seceded. They all remained together and the Communists kept them united, although they have the right to secede. Lenin said two things. Those States must have the right to secede, but the Communists should move in such a manner that the States never secede and they remain united. Do you understand this?

SHRI H. R. BHARDWAJ : We have understood.

SHRI NARAYAN CHOUBEY : If you have understood, then accept this Bill.

SHRI H. R. BHARDWAJ : We have understood much before.

SHRI NARAYAN CHOUBEY : If you have understood much before, then I will be glad if you accept this. So, this Bill will not bring down the sky to the earth.

SHRI H. R. BHARDWAJ ; Why have your former Communists deserted?

SHRI NARAYAN CHOUBEY : What?

SHRI H. R. BHARDWAJ : You said, Dada left you, Dograji left you. Many Communists are deserting you. What is this? Kindly reply,

SHRI NARAYAN CHOUBEY : Because you will join us.

SHRI H. R. BHARDWAJ : You are thinning out. What is the matter?

SHRI NARAYAN CHOUBEY : Anyway we are confining to this Bill. Naturally...

[*Translation*]

SHRI HARISH RAWAT : He has said an objectional thing that they are old sinners and we are communist sinners ... (*Interruptions*)

SHRI NARAYAN CHOUBEY : All-right, they are not old sinners, but noble souls. They have gone there for your salvation. (*Interruptions*).

[*English*]

SHRI NARAYAN CHOUBEY : Sir, one of the reasons in today's India for the disruptive forces rising their heads here and there on and off, is the failure on our part to solve these problems which are mainly national problems, language problems and cultural problems. Napolis, whether you like or dislike, are part of india. Even we have made promises, whenever they approached us. When Shrimati Indira Gandhi had been to Darjeeling, this was done. I do not know whether Shri Rajiv Gandhi had been to Darjeeling. But many times our national leaders have been to Darjeeling and many times they promised that they would consider the inclusion of Nepali in the 8th Schedule. I would say, whenever they go there, thousands and thousands of Nepalis would come out. What is the harm in just honouring that sentiment? (*Interruptions.*)

There are two types of Nepalis who are demanding Nepali to be included in the 8th Schedule. One is called, disruptive Jai Nepali, who want to take it outside Bengal and outside India. But there are forces who want to live with India and there are forces who want to be in Bengal and at the same time, want Nepali to be included in the 8th Schedule. Don't you feel that inclusion of Nepali in the 8th Schedule would help the forces of integration to fight disruptive elements? It is common sense. If you can any-how make an accord with the Akalis,

you could talk with Sant Longowal when the large number of Sikhs were demanding Khalistan, you can do this also. You have done very correctly. You have held elections and Akalis are ruling Punjab now. For that matter, Punjab is not out of India. Perhaps nothing better could have been done in the present circumstances. If you do not understand this, then you are accepting ego, accepting a false sense of prestige, accepting a false sense in the so-called national unity. If you do not understand it, it is a prejudice, chauvinism. What would have been the harm if Nepali has been included in the 8th Schedule? The only good thing has been that the hands of a large chunk of Nepalis who are for national integration would be strengthened to fight against the forces of disruption, forces of communalism, forces of chauvinism and the forces of missionaries who work in Nepali area to make disruptive act. I think, we would be able to fight that.

Naturally, I would submit this, though you may not accept it. But at least, accept some of the major things which have been told here and I may tell you again, if you accept the content, if you say that something will be considered, I think, something good will come out. With all this end in view, I beg to submit that in the name of national unity, national integration, in the name of fighting against the disruptive forces in this country, don't move in a wrong way. Don't think that all the movements, whatever come from the people are wrong, and disruptive. There are many correct movements. They have been brought in to being because we have failed to tackle the problems of the people in time. Jharkand movement is dormant. But it will again rise. If you fail to solve the problems of Santhals, if you fail to solve the problems of Adivasis, their question of land, their question of agriculture, their question of culture, their question of education, their question of finance, their question of industries, their question to keeping their heads high in their own land they will again rise. It is their own land. It is the land belongs to the tribals. But you find Choubeyas, Doubeys, Padas, Tiwaris and all are going there, exacting interests and cheating them like anything. How long will they keep quiet? Today they are silent because of many things. But tomorrow, they will again rise. Jharkand movement may come up again. If you want to solve

these problems, kindly solve them in time and take note of the beating, pulse of the people in this area. Such a pulse is beating in the Nepali area of West Bengal. For this reason, we have brought this Bill and I request you kindly to accept this Bill to fight the forces of disruption and to help the forces of integration.

With these words I thank you and I urge upon our hon. Minister and friends on this side to support us.

[*Translation*]

SHRI K. D. SULTANPURI (Simla) : Mr. Chairman, Sir, I would like a few words in respect of the Bill under consideration. The hon. Member, who introduced this Bill, has stated that District Councils should be set up there. He has also mentioned about the powers to be given to that Council, which implies that his intention is to set up a mini Vidhan Sabha there. The Bill also provides that the West Bengal Government shall not interfere in its working.

