

SHRI JAIPAL SINGH : I regret to say that we do not interfere; we intervene.

MR. DEPUTY-SPEAKER : The hon. Member has every right to intervene at any stage according to the procedure. But I have already put the question to the vote.

श्री अश्वमेधनी द्वार : मैंने पहले कहा था कि मैं बोलना चाहता हूँ। फिर रंगा साहब बोलने लग गए। मैं खड़ा रहा। सारा हाउस गवाह है इस बात का कि मैं खड़ा हुआ था बोलने के लिए और मैं इस स्टेज पर दखल देना चाहता था। रंगा साहब तो चाहते थे कि होम मिनिस्टर साहब बोलें। लेकिन मैं खुद बोलना चाहता था। मेरा राइट है कि मैं यर्ड रीडिंग स्टेज पर बोलूँ।

شری عبدالغنی ڈار: میں نے پہلے کہا تھا کہ میں بولنا چاہتا ہوں۔ پھر رانگا صاحب بولنے لگ گئے۔ میں کھڑا رہا۔ سارا ہائوس گواہ ہے اس بات کا کہ میں کھڑا ہوا تھا بولنے کے لئے اور میں اس سطح پر دخل دینا چاہتا تھا۔ رانگا صاحب تو چاہتے تھے کہ ہوم منسٹر صاحب بولیں۔ لیکن میں خود بولنا چاہتا تھا۔ میرا رائٹ ہے کہ میں تھوڑے ریڈنگ اسٹیج پر بولوں۔

MR. DEPUTY-SPEAKER : I have no desire to ignore anybody who wants to intervene at any stage. But limitations of time are there for everybody and he must realise that. We shall take up the next Bill now.

17.44 hrs.

CONSTITUTION (TWENTY SECOND AMENDMENT) BILL

THE MINISTER OF HOME AFFAIRS
(SHRI Y. B. CHAVAN) : I move :

"That the Bill further to amend the Constitution of India, as reported by the Joint Committee be taken into consideration."

SHRI SRINIBAS MISRA (Cuttack) : On a point of order. It appears that when the Constitution is sought to be amended, the draft of the Bill shows that we want to abrogate the whole Constitution. It is a serious matter which will have to be decided : has this House the power to abrogate the Constitution ? We are the creatures of the Constitution; can we abrogate the Constitution without straightforwardly giving the power to the House, can we throw the Constitution overboard ? I am referring to clauses 2 and 3 of the Bill.

The scheme of this Bill is this. Article 244A is sought to be added, empowering Parliament to make laws regarding the autonomous States in Assam; the names are not given. Here, in the Bill, at page 2, clause 2 (3) says as follows :

"An amendment of any such law as aforesaid in so far as such amendment relates to any of the matters specified in sub-clause (a) or sub-clause (b) of clause (2) shall have no effect unless the amendment is passed in each House of Parliament by not less than two-thirds of the members present and voting."

Then, sub-clause (4) says :

"Any such law as is referred to in this article shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution."

The last two lines of this-sub-clause are important. The question is whether Parliament can give to itself the power to amend the Constitution in any other way or to pass a law which is contrary to the provisions of the Constitution saying that it will not be deemed to be an amendment of the Constitution. That amounts to amending article 368 itself, which relates to amendments of the Constitution.

Article 368 of the Constitution says :

"Provided that if such amendment seeks to make any change in.....

(a) to (d) and then.....

(e) the provisions of these articles

"the amendment shall also require to be ratified by the Legislatures of not less than one-half of the States....." and so on.

So, this House cannot make any laws by simply changing the nomenclature and saying that such and such an amendment of the Constitution will not be deemed to be an amendment of the Constitution. An amendment of the Constitution is an amendment of the Constitution, and to the Constitution itself. We cannot make any law by saying that this will not be an amendment of the Constitution. Even if it is hit by the Constitution, we say in this Bill that it will not be an amendment of the Constitution. This is my objection No. 1 to the constitutionality of the Bill itself.

MR. DEPUTY-SPEAKER: Will you just clarify one point for my understanding? Your assumption seems to be this: assuming it is an amendment of the Constitution, it will not be considered as an amendment. That is your contention about the Bill. And also whether it fits in with article 368 of the Constitution.

SHRI SRINIBAS MISRA : Yes.

MR. DEPUTY-SPEAKER : Yes; now develop your second point.

SHRI SRINIBAS MISRA : It is done notwithstanding anything in the Constitution. Even if it is hit by the Constitution, it will not hit. I say that this House has no power so far as the decision in Golaknath's case stands, and until the Bill that is pending before the House—Mr Nath Pai's Bill—is passed. We cannot do this, We cannot say as it is, that this is valid; that this will not be deemed to be an amendment of

the Constitution. Because article 13 (1) of the Constitution is attracted. The fundamental rights come in. This power which you seek to take will affect the fundamental rights. Can we say, even if they affect the fundamental rights, it will be valid and that this House has still the power to make such an amendment? This is absurd on the face of it.

