

[Secretary]

Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation Bill, 1969, which was passed by the Lok Sabha at its sitting held on the 19th March, 1969, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

- (iv) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (No. 2) Bill, 1969, which was passed by the Lok Sabha at its sitting held on the 19th March, 1969, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

ESTIMATES COMMITTEE

Sixty-fifth Report

SHRI P. VENKATASUBBAIAH (Nandyal) : I beg to present the Sixty-fifth Report of the Estimates Committee regarding action taken by Government on the recommendations contained in the Forty-eighth Report of the committee on the Ministry of Petroleum and Chemicals.

PUBLIC ACCOUNTS COMMITTEE

Forty-Fourth Report

SHRI DATTATRAYA KUNTE (Kotaba) : I beg to present the Forty-fourth Report of the Public Accounts Committee on action taken by Government on the recommendations of the Public Accounts Committee contained in their Eighteenth Report on Audit Report (Civil) 1967 relating to the Border Roads Organisation.

GOVERNMENT (LIABILITY IN TORT) BILL

(i) Report of Joint Committee

SHRI N.C. CHATTERJEE (Burdwan) : I beg to present the Report of the Joint Committee on the Bill to define and amend the law with respect to the liability of the Government in tort and to provide for certain matters connected therewith.

(ii) Evidence

SHRI N. C. CHATTERJEE : I beg to lay on the Table a copy of the Evidence given before the Joint Committee on the Bill to define and amend the law with respect to the liability of the Government in tort and to provide for certain matters connected therewith.

(iii) Memoranda

SHRI N. C. CHATTERJEE : I beg to lay on the Table copies of the Memoranda received by the Joint Committee on the Bill to define and amend the law with respect to the liability of the Government in tort and to provide for certain matters connected therewith.

12.50 hrs.

CONSTITUTION (TWENTY-SECOND AMENDMENT) BILL—Contd.

MR. SPEAKER: The House now take up for further consideration the Constitution (Twenty second Amendment) Bill. Shri O. P. Tyagi was speaking yesterday when the house adjourned and he had taken about fifteen minutes. He may conclude in a few minutes, now.

This Bill will have to be passed today and voting will take place around 5 or 5.30, because there is a small Bill after this Bill which will have to be referred to the Select Committee.

SHRI S. M. BANERJEE (Kanpur) : Voting will have to take place at various stages. We should like to know when voting will

take place at the first reading stage. Will that be at 4 O'clock or 5 O'clock ?

MR. SPEAKER: That is why I was taking the sense of the House about the time at which voting should take place so that all may know about it.

श्री अटल बिहारी वाजपेयी (बलरामपुर) : इस पर बहस पांच बजे तक चलने दी जाय अर्थात् पांच बजे वोटिंग ली जाय ।

MR. SPEAKER: All right. At 5 O'clock we shall take up voting so that by 6 or 6.30 we shall have passed this Bill and taken up the other Bill. The hon. Minister will take about half an hour for reply and he may begin his reply around 4.30 P.M. Now Shri O. P. Tyagi.

श्री ओम प्रकाश त्यागी (मुरादाबाद) : अध्यक्ष महोदय, कल मैं संविधान (बाईसवां संशोधन) विधेयक पर बोलते समय अपना खेद प्रकट कर रहा था कि गवर्नमेंट जो यह बिल ला रही है उस से भारतवर्ष की समस्याओं में और उलभन पैदा होगी ।

पिछले 21 वर्षों में इस सरकार के आचरण से यह सिद्ध हुआ है कि भारत सरकार के सामने कोई अपनी योजना नहीं है । वह परिस्थितियों से विवश होकर समय समय पर अपनी योजनाओं में परिवर्तन करती आ रही है । इस की अस्थिरता, इस की योजनाओं की परिवर्तनशीलता ने तमाम भारतवर्ष को आज अशान्ति और अस्थिरता में डाल दिया है । भारत सरकार की नीति रही है कि जहां एजिटेशन हुआ, वहीं उसने सिर झुकाया और उस के समाधानार्थ कोई हल निकाला । उन्होंने उस के लिए कोई न कोई कांस्टीट्यूशन में परिवर्तन किया या कोई योजना के सामने सिर झुकाया । इसी प्रकार से यह असम की स्थिति आज आकर लड़ी हो गई है । मैं कह देना चाहता हूँ कि आज भारत सरकार देश में वहीं अचंकर भूल करने जा रही है जोकि उस ने उस दिन कि वो जिस दिन कि भाषा के आधार पर

प्रान्तों के रिभागोंनाइजेशन का सिद्धान्त भारत सरकार ने स्वीकार किया था जिसने तमाम भारतवर्ष में एक नई बीमारी पैदा कर दी थी । असम में इस रिभागोंनाइजेशन को स्वीकार करने के पश्चात् अर्थात् वहां पर प्रान्त के अन्दर प्रान्त की भावना को स्वीकार करने के पश्चात् भारत सरकार और नये प्रान्तों को अर्थात् इस प्रकार की चीज को जन्म देगी जिससे की दूसरे प्रान्तों में भी इस प्रकार की बीमारी फैलेगी । अब जिस आधार पर भारत सरकार ने वहां असम में एक प्रान्त के अन्दर एक नये प्रान्त की भावना को उत्पन्न किया है उसी प्रकार से भारखंड और अभी कल, परसों तेलंगाना का नारा आया है कि उस आंध्र प्रदेश में तेलंगाना को इस प्रकार से अधिकार देकर प्रान्त के अन्दर प्रान्त बना दिया जाय जिस प्रकार कि असम का पुनर्गठन हो रहा है । यह भारतवर्ष में एक नई परम्परा को जन्म देगा ऐसा मेरा आप से निवेदन है ।

इस संशोधन विधेयक को विरोध करने का मेरा अभिप्राय यह कदापि नहीं कि मेरी सहानुभूति या मेरी पार्टी की सहानुभूति असम के उस पहाड़ी राज्य के बनने के साथ नहीं है । हम उनके साथ पूरी सहानुभूति रखते हैं । उनका उद्धार होना चाहिए यह भी हमारी भावना है परन्तु हमारी प्रार्थना केवल एक ही है कि जो सरकार जो वहां का इन टुकड़ों में हल करने की बात सोच रही है ऐसा उसे नहीं करना चाहिए क्योंकि इस से वहां अर्थात् असम की समस्या और उलभ जायगी । हमारा सुझाव यह है कि गवर्नमेंट उस प्रान्त में असम के पहाड़ी क्षेत्रों की समस्या को सुलभाने के लिए एक उच्चाधिकारी प्राप्त आयोग की स्थापना करे । वह सुरक्षा और पहाड़ी जनता की आकांक्षाओं का ध्यान रखते हुए इस प्रकार का सुझाव रखे जिससे नेफा, मनिपुर, मीजो हिस्स और मिकिर हिस्स इन सभी का एक सामूहिक हल निकाले ताकि कल को फिर कोई नई समस्या

[श्री भोम प्रकाश त्यागी]

उत्पन्न न हो। वर्तमान में जो केवल गारो हिल्स और युनाईटेड खासी और जयन्तिया हिल्स को लेकर इस समस्या का एक हल निकाला जा रहा है वह एक छोटा हल है और वह टुकड़ों में हल है। इससे वहाँ की समस्या का समाधान नहीं हो सकेगा। वहाँ की समस्याएँ इस से उलझेंगी।

मेरा सुभाव यह है कि जब तक यह आयोग अपनी रिपोर्ट दे तब तक गवर्नमेंट को चाहिए कि जो डिस्ट्रिक्ट कौंसिल्स हैं उन्हीं को वह और कुछ अधिकार दे जिससे कि वहाँ की डिस्ट्रीक्ट कौंसिल्स अपना तब तक कार्य चलायें। सभी ट्राइब्स को अपनी आकांक्षा के अनुसार चलने का मौका मिले और तब तक गवर्नमेंट समस्त पहाड़ी क्षेत्रों की सामूहिक समस्या को सामने लाकर उस का समाधान करे।

मैं एक विशेष बात खास तौर पर गवर्नमेंट से कहना चाहता हूँ कि उस ने इस असम के रिभागनाइजेशन के पीछे दलील देते हुए एक बहुत भयंकर भूल की है और वह यह कि उन का विचार है कि असम में भिन्न-भिन्न संस्कृतियाँ हैं वहाँ की संस्कृति और मंदान की संस्कृति भ्रलंग हैं। मेरी तथा मेरी पार्टी की यह मान्यता है कि भारतवर्ष की संस्कृति एक है, सम्यता में भिन्नता है। भारतवर्ष के किसी भी कोने में चले जाइये, उन के रहन सहन का, उन के कपड़ों के पहनने का ढंग भले ही भिन्न है परन्तु उनकी जो संस्कृति है वह समूचे भारतवर्ष की अर्थात् हिमालय से लेकर कन्याकुमारी तक और पूर्व से लेकर पश्चिम तक एक है। सारे देश की संस्कृति एक है। भारतीय संस्कृति के भूलाधार हैं :

“अहिंसा, सत्य, अस्तौत्यं, ब्रह्मचर्य अपरिग्रह।
शौच, संतोष तपः स्वाध्याय ईश्वरप्रणिधान।”

यह जो हमारी संस्कृति के मौलिक आधार हैं वह भारतवर्ष की सारी जनता में समान रूप

से पाये जाते हैं। मेरा निवेदन है कि अगर भारत सरकार ने संस्कृति की भिन्नता को स्वीकार करके इस देश में भिन्न-भिन्न प्रान्तों का आयोजन करना प्रारम्भ किया तो इस से देश के नेशनल इंटिग्रेशन को एक बहुत बड़ा खतरा पैदा हो जायगा। अतः मेरी सरकार से विशेष प्रार्थना यह है कि देश के आर्थिक ढाँचे, देश की सुरक्षा और वहाँ के सामाजिक पिछड़ेपन का ध्यान करके ही इसे कोई योजना बनानी चाहिए।

मैं अन्त में एक ही बात कहना चाहता हूँ और वह यह कि असम के पहाड़ी क्षेत्रों के बजुओं के साथ अन्याय हुआ है। आर्थिक दृष्टिकोण से भी और राजनैतिक दृष्टिकोण से भी उनको जानबूझकर पिछड़ेपन में रखा गया है। जैसे कि ईस्ट अफ्रीका में वहाँ की ब्रिटिश गवर्नमेंट ने कुछ आदिवासी लोगों को म्युजियम बना कर रखा उसी प्रकार से ब्रिटिश गवर्नमेंट ने इन पहाड़ी क्षेत्रों को और ध्यान नहीं दिया और न ही उस के वाद हमारी गवर्नमेंट ने इन पहाड़ी क्षेत्रों के उत्थान के लिए कोई काम किया। मैं इस सदम में कहना चाहता हूँ कि असम के पहाड़ी बंधुओं की समस्या का समाधान करते हुए यह नहीं भूलना चाहिए कि यही बेचनी, यही पिछड़ापन और यही अधिक गरीबी भारतवर्ष के अन्य पहाड़ी क्षेत्रों में भी है। अगर आप ने उन की ओर ध्यान नहीं किया तो यही बेचनी और आन्दोलन अन्य क्षेत्रों में भी पैदा होगा। इसलिए गवर्नमेंट को एक पूर्ण योजना समूचे भारतवर्ष के लिए और विशेष रूप से असम के पहाड़ी क्षेत्र के लिए बनानी चाहिए जहाँ कि चीन और पाकिस्तान आदि शत्रु बंटे हैं। वहाँ की समस्याओं के समाधान के लिए हलकेपन और खिलवाड़ से काम नहीं चलने वाला है। सामूहिक रूप से उन का विचार कीजिये और इस के लिए इस प्रकार का एक उच्चाधिकार प्राप्त आयोग स्थापित कीजिए जिससे की वह इन सब बातों का ध्यान करके

वहाँ की समस्या का कोई एक स्थायी समाधान निकाल सके। इन शब्दों के साथ मैं आप का धन्यवाद करता हूँ जो मुझे आप ने इस पर बोलने का अवसर दिया।

SHRI BISWANARAYAN SHASTRI (Lakhimpur): Mr. Speaker, Sir, the constitution (22nd Amendment) Bill has come before us as reported by the Joint Committee. It is an enabling Bill and when it is passed it will enable the Government of India to bring in another Bill by which they will create an autonomous State of certain hill areas within the State of Assam. This Bill is the result of negotiations and discussions for the last 15 years. During this period of 15 years, a number of formulae were talked about, beginning from the federal scheme, Scottish pattern, the Pataskar Committee and then the Mehta Committee, etc. etc. This is a compromise formula, and as all the compromise formulae have some defects and weak points, this Bill also has some defects and weak points which I will refer to later on.

MR. SPEAKER: Mr. Shastri may continue his speech after Lunch.

13.00 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at two minutes past Fourteen of the Clock.

[**MR. DEPUTY-SPEAKER** *In the Chair*]

CONSTITUTION (TWENTY-SECOND AMENDMENT) BILL—Contd.

MR. DEPUTY-SPEAKER : Mr. Shastri may continue.

SHRI BISWANARAYAN SHASTRI : Sir, as I said, this is an enabling Bill which will enable the Government of India to create an autonomous State. Therefore, it has been provided in the Bill that,

“Parliament may, by law, from within the State of Assam an autonomous

State comprising (whether wholly or in part) all or any of the tribal areas specified in Part A of the Table appended to paragraph 20 of the Sixth Schedule”

In Part A of the Sixth Schedule, there are now four Hill Districts and seven District Councils, out of which now the United Kasi-Jaintia Hills and Garo Hills are going to be united to make an Autonomous State, within the State of Assam. So far we have had States and Union Territories. This is a new provision for an Autonomous State within a State, with a Cabinet with limited jurisdiction and with an Assembly with limited jurisdiction within the framework of the Constitution. If we try to have a mental picture of this image, it stands like a she kangaroo with a young kangaroo in her bosom ! Let us hope for better.

Though the idea of an Autonomous State is a new one, the concept is not altogether strange. It may be news to many members and outsiders that the power of the District Council mentioned in the Sixth Schedule is far superior to that of a State. For instance, a District Council can impose a tax on non-tribal people who do not belong to that tribe and not an inhabitant of the area.

A parallel of this can be traced in history where Aurangzeb and some other Muslim rulers used to impose the jazia tax on non-Muslim subjects. The Indian citizens cannot have title of any land in the Hill District areas without their permission.

The arm of the Income-tax Act is too short to tax the people of that area. These are the provisions there. I do not say these things are bad or these things are good. That is a different matter to be discussed differently. What I mean to say is that such special provisions are already there and therefore the provision which is going to be made for this autonomous district is not altogether strange.

There is also a provision in the Sixth Schedule that two or more hill districts can unite together and function for the betterment of the people. But so far, during the

[Shri Biswanarayan Shastri]

17 years after their inception, no two district councils have united. However, now the two hill districts are going to be united though the District Councils will function separately.

Therefore, there will be three-tier administration. One is the District Council Administration, the other is the Autonomous State Administration and the third is the administration of the State of Assam. There is some apprehension in the mind of a section of the people that this three-tier administration may not work properly and there may be clash and there may be constitutional deadlock. This apprehension may be right or wrong. If there is a will to work, it will work and if there is an intention to create deadlock then deadlock will come. Therefore, it all depends on the willingness of the people living in that region. We hope the people of the hills and plains will work together for peace and amity and for the prosperity of their region. Therefore, this Bill is welcome though, as I said, it is a compromise formula.