While referring to the Eighth Schedule of the Constitution, the hon. Member has said that Government is not taking any step to give Nepali language a statutory status. I would like to point out that Government have given full rights to the Nepalese living in India. Nepali people are holding very high posts in the country. Darjeeling is not an area where people are deprived of their rights. C. P. M. is in power in West Bengal That Government looks after the affairs there C.P.M. M.Ps. and M.L.As. from Bengal represent their party in Parliament as well as in Bengal Vidhan Sabha. Even Darjeeling has its elected representatives in Parliament as well as in the State Vidhan Sabha. They get full opportunity to express their views. He should not have brought such a Bill here.

It has also been stated here that when Akalis made a demand about Khalistan. Government held talks with them. I feel that this thing should not be linked with Khalistan. This was also said that the Prime Minister, Shri Rajiv Gandhi has not visited that place so far. What does it prove? Our former Prime Minister had visited that place. The people all over this country are part of the national mainstream.

[Shri K. D. Sultanpuri]

I feel it is not appropriate to say either in the name of language or any other basis that ours is a separate district.

We have Panchayat system in our country. Panchayats are functioning here. After Panchayats there are block committees. After that there are district councils and then Vidhan Sabhas and at the apex is Parliament. Then why is it necessary? It is a good thing that the voice of the local population has been raised here but he should not press this Bill. The Bill does not warrant any further discussion.

It is true that the West Bengal Government also does not pay attention towards that area. That is why the hon. Member has brought this Bill. There are several hill areas in Uttar Pradesh and Himachal Pradesh of our country which remain backward in many respects. It is true that hill areas, whether they are in Uttar Pradesh or Himachal Pradesh or Nagaland, do not have adequate facilities. Neither rail facilities nor other means of transport are available there for the convenience of people there. In order to develop these areas, more and more development works should be undertaken there. Economic condition of the people there should be strengthened.

The hon. Member has referred to setting up of a District Council for the District Darjeeling. I feel that it will be an injustice to the people there. The State Government should pay more attention towards the development of that district and undertake special measures for the development of our Nepali brothers living there. It is for the West Bengal Government to plead for inclusion of Nepali language in the Eighth Schedule, but it has never said so. So far as I am concerned, I am of the opinion that the State Government wants to exploit Nepali people living there and to treat them as it's vote bank. I feel that it is not proper to raise such issues. Nepali people are inhabitants of this country, and they are very hard working. We give same respect to their language as we give to other Indian languages. It is, therefore, not proper to raise such issues. We respect all the languages of our country whether it is Panjabi or Nepali or Sindhi or English. All are our national

languages and they enjoy the same status. I feel that equal respect should be given to all of them.

So far as the development of that area is concerned, I would suggest that the West Bengal Government should pay attention towards Darjeeling. So far as hill areas are concerned, special attention is required to be paid towards them. In U.S.S.R., revolution took place to eradicate poverty. Mr. Choubeey was saying that the achievements of Lenin are unparalleled in history. He made his speech and left the House. He was referring to Marx, who wanted the poor to be eliminated. But Lenin has done the right thing. Being the follower and loyal to Lenin and by studying the theory of Marxism he wants to spread Marxism in the country. I feel that Marxism is also not bad. But these people do not raise any voice to remove poverty through Marxism. These people only raise their voice about Nepali language, about Punjabi language. In the absence of any concrete programme they talk about the agitation. They talk about development of their own constituency. They do not talk about hill areas. They do not talk about Darjeeling or Bengkok. They talk about planes only. If these people had paid attention to the hill areas, the economic development of those areas must have taken place and roads would have been in better condition and people would have got employment there. Instead the Central Government has paid more attention towards them. Our Government has formulated the 20-Point Programme. The programme implemented by Indiraji throughout the country for the uplift of the poor people has yielded good results. Even in West Bengal, the West Bengal Government stands nowhere in comparison to the Central Government in the matter of programmes undertaken there.

Sir, the people, who raised the issue, might have done so with good intention, but it is not proper to set up a mini Vidhan Sabha. So far as language is concerned, we do not have any problem, be it any language. There was no language problem in Assam also. The only problem there was whether the foreigners be given the voting right or not. What happened in Punjab? In Punjab the extremist killed even Sant Longowal. That is why no problem can be solved