MR. DEPUTY-SPEAKER: If there is a provision specifically excluding the fundamental rights provision from the Constitution, according to you, then, it would be all right. I just want a clarification.

SHRI SRINIBAS MISRA : Yes; in that case it will partially meet my objection. If it is said that it excludes the fundamental rights, to a large extent, my objection will be met.

There is one thing more. The Assam tribal areas are governed by the Sixth Schedule. The Sixth Schedule has one entry, entry No. 21. Item 21 relates to the amendment of the schedule. Perhaps, under an assumption relating to this item, they wanted to follow this.

Entry 21 says :

"(1) Parliament may from time to time by law amend by way of addition, variation or repeal any of the provisions of this Schedule and, when the Schedule is so amended, any reference to the Schedule in this Constitution shall be construed as a reference to such Schedule as so amended."

(2) No such law as is mentioned in sub-paragraph (1) of this paragraph shall be deemed to be an amendment of this Constitution for the purposes of article 368."

But this Bill says that notwithstanding anything in this Constitution, any such law as is referred to in this article shall not be deemed to be an amendment of the Constitution for the purposes of article 368, "notwithstanding

[Shri Srinibas Misra]

that it contains any provision which amends or has the effect of amending this Constitution." This is something like *Asvaplutham* i.e. trotting of the horse far ahead of the constitutional provision. It is not there in entry 21 of the Sixth Schedule. Entry 21 only refers to amending the schedule. What is provided in the Bill throws overboard the whole Constitution, if we pass an amendment to the Constitution and say, it is not an amendment to the Constitution. This amendment should have been placed in Part I of the Constitution, under article 3. But it has been placed in Part X, whether inadvertently or purposely, I do not know.

Part X refers to the administration of tribal areas. But article 3 is the proper place for this amendment. In our Constitution, we have no provision for an Autonomous State. If we are making such a provision, it should really come under Part I. But there is some sinister purpose behind it. I do not want to ascribe any motive. But it appears to me like that. I feel it is being brought in under Part X because if it comes under any other article, there is the question of ratification and previous consent of the State concerned. That is being avoided by bringing this under article 244. It has got some relevance under article 244, but it has greater relevance under article 3. This must be clarified before we can proceed further with the Bill.

SHRI SWELL (Autonomous Districts) : Sir, I submit that Mr Misra's reading of the provisions of the Bill and of the Constitution is wrong. It is in no way an abrogation of the Constitution. I do not know why it is being misconstrued. I will draw your attention to Part I and certain relevant provisions there. Article 3 gives Parliament power to make any law to form a new State, to increase the area of any State, to diminish the area of any State and so on and so forth.

Article 4 (2) says :

"No such law aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368."

This is one provision of the Constitution.

It does not mean that it is an abrogation of article 368. It is a provision of the Constitution and as long as it is there in the Constitution the Parliament draws its power from this provision of the Constitution. I submit that what the Bill here provides is going to be an amendment of the Constitution. The moment the Constitution is amended by this Bill, the provision of this Bill becomes a part of the Constitution. I do not see any conflict between this provision of sub-clause (4) of section 2 of the Bill, to which Shri Misra objects, by saying that we are seeking to abrogate the Constitution by providing for an amendment of this Constitution and article 368 of the Constitution which deals with amendment of the Constitution. Clause 2 (4) says :

"Any such law as is referred to in this article shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution."

As I have submitted, this is a Bill to amend the Constitution and the moment this House adopts this Bill, this article becomes part of the Constitution. It is in the same line as what the Constitution has already provided under clause (2) of article 4 of the Constitution. Therefore, there is no conflict and there is no abrogation of the Constitution.

17.57 hrs.

[MR. SPEAKER *in the Chair*]

SHRI R. D. BHANDARE (Bombay central) : My first point is regarding rule 74, which deals with motions after introduction of Bills. My hon. friend raised the question under rule 72, which deals with motion for leave to introduce Bill. So, on the question of procedure, since the Bill has already been introduced, he should have challenged the validity of the Bill at the initial stage. Of course, this is a technical point.

Secondly, let us read para 21 (2) of Part B of the Sixth Schedule. It says :

"No such law as is mentioned in sub-paragraph (1) of this paragraph shall be deemed to be an amendment of this Constitution for the purposes of article 368."

That provision is copied in this Bill. Nothing has been added beyond what is given in the Constitution itself. This provision of the Constitution specifically says that if there is any amendment of the Sixth Schedule it shall not be considered to be an amendment of the Constitution under article 368. That has been simply copied here

SHRI SRINIBAS MISRA : No, that is not so.