The demand for a hill State can be traced to the date of the SRC. At that time there was a demand for the creation of a separate hill State. I do not want to go into the details of the past history. But I would like to point out that the people outside Assam, it is a matter of great regret, do not know Assam and her people. There is a wrong and perverted notion that the hill people of Assam are backward, they are exploited and so on. But, Sir, it will be news to the other people that the hill people in Assam, by and large, are far more advanced than the people of the plains, nay the people of the rest of the country. The percentage of literacy among the Khasis, I think is the highest in Assam and that of the Mizo people is perhaps the highest in India. Therefore, this is not an economic question, this is not a cultural question and this is not a linguistic question. The question is entirely a political one for which the solution must be achieved through political approach. I am sure this Bill provides some political solution.

Though it is a belated one and though it has some defects I think it will serve the purpose. There is an old saying.

“एकः सर्वान् रंजयति”

One cannot satisfy one and all. Therefore, this Bill, as I know, does not satisfy all the aspirations of the extreme sections of the hill people. It also does not satisfy the demands of certain sections of the people of the plains of Assam. But, by and large, it is an acceptable Bill to the entire population of the State of Assam.

Coming to the Bill itself, I would like to refer to the provisions in sub-clause (3) which read :

“(3) 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.”

The Bill provides that by an enactment the Parliament will transfer certain subjects from the State List and the Concurrent List to the Autonomous State and also the executive powers of the State to the Autonomous State. Therefore, this is an amendment of the Constitution and the procedure laid down in article 368 of the Constitution has been followed and will be followed for this Bill and not for the coming Bill for the reorganisation of Assam. In clause (3) here it has been provided that for any future amendment that procedure will not be followed. It is a difficult position. Legally this and sub-clause 4 may be right, because there is such provision in the Constitution. For instance, the article 4 of the Constitution regarding representation of the number of Members to the Parliament from a particular State. It says that it can be amended without following the procedure laid down in article 368. Therefore, there is no legal point or constitutional point. But, Sir, from the consensus point, from the point of propriety and natural justice I would like to say that this is not a

proper provision which is incorporated in sub-clause (4) on page 2 of the Bill.

Sub-clause (4) reads like this :

"(4) 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."

This is the wording of the provision under article 239 A (2) which refers to the list of Union Territories. Therefore, by implication, the status of Assam is going to be lowered down if not by explicit provision—it is going to be placed along with the Territories of the Union of India. Uptodate Assam is a State at par with others, but if this provision is applied to the status of Assam by implication will be placed along with other Union Territories which will be a cause for resentment to the people of Assam.

Lastly, I would like to say that by and large all the people of Assam have accepted the main provisions of the Bill and the content and concept of the Bill. Therefore, I would appeal to the Government of India not to hurt the sentiments of the people of Assam unnecessarily on the minor procedural method. This is only a procedural matter. It will not create any difference, it will only hurt the sentiments and feelings of the people of Assam. I would appeal to the Government of India to reconsider this provision so that there is no apprehension in the mind of the people that by this provision the status that Assam enjoyed so far has been lowered down even in conception.

With these words, I support the Bill and I hope that the people of hills and plains will work for the proper functioning of this provision. I also hope that this region and its people will prove to be the best sentinel of the eastern region of our country.

SHRI BASUMATARI (Kokrajhar) : Sir, the Members from Assam are much more concerned with this Bill. I would request you to give them more time.

MR. DEPUTY-SPEAKER : I would like to accommodate as many hon. Members from Assam as possible. But the hon. Members must bear in mind that we have got to conclude the consideration stage by 5.00 today. I would therefore, request them to confine their remarks to ten minutes.

SHRI GANESH GHOSH (Calcutta South) : By introducing this Bill, Government are trying to create a false impression that they are very keen on developing the hill regions of Assam and to meet the aspirations of the people of those areas. In reality, however, it only reflects the most reactionary policy of divide-and-rule so disastrously pursued by the imperialist rulers in our country.

The Bill has not only made a mockery of the entire concept of provincial autonomy but it is going to create a new category of second class citizenship for the hill people in Assam.

The powerful movement launched by the hill people of Assam against the deliberate policy of the Central Government to keep those areas perpetually backward and a happy hunting-ground for the vested interests of the plains has compelled this Government to make some show of generosity. However, the ugly face of their anti-people policy could not be effectively concealed by this Bill. It is a shrewd attempt at throwing some minor concessions to the hill people while keeping the real power to exploit and suppress them, intact in the hands of the Centre and in the hands of the vested interests

SHRI RANGA (Srikakulam) : Who is exploiting them ?

SHRI GANESH GHOSH : The vested interests of the plains and other areas.

SHRI BASUMATARI : Who are the vested interests ? He is himself a vested interest.

SHRI GANESH GHOSH : And this has been done in order to suit the requirements of the dangerous policy of 'divide-and-rule'. This Bill naturally will not at all meet the requirements of the hill people

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who will be compelled to carry forward their struggle for a genuine autonomous State within the Indian Union.

The claim of the Government that they are going to constitute an autonomous State within the State of Assam comprising of the autonomous districts of the Garo Hills, the Khasi Hills and the Jaintia hills is fictitious. The experience of the last twenty-two years of Congress rule has left no doubt whatsoever that provincial autonomy is a thing virtually non-existent in our country. The toppling down of the various non-Congress Governments in our country by the Centre has highlighted the crudest interference in State administration perpetrated by the Central Government to keep the Congress Party in those States. Moreover, the financial powers of the State Governments have been contrived to be so meagre that they are made subservient to the Central Congress Government, with the result that no State Government can do anything to improve the basic condition of the people.

The question of Centre-State relations has been several times raised in this House, and most of the State Chief Ministers are extremely dissatisfied at the dictating attitude of the Central Government. When powerful and bigger States like West Bengal, Tamil Nadu and Kerala complain of the lack of enough powers to deal with the problems of their own States, how can one imagine that the little hills of Assam will be able to assert their autonomy through the Super-State of Assam *vis-a-vis* the Steam-roller of the Central Government?

Therefore, unless the policy of reducing the provincial autonomy into a farce be given up, no backward region will have the feeling that it is enjoying autonomy in our Country. But to keep up the rule of big business and the landlords, the Congress Party is trying to suppress provincial autonomy, and this intention is clearly reflected in this Bill under consideration.

The demand of the hill people for equal status in all respects with the rest of the Assamese people is a democratic, reasonable

and just demand and must be met in order to fulfil the long-cherished desires of the hill people. They have a genuine feeling that the vested interests of the plain areas have been exploiting them for ages and the Congress Government is trying to perpetuate this exploitation.

SHRI BASUMATARI: What is it that he is speaking? He does not know what the position is. I do not know why this kind of attitude should be there from all sides towards this noble decision? Why does he speak like that?

MR. DEPUTY-SPEAKER: This is a very unfair. The hon. Member will have his turn afterwards.

SHRI RANDHIR SINGH (Rohtak): He is expressing his feelings. Why should he be restrained from expressing his feelings?

SHRI GANESH GHOSH: This Bill, it appears to me, only confirms their apprehensions and exposes the sinister designs in the minds of the rulers of Delhi against the down-trodden hill people of Assam.

I would like to point out in this connection the Statement of the spokesmen of the Central Government conceding equal status to the hill people. The Government, as is obvious now, made the Statement under the compulsion of very powerful movement of the hill people. However, later, the pressure of vested interests in the plains worked and the Government went back on their earlier commitment and threw into the waste paper basket the solemn assurances given to the hill people earlier. Will it not lead to greater suspicion in the minds of the hill people about the real motives behind sly manoeuvres of the Congress Government?

Government cunningly gave assurances about the grant of equal status when the administration came to a standstill and it became impossible for the Government to run the affairs of the State in the old way. But as soon as the movement subsided, they withdrew the concessions on the one hand and organised disruption of the democratic movement on the other. This is how the not-

rious policy of divide-and-rule is carried forward by the Congress Government.

However, we are doubtful about the success of this policy. We only hope that the Congress Party would take lessons from Indian history that the divide-and-rule policy may obtain temporary benefits but in the long run it is bound to recoil on those who pursue it.

The present situation in the hills is entirely due to the policy of callous disregard shown by the ruling party..... —

SHRI BASUMATARI: He is taking so much time.

MR. DEPUTY-SPFAKER: He is getting the time allotted to his party. He is not taking any extra time from anyone else.

SHRI GANESH GHOSH: If the hill people are apprehensive of the intentions of the Central rulers, it is only because these policies were doggedly pursued by the Congress Government for the benefit of the vested interests. It is only by a Complete reversal of this policy that the people in the hills can be kept contented and a democratic solution could be found out.

Therefore, we suggest that instead of giving the proposed new hill State the Status of a subsidiary state within Assam, let us give them a full-fledged completely autonomous Status equal to that of the inhabitants of the other regions of Assam, which alone will satisfy the aspirations of the so far neglected hill people.

The new State likely to be created by this Bill will have no powers; in fact will have no more powers than those of a village panchayat, and hence will not be able to deliver the goods.

The Government of India in their statement of 11th September, 1968 emphasised the need to provide adequate scope for the people and the well-being of the people inhabiting in other parts of the State of Assam. In reality, however, what the Government is doing is to throw some minor concessions at the hill people with an idea of creating

confusion and winning over a section of the leaders. The so-called well-being of the people of Assam plains is in reality the well being of the vested interests of the plains which is being looked after. There is not even a cursory mention of the well-being of the hill people in this statement. This clearly indicates the intentions of the ruling party to continue the exploitation and suppression of the hill people by the upper Strata of the plains areas. This Bill will also not help the common man of the plains, who are also victims of exploitation and oppression by the same vested interests.

Therefore, genuine unity of the people of the plains and of the Hills of Assam can be built only in struggle against the vested interests. And we have no doubt that they will be able to build up such a magnificent unity and defeat the conspiracy of the vested interests to perpetuate their exploitation.

The Hill people of Assam will certainly and as sure as the day breaks be able to get a homeland of their own within the Indian Union if unitedly they rise up against the vested interests and the Centre, as did the people of Andhra, Maharashtra and Gujarat. The modest demand of the Telugu speaking people was peremptorily turned down. But when they rose up in revolt their demand was conceded. Similarly the demand of the Maharashtrians and the Gujaratis was hastily rejected by the present-day great Mughals of Delhi. But when they rose up in revolt their demand was conceded, but not before unnecessarily killing a large number of people.

Such demands for distinctive homelands are finding expression nowadays from different regions. This is only natural and a definite sign of the time. There is nothing reactionary or disruptive in such demands. Such claims, hence, deserve very sympathetic and careful consideration, failing which disruptive and divisive tendencies are sure to grow. After all, heavens did not fall when the new States of Andhra, Maharashtra, Gujarat and Haryana were created. Everybody is now happy and full of praise for those wise and sagacious decisions. But has anybody questioned why so many peo-

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ple were killed before these major decisions were taken? These are serious lessons to learn from our recent history. I have a little doubt if the leaders of the Central Congress Government will learn anything, but I have no doubt that the down-trodden and neglected Hills people will do it.

SHRI R. BARUA (Jorhat) : Mr. Deputy-Speaker, Sir, I rise to support this Bill firstly, because this problem of the hill areas is not a new one. It was agitating the minds of the people of that area for a long time. It has a long and chequered history and at times we were very unhappy that no decision was taken and the problem was allowed to drift. But, at long last, it was a happy day, on the 11th September, when the Government of India came with an announcement. I was happier still when I found that all sections of the people of Assam of different political complexions have welcomed this decision. The P. S. P. Secretary came with the announcement that this is the only solution in the circumstances. The Communist Party also came out with a similar welcome gesture. Here I must pay my tribute to the hills people for having gracefully accepted the decision that was announced on the 11th September. The Congress Party and the Government also accepted the decision. Thereafter, it was only a question of seeing how the decision of 11th September could be given a legal shape and that is where the present Bill is necessary.

I would plead with the hon. Members of this House that Assam needs organic unity. It is not as if you can use one yardstick for all situations and get the problems solved. The human relationship and the socio-political complexion of that area need special consideration, and organic unity is one which you cannot apply by force from outside. Therefore, every situation should be judged accordingly.

For the first time in Indian history we find that the eastern border has become a live border. In the past we have read in Indian history about attacks on India from the west. After the Chinese attack,

perhaps even earlier during the second world war, we found our eastern border emerging as a live frontier. Therefore, it is all the more necessary that the people inhabiting that area, whether it is NEFA, Nagaland, Mizo Hills, Kasi Hills or Assam, need special consideration. If you really think of the security and defence of the country, it is also necessary that you look to their special problem. That is why I have purposely used the words "organic unity." If you make them organically united, it is also necessary to give the autonomy needed for these different groups to grow into one.

Certainly there was a difference of opinion and at last a compromise is found out. We all agreed to work out a certain solution for the betterment of that area. You will be glad to know that after the announcement of the 11th September not a single instance of demonstration or violence was found in that area, whether it is the hill area or the plains area. That is very significant. It shows that this scheme has got the support of all sections and no organised sector has opposed it; I mean, the political parties have not opposed it.

There is also a legal organised sector and nowhere the legal profession—the bar association or the High Court Bar has said anything to show that this scheme of things is bad.

SHRI B. K. DASCHOWDHURY (Cooch-Bihar) : Will the hon. Member make a note of this representation?

SHRI R. BARUA : I have said that it is a compromise. All I am saying is that there is no opposition from the organised sector. Therefore it gives another boost to see the hills and the plains work together and build up a new organic unity.

Somebody said that the Constitution was going to be whittled down and that the status of Assam was going to be lowered. It is a wrong conception. Even the framers of the Constitution, by putting article 3, visualised that a time may come in this dynamic age when the adjustment of areas, the formation of new States and such things

may be necessary. Therefore article 3 provided that Parliament can by law form new States, subtract some areas, add some areas or do something. That is why it will be wrong to say that everything that was put in the Constitution was sacrosanct for all time to come. After all, we live in a dynamic age and we must deal with the problems and the new developments as and when they arise.

What is the sub-State that we are giving? When the Constitution was framed and Assam was constituted, we had to make special provision by way of the Sixth Schedule for integrating the hill areas with the body politic of India. That itself will go to show that this is a special problem. It was recognised by the framers of the Constitution. Under the Gopinath Bardoloi Report it was thought necessary that special provision shall have to be made for these areas. That is not applicable to anybody else in any part of India. That itself goes to show that this was a problem that was existing there. The idea was to integrate them in the broad stream of life in India and today we have come to a stage when it is necessary to have some sort of an arrangement that we are having today. Even though they had autonomy today. We are giving it a different shape and some more things so that they can feel more at home with the rest of India.

An attempt is made to bring in some legalistic quibbles to show that the amendment is bad and that it is going to harm the interest of India. If law is the final word, it was not necessary to come up with all these things. Law, after all, must suit the conditions and the necessity of time. Therefore when the time comes and when the need is there, we do it. For instance, the upper house, the Councils, were provided for when the Constitution was framed. But today the West Bengal people, the West Bengal Government and the West Bengal Legislature find that it is no more necessary. It may be that tomorrow other States also come up with that proposal. Therefore it would be wrong to say that it is wrong step or that it is a backward move. No, Sir. After all, we must move with the times. So, if some amendment has got to be made to

the Constitution to meet the aspirations of the people and for the betterment of India's welfare, I submit that it is right that we do so. If we do not do so, we do not belong to the dynamic age; we belong to static times and if we remain static, we get stagnant.

At one time we thought linguistic basis was the *prima donna* for the formation of States. But today if you go to the hill areas, you will find that it is not the language that determines the unity, but it is the social and cultural relations that they have amongst themselves that determine the unity of the hill people. For instance, in Nagaland there are so many dialects. After the formation of Nagaland, it will be wrong to say that they have not been able to unite themselves. Today what do we find? The Naga people, in spite of speaking 37 dialects, have shown unity; the unity and the discipline that they demonstrated in the last elections was really remarkable. In spite of their having no common language, they have cultural and social unity because of which they have been able to achieve the position which they are having today. So, in the case of Khasi Hills and Garo Hills, it would be wrong to assume that it is only the language that determines the unity. They have social and cultural affinities and they make an impact on the overall picture.