through terrorism. So far as the question of language is concerned, all the languages of country should be respected. A big achievement was made in the form of Punjab Agreement as a result of which elections were held there. Our Akalis have also been elected to this house. Representatives of your state have also come here, C.P.I. and C.P.M. people are also sitting here. We have no difference of opinion about languages. We respect all the languages. Nepali language is not spoken in many states. It is not spoken in Punjab. That is why we do not want to raise any language issue. Nepal is our neighbouring country. Therefore, we do not want to raise any language issue to weaken our country. We have to work to strengthen our country. You should pay attention towards it so that poverty can be eradicated. Efforts should be made to set up industries in hill areas and to provide marketing facilities for their products. Remunerative prices should be ensured to fruit growers there. It is our sole vocation and this is the demand of the hill areas. You have said that land should be distributed. There are no two opinions that it is the Government which has to implement it. The number of roads constructed and school/colleges set up in hill areas is quite inadequate. When we see the position in Laddakh and Kashmir, we find that the number of colleges there is negligible. It is essential to make arrangements to provide technical training because without it they cannot keep pace with the rest of the country. So necessary means should be provided. Shri Namgyal's constituency is as big as the entire Haryana or Punjab. Unless same means are provided to us as are provided to people in big cities, we cannot expand our education and undertake other development works. Ours is a border State due to which development is hampered there. I feel that a lot of development has taken place in Darjeeling because it is a tourist centre and large number of tourists visit it. This is your development also. The Central Government has to provide funds to the West Bengal Government for undertaking development works. Potatoes and apples are grown in Himachal Pradesh, but the producers do not get remunerative prices for potatoes and apples. Our hon. Minister makes full efforts to ensure this price. But who pays? My area Dodraquar is situated on the Tibet border. If somebody wants to despatch a box of apples to Delhi,

he will have to pay Rs. 24 as freight. In Azadpur Mandi it will fetch a price of Rs. 48 to 50 and in market these apples will be sold @ Rs. 6 or 8 per kg. We should see at what point the poor people are exploited. Rail and road transport facilities should also be made available to our people. The Central Government should provide more and more funds to us so that we can increase our income from the orchards. So far as the question of power generation is concerned, Himachal Pradesh alone can generate 20,000 Megawatt power. I have seen that there is a big river in Gangtok also. Adequate hydel-power can be generated there also. You have made a mention about hydel-power generation in Darjeeling. I feel the development of the people there would contribute to the progress of our country. A lot of facilities are available to set up industries in that area. Darjeeling tea is very famous. A good number of people are engaged in tea plantations. Workers do not get reasonable wages. I feel that if such things are looked into, these can be in the best interest of the nation. Exploitation of the poor should be stopped. There should be a single programme to take the country on the path of progress. It should be said in one voice that the development of hill areas is in the interest of the nation. The entire land erosion is taking place from the hills resulting in loss to the tune of crores of rupees in the plains. All the dams in the country are getting silted in the absence of plantation, etc. there. I have also visited the Darjeeling area. Mountains are there also and these cause floods in Bengal. If the Central Government and the State Government work together to generate hydel-power, our economic condition can be strengthened and the country can progress. We produce power from coal. We have rich deposits of coal in Bihar.

17.00 hrs.

I feel that we have to incur heavy expenditure on transporting coal either to Darjeeling or to Madras side and the existing stock of coal can last for a maximum period of 100 years or 200 years. After that this national wealth will be exhausted and our country will have no alternative. I would, therefore, suggest that we should pay more attention towards hydel-power projects, because the topography of the country is suitable for such projects. We can very well set up these

[Shri K. D. Sultanpuri]

projects and we can produce cheap power. I, therefore, do not agree to the demand raised in this Bill. The country will not be able to progress thereby and it is also not possible to pass this Bill. So, you should withdraw it. With these words I thank you for giving me an opportunity to express my views.

[English]

SHRI G. L. DOGRA (Udhampur) : There are no two opinions that the Nepali Population around Darjeeling is living in a bad state. There are no two opinions about it. Most of these people are backward. They have very little avenues of employment. If you go to Sikkim, you will find the Bengali Nepalis from the Darjeeling area or from around the Darjeeling area working there in the hotels, on the roads and everywhere.

17.02 hrs.

[SHRI SOMNATH RATH *in the Chair*]

They work very hard and they actually require a better treatment. That is true. But the question is whether this measure which has been brought before this House is the remedy for that. That is the main thing which we have to think about...

PROF N. G. RANGA : This is also one of the most important remedies.

SHRI G. L. DOGRA : Darjeeling is a district of West Bengal and I at least believe that the West Bengal Government is a gentlemanly government and it is their duty to look after that area and they should have by now given them satisfaction that they are looking after them properly.

It is a very sad commentary that a man belonging to CPM and belonging to that part brings forth this measure. This measure in the ultimate analysis means that justice has not been done to Nepalis and in future there is no hope of getting justice from that Government. That is the real purpose of this if you go deep into it. That is how I understood it. I might have misundersood it but I tried to understand it with sympathy and I could not understand anything else. So, if they knew that something would be

done by that government, they would have gone there. The mover of the bill is so confused and desperate he recommends, power for the West Bengal Government and not West Bengal Legislature, will provide for certain vital matters. If you see the clauses of this Bill, the bill laid down that :

The State Government shall, by order notified in the Official Gazette, provide for—

- (a) qualification for membership of District Council;
- (b) disqualification for membership of the District Council;
- (c) preparation of the electoral rolls of the constituencies;
- (d) all matters in relation to or in connection with the holding of elections to and due composition of the District Council including the term thereof and in particular may provide for all or any of the following matters :—
 - (i) appointment of Chairman, Vice-Chairman and other office bearers of the District Council out of the members thereof;
 - (ii) formation of the Executive Committee of the District Council out of the members thereof;
 - (iii) salaries and allowances of the Chairman, Vice-Chairman and the members;
 - (iv) conduct of executive functions;
 - (v) powers of the Exective Committee; and
 - (vi) such other matters necessary for and incidental to the functioning of the District Council.