SHRI R. D. BHANDARE : I will again read sub-para (2) of the Sixth Schedule. It says :

"No such law as is mentioned in sub-paragraph (1)--" Which is sub-paragraph (1) ? It speaks of the power to vary, to amend, to modify, to change, to add or subtract--

"...of this paragraph shall be deemed to be an amendment of this Constitution for the purpose of article 368."

So, it clearly says that if there is any modification of the Sixth Schedule, it will not be construed to be an amendment of the Constitution, and that provision has been copied in its entirety in this Bill.

SHRI SRINIBAS MISRA : No, that is not correct; it has not been simply copied; something more is added; you say that even if it is hit by the Constitution, still it will be construed as an amendment of the Constitution.

श्री शिव चन्द्र झा (मधुबनी) : अध्यक्ष महोदय, मुझे भी यही कहना है कि यह जो विषयक है इसको इस तरह से माया जा रहा है कि इसमें संविधान को तोड़ने और मरोड़ने की पूरी कोशिश है। क्लॉज 2 (4) में कहा गया है :

"Any such law as is referred to in this article shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution."

आप देखें कि यह कितना कन्ट्राडिक्टरी है। थोड़ी देर के लिए मान लीजिए कि यह पास हो गया तो संविधान का अंग हो जायेगा। अब उसमें जो परिवर्तन करेंगे वह कैसे करेंगे ? 368 धारा के मुताबिक संशोधन लायेंगे। लेकिन इसमें फिर कहा जाता है :

"Any such law as is referred to in this article shall not be deemed to be an amendment of this Constitution"

तो यह कैसे हो सकता है ? यह पास होगा तो संविधान का अंग होगा लेकिन सब-क्लॉज में कहते हैं कि इसमें जो कुछ है वह समझा नहीं जायेगा कि संविधान का संशोधन है बावजूद इसके कि इसका अंतर संविधान पर होगा।

दूसरी बात यह है कि 368 में ये संशोधन ला रहे हैं। यदि ऐसे ही इनको करना था तो पहले 368 में संशोधन करने के लिए उसमें दिया हुआ है :

that has to be ratified by not less than half of the States

पहले 368 का संशोधन कर लेते तब जा करके इस तरह का क्लॉज लाते और उसको पास कराने की कोशिश करते। यदि ये ऐसा नहीं करते हैं तो फिर मैं यही कहूंगा कि बड़ी चतुराई के साथ ये संविधान को तोड़ने मरोड़ने का काम करना चाहते हैं।

18 hrs.

SHRI BISWANARAYAN SHASTRI (Lakhimpur) : I would only like to add that in article 239A (2) it has been clearly Stated:

[Shri Biswanarayan Shastri]

"Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution."

It is already there in the Constitution and now it has been incorporated in this Bill. Therefore, no constitutional point can arise on this.

SHRI Y. B. CHAVAN : I do not want to take more time of the House except to give some information to this House. During the discussion of this Bill in the Joint Committee the very same question was raised when the Attorney-General came to give evidence before the Joint Committee. Naturally, this question was agitating the minds of many other hon. Members, and rightly perhaps I would like to read the relevant portion of the evidence. The question was put by Shri Chandra Sekharan :

"May I invite the Attorney General's attention to clause (4) of article 244A and clause (3) of the new article 244A and the law to be enacted by Parliament in terms of sub-article (1) of article 244A, the provisions therein for the making of the law do not appear to be in conformity with the provisions in Art. 368—"

It is exactly the same question which Shri Misra has raised. The answer of the Attorney-General is as follows:

"With great respect I think it is a little fallacy--

I would like to repeat it—with great respect I think it is a little fallacy.

"I said once these provisions come into the Constitution they form part of the Constitution. Once they become a part of the Constitution there is an end of the matter. So far as this point is concerned, which is tro-

ubling the hon. Member, I will invite his attention to the fact that there are other articles of the Constitution where Parliament has been given the power to do certain things which, on the face of it, look like amendment of the Constitution"

a point mentioned by Shri Swell--

"as for example article 4 or, for that matter, Schedule 5 or Schedule 6"

Shri Bhandare raised this.

"You will find provisions to the similar effect that Parliament lay by law do certain things regarding Fifth Schedule or Sixth Schedule, even amend or vary the provisions of the Sixth Schedule which really relates to the Constitution or administration of Scheduled Areas or Tribal areas. I do not see any objection to this clause at all."

Again, Shri Chandrasekharan asked:-

"May I put it this way that when once Article 244 A is incorporated in the Constitution, it would be in terms of restricted amendment of Article 368 ?"