MR. DEPUTY-SPEAKER: The hon. Member may try to conclude.

SHRI R. BARUA: The present Bill is nothing but a provision to make the necessary amendment to the Constitution, so that the declaration of 11th September can be given effect to.

I have gone through the report of the Joint Committee. There are certain minutes of dissent. If you go through them, you will find that basically they do not oppose that there is a problem. Basically none of the minutes of dissent except, I think, one, shows that this is not going to solve the problem; they only say that something more or less has got to be done. Of course, Mr. Prakash Vir Shastri and Mr. Hrn Barua, in their minute of dissent, say that nothing should be done because this will

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spread the seed of disintegration. This is a position which we cannot take today. If we go through other minutes of dissent, we will find they do not oppose that there is a problem. This problem can be solved and this is the compromise that we can arrive at.

Last of all, I appeal to my friends in the hills and in the plains to work out the present solution. I would also like to appeal to the Opposition member who spoke before me that this is not the proper time to speak in that language and drive a wedge between the hills and the plains. After all, we are living peacefully and we shall live peacefully, and I can assure that the younger generation of Assam is going to create a new Assam in combination with the hills and the plains.

श्री एस० एम० जोशी (पुना) :-उपाध्यक्ष महोदय, सदन के सामने हमारे संविधान को संशोधन करने के लिए जो विधेयक है उसका मैं समर्थन करता हूँ। इस समय मुझे यह भी कह देना चाहिए कि हुकूमत ने और वहाँ के लोगों ने भी आपस में बैठकर जो कुछ कन्सेन्स किया है उसके लिए वे भी धन्यवाद के पात्र हैं। मेरी राय में जो इलाकाई स्वायत्त स्टेट बनने जा रही है उसके हाथ में जो अधिकार दिए हैं उसमें ला एन्ड आर्डर भी दिया जाता तो कोई नुकसान नहीं था। इसके साथ-साथ मैं यह भी कहूँगा कि इसमें जो एक प्राविजन है जिसमें कहा गया है कि इस संशोधन के बाद जो कानून बनेगा उसमें तरमीम करने के लिए दो-तिहाई बहुमत की आवश्यकता होगी। उसको भी मैं पसन्द नहीं करता हूँ। इसकी कोई जरूरत नहीं थी बल्कि जो प्राडिनरी बहुमत है वही पर्याप्त था। मगर चूँकि यह सब बन गया है कन्सेन्स के कारण तो मैं ज्यादा उसके बारे में बोलना नहीं चाहता हूँ।

14.40 hrs.

[श्री बासुदेबन नायर पीठासीन हुए]

समापति जी, इस विधेयक का विरोध

किया जाता है और समयन भी किया जाता है। जो इस विधेयक का विरोध कर रहे हैं वह कह रहे हैं कि सुरक्षा के लिए ऐसा करना मुनासिब नहीं है। मैं तो कहूँगा कि हमारे देश की सुरक्षा सिर्फ आर्मी के जरिए नहीं हो सकती है बल्कि जिस प्रदेश की रक्षा हमें करनी है, वहाँ की जो जनता है वह जब एक होकर अपने इलाके की और अपने देश की रक्षा करने के लिए कटिबद्ध होगी तभी सही मानों में देश की रक्षा हो सकती है। जब हमारे समाज के कुछ हिस्से हमसे नाराज हैं, हमसे असंतुष्ट हैं तो फिर असम्भव हो जाता है आज के जमाने में देश की रक्षा करना और खास कर जो हमारे सरहद के इलाकें हैं, उन के बारे में हम को विशेष रूप से ध्यान देने की आवश्यकता है। जब मुझको मौका मिला तो मैं 15 दिन आसाम में घूमा और वहाँ पर मुझे साधारण लोगों से बातचीत करने का अवसर मिला। उसके पश्चात् मेरा मत बना वह यह था कि हमारे जो पहाड़ी इलाके के लोग हैं उन को हमने अभी तक राजा नहीं किया है। अभी मुझ से पहले मेरे दोस्त बरुआ साहब ने कहा कि हमारे पुराने राष्ट्रीय नेताओं ने सोचा था की पहाड़ी इलाकों के लोगों के लिए कोई न कोई सेफगार्ड रखने चाहिये। इसी लिये छठा शेड्यूल बना था। परन्तु जब हम ने उसके ऊपर अमल नहीं किया तब लोगों में काफी असन्तोष फैल गया और अब उस को दूर करने के लिए हम को क्या करना चाहिये—यही प्रश्न हमारे सामने है। उस के लिए बहुत सारे सुझाव यहाँ पर आये, फंडरेशन का भी सुझाव आया। मैंने तो प्रधान मंत्री जी को एक खत लिख कर कहा था कि आपने जो स्टैंड लिया है कि फंडरल फार्मूले के अन्तर्गत इस का हल निकालना चाहिये, उस का मैं समर्थन करता हूँ। बिरोधी दल के लोग ऐसा भ्रकसर नहीं लिखते हैं, लेकिन मैंने जानबूझ कर उन को लिखा था। क्योंकि मैंने सोचा अगर वे लोग असन्तुष्ट रहेंगे तो फिर काम चलने वाला नहीं है।

समापति जी, इस देश में तो हम घोषणायें बहुत बड़ी-बड़ी करते हैं। हम कहते हैं कि हमारे देश की एकात्मता के लिए—और वह एकात्मकता कौसी होनी चाहिये—विधिता में एकरता होनी चाहिये, यानी विविधता रहेगी, लेकिन उसमें एकता भी हो, यानी यूनिटी—इन—डायवर्सिटी। परन्तु जब हम धारण करते हैं, उस समय हमारे दिमाग में यूनिटी का कन्सेप्ट नहीं रहता है। यूनिफार्मिटी आ जाती है, हमारा आग्रह होता है कि सभी जगह एक ही चीज बनी रहे। परन्तु जब विविधता है तो एक ही कानून सभी जगह लागू नहीं हो सकता है। कुछ कानून ऐसे हो सकते हैं जोकि सभी पर लागू हों लेकिन कुछ ऐसे कानून जरूर होंगे जिनको हम सभी पर लागू नहीं कर सकते हैं। इसलिए उनको अधिकार देना जरूरी हो जाता है। पहाड़ी इलाके के लोगों की मांग थी कि फुल स्टेट उन्हें मिलनी चाहिए लेकिन बाद में उन्होंने कहा कि हम सभी लोगों के साथ रहने के लिये तैयार हैं। उन्होंने अपनी फरागदिली दिखाई, उसका हमको स्वागत करना चाहिए। तो मेरा कहना यह है कि डिमोक्रेसी, लोकतंत्र जब ऊपर से नीचे आयेगा तभी वह सफल रहेगा। हम लोकतांत्रिक विकेन्द्रीयकरण डेमोक्रेटिक डीसेंट्रलायजेशन की बात तो बहुत करते हैं लेकिन जब वास्तव में नीचे के तबके के लोगों को अधिकार देने का सवाल उठता है तब हम भ्रान्तकानी करते हैं। जो उच्च लोग हैं, चाहे पैसे के हिसाब से या जाति के हिसाब से, उनको ऐसा लगता है कि दुनिया की सारी भलाई करने का ठेका उन्हीं को दिया गया है। सदियों से बही सत्ता का इस्तेमाल करते हैं और वे सत्ता का इस्तेमाल करने के आदि भी हो गए हैं। वे दूसरों को सत्ता देना ही नहीं चाहते हैं। इसलिए अगर आप सही मानों में लोकतंत्र में विश्वास करते हैं तो अधिकार ऊपर से नीचे आने चाहिए। मैं लोकतांत्रिक विकेन्द्रीयकरण का समर्थक हूँ।

गरीब लोगों को जब सत्ता देने का प्रश्न उठता है तब उच्च श्रेणी के लोग, चाहे कास्ट के हिसाब से हों, चाहे धन के हिसाब से हों, वह लोग उसका विरोध करते हैं। इसलिये मैं लोकतांत्रिक विकेन्द्रीयकरण का समर्थन करता हूँ। परन्तु जब विकेन्द्रीयकरण ऐसी जगह पहुँच जाता है जहाँ दलित लोग उसका विरोध करने लगते हैं तब तो हमें सोचना चाहिए। जैसे हमारी ग्राम सभाओं के बारे में या पंचायतों के बारे में आज हो रहा है। हमारे दलित लोग हैं, शेड्यूल्ड कास्ट हैं उन्होंने आज कल यह कहना शुरू कर दिया है कि वह लोकतांत्रिक विकेन्द्रीयकरण को नहीं चाहते, क्योंकि अधिकार ऐसे लोगों के हाथों में जाता है जिनके हाथों वह नहीं जाना चाहिए। जब गरीब लोग विरोध करेंगे तब जरूर सोचेंगे। मगर जब गरीब लोग मांग करेंगे लोकतांत्रिक विकेन्द्रीयकरण की तो उसका हमें समर्थन करना चाहिए। डा० अम्बेडकर साहब ने जो प्राक्सिरी भाषण कांस्टिट्यूट असेम्बली में दिया था वह हम कभी भूल नहीं सकते। उन्होंने यह बताया था कि हमें यह संविधान बनाया है जिसमें हम राजनीतिक बराबरी तो लाये हैं मगर अभी तक सामाजिक और आर्थिक बराबरी नहीं है और ऐसे कदम हम को उठाने चाहिये जिनके जरिये हम लोग सामाजिक तथा आर्थिक बराबरी भी ला सकते हैं। अगर यह काम हम नहीं करेंगे और गरीब लोगों के ऊपर अन्याय होता रहेगा, विपन्नता बढ़ती जायेगी तो आगे चल कर फिर यह राजनीतिक बराबरी किसी काम की नहीं रहेगी और यह संविधान नहीं चलेगा। मैं समझता हूँ कि संविधान में संशोधन करना जरूरी हो जाता है और आज जो संविधान में संशोधन हो रहा है वह बहुत ही जरूरी है।

मैं हिंस के लोगों को धन्यवाद देता हूँ कि उनके दिमाग में जो असंतोष था उसको फिसल-फुल और लेजिटिमेट तरीके से सदन के सामने लाये, दुनिया के सामने रखा ताकि हम लोग

[श्री एस० एम० जोशी]

समझें, ग्रामने सामने बैठ कर बातचीत करें और रास्ता निकालें। यह बहुत अच्छा काम देश के लिये किया है। इसलिये मैं उनको धन्यवाद देता हूँ।

समापति जी मुझे मौका मिला था तेलंगाना के बारे में बोलने का। उनको कहा गया कि तेलंगू बोलने वाले सब एक राज्य में रहेंगे तो देश के लिए अच्छा होगा। उन लोगों ने उस चीज को माना मगर कुछ शर्तों पर। शर्तें कबूल हुईं। परन्तु जिन शर्तों को माना गया था, उन पर अमल नहीं हुआ। उस को लेकर आज असंतोष है। आज ही हमने पदा प्रधान मंत्री जी ने भी कहा कि इस को हमें पूरा करना चाहिये। मगर प्रधान मंत्री जी ने यह भी कहा है कि "शार्टे ग्राफ़ ग्रमेंडिंग दी कांस्टीट्यूशन"। मुझे यह चीज अच्छी नहीं लगी। जब कुछ प्राश्वसन हम ने दिये हैं लोगों को और उन आश्वनों को पूरा करने के लिये मगर संविधान में संशोधन भी करना पड़े तो हम को संशोधन करना पड़ेगा। जो शर्तें उन के साथ हमने की है और जो प्राश्वसन हमने उन को दिया है उस प्राश्वसन की पूर्ति हमें करनी ही पड़ेगी और इस में ऐसा नहीं समझना चाहिए कि यह काम विघटनकारी है। बहुत से लोग समझते हैं कि यह काम विघटनकारी है। तो संगठन के माने क्या हैं? हम लोग बन्दूक से राज्य चलायें क्या यही संगठन है? यह संगठन नहीं है, विघटनकारी इस को नहीं कहा जा सकता है। यही लोकतांत्रिक संगठन हो सकता है और इसी तरह हमें चलना चाहिये।

यह भी कहा जाता है, अभी जैसा कि बताया गया कि इस से परा हल नहीं होगा। नहीं होगा तो प्रागे चलकर हम देखेंगे। जो भी लोकतांत्रिक तरीका है उसमें हम लोगों को ग्राहिस्ता ग्राहिस्ता कदम-कदम आगे बढ़ना पड़ता है। वह एक इवोल्यूशनरी प्रोसेस होता है, उस से

हम को डरना नहीं चाहिये। मगर यह सही दिशा में कदम है तो उस का हमें समर्थन करना चाहिये। और मुझे तो ऐसा लगता है यहाँ मामला रुकने वाला नहीं है। यह जो बताया गया कि ग्रासाम के लिये पूर्वोत्तर सीमा का सवाल है, जनसंघ के सदस्यों ने कहा था कि पूर्वोत्तर के जो इलाके हैं उस में कौसी व्यवस्था हो, उस पर विचार करके सिफारिश करने के लिए कोई कमीशन हो। मैं चाहता हूँ कि इस तरह से हमें सोचना चाहिये। मगर उतना ही वह सीमित नहीं है। मैं समझता हूँ कि यह चीज प्रागे भी बढ़ने वाली है। मैं दूसरे राज्यों के लिये नहीं कहूँगा, मैं महाराष्ट्र से आता हूँ कोंकण में अभी कोई तरक्की नहीं है, लोग चिल्लाते हैं, यह भी कहते हैं कि करोड़ रुपये हमारे वास्ते भ्रालट किये। लेकिन उस हिसाब से खर्चा नहीं हो पाया। बहुत सारे बहाने बतला दिये जाते हैं कि टैंडर नहीं आता है यह नहीं आता है और वह नहीं आता है। हो सकता है कि प्रागे चल कर वह कहें की हमारे लिए भी इनाकायी स्वायत्तता हो। महाराष्ट्र में हमारी इलाकायी स्वायत्तता कायम हो। इसलिए यह जो असम के सम्बन्ध में कदम उठाया जा रहा है इस को एक ग़लत काम नहीं समझना चाहिए। यह विघटनकारी कदम नहीं है बल्कि यह सही मायनों में हमारे देश की एकता, एकात्मकता को लाने का एक सही दिशा में किया जा रहा प्रयास है। मैं इस संविधान (बाईसवां संशोधन) विधेयक का इसलिए समर्थन करता हूँ। मैं सब लोगों से प्रार्थना करूँगा, जनसंघ के दोस्तों से भी यह प्रार्थना करूँगा कि वह इस का विरोध न करें क्योंकि ग्राखिर यह भी एक ऐक्सपैरीमेंट है। इस तरह से हम विविधता में एकता लाना चाहते हैं विविधता में एकता लाने के यह बहुत जरूरी है कि हम उस के लिए प्रयास करें। सिर्फ बातें करने से यह नहीं होगी। कमिश्नस बैठाने से भी यह बात नहीं होगी। इन कमिश्नसों का हमें काफ़ी अनुभव। बहुत सारे कमिश्नस बैठे और उन्होंने जो कुछ दिया

उम पर हम लोग झमल नहीं कर पाये। लेकिन आज जो यह चीज झमल में आ रही है उस का विरोध न किया जाय तो अच्छा होगा। यह देश के लिए एक शोभा की बात होगी कि हम सब लोग इस बिल का समर्थन एक राय से करें और बिना किसी विरोध के इस संशोधन विधेयक को हम मंजूर करें यह भेरी आज सब से प्रार्थना है। मैं पुनः इस संशोधन विधेयक का स्वागत व समर्थन करता हूँ।

SHRI J. N. HAZARIKA (Dibrugarh): I rise to support this Bill, but I am in two minds. I am very unhappy about what happened in the past in this regard, I am unhappy because the people of Assam had been deprived of a common administration. I am happy because after a long trial and some bitterness also Government had been saved from some embarrassment. There was a lot of bitterness in the entire State, both in the hills as well as the plains. Now, some solution had been found which is by and large being accepted. Therefore, I am happy. But I find that the spirit of the Constitution had been trampled to some extent because the intention was to bring the level of the administration of the hills to the general level of administration in other places. It was never intended that there should be separate arrangement for their economic development or other development. Therefore, I am constrained to say that the arrangement that had been proposed is not a very happy arrangement in the sense that we cannot rule out the possibility of any other development of the situation. There is no need to trace the history of this matter because we all know that this kind of demand came up before the country only from the point of view of the economic development. Prime Minister Nehru said several times that the question was one of economic development. In 1955 State Reorganization Commission rejected the idea of separation. This is not complete separation, I admit; but we cannot also say that this is not some kind of separation. In 1960 when the Assamese official language Bill was adopted, the APHLC revived its demand but in 1961 Prime Minister Nehru declined to accept the demand for a separate State because

it would lead to new and complicated problems. At that time he asked the APHLC to consider the proposal to have a committee like the Committee for Scotland in the house of Commons. This was considered by the hill people for sometime but in July 1961, they rejected the Prime Minister's proposal and another meeting was held in June, July 1961. In 1962, the APHLC pressed for the creation of an eastern frontier State in their memorandum to the Prime Minister. The idea was mooted according to Coupland's plan. Mr. Coupland, after the second world war, had said that the hill state should be constituted as an independent State outside India.