These are the powers he wants us to give to any State Government functioning there which will actually mean giving the power to the Minister-in-charge of the Department or the bureaucrats. How can it be done !

As I submitted earlier in this House while speaking on supplementary Grants, long ago Pandit Jawahar Lal Nehru thought that the hilly area of the North and North Eastern States should be opened up for economic development and defence purposes. He established Border Roads Organisation which has done a lot of work. But still much remains to be done. Whether it may be the district of Darjeeling or any other district in U.P., Bihar and Jammu and Kashmir much remains to be done. There are similar areas in South and South Eastern States which have to be developed. You cannot develop these areas unless you open them up. Until and unless a road goes there nobody will go there and improvement will not come about there. This has nothing to do with the Eighth Schedule. We either do not understand or try to mislead the people. If we understand we should try to do it. I do not say West Bengal Government is deliberately neglecting Darjeeling hilly areas. It is not the case. The problems are peculiar and lot of funds are required. It is also true very rarely a minister from that area has been inducted into the Cabinet of West Bengal. Therefore, proper attention is also missing. It was once said by Mr. H. G. Wells that everybody must think for himself. Those who do not think for themselves others think for them and they think in the manner that suits the thinking persons. If somebody is running this Government and does not belong to that area he will think more of those areas to which he himself belongs and will not pay equal attention to other areas. People feel that they have a different language and belong to hill area and that is why they are being neglected. The reality is that we are trying to accelerate our development. We are bringing in new technology—for horizontal and vertical development—and stressing too much on the development of the developed areas. We want to compete in the world, in the international market but at the same time we are not giving due attention to the backward and hill areas. But we must understand that it is the people in those areas who are defending our country. Therefore, we have got to take care of them.

This Bill does not serve any purpose. I have got all the sympathy with my hon. friend but the approach must be correct.

There are many provisions in the Indian Constitution which are not being implemented and this will be one of them.

Sir, without taking much of the time I would submit that the real problem is different. The necessity of development in the hill areas had been recognised during Pandit Jawahar Lal Nehru's time and fundamental problems of this country were located by him. We have yet to see a better man who can think of the country as a whole in a better way. Therefore, to try to split those problems into bits will not serve the purpose. I can understand if West Bengal Government had concentrated too much on hill areas of Darjeeling and developed it as a model to be followed by others. Then we could quote it as an example to others but they have done nothing. The people there feel neglected.

Sir, we went to Gangtok and we found the roads which are not under the Border Roads Organisation were in the same dilapidated condition as elsewhere. Therefore, we have to understand the problem as it is. I do not want to blame anybody but neither I want them to shift the blame on us. Let us face the problem as it is. Nepalese are our brethren. Their language must be developed like other languages of the country. This country cannot progress unless every language which is spoken in this country is developed. What is the use of T. V. and radio, unless the people who are so far illiterate cannot be approached by this media. If the T. V. does not speak to them in their language development cannot be brought about there.

Therefore, the real remedy lies in proper and even development and not uneven development. Don't make show pieces. Don't put powder on your face and leave the rest of the body dirty. We have to look to the millions living in the backward areas. Those millions cannot be forgotten. All of us either in the Opposition or on this side are sitting in this House because of their votes. The well off people are opportunists. They do not vote for you. It is the backward people who bring you to this House and in the State legislatures. Therefore, you should not mislead them by wrong slogans. You have to look to the reality of the situation and try to solve the

[Shri G. L. Dogra]

problems from a national angle. This measure which you have brought will mislead the people. Therefore, I oppose this.

[*Translation*]

CH. SUNDER SINGH (Phillaur) : Mr. Chairman, Sir, the mover of the Bill has said :

[*English*]

“The nation building programme can leave no part of nation untouched. Students have to react upon the dumb millions. They have to learn to think, not in terms of a province or a town or a class or a caste, but in term of a continent and all the millions who include untouchables, drunkards, hooligans and even prostitutes for whose existence in our midst everyone of us is responsible.”

(Young India—9th June, 1927)

[*Translation*]

What is the object of the Bill which has been presented in the House ? The object of the Bill is :

[*English*]

“As long as millions live in hunger and ignorance, I hold every man a traitor. We are educated at their expenses and pay the least to them.”

[*Translation*]

The partition of the country took place in 1947. At that time Dr. Ambedkar had suggested that if we formed a coalition government with the Muslim League as partner, we would be ruling half of India because we would get half of India in case of partition; but we did not agree. We sided with Mahatma Gandhi. We never deserted him. At that time whatever Dr. Ambedkar had said was not accepted. The population of Muslims at that time was 9 crores and the population of Harijans was 6 crores. But his plea was not accepted at that time. Now such agitations are being launched. Whatever Mahatmaji had said was correct, but it was not implemented. Mahatma Gandhi had written :

[*English*]

“The better mind of the world desires today not absolutely independent States warring one against another, but a federation of friendly inter-dependent States.”