To this the Attorney-General, Shri Nir-
en De, said:-

"I would not say that. There are two provisions: one is Article 368"—

this is one thing which one should bear in mind-

"and the other is where the Constitution itself provides the way in which certain matters would be amended."

If we see article 4, we have practically the similar provision in this Bill. Clause (2) of article 4 says:-

"No such law as aforesaid shall be deemed to be an amendment of this

Constitution for the purposes of article 368."

Once this amendment of the Constitution is accepted and when this provision becomes a part of the Constitution, as the Attorney-General has said, the matter ends there.

श्री शिव चन्द्र झा : अध्यक्ष महोदय, यही मेरा भी कहना है ...

MR. SPEAKER : No further argument about it.

SHRI S. KUNDU (Balasore) : The question that was raised has not been covered.

श्री शिव चन्द्र झा : ये 368 में संशोधन का रहे है...

MR. SPEAKER : No, please; all of you will have to sit now. There is no argument; I am not going to argue with anybody. I have heard both the sides.

I do not think the Chair is asked to decide about constitutional issues; that is for the courts to decide. We have been amending the Constitution so many times. And it is not an amendment of the fundamental rights. Golak Nath's case was pointed out. That is about the amendment of fundamental rights. This Bill is not for that.

As to the point that we are creating new States or dividing old States and further subdividing them, so many times we have done that. Whether it is legal or not, I am not going to express my opinion. That is for the courts to say, whether it is legal or not.

Then, in the Joint Committee also it was raised and he has read the Attorney-General's opinion. I do not think further than that I can elucidate or explain the legal aspect of the question.

Of course, your points appear to be very valid. They are arguments for opposing the

Bill. You can move an amendment or do something of that kind. It can be argued further. To that extent I agree but to say that the Bill cannot be moved here, I cannot agree. We have passed so many Bills, creating so many States and abridging States. Therefore, we can proceed with the Bill. You can bring forward an amendment and then we shall see. The hon. Minister.

SHRI Y. B. CHAVAN : Sir, while we discussed the Bill at the first reading stage, I had explained the history of the problems and had said that the present solution represented a consensus among the parties concerned in the Assam State.

While discussing the Bill in the Joint Committee, again all the provisions were very critically examined and I would like to invite the attention of hon. Members to the fact that the Joint Committee was pleased to accept only two amendments. One was a very formal amendment, an amendment of the enacting formula, and the other was about the regional committee of the State Assembly which is to be appointed. There the right to amend the rules of the Assembly has been given to that body but it is made clear as to for what purposes this was to be. Only to achieve that purpose, the Joint Committee had accepted one amendment to clause 4 of the Bill which seeks to insert an addition in article 371 B, which reads :

"for the constitution and proper functioning of such committee."

There is a provision whereby are bringing into existence a committee, constituted of the members of the State Assembly representing the Scheduled areas and other areas, which is expected to consider and give its opinion about the Bills which are of "common interest to" those areas. In order to facilitate the functioning of this committee certain rules of the Assembly were supposed to be amended. That power has been confined by specifying the purposes for which these rules are to be amended.

These are the only two amendments

[Shri Y. B. Chavan]

which the Joint Committee in its wisdom felt necessary. But I do not mean to say thereby that the Joint Committee was very much unanimous about the purpose of the Bill. If you will be pleased to see the report, there are a large number of minutes of dissent.

I would merely summarise some of the points that have been explained there. One point of view is represented by the minute of dissent of the hon. Member, Shri Hem Barua and the hon. Member, Shri Prakash Vir Shastri. The other point of view is represented by the Member of Jana Sangh. The third point of view is represented by the hon. Member, Shri Nambiar. In the case of Shri Hem Barua, his criticism is that the seed of disintegration is inherent in the proposal to reorganise the present State of Assam and that these disruptive forces have emerged not only within Assam but also within the country. He has also raised another point that, unfortunately, this proposal enshrines the idea of a federation within a federation which is India. This is one point of view.

The second point of view is represented in the minutes of dissent by the Members of Jana Sangh. They have expressed their point of view on practically similar lines. But they have suggested that instead of giving this sort of an Autonomous State, it is better to treat every District Council as a Union Territory. This is their constructive suggestion.

The third point of view which is represented by Mr Nambiar is that the creation of an Autonomous state itself is not sufficient and that it is much better to give a full-fledged State to these areas.

These are the three different views. I may say that these three different view are not new in that sense because all these three trends of thought were trying to assert themselves during the whole period when we discussed this question with different leaders of the hill areas and the leaders of Assam also. When we discussed this question with other party leaders also, these three ideas always came in. To meet

certain aspirations of particular areas which are special by themselves, we are trying to give them a special treatment. Therefore, to compare this question with other areas is fallacious. The constitution itself directs us to treat these areas as special areas, to treat the problems as special problems and to give some special privileges also to them.