Thereafter, in 1963, the Prime Minister had a lot of discussions with the hill leaders, and he decided to constitute some sort of autonomous area. In 1964, the Prime Minister stressed the need to continue the unity in the State, but within it a greater autonomy for the hill districts. The APHLC then decided to give a fair trial to it, and on the basis of the agreement, the Home Ministry appointed the Pataskar Commission to suggest ways and means as to how to reorganise the administrative set-up of the hills. It was not a political reorganisation, but it was an administrative reorganisation. In 1966, the Pataskar Commission gave its report. It took a year and half of so, the Commission reported that there should be no completely separate administration with only a national superstructure remaining common with the rest of Assam. After all this and after a lot of deliberations for about 10 years, the idea came to the fore that they should have administrative autonomy. But then the whole thing became political and there was so much bitterness created among the people of all the sections. Ultimately, the Government took up this matter as a political problem and therefore they came with some proposals.

What I was going to say is that in the Constitution there is nothing of the kind suggesting that, to solve the problem of the hills, there should be some political arrangement. It was only said that for economic

[Shri J. N. Hazarika]

15 hrs.

development and for their integration, there should be economic and other measures for their progress. Therefore, by this arrangement, the people in general in Assam will be deprived of a common administration which we have been having for so long. Therefore, I am very sorry for it.

But if the hill people are really happy with this, I am happy, but at the same time, I should remind the House that along with the discussion about the hill States for a separate unit for the hill people, other problems in the plains also came up. We had to face serious trouble. The plains people like the Bodos and Rabhas in the Goalpara district become militant and they exhibited a militant attitude during the last by-election also, because they also wanted that the areas inhabited by them should have some sort of autonomy like the hills. I am just saying about the reactions: I am not saying that they are good.

Then, in that particular area, in the districts called Goalpara and Kamrup, the Rajvansis and Koch people said that there should be a Kamatopu Rajya for them like the autonomous hill States. In upper Assam in which my constituency falls, there is a historical tribe called Muttocks. They came to Delhi twice. They said they ruled upper Assam for sometime and that the entire Lakhimpur district and a part of Sibsagar district, upto the Disam river, should be their area and some sort of autonomy should be given to them.

Last of all, the Ahom Tai came. They are not a political organisation as my friend Shri Barua said. They are not a political organisation but they are a strong social organisation. They came up saying that some sort of autonomy should be given to the Ahom Tai people also in the areas where they are predominant. Like this, trouble came up in Assam. Let us hope that they are all reconciled. Let us hope so, but because of the demand in the hills for a greater autonomy and the like, people in the plains also started doing like that.

I want the Government to hear also the voice of the minority people in the hills. In Garo Hills District, one-third of the people are non-Garos. They came to Delhi, met the leaders and said that they were not in favour of separation and they were happy with the present arrangement. But their opinion was not given consideration by the leaders. The Garo MP in Rajya Sabha also says that it is not for the benefit of the Garos to have one unit with Khasis. He says that Garo people are poorer and their customs, traditions and usages are different from Khasis and therefore, this combination of unequals will be always disadvantageous to the weaker party. He has said in his minute of dissent:

"It can be said without any doubt that Khasis are much more advanced even than the major communities living in the plain districts of Assam. So, under such circumstances, if the districts of Garo Hills and United Khasi and Jaintia Hills are to be tagged together to form and create one Autonomous State, it will be no better than asking a donkey and a horse to run a race, or, a dwarf and a giant to wrestle."

He was also a minister in Assam for some time and now he is a senior member of the Rajya Sabha. This is his opinion.

Therefore, I thought it would have been much better if we had considered the suggestions made by Shri Asoka Mehta, viz., since the different districts are at different levels of progress and development, they may be allowed to have separate legislatures, if they want to. Mikir and North Cachar people have not joined the proposed autonomous unit. They are waiting to see how things develop. They have no objection to remain in the body politic of Assam, but still they think the time may come when they may have to have this kind of arrangement. But they are unwilling to join the other advanced tribes of the hills. Since this Bill provides for the creation of an autonomous State if such things come up in future, we should consider their claims also. I think it is better to have the door open. It is not proper that because the Mizos are militant, they can have a separate

State like Nagaland or a Union territory and because some other tribes are very backward, they shall be kept this way or that. All of them should be treated equally. As you are keeping the door open to one tribe, it should be kept open for others also. If the door is kept open for the Mizos, it should be kept open for the Mikers, and other tribes also.

With these words, I support the Bill.

SHRI RANGA (Srikakulam) : Sir, I am very happy indeed that our friend, Shri Hazarika has spoken today. I am largely in agreement with what he said about the need for keeping the door open for the other areas and their people also to come in as and when they find it possible to join. I am rather surprised at the views expressed by my friend to my left, when he said that through this Bill, an attempt is being made to create a second-class citizenship. I should have thought that a super-class citizenship is being created for these people, because they are going to have their own autonomous State and at the same time, they will have an opportunity to control the whole Assam Government and the Assam Legislature. Instead of welcoming it in that direction, I was disappointed at the remark made by this hon. friend I think he belongs to the Communist Marxist Party.

If the Pataskar Commission and A. H. Mehta Commission had not been appointed and they had not made their proposals after going through all the trouble they had experienced in trying to bring these various sections of people to the same table to consider the possible ways of solving this problem. I do not think it would have been possible later on for the Home Minister and the Prime Minister to achieve this formula and make the people agree to it. Because of the earlier attempts and the experience that the people in the plains as well as of the hills had gained as to how difficult it is to find a solution, however much might be the goodwill that might be brought to bear upon this particular problem, they found it possible in the end to agree to this compromise formula. I do not think it is a kind of compromise formula that emanated from

the Government of India alone or from the Assam people, the people of the plains or the hill people or all the three of them. Somehow or the other they have got into it in the end. This seems to be about the maximum possible common ground of agreement that they could put up with.

My hon. friend, Shri Hazarika has given us the history of the various efforts that have been made since we achieved our freedom in our nation's march towards the solution. Earlier also there was an attempt made. It was in 1936 that we found an Association known as the all India Excluded Areas and Partially Excluded Areas Association. A former Member of Parliament, the late Kothanda Ramaiah who hailed from Andhra fought for these people, lived for these people and he brought this Association into existence with Shri Ramnarain Singh who was also one of my colleagues. I happened to be the President of that Association from that time onwards right up to the time of the Constituent Assembly. They called a meeting at my place in Delhi which my hon. friend Shri Hazarika also attended, and Rajen Babu presided over it. As a result of the efforts of that Association and the conference over which Rajen Babu presided, a sub-committee came to be appointed known as the Minorities Committee and also the Tribal Peoples Committee by the Constituent Assembly. They submitted a report and the result of it all was that these special provisions were made for the constitution of the special District Councils and so on.

I am mentioning this for two very good reasons. One is, it was the British Government which tried to divide and rule. These people, they wanted to keep these people away from the rest of India in the constitutional development. We were fighting against that. We wanted these people to come to be integrated into the general framework of our Constitution as well as our own political development. I do not think, although I do not belong to the Congress Party today, that the Congress had ever tried to divide and rule so far as the Tribal people are concerned. Shri Jawaharlal Nehru never had that idea. We both worked together. Today they happen

[Shri Ranga]

to be the heirs to own the heritage that we had created. They are fortunate; we are fortunate; that is all. I was saying that Shri Jawaharlal Nehru and all of us cooperated. We wanted this thing to come into existence. It is not our fault that it did not yield the good results that we expected. My hon. friend Shri Barua and the other hon. friend who spoke earlier were right when they said that it has come to be a political problem.

We have to meet it as a political problem and solve it. And this is an attempt that is being made. But then there is the fear that if we are to agree to a thing like this, then Telengana, Konkan and Vidarbha and Saurashtra areas also may raise similar demands. These may be taken up and tackled on another plane and for other consideration. But here is this pre-eminent consideration of security. That is why I do not want these various things that are being provided for here to be compared with what we have in other States and have a discussion on that basis. There is no sense in such a discussion on this Bill. Let us not forget one thing that the whole of India is interested in the welfare and progress and well-being of the tribal people and the tribal areas. But at the same time, the whole of India is interested in seeing to it that the security of this country is completely ensured, and for that reason every possible step is taken. Therefore, we should not think in terms of parties at all on this issue. We should not even think in terms of geographical or political differences either. It is one solid problem for the whole of India and for all patriotic Indians.

It is from that viewpoint that I want my hon. friends of the tribal areas and also my hon. friends from the plain areas of Assam to put up with us for the limitations that we are placing, to be patient with us and to understand, appreciate and also sympathise with us for the limitations that we are obliged to place on the political powers that are to be given to the tribal autonomous areas and also the Assam area. So long as they are willing and they are ready to play their role along with all of us in seeing to it that the security of India is absolutely safe,

strong and stable, the whole of India would be interested in giving them the maximum possible powers and privileges. But then who is to decide that ?

It cannot be decided by one Cabinet Minister. It could not be decided by a Cabinet Minister like Shri Asoka Mehta alone; it could not be decided by the Opposition alone. So it had to be decided anyhow by a Government, and the Government here happens to be that Government. This Government is not satisfactory to us in many respects. In regard to this also, it gave room for a lot of suspicion on the part of our tribal people because of the delay that was caused. I am prepared to condemn this Government for the delay that it causes over so many things. But here somehow, this delay has borne good fruit. However much we were angry with Government, this has borne good fruit. Therefore, we are prepared to excuse this Government. If there is any little achievement to the credit of my hon. friend Shri Y. B. Chavan as Home Minister it is here. I am sorry for him because he happens to be in charge of the Home Ministry which is the most troublesome Ministry: he has had to take so many decisions with which I am very much in disagreement, but God has somehow helped him and he has succeeded in regard to this matter and that success is not his alone but it is the success of the nation. I want our hill people to hail it as their success and the Assam plains people also to hail it as their success.

My hon. friend Shri Lobo Prabhu has already tabled an amendment in one respect. Is it necessary to have this nomination at all? Is it necessary also to provide for this thing that the majority should be two-thirds of the total strength and then again two-thirds of the members present and voting? Is it necessary to make it so very rigid? I would like the Home Minister and also the House to give some thought to it. My hon. friend Shri Lobo Prabhu will later on speak about this matter.

Before I conclude, I would like to say as one hon. friend of mine has already said, that it would take a lot of patience on the part of all these sections to make this a

success. It is going to be very difficult. It is bad enough now that we are failing in every other respect in every other State. Can we assure ourselves that the plains people of Assam and also the tribal people on the hills have no much more of the fund of statesmanship at their disposal as to be capable of making this very difficult experiment a success? It is anybody's guess. It is a big gamble that we are indulging in. But we have no other choice, and, therefore, we are going into it. Here, we have one autonomous State within a bigger State. Even President DeGaulle had not succeeded in regard to the Common Market scheme in Europe and they have had a lot more experience than we have had. Therefore, I would like to repeat my earlier suggestion again that wherever you have a test-case like this or a difficult case like this, it is better to give up this experiment with the British parliamentary system of majority rule or the American parliamentary system of majority rule. Just as we have achieved this success, although it would take more time, let us think in terms of an all-party or all-inclusive Ministry both for the tribal people, and also for the Assam people. The Assam people may find it a little more difficult to make it a success than the hill people because the hill people, as has been admitted, are much more advanced and much more educated. Let there be an all-party Government. Let there not be a partisan government or a party government. We have had enough of bitter experience with all these things. My hon. friend is now going through his experience over the Madhya Pradesh issue. I do not know how much of midnight oil they are burning over this issue again and again. But anyhow, I do not want that kind of experience to be gone through by the plains people and the hill people of Assam. So far, fortunately, the hill people are all united. They cannot be united if we were to advise them to come into this method of majority rule; then they will break up and once they break up it would be very difficult to keep them together and to get them together. So, let them make some experiment in the direction that I have suggested.

Let us all wish all success to this experiment and let us also hope that Government

will keep an open mind and see to it that Rani Guidale is given some opportunity some day to make her own contribution in an honourable manner and in as befitting a manner as has come to the fortunes of our people on the Treasury Benches. Secondly, let us also hope that the Mizo people would also be brought into this autonomous State at the earliest possible moment without creating any more troubles either for themselves or for ourselves.

SHRI BEDABRATA BARUA (Kaliabor) : While giving our committed support to this Constitution Amendment Bill. . . .

An Hon. Member; Committed support ?

SHRI BEDABRATA BARUA : As the Assam Congress Party we have committed ourselves to the reorganisation scheme that will answer to the political aspirations of the hill people and at the same time would not unnecessarily exacerbate the feelings in the plains. I consider it as a great success that we in the hills and the plains could agree to something that could be called a settlement, and the greatest merit of this settlement is that it comes as a consensus amongst the non-extremist elements in the hills and the plains who would like to see the unity of the north-east area preserved intact without being guided by mere narrow prejudices.

As Shri Ganesh Ghosh has said an hour ago, in Assam State we generally have the feeling that we are always misunderstood. But we did not expect to be misunderstood by a person who calls himself a leftist, socialist or communist. Of course, I really plead guilty of not having much knowledge about the talks and writings of Mao, but I have enough knowledge of my own people in the hills and plains.

SHRI SWELL (Autonomous Districts) : Really:

SHRI BEDABRATA BARUA ; So far as the plains and the hills are concerned, the question is not one of exploitation. This misconception has to set right. For instance, he was talking of landlords and vested interests in the plains of Assam.

[Shri Bedabrata Barua]

Possibly he does not know that in the Assam valley, or in the whole of Assam, we do not have landlords, we have only peasant cultivators. This is the position. So, when we consider and discuss the people of Assam we have to remember that there are no exploiters. If he means the people of Assam Valley as such, those who have gone to Assam and lived there for centuries, among them also there is no exploitation.

All the developmental powers have been given to the glorified panchayat to the autonomous State, except law and order. Every problem of development has been handed over to this autonomous State.

SHRI GANESH GHOSH : But there is no money.

SHRI BEDABRATA BARUA : I will not start a dialogue with him in this House. Certainly, I would like to have it outside. So far as money is concerned, it is given. But it is not a question of money. What we have suggested so long is that the problem should be solved on a new basis. Whether you call it a new basis or not, complete understanding of the situation in Assam does make a sound solution possible on the basis of agreement between the hills and the plains.