Inter-dependence is and ought to be as much an ideal for man as self-sufficiency. Man is a social being. Without inter-relation with society, he cannot realise its oneness with the universe as suppress his egotism.”

[*Translation*]

When was it said ? Mahatma Gandhi had said this in 1929. It would be better, if his views are implemented. Now I would also like to quote what Mahatmaji had said in 1921 :

[*English*]

“Swaraj is a meaningless term, if we desire to keep a fifth of India under perpetual subjection and deliberately deny to them the fruits of national culture. We are seeking the aid of God in this great purifying movement, but we deny to the most deserving among His creatures the rights of humanity. In human ourselves we may not plead before the throne for deliverance from the unhumanity of others.”

[*Translation*]

The thoughts of Mahatmaji are not being followed and as a result all these things are happening. When there was separate electorate, Dr. Ambedkar had said :

[*English*]

“I was born as a Hindu. The blame was not mine. I will not die as a Hindu.”

[*Translation*]

But nobody cared about what he had said. Now Nepalese and Sikhs are raising a demand for a separate State.

I oppose this Bill. This Bill should not be adopted. The person who was expected to give a healing touch did not do that, otherwise our disease was not incurable. The

persons who should work and to whom powers are delegated, would not use those powers against themselves. If every citizen of India demanded a separate State, how would the country remain united? A demand for Khalistan is being raised in Punjab. That State is not weak. It is the strongest State and maximum of the land in the State is fertile. But they are making demand for Khalistan. Recently two persons were murdered in my area. I was very much surprised why this had happened? In my view all such things are happening, because the poor want to achieve their rights.

[English]

No man can get his rights by request. Rights are wrested from unwilling hands.

[Translation]

This problem of Nepalese cannot be solved, until they fight unitedly. It was the desire of Mahatma Gandhi, Dr. Ambedkar and Pt. Jawahar Lal Nehru :

[English]

Nehru said in the Constituent Assembly :

“How to solve the problem of the poor and the starving people. Wherever we turn, we are confronted with this problem. If we cannot solve this problem soon, our paper Constitution will become useless and purposeless.”

[Translation]

With these words, I oppose this Bill. This Bill encourages the feeling of separatism. I once again oppose this Bill.

[English]

SHRI PIYUS TIRAKY (Alipurduars) :
Mr. Chairman, Sir, this Bill does not have any secessionist motivation at all. This Bill has, in fact, been brought before the House with a very good idea. Before independence also, we had a Government, but we wanted independence, our own Government, because we wanted to develop our country in our own way. The real intention of this Bill is to allow the Nepali culture, Nepali language and their way of life to develop in their own

way. There is nothing wrong in it. For anything to develop, it must have some place for it. The Nepali people have a concentration in Darjeeling and, therefore, they want that place to be the house of Nepali culture, so that it could spread all over from there. That culture would remain in India. It is a very old culture. The Indian Government has also been interested, and very rightly so, to keep all the cultures, languages and way of life of our Indian people in tact.

India has many beautiful cultures and we want to keep them in tact. This Bill only seeks a place where the Nepali culture, Nepali language etc. can be kept and from there it can be developed all over. So, this is the only thing. All the major languages have got their own homes, because we all know that the States in India are formed on linguistic basis. But what would happen to those languages spoken only by a few people? They also have a duty towards their own language. They want these autonomous districts to preserve their own identity and culture and to work for their development in their own way. This is not to say that their culture is different and all that. This Nepali culture is Indian culture. It is not something separate. It is part of Indian culture. The West Bengal Government, *i. e.* the State Assembly have unanimously based a bill relating to these autonomous regions, so as to enable them to develop according to their own way of thinking. So, I do not think that there is any room for such apprehensions as are expressed by the members of the Ruling Party. Take for example, some tribes of the Chota Nagpur, Santhal Pargana areas. Those people have their own tribal languages, a culture of their own and they even have some common laws, by which they govern themselves. But they are not separate from other Indians. Here I want to ask you a very pertinent question. Why do all your tribal development schemes fail in spite of spending thousands of crores of rupees? The only reason is, you have not been able to win the confidence of these tribal people, for whom all your developmental works are meant. I do not understand why you do not allow these people to develop in their own way. Instead of somebody from here going and teaching him the ways of development, if those people are allowed to