Now, the problem has its own history and in the last decade, I should say, this question came to be discussed with different leaders and the Prime Minister of India had once enunciated the principle to deal with the problem and that was full autonomy within the framework of the Assam State. So, what we have done, really speaking, is implementing that principle which the Prime Minister of India had once formulated.

Therefore, the criticism that we are trying to create some dangerous principle which is going to disrupt the rest of the country is unjustified and, I should say, is rather misconceived. Again, I personally feel that if the view to give full State hood to the area had been agreed to possibly, it would have meant starting a further phase of division in the country. So, we persuaded them and I am glad indeed that the leaders of hill areas accepted this point. There are other aspects of the problem also. There is the aspect of national security in that area. I know the Members of Jana Sangh who have given their minute of dissent have specially emphasized this particular aspect. They have said that this should be considered by a defence-oriented commission. I would like to say, it is not only a commission which should be defence-oriented but our entire approach to the problems of eastern region should always be security-oriented. I have no doubt about that in my mind. When we considered these problems, the different facets of the problem, we did take into consideration the security aspect as well. It is from this security aspect that we thought that some sort of adjustment, some sort of compromise between the two conflicting views, was called for and necessary and, keeping this point of view, we laboured, tried for months together, if I

may say so, for years together, and ultimately reached this consensus.

I therefore, do not agree with the different view points that have been expressed in these minutes of dissent. I am indeed glad to recommend to this hon. House the Bill, as reported by the Joint Committee, for their unanimous acceptance.

MR. SPEAKER : Motion moved :

"That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration."

Mr. Om Prakash Tyagi.

श्री ओमप्रकाश त्यागी (मुरादाबाद) :
अध्यक्ष महोदय, मैं सरकार की भावना से सहमत हूँ और उसका आदर करता हूँ। इसके साथ ही मैं यह भी निवेदन करना चाहता हूँ कि केवल गवर्नमेंट ही नहीं अपितु भारतीय संविधान बनाने वालों ने जब इस संविधान को जन्म दिया उस समय भी यह समस्या उनके सामने थी और उत्तर पूर्व भारत के क्षेत्र को, असम के पहाड़ी क्षेत्रों को खास तौर से उन्होंने संविधान के छठे शैड्यूल के अन्दर रक्खा था जिसके अनुसार मैदानी क्षेत्र नेफा और पर्वतीय क्षेत्रों के लिये विशेष सुविधायें प्रदान कीं। परन्तु दुर्भाग्य इस बात का रहा कि गवर्नमेंट ने उस छठे शैड्यूल के अनुसार आचरण नहीं किया अन्यथा आज यह स्थिति आकर खड़ी नहीं हो जाती। भारत सरकार की इस उपेक्षा के कारण असम की वह स्थिति बनी और वह सरकार के कंट्रोल से बाहर निकल गई है। केवल यहीं गाड़ी रुक जायगी सो बात नहीं है। छठे शैड्यूल के अनुसार जो वहाँ पर डिस्ट्रिक्ट कांसिल्स और रीजनल कांसिल्स बनाई गई हैं उन को ठीक तरीके से सहयोग देते हुये यह कार्य चलाया जा सकता था लेकिन जैसा मैंने बतलाया सरकार छठे शैड्यूल को ठीक से अमल में लाकर कार्य

करने में असफल रही। और परिणामस्वरूप वहाँ एक अवांछनीय स्थिति का निर्माण हुआ।

जब भारतीय संविधान बनाने वालों ने और गवर्नमेंट दोनों ने ही उत्तरी पूर्वी भारत के क्षेत्र को सैंसेटिव माना और सुरक्षा और पिछड़ेपन के दृष्टिकोण से उसको उन्होंने बहुत महत्व दिया परन्तु बाद में सरकार उस महत्व को भूल गई। परिणाम यह हुआ कि चीन, पाकिस्तान और अमरीका इन तीनों ने उस क्षेत्र के पिछड़ेपन का अनुचित लाभ उठाने के लिये पाकिस्तान ने वहाँ पर अपने इनफ्लूएंस भेजे, चीन ने अपने एजेंट वहाँ पर स्थापित किये तो अमरीका ने अपने विदेशी मिशनरीज वहाँ पर भेजे। अमेरिकन बैप्टिस्ट मिशन ने वहाँ जनता को उकसाया और नागालैंड में डीपेंडेंट नागालैंड का नारा लगाया। मैं आज डिबेट्स में नहीं जाना चाहता लेकिन यह अवश्य कह देना चाहूँगा कि उन के इस तथाकथित इंडिपेंडेंट नागालैंड के नारे के पिछे वहाँ की जनता की भावना नहीं थी। उन विदेशी मिशनरीज के पड़यंत्र के द्वारा वहाँ के लोगों ने इस प्रकार की मांग की। अगर सरकार सतर्क होती तो उन लोगों का प्राथिक उत्थान गवर्नमेंट अपने हाथों से करती। वहाँ के लोगों के गरीबीपन और उनके पिछड़ेपन को दूर करने के लिये सरकार चेष्टा करती लेकिन उसने उन्हें विदेशियों के हाथ में छोड़ दिया। इसका परिणाम यह हुआ कि विदेशी मिशनरीज ने उस एक्सप्लॉएट किया। मैं इसे अपने शब्दों में नहीं कहना चाहता। अपितु स्वर्गीय श्री जवाहरलाल नेहरू जिस समय असम के दौरे पर गये थे और नागा लोगों के डेपुटेशन द्वारा जब उनके सामने मैमोरेण्डम पेश किया गया था तो उस मैमोरेण्डम को पढ़ने के पश्चात् जवाहर लाल नेहरू जी ने कहा था कि यह मैमोरेण्डम नागाओं का बनाया हुआ नहीं है। यह कहीं और तैयार किया गया है। इस प्रकार का संदेह स्वयं उन के द्वारा व्यक्त किया गया था। उसके पश्चात् समूचे क्षेत्र में उस तथ्य की अवांछनीय भावना जाग्रत हो गई।