If at all there is an argument for autonomy, it is on the ground that hilly areas have special problems of their own. I do not believe that the hilly areas of Assam alone have their own special problems. All hilly areas, whether situated in Assam or in other parts of the country, have development problems which are not similar to the development problems of the plains and these development problems would certainly require political restructuring of the administration. We must face it today when we are faced with this question of Centre-State relationship. I think we will have to discuss it some day and find out what is wrong and how to solve this problem.

And when we are thinking of the structure we cannot think of only two patterns—

State pattern and Union Territory pattern. When we discuss this in detail, if we think of only two patterns, we would always be putting a big peg in a small hole. There will be a big bureaucracy in a very small State. We think we have solved the Nagaland problem by creating a new State called Nagaland. At the same time, look at the cost of the administration. The total revenue of Nagaland will not be able to pay for the administration of the office of the Chief Minister or even the personal expenditure of the Chief Minister. Can you have this pattern applied to every district in India? Do you not think that there are other districts in India as poor as these districts? So, here is a problem whose solution will need administrative restructuring. If you think in terms of a Chief Minister for every taluka, no doubt it will give employment to some people but it will not solve the problem. That is why we object to it.

In the present autonomous arrangement the beauty is that it is not a bureaucratic attempt to have a Union Territory and it is certainly not a full-fledged State; at the same time, it gives autonomy to the people. We have never said that we will not give autonomy to our tribal brothers who are our kith and kin. But, in the name of autonomy, there should be no bureaucratisation. Autonomy should make inroads upon bureaucracy; not bureaucracy making inroads upon autonomy. This is what is likely to happen, or threatens to happen, and that is what we object to.

Sometime all types of ideas are sounded. I am sorry that friends in the Jana Sangh are sometimes enamoured by the idea that you take it over as a Union territory and solve the problem. How do you solve the problem? I do not think we solve the problem by bureaucratising.

Today we face certain urges of the people. We have to face them. If it is possible to make concessions, we do make concessions.

I was surprised that Professor Ranga referred to the two thirds question. We in the party said that it should not be two-thirds but we also said that there should be

an absolute majority without the ratification clause under article 368. We said that because, like Professor Ranga and like other Members in the Opposition who are fighting for Centre-State rights, we also believe that Assam is a State. An entirely different situation will arise if the hill areas are separated but so long as the hill areas are not separated and they are there, how can you redefine the powers of the State by a simple majority in Parliament? Can you imagine of any other State which will agree to that? Two-thirds majority, certainly, is not sufficient security but I say that it is an acceptable security on our part considering the situation surrounding the whole thing because any redefinition of powers in the opposite direction will lead to a collapse of the whole system, to the creation of a Hill State and to the suppression of the plains and the hills. I would request the Opposition Members, the Swatantra Members, not to make an issue of it because Assam being a State it would like to be like any other State. So long as you consider Assam as a State, you cannot allow that State to be treated in this manner that its whole power can be amended by Parliament by a simple majority.

SHRI LOBO PRABHU : (Udipi) If the law is going to be passed by a simple majority, this amendment also should be.

SHRI BEDABRATA BARUA : That is different. The law is going to be passed by a simple majority because it has been agreed to. That is where I would also request the Home Minister that once the Re-organisation Bill has been agreed to he will see—we have faith and let us expect that the Bill will answer to the agreement... that no minor detail will militate in any way against the agreement that we have entered into because that may create unnecessary trouble for all of us.

So far as the security aspect is concerned, I think, security can be guaranteed only when we get district autonomy as we have got in Maharashtra. They have made a success of district autonomy and it should be a model for all States. I think, they have worked it very well. District autonomy will have to come everywhere but, at the

same time, the weight of this district autonomy will not fall upon the people. If you go on creating States and Union territories, the weight will always fall upon the people and there will be so much expenditure that it will be unbearable.

With all that has been said and done, we would like to give the Bill a good start and we would like that the people in Assam, hills as well as plains, do wish to live in amity and friendship. We want to start on a clean state. Never in our history was there any tension or differences between the hills and the plains. We had differences but we had no dislike of each other. I think, Shri Swell will bear me out.

SHRI SWELL : I have not said anything.

SHRI BEDABRATA BARUA : So far as the hills and the plains of Assam are concerned, their relations have been ideal, whatever political differences we may have had. Now is the time when it has become history and these differences are gone—we hope that the hills and the plains will be able to work out the arrangement that has been agreed to without further acrimony or bitterness—that we make a beginning for a more dynamic development in our area because it is the question of development. That alone counts for the north-east area. Our problem does not lie either in Naga Hills or in Khasi Hills or in the Brahmaputra Valley or in other areas. Our problem lies anywhere between Naxalbari and Katihar. It is here that security as well as transport is concerned. The security problem has to be faced on the basis of a satisfied community of people whose economic structure should be uniformly developed and developed in the same way as the other areas are developed. The transport problems created by partition, in which we alone did not contribute, must be faced at the national level and the transport costs must not be made to fall upon the people of Assam alone.

So, the economic problems have to be solved. I am thankful to the DMK Member who gave a picture of the economic position in Assam. I hope, more members

[Shri Bedabrata Barua]

will go to Assam and see what has happened in that State where economic development has not at all taken place. In the place of Rs. 80 crores loan that we deserve to get, we get only Rs. 30 lakhs from the public sector banks. They say that Assam is very backward and Rs. 1 crore more will be given in the Plan. This sort of condescending sympathy will not do. So far as economic development is concerned there should be a concerted development of the entire area and the economic problems there must be solved once and for all.

SHRI DHIRESWAR KALITA (Gauhati) : This Bill is, no doubt, a controversial Bill controversial to this House. Before the statement was made by the Government of India, there were certain political conditions in Assam. The minds of the people living in the plains and also in the hills were agitating about the reorganization issue of Assam. Many of you have got the experience of 26th January, not this year, but the year before last.

This was a big problem and this problem was tried to be solved by the late Prime Minister, Pandit Jawaharlal Nehru and by his successors appointing some commissions, but it was not solved. I must say that within these two years there has been much change. Perhaps we all, including this Parliament, have contributed to this. I must also say about the contribution of the Government of India here. Ultimately we have found out a solution and this solution has helped to ease the unsettled conditions in Assam. I would, therefore, say that this Bill should be accepted by the House as soon as possible to suppress the divisive forces in Assam, in the plains and also in the hills.

Now what is the new element here in this Bill? What is the new element that we have in this Bill? The new element is this. So long, The APHLC Mr. Swell's Party—were adamant on one point, that they will go out of Assam. There was the Mehta Commission and they did not take part in that. There was another Committee's report and they did not accept that.

But here they have accepted to give it a fair trial. This is the new element. So long, the hill leaders were adamant; they were in no mood to remain in Assam, they wanted to go out of Assam.

Now they have agreed to remain within Assam. When they agree to remain within Assam, some adjustment has to be made, a solution has to be found and the Constitution was not providing for that. So we got this amendment. Our Constitution should in no way be a stumbling block to meet the people's wishes wherever necessary. When Nagaland was created the Constitution did not become a stumbling block. To-day when we are meeting the aspirations of the Hill tribals, the Constitution should not be a stumbling block. Our Constitution should be amended in such a way and whenever necessary to meet the people's demands. It is good that the Government of India is thinking on this line and they are bringing out this Constitutional amendment Bill. Here I must strike a discordant note with my Marxist friend.

Hon. Member Shri Ganesh Ghosh said that they do not accept this. They want a full-fledged State. We are also not against creating a full-fledged State. Maybe some day we may have to bring forward new amendments. But the point at present is that this Bill has solved the practical politics of to-day. Politics of ideology and nationality problem are very important. This has to be solved by ideological solution. But from the practical politics of to-day we must think that certain steps are to be taken which in the present circumstances solve the problem or politics. No doubt we must do it from the ideological point of view, from the practical point of view. Here is a difference in approach. I hope ideologically we are not against each other. But from the practical point of view the Communist Marxists will also agree with the present solution that we are all agreed to.

An apprehension has been expressed here in this House that if this Bill is passed, then there will be a demand for Jharkhand. Apprehension is also expressed that a Hill State of Uttar Pradesh may be coming.

These apprehensions may be correct but the thing is that the Constitution of India has placed Assam in a very position. We have got a Scheduled Area under the Constitution That is the Sixth Schedule. The Constitution has created certain councils with certain powers, with certain norms and usages that have been accepted by our very Constitution. So they have developed slowly their democratic ideas and their democratic aspirations for the last 20 years. This is the special position that is being given under the Constitution and Sixth Schedule. Now this is a development and this development must be recognised by the Parliament.

This development must be recognised by Parliament.

Similarly, if in Jharkhand, if in UP, if in Telegana, any adjustment in development, in progress for further democracy is necessary what is the harm? There is no harm. India will not be disunited, India will never be disunited in that way. By granting more power, more autonomy to the people, India will not be weakened; on the other hand, India will be strengthened.

Today, everywhere different parties are in power. In West Bengal, Orissa, Madhya Pradesh, Punjab—everywhere the demand is for a review of Centre-State relations in terms of present realities. This has to be settled. The Constitution provides for it, if necessary, by amending the Constitution. This is necessary if it is dictated by considerations of further development, further progress, more autonomy and more democracy. The Constitution should not be a bar to that. The Constitution should be only the basis for developing ourselves, strengthening ourselves, unifying ourselves. That should be the basis of the Constitution.

With these words, on behalf of my party, CPI, I urge a fair trial of this solution as advanced by Government in this Bill.

SHRI BASUMATARI (Kokraghar) : I have been listening to the debate and the expressions of view of so many hon. Members. It is painful to us to have to part with a part of our State, a part inhabited by the

hill tribes of the present State. But since they wanted it politically, we had to agree.

You know how many times we had discussions on this matter. There were a series of talks and discussions which took place not only in Assam between the leaders of the hills and the plains but also here in Delhi with various leaders of groups. Now they have come to this decision as embodied in this Bill. In that way, I would call this decision arrived at by the leaders of the groups as a national decision. Although I was opposed to it and had said that I would oppose it, looking to the faces of the members who have been supporting it unanimously, I have no alternative but to support it too, though, as I said, I was reluctant to do so.

But here I enter a protest at one thing. Because certain people are vocal in their demands, the attitude should not be to give in to them ignoring other factors. Now Mr. Swell—I do not know whether he is a Doctor or Mr. I know him as plain Mr. has an arrogant attitude that others are backward. That should not be attitude to adopt. We are Indians and we should live together. There should not be any distinction based on such considerations; there should not be any air of superiority exhibited by anybody. Therefore, I appeal to him to give up that kind of idea.

Yesterday, I was pained to hear him saying about Shri Bhattaeharyya, who is very highly respected here, that 'he should go back to school'. This attitude is not proper. I wanted a political arrangement under which the people of the hills and the plains should be able to live together without being exploited by one other. Not that I was against a separate State as such, but I wanted that we should all be politically combined, all the tribes of the hills and the plains. This is one thing.

My hon. friend, Shri Hazarika, gave a history of Assam. From the Communist party (Marxist), Shri Ganesh Ghosh, said that the plains people are exploiting the hills people. But the report of the Pataskar Commission is there for all to see, what it has said on this matter. It was reported already

[Shri Basumatari]

that Assamese people did not exploit in any form. There fore, this report was opposed.

MR. CHAIRMAN, Hon. Member was criticising Prof. Swell; I hope he will show due respect to Mr. Ghose also.

SHRI BASUMATARI: I pity Mr. Ghose for his ignorance who has no idea of the tribal people or the plain people in that area. They do not know how to exploit the others; they are being exploited. Late Pandit Nehru himself once said that the Assamese agitated against the Bengali community because they had been exploited for ages together. He was not an ordinary individual who said it was no less a person than Pandit Nehru who said so. He wanted a separate State for Nagaland because Nagaland tribals were quite different from the other tribes. I am also from the tribal area. After a separate State was granted to Nagaland, my friends from other hill areas specially Khasi and Garo, wanted a separate State but Pandit Nehru categorically told them that it was not geographically feasible to give them the same status as Nagaland and that there was no common meeting ground rather it would be harmful to themselves. That is what he said. Some of my friends said, even though Khasi and Garo have different languages, they can live together in Nagaland. But you know, Sir what is the present position. India is divided on the basis of language. There are linguistic States. The question arises whether the Garo hills people can live together with more advanced Khasis. Prof. Swell claims that they are advanced compared to the other tribes. They had the privilege of having the capital in Shillong and they are very advanced in educational and economic fields also. I can tell you that there are 15 IAS in Assam; six of them are from Khasi hills and three from Lushai hills and three from Naga hills. What is left to the plains? So, compared to the others, they are advanced. Coming to the Bill, my friend Mr. Shastri has spoken about it and I subscribe to what he says. I have no time to go into that Bill. My request is only this that Assam should not be reduced to the status of a territory by amending the Constitution. My appeal to the Home Minister again is

not to delay taking a decision. Sometimes a decision is taken which is not acceptable to the people. Sometimes there is so much delay in taking a decision that people get tired and there is a flare up and so many persons get killed. That should not be there. We should also be firm in what we say.

Firmness may not be a right policy for a democratic country but without firmness you cannot rule the country. But Mr. Ghose does not know anything about Assam. The situation in Assam has not been created by the Assamese people; it is created by the British. There were so many different hill tribals such as the Mizos, Nagas, Mikirs, Khasi and Garo hill tribes and they were under different setups; some of them were in excluded areas; some in partially excluded areas and some of them were ruled through the political agent. All this was created by the British according to their policy of divide and rule.

MR. Ganesh Ghosh must know that. It was a divide and rule policy; this policy was adopted by the British. (*Interruption*) Well, Mr. Communist, I know. I know that you want to say. You want to establish communism there, the Mao Tse-tung communists. And you want to establish your position there. When he got up, I could not understand to what party he belongs. This is the way they behave. So, I do not pay heed to him. (*Interruption*).

Now, the question is, the Assamese people should not be termed as exploiters not only in the House, by those people who are ignorant here but also by those people who know fully well, who come from Assam especially my hon. friend Shri Swell, and at the same time, some others. (*Interruption*). I do not want anyone to feel different. We are all brethren. Let us all live together. I appeal to the Home Minister to see that by this arrangement, the setting up of an autonomous State within Assam, others also do not insist on this experiment. My friend Shri Hazarika and so many others were giving examples of the atrocities that are taking place in Telangana and elsewhere they also pointed out how people of Darjeeling want a separate State and how some other parts of India are agitating for

a separate Statehood. Mr. Hazarika Stated in the House that they are already rising their heads in Assam in different names. Therefore, looking to all this, I want the Home Minister to see that such things do not take place, and I appeal to him that Assam should not go out of the map of India by making Assam a laboratory for all sorts of experiments. That is my appeal.

SHRI GANESH GHOSH : Sir, on a personal explanation. My speech was very much distorted. I never said that the Assam people are exploiting. I said there are vested interests which are exploiting both the people of the plains and the people of the hills. That is what I said.

SHRI HEM BARUA (Mangaldai) : Sir, the Constitution (Twenty-second Amendment) Bill, 1968, has a definite purpose; the purpose is to reorganise the present State of Assam. The political contents of the Bill are too vivid and too evident and therefore I would like to deal with the political aspect of the Bill before coming to the amendments that I am moving today. When I begin to speak on the amendments, I shall refer to those aspects.

What is happening now? This Bill somehow or other does not reflect the spirit of the declaration made on the 11th September, 1968 by the Home Minister. We must not forget that. It does not reflect that spirit. But, at the same time, there is the political aspect of the problem and to me, what would happen is, if this Bill to reorganise the State of Assam is accepted, there would be a process of disintegration in the country. The seeds of disintegration are inherent in the very body of this Bill. Any Indian, who believes in national integration based on a stable and sound foundation, would oppose this Bill because it seeks to dismember this country into pieces.