[Shri Piyus Tiraky]

develop in their own way, according to their conditions of life, making use of their own common laws, then I am sure that development will come at a faster pace and the unity and integrity of our country would flourish and a feeling of brotherhood will increase. All these people, whether they are tribals, or Nepali tribals, Scheduled Castes and Scheduled Tribes, whoever they may be, they are living in India for thousands and thousands of years. They never thought of separatism. They are part and parcel of India. All that they are asking is for a home of their own. Everybody wants a home. Saying that 'India is your home' is a very vague answer. Every community, wherever they happen to be in a majority, should be given a home of their own, where they can develop in their own way, preserving their identity with their own common laws. Hence I request that Government should think about it seriously. You should not go with your police force and suppress any such movements. If some community asked for separate autonomous districts so as to enable them to develop their language or culture, Government should view it sympathetically. You should not use force. Already, there has been lot of bloodshed in Nagaland and Mizoram. Please do not proceed in that way. When people ask for something, you should understand their point of view. Government should come forward and give all the facilities for the development of their area, language and culture. Geographical conditions also differ a lot in India. Local people understand their own problems better. If a man or an officer goes from Delhi for the so called development of Darjeeling, the entire money spent on his services is gone waste. It is a pity that such things happen. If the Nepalese people or the tribal in Chittanagpur and Santhalparganas are given full autonomy to develop on their they will come prapdily as the Government wants, as the people of India wants that the development should be rapid and that too without exploitation. To check exploitation, they will share their independence and also the power of the Government, I mean ruling power, what they say that the people should be governed by themselves. In that way the Government should think and please consider this case that the Nepalese culture, language and their way of life can be safe in

India in, big India, if I may say, and the Minister should consider the other demands also which are coming in their way.

Now, people are coming to speak on their own and they want to develop in their own way. So this must be realised and also honoured by the men, Minister himself.

MR. CHAIRMAN: Two hours allotted for this Bill are over. Is it necessary for the House to extend the time, if so by how many hours?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): By two hours.

MR. CHAIRMAN: I take it that the House agrees to extend the time by two hours for discussion of this Bill.

SHRI SHANTARAM NAIK (Panaji): Sir, although I agree with the sentiments expressed with respect to the people of Nepalese community residing in and around Darjeeling, I stand here to oppose this Bill for various reasons which I may state here. Sir, if you go through Clause 244(c) of the Bill it states that:

244(c). Notwithstanding in this Constitution, Parliament may by law, form within the State of West Bengal, an autonomous region comprising such areas, as may be specified, of the district of Darjeeling and neighbouring districts where the Nepali speaking people are in majority and create for the administration of such region a District Council to be constituted in the manner specified under article 244D, with powers and functions as may be specified by law made under article 244E."

Now Sir, if the intention was to give a certain place or district for Nepali speaking people, then my learned colleague could be resorted to the structure which is already there in the Constitution. If he feels that the people of Darjeeling and around are neglected, then he ask if his case stands for declaring that as an Union Territory so that Central aid and assistance can directly get in abundance.

Or if he so feel to ask for a statehood, if he has got a case, I do not say, he has not got a case, he can ask for that. But within the Constitution, we have two status. One is of State and other is of India Territory. We have got 22 States and 9 Union Territories. So, apart from these two Status, you are resorting to third status calling it as autonomous district which is something uncalled for. It is not strictly in the interests of the people of India or of the whole nation. So, I oppose this Bill. Otherwise, as far as your language problem is concerned, problem of Goa and the problem of Nepalese language is quite common. In fact we are fighting to include Konkany in the Eighth Schedule of the Constitution as Nepali language is also sought to be included in the Eight Schedule of the Constitution we are also demanding that. With respect other problems also. I fully agree with what he has expressed. But this is not a remedy,

Now, further if you go through the Bill what you find ultimately is that there are 44 items to be dealt with by this District Council. I would say that this is an Assembly in disguise it is a Statehood in disguise, though you are calling it only as an autonomous district council. You are providing 44 items, including the use of any canal or water-course for purposes for agriculture. These are the subjects which the District Council will deal with :

The establishment of village or town committees or councils and their powers;

any other matter relating to village or town administration, including village or town police;

the inheritance of property;

land;

land revenue;

agriculture;

public health and sanitation, hospital and dispensaries;

tourism;

transport and communications;

fisheries, etc.

I have mentioned only a few of them. What have you left ultimately to the State of West Bengal? So, you want to give the entire power of a State administration of the District and call it an autonomic district council.

Even if you ask a few things more, like giving more power to a district, it can be understood. But I want to say that an autonomus district should be created with 44 items, and a 55-member Council. Please go through Clause 244H. It say :

“Subject to such restrictions or conditions as the State Government may think fit and proper, all properties of the nature specified below and situated in the autonomous region shall vest in and belong to the District Council with all other properties which may become vested in the District Council and shall be under the direction, management and control of the District Council and shall be held and applied for the purpose of this Act...”

So, you want that the entire property in the region should be vested in the District Council. This is as bad or as good as asking for a State. You are only calling it as an autonomous district council, and getting all the property and powers of legislation for the District Council itself. This is something which is not called for. Therefore, I vehemently oppose this Bill.

In fact, to avoid such demands being made, it should be seen that Government attends to the problems of these hilly and other regions. If these people demand inclusion of their language in the VIII Schedule, it should be sympathetically considered. If they want some other economic benefits, it should be sympathetically considered. If they want the status of a Union Territory, it should be considered. Within the farmework of our Constitution, whatever demands are there, they should be considered, so that negative tendencies do not develop.