[श्री भ्रोमप्रकाश त्यागी]

उसके पश्चात मीजोलैंड में भी उसी प्रकार का नारा लगा। उसके पश्चात् वह ए एच पी एल सी पार्टी ने एक सेप्रेट हिल स्टेट की मांग की। मैं ने सेलैवट कमेटी में भी इसको कहा था और आज भी कहना चाहता हूँ कि पहाड़ी क्षेत्र की जनता पिछड़ेपन और गरीबी से बेचैन है और जो पक्षपात उनके साथ किया गया है उस से वह दुःखी है।

परन्तु वह भारत से अलग होना, भारत के साथ बगावत करना नहीं चाहती है। आज बहानों की जनता के दिल और दिमाग में कोई भावना नहीं है।

अभी यहाँ जिक्र आया है कि जब हमारी अंग्रेजों के साथ लड़ाई चल रही थी तब नागालैंड की रानी गिड़ालो ने भारत के देश-भक्तों का साथ देने के लिए अंग्रेजों के विरुद्ध नागाओं को लड़ाया। परन्तु क्या कारण हुआ कि आजादी के पश्चात नागा लोगों ने बगावत शुरू कर दी? तथ्य यह है कि अमरीका की दृष्टि उस तरफ थी। उस को चाइना के खिलाफ एक मिलिटरी बेस चाहिये था। इसके लिये उसने पड़ोस बनाया और वह आग चारों तरफ फैली। मैं कहना चाहता हूँ कि आज वही भावना सब जगह फैल रही है। मणिपुर के लोगों को स्वतन्त्रता चाहिये, त्रिपुरा के लोग कहते हैं कि उन को फुलफलेज्ड स्टेट चाहिये। मीजो लोग भी यही चाहते हैं। इसी तरह जितने आटोनोमस जिला कौंसिल्स हैं उनमें यह भावना आ गई है कि हमारा अलग प्रान्त क्यों न बने।

जिस समय पर नागालैंड का प्रान्त बनाने की बात आई थी जनसंघ पार्टी ने उसका विरोध किया था और कहा था कि आप इस समस्या का पीसमील समाधान मत कीजिए, पूरी पहाड़ी जातियों की समस्या को लेकर एक उच्चाधिकारी प्रांत आयोग की नियुक्ति कीजिये जो सुरक्षा और स्वशासन की भावना को ध्यान में

रख कर और पूरे पहाड़ी एरिया को ध्यान में रख कर कोई समाधान पेश करे। लेकिन जनसंघ के इस सुझाव को सरकार ने नहीं माना। उन्होंने इस चीज को लटकाये रखा। परिणाम क्या निकला? आप ने नागालैंड का प्रान्त बनाया। लेकिन उस प्रान्त के बनने से समस्या का समाधान नहीं हो सका, उल्टे उस क्षेत्र में आग लग गई।

सन् 1967 के चुनाव में नया सरकार के वक्ताओं ने इस प्रकार के भाषण दिये जिन से विघटनकारी प्रवृत्तियों को मौका मिला और गौहाटी में जो काण्ड हुआ उस के कारण वहाँ लोगों में भय पैदा हुआ, उनके मस्तिष्क में असन्तोष आया और अस्थिरता आई और इस भावना को लेकर विघटनकारी तत्वों ने जोर लगाया। पहाड़ी क्षेत्रों की जनता हमारे साथ है, परन्तु विदेशी लोगों के भड़काये हुये लोगों और लीडर्स ने वहाँ की जनता की बेचैनी, गरीबी, पिछड़ेपन और जो पक्षपात अमम सरकार ने उनके साथ किया, उस को एक्सप्लायट कर इस प्रकार के नारे लगावाये।