This matter was raised before the States Reorganisation Commission also. The States Reorganisation Commission rejected this idea altogether because the State Reorganisation Commission knew the psychology of the people, of some of these people, to have a separate State

so that they may rule to their own advantage. Therefore, the States Reorganisation Commission rejected that idea of a separate State in Assam as not feasible and it put down its heavy foot on the dismemberment of Uttar Pradesh also. We must not forget the basic fact that Assam is a border State and it is of strategic importance. We must not also forget the fact that after the armed aggression by China in 1962 and by Pakistan in 1965—and because these armed aggressions failed—these two countries are now interested in sabotaging the life in Assam by encouraging the fissiparous tendencies within the State and also by encouraging the Naga and Mizo hostiles with arms and ammunition. Who does not know the involvement of China and Pakistan into the internal affairs of India? Everybody knows it.

We must not forget that Assam is a strategic area. The best thing would have been to integrate the whole of the north-east into a sort of federation or whatever you may call it. That would have helped you to avoid the danger of fissiparous tendencies and external enemies pouncing on you like hawks.

What are the arguments of the APHLC, which is an organisation of hill leaders founded in 1960 to oppose the Official Language Bill of Assam? They opposed it on the ground of linguistic exploitation. When they were asked whether they would give up their demand for a separate State if the Bill is withdrawn, their reply was 'no'. Can you cite a single instance of linguistic exploitation in the Bill? Cachar is a Bengali-speaking area and people of Cachar can use Bengali upto the district level. The hill areas of Assam can use any language they like, because they differ from one another in culture, ethnology and language. Sections 4 and 5 of the Official Language Act of Assam of 1960 are very clear. I can quote them, but I have no time. While corresponding with Shillong or Delhi, they can use either English or Hindi. Where is the exploitation? Do you want to say that Assamese should not be used as official language even in the Brahmaputra valley districts, whether 75 percent of people speak Assamese and 6 percent speak

[Shri Hem Barua]

Assamese as second language ? If you say the Brahmaputra valley people should be denied the use of their mother-tongue I am not going to tolerate it; I will lay down my life for it. Where is the linguistic exploitation ?

SHRI B. K. DASCHOWDHURY : Many Bengali-medium institutions have been closed down in Goalpara and other parts of Assam.

SHRI HEM BARUA : Bengali-medium schools have not been closed down but the people have shown a preference to the use of Assamese. I must congratulate my Bengali Muslim friends from Pakistan who have settled in Assam who have adopted Assamese language.

SHRI SWELL : What does the hon. member mean when he says Bengali Muslim friends from Pakistan who have settled in Assam ?

SHRI HEM BARUA : I have come across Muslim boys from East Pakistan writing poetry in Assamese.

Then, there is this argument of so-called economic exploitation. I can say there has been no economic exploitation. I do not hold any brief for the Congress Government in Assam, but I must say the correct thing. The Pataskar Commission has exploded the theory of economic exploitation. The percentage of literacy in hill areas has increased from 16.49 to 28.26 per cent during 1951 to 1961, whereas in the plain areas it increased only from 18.49 to 27.23 per cent. During this very decade, the number of hospitals in hill areas rose from 4.21 to 11.21 whereas in increased from 4.69 to 5.92 only in plain districts. The per capita contribution of the hill areas to the State revenue during 1951-52 was only 2.56 and during 1964-65 it was 4.55. The corresponding figures for the plain districts are 12.51 and 32. The Pataskar Commission has reported that the relative contribution of the hill districts to the State revenue are much less in proportion to the population and these have gone down during the period

of 12 years from 1951-52. Is this a case of economic exploitation ?

I am banking on the facts, figures and statistics supplied by the Pataskar Commission Report.

16 hrs.

According to the Sixth Schedule of the Constitution there are the District Councils. These District councils have legislative, executive and also judicial powers. In 1960 the Ramakrishna Mission applied for a plot of land just outside five miles area of the Deputy Commissioner's residence in Shillong in order to build up a first-class college. But the permission was refused to that Mission by the Executive Committee of the area. There are other instances also.

AN HON. MEMBER : What was the ground ?

SHRI HEM BARUA : Because that is an Indian Mission.

SHRI SWELL : It is completely wrong. I do not know whether they refused, but if they refused it was.....

MR. CHAIRMAN : Shri Hem Barua is on his legs.

SHRI SWELL : But the hon. Member cannot put things in the House which are wrong.

SHRI DHIRESWAR KALITA : Sir, I rise to a point of order. Do all these things relate to the Bill before the House ?

SHRI HEM BARUA : Sir, at the outset I said that this Bill has political contours, I would deal with the political aspect of the problem and while discussing the clauses I will speak on the amendments. I was saying that the Ramakrishna Mission was refused a plot of land and Shri Swell objected to that.

SHRI SWELL : I myself have been educated in the Ramakrishna Mission. I know these things. What the hon. Member has said is untrue.

SHRI HEM BARUA : He does not have the facts. He himself said "I do not know". What is the total revenue of the Hill Districts. There are seven Hill District councils. The total revenue is only Rs. 1 crore. Their annual budget is for Rs. 9 crores. Wherefrom does the balance of Rs. 8 crores come? The Government of Assam pays Rs 5 crores and the Central Government gives Rs. 3 crores. The accounts of the District Councils are never allowed to be audited by a Government Auditor. Is not that a fact? Even now the people in hill areas of Assam do not have to pay income-tax or wealth tax although their per capita income has gone up. Who is responsible for creating this problem of disorganisation in the country? I say it is the English-educated people who are responsible.

AN HON. MEMBER : Speak in Assamese.

SHRI HEM BARUA : I would like to speak in Assamese. I do not like English language at all. I do not have any weakness for English language at all. I have to speak in this language because I cannot speak in any other language. If I could speak Hindi I would have spoken in Hindi. I was saying that these people in the hill areas do not have to pay income-tax or wealth tax. I throw down the gauntlet on the floor of the House. If any body has got the courage let him pick it up and say that they have to pay income-tax and wealth tax.

As I have said, this is a problem of the English-educated people. What about a particular leader of the APHLC? His mother is an American, his wife is an American and his brother and sister are both American citizens.

SHRI SWELL : Sir, this is objectionable. I am a leader of the APHLC. Can anybody say that I come from England or America? Both his mother and father are Indian citizens.

SHRI HEM BARUA : His mother is an American, his wife is an American and his brother and sister are American citizens.

SHRI SWELL : They are Indian nationals. If anybody marries somebody from outside the country does he cease to be an Indian?

MR. CHAIRMAN : Will you please listen to me? The hon. Member, Shri Hem Barua, has made certain statements about some people outside the House. Of course, he has not mentioned the name of that particular person. So, technically speaking, he can get away with it.

SHRI SWELL : He can as well say that I also come from America.

MR. CHAIRMAN : As I said, technically speaking, he can get away by saying "I did not mention any particular name". But I am sorry that a senior member like Shri Hem Barua refers to names which should be well known to people, and makes such personal references which are irrelevant to the debate. If Professor Swell wants to contradict some of these statements, he can make use of the opportunity when he will be called upon to make a speech. So, I would request him not to interrupt the speaker off and on. Because, when he is called upon to speak, he can make a reference to this speech, contradict the statement which the hon. Member has made. At the same time, I would request Shri Hem Barua, who is a very senior member of the House, to confine himself to relevant facts, as far as this Bill is concerned.

SHRI SWELL : I am not going to interrupt him any more, but I only want to say that this is the kind of mentality which creates the demand a separate State.

MR. CHAIRMAN : He can refer to that when he gets the opportunity.

SHRI HEM BARUA : It may be that his mother is American and he may be an Indian. Whatever that may be, in January 1967 an announcement was made by the Home Minister about the reorganisation of the State of Assam. As soon as this announcement was made when the APHLC leaders came for parleys in Delhi, they went back through Assam from Gauhati to Shillong and they were all praising the Government and saying "we are getting a separate State".

[Shri Hem Barua]

Within a few weeks the Nepalese settlers in Shillong were driven out and their houses were burnt. I met some of them in Gauhati and they told me of their harrowing experiences. Do not forget the fact that there are two lakhs of Nepalese, Bengalis, Assamese and other Hindi-speaking people in the hill areas of Assam. At the same time, this declaration was made.

I have got a letter written by Mr. B. B. Lyngdoh to one Mr. S. K. Sen, Son of Mrs. Matilda Sen of Nongthymai, Laitumukhra, Shillong. In that letter it is written :

"Dear S. K.,

From your mother I learnt that you have got yourself transferred to Jaipur, the capital of Rajasthan."

--he was a big officer in the railways-

"It is a very good thing that you are in a better place and in better contacts with ex-rulers and jagirdars. Hope, as per your promise, you have sent the guns collected from them. We need much help from the Class I officers of KHASI like you besides more money. I am sure that you will fulfil your promise and come to free KHASILAND sooner.

Please try to meet Rev. KYNDIA who is proceeding to Agra for congressional meeting by 20th September 1968. More you will hear from him of our activities here. We are keenly waiting for the announcement in Parliament about our free KHASILAND. Like Nagas and Mizos, we are also having a Home Guard. As you told me that DIG of Rajasthan Home guard is known to you, please get some information from him how to organise training and procure some stores. We are ready to pay a large amount to him through our agent at Bombay.

Awaiting your early reply. Your mother has given me your monthly

subscription. Thanks for it.

With best wishes,

Yours truly,
Sd/B. B. LYNGDOH."

This is the copy of a letter written by the Chairman of AHPLC, Shillong to a railway officer working in Jaipur. This shows that some people there are not satisfied with the announcement of the Home Minister. This letter was written on the 2nd September, after the announcement. Why have they trained this organisation? For what?

SHRI SWELL : Sir, I am not interrupting because you wanted me not to do it. This is entirely false. The whole thing should be enquired into.

SHRI HEM BARUA : In Khasi Hills how many of the AHPLC leaders are in trade and commerce? Who are exploiting the masses in the hilly areas?

Is it the people of the plains or is it the leaders who are doing it? It is the leaders who are doing it. I know of leaders who have rented out their houses here to other people. I know of leaders who do not have to pay income-tax. I know of leaders who obtain permits and licences from the Government of Assam and make them available to whom?—to the Goenkas in Shillong and the Goenkas in Shillong reap a rich harvest of money. They are having earnings, income-tax free earnings. That is what is happening. I know how corruption is getting into the nerve of the country. Whoever indulges in corruption needs to be condemned. Nobody should indulge in this sort of corruption.

Do not know that all the coalmining licences in the Khasi Hills are with the Tribals and not a single coalmining licence lies with any Indian of the plains? Is it exploitation by the plains people of the hill people? In the Shillong Secretariat there are assistant superintendents, upper division and lower division clerks. Their total number is 1,067 and out of these 1,067 people, 420 belong to the Hill Tribes. Do not forget that Shillong is the capital of Assam and everybody living in Assam has a claim on

the Shillong Secretariat. Do not also forget the fact that the ratio of population is only 1:9. Yet, 40 percent of the employees belong to the hill areas. Would you call it exploitation?

Whatever that might be, this Bill has been described as a compromise Bill. Since this is a compromise we have to accept it, meekly or mildly is not my purpose. We are happy that the compromise has been reached. But, at the same time, we must put the record straight because there are so many people who speak of exploitation. Who has been exploited and by whom? I have facts and figures with me to show that the plains people have not exploited the hill people. If I had got more time, I would have shown that.

Whatever that might be, in the best interest of the country I would say that since this proposal to re-organise the State of Assam has within it the seeds of disintegration not only for Assam but also for the whole of India we have to be very careful about this. Telangana is demanding, U.P. hills are demanding and there are bigger waves rising. I know that it was discussed in the Cabinet meeting also, the problem of Telangana and the problem about Jammu. These are the parts of our country which are demanding separate States on the lines of this Bill. Therefore we have to be very careful about this Bill before we give our assent to it. The forces of disintegration are already there in this country. If India disintegrates, who lives? I would agree with Acharya Kripalani—he also thinks like that—that the more a man becomes educated, the more fissiparous he becomes in his mental makeup. That is what is happening. The English educated people in these hill areas want to reap a benefit. They are speaking about exploitation of the people. Everybody speaks about the exploitation of the people in order to enjoy power by himself. This is the history of the bourgeoisie of this country.

SHRI P. VENKATASUBBAIAH (Nandyal): Mr. Chairman, I rise to support the Amendment Bill that has been brought forward by the Home Minister. What has necessitated my participation in this debate is the fact that not only this Bill has had the majority consensus of opinion in this

country but it opens a new chapter with regard to the welfare and protection of the economic interests of the Tribal people of Assam.

In this connection I have also to congratulate the statesmanship and the friendship and the spirit of accommodation that has been shown not only by the leaders of the Tribal people of Assam but also by the people of Assam, and more so, the Chief Minister of Assam and the President of the Assam Pradesh Congress Committee and their colleagues. After protracted negotiations, much common ground was covered and the result has been this piece of legislation that is before us. In this connection, I have to compliment the Home Minister for having taken pains and for having been patient in bringing these people together, and in this process our Prime Minister has also played a very significant part. I have also to compliment the leaders of other political parties who have understood the situation in the present context of things and have facilitated coming to a broad agreement to bring forward this Bill.

Referring to the Bill, some hon. friends have said that it may lead to other fissiparous tendencies and other divisive forces. I would only like to point out to our friends that this matter of creating a sub-State within the State of Assam has got nothing to do with the cry or slogan of creating States on other considerations. For instance of late, there has been a sort of demand for separation of Telengana from Andhra Pradesh. Previously there has been some move to have separate Vidarbha State. There has also been a move for creation of a Jharkhand State. There has also been some move to have an old Mysore State without having anything to do with the areas that have been added on to Mysore after the reorganization of States on a linguistic basis. I would only want to bring to the notice of this hon. House that a distinction has to be made with regard to this Bill. When I say this, I want to quote the historical background that has led to giving a separate status under the Constitution for the protection and preservation of tribal people. Starting from Montagu-Chelmsford reforms and then the Simon Commission's Report and also the

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Cabinet Mission's proposals, at every time, a special emphasis has been made with regard to protecting the interests of the people of these tribal areas. I would only quote the relevant passage that has been mentioned when the Constitution was being framed. Even when the Constitution was being framed, several doubts were expressed with regard to the desirability of having a separate and special position in the Constitution for these tribal people. A Sub-Committee was appointed by the Constituent Assembly to go into this matter, specially with regard to the tribal population in Assam. They have summed up the problem, the special position that has been enjoyed by the tribal people of this area. Here it is said :

"The tribes themselves are for the most part extremely simple people who can be and are exploited with ease by plains folk, resulting in the passage of land formerly cultivated by them to money-lenders and other erstwhile non-agriculturists. While a good number of superstitions and even harmful practices are prevalent among them, the tribes have their own customs and way of life with institutions like tribal and village panchayats or councils which are very effective in smoothing village administration. The sudden disruption of the tribals, customs and ways by exposure to the impact of a more complicated and sophisticated manner of life is capable of doing great harm. Considering past experience and the strong temptation to take advantage of the tribals, simplicity and weaknesses, it is essential to provide statutory safeguards for the protection of the land which is the mainstay of the aboriginals economic life and for his customs and institutions which, apart from being his own, contain elements of value."

Hon. Shri Vajpayee has been telling that is the legacy of the British Government. But, Sir, I am only referring to the view that has been taken by the Constituent Assembly. Who were the representatives of our people who framed the Constitution which we hold in high esteem and respect

even to this day ? Who were the gentlemen who were in charge of the Committee. He is no less a person than Shri K.M. Munshi. He also wanted that special rights and privileges should be given to these people and he was particular that this should come in the Sixth Schedule of our Constitution.

SHRI HEM BARUA : That is why the Sixth Schedule came.