For instance, as far as Goa is concerned, it is also a Union Territory. There are nine union Territories in India now. We became independent 25 years back, and on 19th December 1985, we are celebrating the silver jubilee of our independence. When we

[Shri Shantaram Naik]

became independent, we were given the option by the Central Government; we were asked whether we would like to merge Goa with Maharashtra, and Diu and Daman with Gujarat; or remain as a separate entity. An opinion poll was held in our Territory *i.e.* for the first time in the history of this country. Under an Act of Parliament, it was held. In that opinion poll, people of the Union Territory of Goa, Daman and Diu opted for being a Union Territory. Since then, we are a Union Territory. We have achieved tremendous progress. The Central Government gave tremendous support and funds and we are now self-reliable. Therefore, now we are asking for State-hood, within the framework of our Constitution. We are not asking for anything like an autonomous district council. Union Territory is not a permanent status. That status is granted for the purpose of development; and a time comes when, if the Territory is self-sufficient, a State-hood is granted to it.

Therefore, cases like this, of the Union Territories which become self-sufficient and prosperous, should be considered, so that demands like this do not come in any other disguised form.

And, secondly, as I mentioned earlier also, there is a demand that our language Konkani should be included in the Eighth Schedule to the Constitution. So, along with the question of State-hood this language issue also has to be considered and request ultimately—to be short and brief—that this Bill should be withdrawn in the interests of the country and national integration.

[*Translation*]

SHRI MOOL CHAND DAGA (Pali) :

Mr. Chairman, Sir, even today there is three tier system in India—Panchayats, District Boards and Panchayat Samitis. So far as the present Bill which has been moved in the House is concerned, everybody would appreciate that Nepalese are very brave, but if they have not been able to make any progress to date in West Bengal, will they be able to make progress if a District Council is constituted in Darjeeling. We have only one issue before us. I had visited Darjeeling 30 years back. There was greenery all around there at that time, but

what is the condition of Darjeeling now? Mr. Chairman, Sir, people do not like even to visit that hill station now. All the forests have been denuded and Darjeeling looks like a barren land these days. There are buildings and buildings everywhere? There is no beauty in Darjeeling today which was there 30 years back. Despite that, the mover of this Bill has demanded a District Council there and also he has demanded that most of the powers vested in a State should also be delegated in them. Now the question before us is whether it would be possible to do so?

The government have formulated a Tribal Plan. This Plan is formulated for the welfare of the Scheduled Tribes. Separate funds are allocated for the plan and separate allocation is made keeping in view the percentage of people there. Thereafter a Sub-Plan is formulated. Under the Sub-Plan, allocations are made for various items like development, Education, Panchayat Raj, N.R.E.P., I.R.D.P., all the items of the 20 Point Programme, Development, Irrigation, Transport etc. I would like to ask the hon. Member, who has moved this Bill, whether he has calculated the administrative expenditure which is likely to be incurred as a result of this Bill. He has demanded the formulation of District Council, but it has not been mentioned anywhere as to what would be the total expenditure on administration etc. Secondly, after the constitution of the council and nomination of Members on it, whether it would be economically a viable Unit. Not at all, on the contrary its expenditure would be so much that it would not be possible to meet it. When it cannot be an economically viable unit, why is a demand being made for its formation?

Today we find that several small States like Manipur, Mizoram and Nagaland etc. have been formed in our country and the administrative expenditure which is incurred on these small States hampers the pace of development. There were 24 small princely States in Rajasthan, but all these States were merged to form a large State of Rajasthan.

The development of Rajasthan is taking place, because it has been formed into a large State. Smaller States do not have

sufficient income. The District Council does not have any source of income.

The entire economy of Nepal is based on Money orders. All the people from Nepal are serving in India and their economy is money order economy. They earn money by engaging themselves in various services. I would, therefore, like to ask you whether you have sufficient source of income and sufficient land to sustain independent economy. When you do not have both these things, why are you demanding a District Council? Will you please tell us whether your council would be viable financially? You already have District Councils. All the issues like education, irrigation, Land reforms and many other such issues are raised in District Councils. These issues could be decided by the District Councils, therefore, there does not seem to be any justification for the demand of District Councils.

Mr. Chairman, Sir, it appears that government of West Bengal has been continuously neglecting this part of the State. I would, therefore, like to submit that the local M. P. should urge the government of West Bengal to meet their demands and fight for their rights. He should tell the State Government that his area is backward and there should not be regional imbalance. Sir, it is not at all justified to introduce a Bill here to meet a demand of a single district and to demand the formation of a Council. This is not the way.