जो वर्तमान संविधान संशोधन हमारे सामने आया है, गृह मंत्री महोदय ने उसके सम्बन्ध में कहा कि हमने महीनों परिश्रम किया है, रिसर्च की है। मेरी कामना है कि आप सफल हो, और परम पिता परमात्मा से आप की सफलता के लिये शुभकामना पेश करता हूँ। परन्तु भगवान भी उन को ही सफलता देता है जो सही मार्ग पर चलते हैं। आप उल्टे मार्ग पर चल रहे हैं तब भगवान कैसे आप को सफलता देगा। आपने जो विधेयक बनाया है उस से तो यह हुआ है कि सिर मुँडाले ही भोले पड़ गये हैं। मंत्री महोदय कहते हैं कि बड़े प्रयत्न के पश्चात् वह यह अमेंडमेंट लाये हैं, परन्तु मैं आप को इसका परिणाम बतला देना चाहता हूँ। ए एच पी एल सी ने, जिस ने गवर्नमेंट की स्कीम को स्वीकार किया था, कहा है फार

ट्रायल की पारसली एक्स्पेट इट । हम उस को प्रांशिक रूप से स्वीकार कर रहे हैं परिक्षण के लिये, और इतना स्वीकार करने के पश्चात् ए एच पी एल सी के खिलाफ बगावत शुरू हो गई । हिल स्टेट डिमाक्रैटिक पीपल्स पार्टी ने उसके खिलाफ बगावत शुरू कर दी और कहा कि हमें फूलफ्लेज्ड स्टेट चाहिये । इस नारे को दे कर उसने गवर्नमेंट के सुझाव को रिजेक्ट कर दिया । दो ही पार्टियां हैं वहां पर । एक ने पाणेली ऐक्स्पेट किया इस स्कीम को और एक इसे टोटली रिजेक्ट कर दिया ।

इस के अतिरिक्त मैं एक प्रश्न सरकार से पूछना चाहता हूं । सेलेक्ट कमेटी में भी मैंने पूछा था, कि अगर वह अमेंडमेंट स्वीकार कर लिया जाये तो क्या वहां की पार्टियां अपना आन्दोलन समाप्त कर देंगी । क्या आपने इस तरह का आश्वासन वहां की पार्टियों से ले लिया है । वह फिर तो एजिटेशन नहीं शुरू कर देंगी ? दुर्भाग्यवश एक भी पार्टी ने आप को यह आश्वासन नहीं दिया । अभी वह आग भड़की हुई है और आप आग पर राख डालने का प्रयत्न कर रहे हैं । इस से आग और भड़केगी । फिर परिणाम क्या होगा यह भी मैं आप को समझा दूँ ।

मिकिर हिल्स के लोगों ने एक स्मृति-पत्र दिया है । उस को मैं उन्ही के शब्दों में पढ़ना चाहता हूं । मिकिर हिल्स डिस्ट्रिक्ट कौंसिल के लोगों का यह मत है कि :

We deem it fair that similar status of administrative arrangements proposed for the Khasi-Jaintia Hills as appear in the latest proposals be extended to Mikir and North Cachar Hills. It is more a question of recognising the district political entity of our tribes and it is not a mere question of joining or not joining the proposed State of Meghalaya.

यह मिकिर हिल्स वालों का मत है कि जब आप वहां पर आटोनोमस स्टेट बनाते हैं तब आप मिकिर हिल्स और नार्थ कोचर हिल्स के लिये अलग स्टेट क्यों नहीं बनाते ?

इस बिल के समर्थन में आप ने एक बहुत बड़ी दलील यह दी है कि हिल स्टेट के लोगों के ऐस्पिरेशन्स हैं, उन की आकांक्षाएँ हैं । उन की राजनीतिक और शासन की आकांक्षाएँ हैं । मैं इस बात को मानता हूँ और स्वीकार भी करता हूँ कि ऐसा होना स्वाभाविक भी है । परन्तु मेरा यह सवाल है कि क्या उन की यह आकांक्षाएँ सम्मिलित हैं या अलग-अलग क्योंकि तथ्य यह है कि जितनी जातियां वहां हैं, जो अलग-अलग भाषा-भाषी जातियां हैं उन के अपने ऐस्पिरेशन्स हैं, अपनी अलग-अलग आकांक्षाएँ हैं कि उनको अलग एन्टिटी रखा जाये । यह उन की हार्दिक अभिलाषा है । लेकिन गवर्नमेंट जबर्दस्ती जयन्तिया और खासी हिल्स और गारो हिल्स को शामिल कर रही है, जो सफल होने वाला नहीं है । कल यह समझौता ठहरेगा नहीं । यह अस्थायी होगा, परमनेन्ट सोल्यूशन नहीं होगा ।