SHRI P. VENKATASUBBAIAH : He said many objections were raised particularly from some quarters. Shri B. Das from Orissa and other Members said that a time may come that if we give concessions to these people, it may lead to the disintegration of the country. Their arguments were rebutted by Shri K.M. Munshi. I am quoting Shri Munshi :

"We want that the Scheduled Tribes in the whole country should be protected from the destructive impact of races possessing a higher and more aggressive culture and should be encouraged to develop their own autonomous life; at the same time we want them to take a larger part in the life of the country adopted. They should not be isolated communities or little republics to be perpetuated for ever."

It was his idea that this matter has been incorporated as giving special protection to these tribal people. Flowing from that special preservation of this people with certain aspirations have been built up and the tribal people wanted that their political interest should be projected and their economic way of life should be improved, their social status should be brought on par with the social status of the people living in the plains. So, Sir, this aspect of the matter was highlighted from time to time and they wanted that they should have a reasonable autonomy in their small sphere of the country where they were enjoying previously by way of village panchayats and councils.

So, Sir, when this matter was focussed, certain Committees were appointed. The Pataskar Committee was one. After the Pataskar Committee, Ashoka Mehta Committee also was constituted and these factors

go to show that there has been an urge among the people of the tribal area that they must operate, they must act in a manner that will be conducive to the interests of the people and at the same time they should not go against the interests of the country as a whole and it should not disturb the territorial integrity and sovereignty of the country. These are the two factors which were borne in mind and we should not enter into a sort of acrimonious debate that so and so is responsible for this or for that.

Now, unfortunately, a sort of feeling is coming in the minds of many of our people. As Acharyaji has said that the more we get educated, the more we would think even in terms of separation. But I think one overriding motto has come to stay in the minds of many of our people that is 'community above country and myself above community'. This is the sort of feeling and we cannot blame only on particular class of people as responsible for that. We have to take the totality of the circumstances and only in that broad context. We have to view in a most objective manner instead of shouting and putting blame at the door of somebody. If we are to think in terms of political superiority or political leadership, whatever it is, some people are there who want to take advantage of all these things. So we must be all the more cautious but at the same time we should keep in mind that the popular aspiration of the people, to whichever part of the country they belong, must be carefully gone into and as far as possible regional autonomy has to be given.

Take for instance, the case of Nagaland. Several times members here expressed apprehension that the creation of Nagaland would lead to so many complications; what is this small State with a 4-lakh populations; if they want a separate State, everybody can claim a separate State. We heard this sort of arguments. Now we see how sagacious and farsighted the late Prime Minister, Pandit Nehru, was, when this State was constituted. We now see how it acts as a stabilising force to protect the country from the onslaughts of our enemies. The more I see things, the more I am convinced that our late Prime Minister was sagacious and

statesmanlike enough to envisage a situation like this by agreeing to constitute the State of Nagaland.

We have to view things in this context. The leaders of Assam, to whichever political party they say belong, have shown great statesmanship. Normally, the people of Assam are very amiable, very affectionate; of course, only today, Shri Hem Barua became a little aggressive.

SHRI SWELL : Obnoxious.

SHRI P. VENKATASUBBAIAH : To speak with him is a pleasure.

SHRI HEM BARUA : He says 'obnoxious'. When you speak the truth, you will be described as obnoxious.

SHRI P. VENKATASUBBAIAH : He is very affectionate and sometimes, romantic also

SHRI HEM BARUA : Is it a compliment or a kick ?

SHRI P. VENKATASUBBAIAH ; Of course compliment.

I would only make this appeal to friends from my State: let them not link up this matter with the agitation for a separate Telengana State. We cannot take this as an example.

SHRI SWELL : Send Hem Barua there.

SHRI ATAL BIHARI VAJPAYEE (Bairampur) : Why should it not be an example ?

SHRI P. VENKATASUBBAIAH : Historically conditions are different.

There is no force in that. There it is a question of the economic factor, regional imbalance and backwardness. These are the predominant factors. They do not find any other outlet except this easy one of the demand for a separate State. Whether by having a separate State, you could achieve these is a big question mark. I am very doubtful about it. Because whichever State

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you take, there are places which are backward. Even UP. I would remind Shri Vajpayee, has got backward areas.

SHRI ATAL BIHARI VAJPAYEE : Make it a sub-State.

SHRI P. VENKATASUBBAIAH : In Andhra, the Telengana area is very backward. We must do whatever we can to develop that area. But there are other areas also in Andhra which are backward and neglected, which require more attention. The constituency my hon. friend, Shri Ranga, represents, Srikakulam, is as a matter of fact, as backward as Rayalaseema, and Rayalaseema is as backward as Telengana. We have to see things in this context. A separate state is not a panacea for all these ills.

Here this matter has to be viewed from a different context. I hope all the hon. members here will give unanimous support to the creation of the autonomous State, a new chapter will be ushered and there will be no more bitterness and acrimony, and the autonomous State that will be formed will play its useful role in strengthening democracy and upholding the sovereignty and integrity of our nation.

SHRI SWELL (Autonomous Districts) : Barring the obnoxious note inducted into the debate by Mr. Hem Barua which I treat with the contempt it deserves....

SHRI HEM BARUA : But what I said was true and I can quote facts and figures from the Pataskar Report.. (*Interruptions*).

SHRI SWELL : I repeat that I treat it with the contempt it deserves; I do not want to refer to it any more.

SHRI HEM BARUA : If I have erred, I have erred in the great company of Pataskar.

SHRI SWELL : Now, may I go on with my speech? I am happy to find that there is a healthy note in the debate today and except for nuances of emphasis there is gene-

ral support for the principle behind this Bill and a general feeling of welcome that at long last one thorny political problem of this country and that too in the strategic border area is going to be settled, not by an *obiter dicta*, not by a *dikta* or imposition but by general agreement of the people concerned. I have respect for friends who differ from me on certain principles. I have respect for my friend in the Jan Sangh, Mr. Om Prakash Tyagi, and my friend, Mr. Vajpayee leader of the Jan Sangh, who had given expression to his views on many occasions, because they try to differ on the basis of certain principles. They have made it clear that it is not their intention to stand in the way of meeting the political aspirations of the hill people and that is something very different from which our friend Mr. Hem Barua has been trying to do in this House...

SHRI HEM BARUA : I am also standing on principles; I do not believe in the disintegration of this country.

MR. CHAIRMAN : At every stage he cannot interrupt like this.

SHRI SWELL : I request you, Mr. Chairman, to send the Marshal to see whether there are red ants in his seat.

I think, Sir that I shall best discharge my duty by devoting my entire speech to answering certain important points which my friends in the Jan Sangh have raised in this debate, not with a view to be critical of them or score debating points but in order to be able to explain to the House certain facts.

It has been submitted by my friends in the Jan Sangh that the Government has brought forward this Bill in a huff, that it has not taken the defence and the security needs of that area fully into consideration and that, therefore, instead of rushing through with this Bill, the Government should appoint another Commission, a defence-oriented commission that would go into the entire question of North-eastern India *de novo* in a much wider context. I think I have summarised the view of the friends from the Jan Sangh correctly.

I submit that the question of the hill areas is not a question which has originated only yesterday. It was in 1954 when for the first time the hill people gave united and organised expression to their political aspirations for a separate State within India before the States Reorganisation Commission. In 1957 they fought the general elections on the basis of this demand and the Hill State candidates swept the polls in Garo, Khasi and Jaintia hills in the North Cachar hills and in the Mizo hills.

SHRI HEM BARUA : In the North Cachar hills ?

SHRI SWELL : Go and look at the figures of the 1957 general election results. Let him not waste his breath.

SHRI HEM BARUA : All the four seats were won by the Congress Party.

SHRI SWELL : Will you shut up his bloody mouth ?

SHRI SRINIBAS MISRA (Cuttack) : What is this, Sir ? He is saying somebody as 'bloody'.

SHRI HEM BARUA : Those who do not have reasons and cannot counter facts with facts, start abusing. That is the culture of this gentleman.

MR. CHAIRMAN : I request you...

SHRI SWELL : If it is unparliamentary, I withdraw it.

MR. CHAIRMAN : Order, order.

SHRI SWELL : I withdraw it.

MR. CHAIRMAN : He has withdrawn it.

SHRI SWELL : I have withdrawn it. Allow me to proceed. I am interested in putting my facts and not abusing anybody.

MR. CHAIRMAN : I will again request, especially the two Members from Assam, to restrain themselves as much as possible.

SHRI HEM BARUA : I have not abused anybody. I never made any abusive remarks against anybody.

MR. CHAIRMAN : It is well known that they cannot see eye to eye on this question. But still they have to co-exist and they are coexisting so near to each other.

SHRI SWELL : Sir, I believe that all these interruptions will not be taken from the time that I have.

MR. CHAIRMAN : You get along with the speech.

SHRI SWELL : Sir, in 1960, in protest against the declared intentions of the Assam State Government to declare Assamese as the sole official language of the State of Assam, the APHLC was born. In 1962, the APHLC fought the general election on the platform of a separate State demand and again swept the polls, in the Garo Hills, Khasi-Jaintia Hills and the Mizo Hills securing, as in the Mizo Hills, as many as 72 per cent of the votes. In 1963, in the by-elections, caused by the block resignations of the APHLC MLAs. It repeated the same performance. In the elections of 1967, it won all the seats in the Garo Hills and the Khasi-Jaintia Hills. There were no elections in the Mizo Hills because in the meanwhile, in 1966, the bloody Mizo revolution had broken out. (*Interruption*) I am using the word in the literal sense because there was a lot of blood that was shed.

SHRI HEM BARUA : Now he is right.

SHRI RANDHIR SINGH : Bloody revolution or bloody Mizo revolution ?

SHRI SWELL : Mizo revolution. I would like to remind you that during the same period, north-eastern India had borne the brunt of two international skirmishes, the Chinese aggression in 1962 and the undeclared Indo-Pakistan war in 1965.

Sir, I am not a spokesman of the Government. I sit on this side of the House as you see. I have many grouses against the Government. If I am to be critical of them, I think I have a lot of material in my bag to accuse

[Shri Swell]

them of breach of faith to the hill people. But I must say this in all fairness that in the dealings of the Government in all these developments, they have rightly and steadfastly pursued the twin principles of firmness to the rebels.

SHRI BASUMATARI : After the decision has been taken, why should they antagonise the people ?

MR. CHAIRMAN : Order, order. You have made your speech already.

SHRI SWELL : I am saying that in all fairness I must say this to the Government: that in all its dealings--the hon. Member would not understand what I am trying to say,...

MR. CHAIRMAN : Don't listen to him.

SHRI SWELL : I am paying a compliment to his Government. Try to understand this. I am saying this: that the Government has rightly and steadfastly pursued the twin principles of firmness to the rebels but conciliation to the lawabiding, patriotic, political representatives of the people. There have been numerous memoranda, representations, meetings, visits by more than one Prime Minister and Ministers of the Central Government to the hill areas; talks, proposals, plans: the Scottish pattern of administration in 1962, the Nehru Plan of full autonomy in 1963. The Pataskar Commission's report, Government of India's announcement of January 13, 1967, Shri Ashoka Mehta Committee's report and last of all, the autonomous Hill State scheme, which this Bill seeks to give effect to. I have no reason to doubt, that the Government has fully consulted the security, defence and intelligence personnel before arriving at this conclusion and formulating this scheme. If after all this, my friends in the Jan Sangh still insist that Government is doing things in a hurry, either there is something radically wrong with the Government, either they are hopelessly inefficient and by the united will of this House, they must go lock,

stock and barrel or my friends do not know what they are talking about.

श्री ओम प्रकाश त्यागी : एच० पी० एल० सी० ने इस को इन टोटो स्वीकार क्यों नहीं किया ?

SHRI SWEEL : I am coming to that. A contented and patriotic people on our border, people who feel that they are loved, cherished and listened to by the whole nation, are the surest guarantee against any external subordination or aggression. I have no quarrel with them that the defence requirements of this country are uppermost. If that is their stand I would like to ask them why did they not raise this question in 1954 when blood began to flow in Nagaland ? Why did they not raise it in 1962 when there was Chinese aggression ? Why did they not raise it in 1965 during the Indo-Pakistan conflict ? Why did they not raise it in 1966 when the Mizo Hills exploded ? And, why do they raise it now ?

SHRI OM PRAKASH TYAGI : We raised this question in 1960.

SHRI SWELL : Sir, I must say that the scheme evolved is not the best solution. There could be a better solution. But peace and development in the north-eastern part of India are of the utmost importance. A lot of time has been lost in the last 15 years in talks and negotiations. If something out of the welter of the conflicting attitudes and interests surfaces that serves as a common denominator on which large bodies of men could function together, I want to ask whether we should not grasp that opportunity. And, we are grasping that opportunity. It is in this spirit that we in the APHLC have agreed to give this plan a fair trial.

16.44 hrs.

[Mr. DEPUTY-SPEAKER *in the chair.*]

I would like to take this opportunity to tell the House and the country as a whole that we in the hill areas and border areas love this country and we realise that our strength lies in the combined strength of the 500 million Indians. More than that we realise that our rating in the world and

that, is not divisible from the rating of India as a whole. Therefore, we cannot afford to do anything to diminish that strength or reduce that status.

Another argument that has been advanced is that if this Bill is accepted, it will set in motion an unhealthy chain reaction in the country. It was said that its repercussions would be felt in such areas like Telengana, the Tribal areas of Bihar and the hill areas of Uttar Pradesh. Frankly, Sir, I do not understand this argument. What do the hon. Members mean to convey? Is it their intention that because there are problems in this country—there are bound to be problems we are a living nation and if we do not have problems we are not a living nation—and these problems await solution and because the solution of one problem in one part of the country is likely to make the solution of another problem in another part of the country more urgent therefore nothing should be done and the Government should sit tight over these problems until the underground steam of discontent blows the lid off and the whole thing explodes in our face as we see in Pakistan? Is that the proposal? My hon. friends Shri Tyagi also agrees with me that—that is not the intention.

If that is not the intention, I would submit that this is a special problem. The Constitution also has recognised this as a special problem. The Constitution has recognised the distinctive nature of the hill areas of Assam and that is why it has evolved the Sixth Schedule of the Constitution which is applied to these areas only and to no other areas.

This is a scheme that is applicable only to the hill areas of Assam. If that helps in solving other problems I shall be happy. But to say that because this solution is likely to make the solution of other problems quicker and nothing should be done, I submit in all humility, it is a retrograde step which will enlarge the scope of troubles like we have in Nagaland and Mizo Hills and engulf that part of our country in the flames of resurrection.

Having said that, I have only one final appeal to make to the Home Minister. He knows that very well. Clause (3) of Section 2 of the Bill says that any amendment of the reorganisation law, the law that will be passed by this House after this Bill is passed, will need a two-third majority. I submit this is an unusual procedure. It is a departure from the normal parliamentary practice. Many Members have emphasised this. Besides, I would like to say this scheme is a new concept. The whole thing can be worked out successfully only if the two areas, the hills and the plains, and the two States, the autonomous State and the State of Assam, work in a spirit of cooperation. How can that spirit of cooperation be achieved? It can be achieved only if there is enough flexibility, if there is no rigidity standing in the way of adjustments as and when necessary. Therefore, I would make this earnest appeal to the Home Minister and to the House even at this late stage that if you really want this scheme to work successfully—I promise to him here and now that as far as I am concerned and the APHLC are concerned we have given our word of honour that we shall do everything to make this a success—give us the opportunity and do not make things so rigid. I would appeal to him to drop this provision from this Bill.

SHRI JAIPAL SINGH (Khunti) : Mr. Deputy-Speaker, Sir, as an Adivasi, as a girijan, I naturally support this Bill. I regret that it has taken such a long time to bring this solution. And the solution is a partial one; *via media* it is called, consensus. I do not know what the Home Minister himself is thinking of. Anyhow, this is an admission that this is an interim measure, that something will follow, has to follow.