Mr. Chairman, Sir, I would request the hon. Member and my colleague to reconsider his Bill. If you want to raise this matter, you might raise it in some other method. You might say that you are being exploited, you are not able to utilise your economic resources and other people are exploiting those resources. If you put your case in this way, perhaps this matter can be considered. With this objective, you should raise this matter before the government of West Bengal and fight for your case as a unit, as has been suggested by our Deputy Leader. You should submit your schemes to the government which would provide help to the economically backward areas in order to make them self reliant. With these words, I conclude my speech.

*DR. K. G. ADIYODI (Calicut) : Mr. Chairman, I am really sorry to have to participate in the discussion on this Constitution Amendment Bill, the 122nd Bill of 1985. The reason is that the party which rules the State of West Bengal has thought it necessary to bring such a bill seeking autonomous powers for ending the miseries of the people of Darjeeling and nearby areas which belong to that State itself. I am happy that the hon. member who moved this Bill is present in the House. He belongs to a party which has been saying that the five year plans are mere paper plans and will not solve the problems of the people. I have no hesitation to say that at a time when the country has launched 7th five year plan the party that is in power in West Bengal has brought this bill for political capitalisation. They have resorted to this sort of tactics in the past also. I don't say that this move is actuated by *malafide* intentions. As a time when the planning commission and the Governments are going ahead with developmental programmes, keeping in view the peculiar conditions prevailing in different States, I am really sorry that the hon. member should have chosen to move such bill in the House. The bill says :

"...The patriotic urge of the Nepali speaking people in the process of national integration and development of the country in which the Nepali speaking people have made significant and gallant contribution with their loyal and devoted service." Nobody objected to it. "Such people should be drawn into the mainstream" as if they are not in the mainstream" of national development and progress by providing opportunities to them to participate in the administration and in development activities, thereby installing in them a sense of belonging and involvement." "This can only be achieved by granting the people of this area regional autonomy in the compact areas of the three hills." Why? Are there no hills beyond Darjeeling? I don't believe the hon. member or his party men can claim that there are no areas more backward than Darjeeling or there are no people more backward than the people of Darjeeling. When Gandhiji went to South India and saw with his own

[Dr. K. G. Adiyodi]

eyes the miserable, the ill-cled people there. He decided to remain half naked there after. It was that life which secured for us freedom. The thoughts, the feelings, the emotions and the hopes of the people had converged on one and one goal alone. That was the national unity and integrity. Gandhiji's message was that while adhering to one's own religious beliefs, customs, traditions and manners one should love one's fellow beings, the humanity. Gandhiji exhorted us to wipe the tears of the suffering humanity. But we cruelly put an end to his life. Smt. Indira Gandhi also stood for these ideals. She too had to face many challenges. Therefore, there is nothing new about this attempt. If one takes a superficial view one may think that this bill has been brought because of the interest in the welfare of the people. But a true patriot cannot view this bill in a light hearted manner. As many friends have pointed out we may not have achieved everything during the last 37 years of independence. But it is pertinent to ask as to what was the condition of the country before independence. Therefore, we must start our assessment from pre-independence period. It is true there are many deficiencies in the implementation of various plan projects. There have been legal impediments in the implementation of various welfare measures. The adivasis, the harjans, the minorities and other weaker sections do have complaints and grievances. It is to redress these grievances and complaints fairly expeditiously and to step into the 21st century that we have initiated the 20-point programme and made certain bold initiatives. The hon. members and the Government being run by their party should lend a helping hand to the Government at the Centre to implement fully this programmes. If that is done we may not have to face the miserable situation being faced by certain sections of our population. I would request my friends over there that they should not look at things in such lighter vein and use issues and occasions for political capitalisation. Many countries in the world are today looking towards us

for inspiration and are adopting the path of democratic socialism which we have been following in this country. I believe that such attempts will only give a set back to their efforts. There are many countries in the world where people do not enjoy even the standard of living of our adivasis and other weaker sections. They are engaged in the task of breaking out of the shackles of poverty and misery by adopting Gandhian socio-economic methods of development. I wish to remind my hon. friends that creating such tendencies will not help the struggling people of those countries. A mention was made about Minto-Morlay reforms or other administrative reforms. In fact, Pt. Jawaharlal Nehru himself had taken up the question of development of undeveloped regions with utmost seriousness. He had initiated many schemes for giving authority at different levels of administration. But there was no extraneous intention behind all that. We have not seen such a tendency to make political capital through a constitutional device so far. Therefore, it is not possible for me to believe that this is an innocuous piece of legislation brought by an hon. member of the House. The tendency that it exhibits needs to be nipped in the bud. Today I am speaking in my own language, a language spoken by only 2½ crores of people in this country of 75 crores. Kerala is literally a small State and it is backward in many respects. It is my agony as a patriotic Indian, a Keralite which prompted me to give expression to that agony in my mother tongue, Malayalam. We must move forward on the path of development keeping in view the supreme national goal and take all measures necessary to ameliorate the conditions of the poor people who have not been able to keep pace with rest of us in development. In this process I can only say let this disturbing thought generated by this bill pass. I wish to request the hon. Member to withdraw this bill. With these words I conclude.

18.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, December 9, 1985/Agrahayana 18, 1907 (Saka).