इन हिल एरियाज में माइनारिटीज भी रहती हैं, नेपाली लोग भी रहते हैं । उन का मेमोरैण्डम सेलेक्ट कमेटी के सामने आया । उन्होंने कहा है कि हमारी सुरक्षा के लिये क्या होगा ? इतना ही नहीं । अभी एक समस्या कल वहां और आयेगी । और उसके लिए फिर एजिटेशन प्रारम्भ होगा । यह कहेंगे कि जो गवर्नर या हार्ड आफिशल्स हैं उनका क्या होगा । गवर्नर को एडवाइस कौन देगा ? बड़े बड़े आफिशल्स की नियुक्ति कौन करेगा ? इस के बाद जो कठिन समस्या सामने आयेगी वह यह कि रेवेन्यू का बटवारा कैसे हो । असम में जो भी इंडस्ट्रियल डेवलपमेंट हुआ है वह सब मंदानी क्षेत्र में हुआ है । पहाड़ी क्षेत्र में कोई भी इंडस्ट्रियल डेवलपमेंट नहीं हुआ है । पिछले

[श्री श्रीम प्रकाश त्यागी]

21 सालों में पहाड़ी क्षेत्रों में कोई भी उद्योग-धन्धे सेंटर की धीर से स्थापित नहीं किये गये। अतः जो रेवेन्यू प्रायेगी वह मंदानी क्षेत्र से ज्यादा तादाद में प्रायेगी। मंदानी क्षेत्र के लोग आज यह अनुभव कर रहे हैं कि यह नई स्टेट आज नहीं तो कल पूर्ण प्रान्त बनेगी। उन के दिमाग में भी आज बटवारे का भाव आ गया है। वह अपने पैसे को उस स्टेट पर क्यों खर्च करने लगे। जब यह आटोमोमस स्टेट बन रही है तब वह प्रयत्न करेंगे कि मंदानी क्षेत्र की रेवेन्यू उस स्टेट पर खर्च न हो जो हम से इस ख्याल से भ्रमलग होना चाहते हैं कि वह हमारे साथ रहना नहीं चाहते हैं। आज वह यह भावना ले कर खड़े हो गये हैं।

इसी के साथ-साथ एक और समस्या भी आप के सामने प्रायेगी। वह यह कि आज हर हिल ट्राइब में अलग-भ्रमलग पिछड़ापन है। हिल ट्राइब्स में भी कुछ ऐसी हैं जो प्रोप्रेसिव हैं, जिन को एजुकेशन ज्यादा मिली है, जो पढ़े लिखे लोग हैं।

MR. SPEAKER: The hon. Member may continue tomorrow.

18.30 hrs.

HALF-AN-HOUR DISCUSSION

Gnat of Registration Certificates and Industrial Licences to Firms

MR. SPEAKER: We will take up the half-hour discussion now. Even now I am getting chits from members saying that they want to participate, as though it is a debate. A ballot is held of the names of members who send advance intimation for permission to ask question within the prescribed time and from that four names are picked up. This is the procedure we have been following.

SHRI S. R. DAMANI (Sholapur): I think you for the opportunity given to me

to raise this important matter on the floor of the House. The purpose of this discussion is to have an appraisal of the policy of granting registration certificates and industrial licences and how it has worked on industrial production in the country since the last 17-18 years.

As we all know, the system of licensing was introduced to achieve certain objectives, namely, to canalise resources into industry in accordance with plan priorities, ensure successful implementation of the plan keeping the emphasis on development, removal of regional imbalance in industrial development, check concentration of economic power in a few hands, utilise the ability of parties seeking licences to develop industrial capacity in the shortest possible time and so on. These are laudable objectives, no doubt. But we have to see how far these have been fulfilled and how far the country has benefited by it. If we see the working report of the Ministry, we are satisfied about it--there is no doubt about it.

I will give figures. In 1966, applications received for licences were 1291, disposal 1118, balance 143, percentage of pending cases 11, percentage of disposal 89. In 1967, applications received were 849, disposed of 701, pending 148. In 1968, applications received were 905, disposals 369, pending 563 or 60 per cent; this is only for half the period; I hope many of the pending applications will have been cleared before the year ended.

18.33 hrs.

[SHRI VASUDEVAN NAIR in the Chair]

Now we come to the effect, whether the objectives set forth when the policy was introduced have been achieved or not. According to me, and also according to Government, they were not successful in achieving the objectives. Government themselves appointed the following committees to examine the matter: this Swaminathan Committee which has submitted its report, then the Lokanathan Committee which has also given its report, then the