Now, my hon. friend, the poet, Shri Hem Barua, seems to have an obsession of disintegration and fissiparous tendencies. He forgets that Madhya Pradesh must be split up into two or three States for it is too unwieldy. There are other States also which have to be split. There must be Jharkhand for peace in that area; there must be an industrial State, that is Jharkhand. Why are you frightened? I think one of the

[Shri Jaipal Singh]

biggest mistakes the Congress Government made was to merge Coorg with Mysore. I can mention many other areas also.

Shri Venkatasubbaiah was quoting from the Constituent Assembly records. I was a member of that Minorities Committee. Only heaven can tell why there were two minority sub-committees, one for Assam and the other for the rest of India. The tribals of Assam seem to be different from the tribals of other parts of India. Bardoloi and Thakar Bapa conspired to put 25 lakhs of Tea Garden Adibasis in the general list. What has Shri Hem Barua to say about that ? They were all Adibasis of Assam. Is that not exploitation ? It is nothing but exploitation of 30 lakhs of Adibasis by the vested interests of Assam.

SHRI HEM BARUA: He is an English educated man and he is exploiting the tribals by using their name. He is enjoying himself at their expense, I know. He wants to be a Member of Parliament by exploiting their name. That is what he is doing. What has he done for the community ?

SHRI SWELL: Sir, this is unparliamentary. Can a member say that another member comes to this House by exploiting the people ?

MR. DEPUTY-SPEAKER: It is not fair.

SHRI BASUMATARI: Sir, is it the monopoly of the general members to exploit the general masses ? What is wrong with the tribal members exploiting the tribal masses ?

SHRI SWELL: Sir, I would like you to take it very seriously. The remarks of Shri Hem Barua are very objectionable. By those remarks he is bringing this House into contempt, including yourself. If somebody says that we have come to this House by exploiting the people, the voters, I think that is something about which we should take serious notice.

MR. DEPUTY-SPEAKER: It is very unfortunate.

SHRI H. N. MUKERJEE: (Calcutta-North-East) The Chair should insist on its withdrawal. He is a member of long standing and he has referred to another member individually as exploiting certain sections of our people....(interruptions).

SHRI HEM BARUA: I have not levelled any charge against every member of this hon. House I have levelled the charge against Shri Jaipal Singh, because I know that Shri Jaipal Singh is exploiting the tribals, for whom he has done nothing.

SHRI SWELL: Sir, he is repeating the same charge. He must withdraw it. Otherwise, it is impossible for us to continue in this manner.

SHRI H. N. MUKERJEE: The conduct of the hon. Member is objectionable.

SHRI RANGA: I would request Shri Hem Barua to withdraw those words.

MR. DEPUTY-SPEAKER: It is very unfair. May I request the hon. Member to withdraw those words ?

SHRI HEM BARUA: It is the arrogance of members that makes it impossible for other people to get on. Sir, you know how arrogant Shri Swell is.

SHRI R. D. BHANDARE (Bombay-Central): You can ask him to withdraw this. It is the constituency which has elected him and the constituency is consisting of Tribals. How can a Member accuse that he is exploiting his people ? Either he should withdraw it or it should be expunged.

SHRI SWELL: If he does not withdraw it, I say that Shri Hem Barua has come to this House by cheating the people. (Interruption).

MR. DEPUTY-SPEAKER: I would leave it to his good sense to withdraw.

SHRI JAIPAL SINGH: I am not very proud of the disgraceful performance of my poet friend. It is this type of behaviour that has made them want to be separated from Assam, this kind of demonstration on the

floor of this House. I hope, he is not a Characteristic representative of the south of the Brahmaputra. That will be very unfortunate for this country. Here they get together after a long time and say that they will work together and give it a fair trial and then there is this sort of a thing ! It is a very unfortunate performance, Shri Hem Barua.

16.57 hrs.

[MR. SPEAKER *in the Chair*]

Sir, as I said earlier on, I give my blessing to this and I hope it will receive all the support.

SHRI LOBO PRABHU (Udipi): Sir, this Bill and this proposal come as the best of many a bad alternative. My party has not stood for linguistic divisions; my party does not stand for the fragmentation of this country. But what is the alternative, if you do not have this particular proposal? Do you want another Nagaland? Do you want a separate state for this area? If not, do you want Khasis as you have had underground Nagas and underground Mizos?

This is a political solution now having a constitutional form. If the people of plains had been reasonable in 1960 and had withheld the Language Bill, this situation would not have arisen. They had made the mistake, but now they have the good fortune, I would like to point out, that these areas have not gone the way of Nagaland and they are still remaining as a part of Assam. The sacrifice is not of the plainmen; the sacrifice is of these areas, that they have accepted a modified form of Statehood.

SHRI KANWAR LAL GUPTA (Delhi Sadar): Long live sacrifice!

SHRI LOBO PRABHU: Now I am coming to the Bill because I am a little apprehensive that it will not end the long delay which has already taken place. It is a very involved Bill. This is not in any way to be critical of the Joint select committee and the Home Minister who indeed has done a great job of work getting this Bill and this

agreement; it is only to supplement their efforts that I would like to point out that there are certain defects in this Bill which may tend to delay it.

It is a Bill which seems to me to be full of alternatives from beginning to end. It begins by saying:-

"a body, whether elected or partly nominated and partly elected".

I have an amendment on that on which Shri Ranga has already mentioned his support. What is the idea of having a body which is partly elected and partly nominated? It recalls the British way of democracy which one would have thought was over. If you nominate any one, you are going to reduce the importance not only of the others who come by elections, but you are going to reduce the importance of that body itself. This particular body is not going to have the same character as a fully elective body like the Legislative Council of the Assam State. There seems to be no meaning at all in the proposal for nomination.

17 hrs.

Secondly, who is to make the nomination? Is it to be the State of Assam? Is it to be this autonomous State or is it to be the Centre? What is the patronage which will be involved? What is the distortion in democracy which will arise? Here, you have an unnecessary alternative.

I come to the second alternative which is Legislature of autonomous State or a Council of Ministers. You do not seem to have made up your mind whether you want a Council of Ministers or Legislature or both. This will lead to more acrimonious discussion of the kind we have had today. Why not eliminate the word "or" and say 'and' as it is likely to be?

The third alternative is to make laws "for the whole or any part thereof, whether to the exclusion of the Legislature of the State of Assam or otherwise". I do not

[Shri Lobo Prabhu]

understand why this particular alternative is being introduced when you can say, 'to make laws within its competence'.

The fourth alternative is rather more important than the other ones. You provide that taxes which are attributable to the State alone should come under the power of this body. Now it has already been described--details have been given--that the taxes attributable at present of this particular area are Rs. 1 crore out of Rs. 9 crores of expenditure. The implication will be that this body will be entitled only to Rs. 1 crore and not Rs. 9 crores. I would suggest, if you want to place any limit, you may say, 'taxes which are in present proportion to the total of the Assam State'. Otherwise, you are going to be slightly unfair to the autonomous State because you are reducing the proportion of taxes over which they have control. So, I would suggest that you may say, 'taxes which now constitute the proportion of this area in the total of the Assam State'.

The fifth alternative is about this Autonomous State being treated as a State with reference to Constitution. This will lead to a lot of complications because this particular State has got no separate judiciary, separate public service commission and separate so many other things. This was pointed out in the minute of dissent of the first Member, Mr. Chandrasckharan. So, that is again a confusing item that you have unnecessarily introduced.

Lastly, there is this item on which there is my amendment. on which there has been very cogent comment by Mr. Ranga and a very vehement comment by Mr. Swell, that the amendment should not be by a two-third majority but by a simple majority. The point that I wish to make is this. If the law can be passed by a simple majority, it is not at all logical that the amendment should require a two-third majority. I am pointing this out because I am anxious that no further delay should be added in legislation. This is a very inflammable question. The more you delay the more difficult it will become. Time has passed, I think, even

since the proposal was made, and I would, therefore, suggest that the Bill establishing the Autonomous State, the Hill State, should come forward at once. In fact, it would have been to the advantage of this legislation if that Bill had accompanied this, so that one would have known what exactly is meant by the enabling measure. I would say, Sir, that on this question the House should agree to a consensus that there should be no argument because in this area the whole of this country is concerned, not only the State of Assam. If we cannot defend that border with the loyalty of those people, we are not defending India. So I congratulate for bringing this Bill. I also urge upon you to accept my two amendments--first in respect of dropping the nomination and the second in respect of the provision for a two-third majority for amendment.

श्री अबदुल गनी बार (गुडगांव) : अध्यक्ष महोदय, वह दिन बड़ा ही बदनसीब था जब कि हिन्दू ब्राह्मण और मुसलमान ब्राह्मण को, हिन्दू राजपूत और मुसलमान राजपूत को दो नेशन माना गया। वह दिन बड़ा ही बदनसीब था जब कायदे धाजम की तहरीक के आगे हमारे लीडरों ने सिर झुकाया और मुल्क के दो टुकड़े किये। इसका नतीजा यह हुआ कि हम कमजोर हो गये। अगर हमारा मुल्क तकसीम न हुआ तो अगर हम दुनिया की भब्ल तारुत न होते तो कम से कम तीसरे दर्जे पर जरूर होते।

आज जो दलील दी गई है मैं ने उसे बड़े उड़े दिल से सुना कि चूंकि उनके साथ असम के मैदानी इलाके के भाई इच्छा सुलूक नहीं करते थे और जो कुछ वह डिजर्व करते थे वह उन्हें नहीं मिलता था, इसलिए उन के दिमाग में यह बात आई कि भारत का वफादार होते हुए भी हम चाहते हैं कि हम अलग हों। अब तक एक दलील तो यह हमारे सामने आई। दूसरी दलील यह आई कि मियां बीबी राजी तो क्या करेगा काजी। जब दोनों मान गये, मैदान

वाले भी और पहाड़ी भी तो जो लोग मुस्लिफत करते हैं वह क्यों करते हैं? मैं बड़े प्रदब के साथ आप के जरिये अपनी सरकार से कहना चाहता हूँ कि :

“माला के दोनों को गिन गिन कर
गरयूँ ही बिखरते जाओगे,
पछताओगे, पछताओगे, फिर
हूँडे हाथ न आओगे।”

मैं इस बात को कबूल करता हूँ कि जो पांच करोड़ मुसलमान यहाँ हैं अगर उन में से 4 करोड़ 90 लाख यह कहें कि हम इस सरकार से मुतमइन नहीं हैं, हिन्दू भाइयों के रबंये मुतमइन नहीं हैं, तो मैं यह पसन्द करूँगा कि पांच के पांच करोड़ मुसलमान खत्म हो जायें, लेकिन हम इन से जुदा न हों क्योंकि हम उन के है, हम यहाँ के हैं और यहीं रहने वाले हैं। मैं नहीं समझता कि श्री स्वेल क्यों खुश हो रहें हैं।

तमन्नाओं में उलझाया गया हूँ,
खिलीने दे के बहलाया गया हूँ।

कुछ मिला नहीं। आज यह इतने खुश हो रहे हैं लेकिन हमारे श्री चव्हाण एक माहिर सयासतदा हैं, पेशवाओं की यादगार है। कितनी खूबसूरती से उन्होंने अपनी बातें कही हैं। आज असम में न मुसलमान का सवाल है और न हिन्दू का सवाल है। वह समझते हैं कि कोई ईसाइयों का पाकिस्तान बनने जा रहा है। लेकिन कल उन के पास शिकायतें आयेंगी, वहाँ के हिन्दुओं की शिकायतें आयेंगी, वहाँ की दूसरी माइना-रिट्रीज की शिकायतें आयेंगी कि मि० स्वेल और उनके साथी ज्या-नियान कर रहे हैं। इस लिये कोई सेन्स नहीं है कि इस तरह से हम मुल्क को बांटते चले जायें। अपनी सरकार को यह याद रखना चाहिये कि जिस नेता के नाम पर वह कायम है, जिस नेता को हम ने राष्ट्र पिता माना है, उस की हर्गिज यह तमन्ना नहीं

थी कि मुल्क के टुकड़े किये जायें। मैं तो हैरान हूँ कि सरदार पटेल जहाँ 500-600 राजाओं और नवाबों को खत्म कर के मुल्क को एक किया वहाँ पर आज क्या हो रहा है। मेरे प्यारे दोस्त जिन के साथ मेरी जिन्दगी कटी है, जिन के कदमों में मेरी सारी जिन्दगी कटी है वह आये दिन नई नई स्टेट्स बनाते चले जा रहे हैं। आखिर क्यों? किस लिये? कोई गरज तो होनी चाहिये।

मैं तो खूब होता अगर मि० चालिहा कहते कि मि० स्वेल तुम आओ और चीफ मिनिस्टर बन जाओ। अगर कोई अपना पहाड़ी भाई चीफ मिनिस्टर बना रहे और असम के ऐडमिनिस्ट्रेशन को चलाये तो हमें कोई ऐतजराज नहीं होगा। हम खुश होंगे। बजाय इस बात के वह इस पर राजी हो गए हैं कि तुम भ्रमल हो जाओ।

मैं श्री जोशी को मुन रहा था। मेरे दिल में उनके लिए बड़ा एहताराम है। वह कहने लगे कि मैंने इसको बलकम किया है और मैं महाराष्ट्र के बारे में भी कहता हूँ कि वहाँ कोनकनी लोग जो हैं उनके साथ इन्साफ नहीं हो रहा है। आज कोनकनी तो हैं कल को फोनकनी होंगे और फिर छोकनी होंगे। इस तरह से तो न जान कितने हो जायेंगे। क्या इसी तरह से देश के टुकड़े टुकड़े यह सरकार करती रहेगी, इसी तरह से बंदर बांट करती रहेगी, बड़ी होशियारी के साथ दो बिल्लियों को लड़ाती रहेगी। ऐसा नहीं हो सकता है। यह मुल्क के लिए हानिकर है। यह स्टेट उनके लिए काबिले मुबारिक है जो पहाड़ी इलाके में रहते हैं या मि० स्वेल के लिए लेकिन देश के हित में यह चीज नहीं है। श्री स्वेल बड़ी लायलटी भी बताते हैं और कहते हैं कि हम लायल है देश के। लेकिन बेशक हमारी सभ्यता, हमारा तमछुन, हमारी मुआशरत और हमारा खाना पीना प्रबग भ्रमल है लेकिन उस आघार पर देश के टुकड़े टुकड़े कर दिये जायें इसको माना नहीं जा सकता है। यह बनील नहीं दी जा सकती है। यह ठीक है कि अपनी

[श्री अब्दुल गनी दार]

ब्रूटल मैजोरिटी के बल पर आप इसको पास कर लेंगे। आज जन संघ की अपनी मैजोरिटी नहीं है। मैं जन संघी नहीं। जन संघी न होते हुए भी मैं कहता हूँ कि जन संघ ने जो ब्यू दिया वह ठीक दिया। क्या आप दिन घ्राप इस तरह से देश के टुकड़े करते जायेंगे। घ्रांध्र में आप ते नेंगाना बनायेंगे। फिर क्या आप मोपलिस्तान बनायेंगे। हिन्दुस्तान में पांच करोड़ मुसलमान रहते हैं। यह सब से बड़ी मोइनोरिटी है। क्या इनके लिए फिर एक और पाकिस्तान बनाया जाएगा। क्या एक बार जो गलती हमने की है उससे आप सबक नहीं लेंगे? एक बार उमको बनाने के लिए घ्राज भी आपकी मलामत हो रही है। आपकी मैजोरिटी है। आपको मुबारिकबाद भी दी जा रही है। मुबारिकबाद क्या इस खिलोने को बनाने पर दी जा रही है? क्या इस वास्ते दी जा रही है कि एक खूबसूरत आदमी जिसको हीम मिनिस्टर कहते हैं, और जो हमारे सामने बैठा हुआ है, वह यह खिलोना देने जा रहा है? मैं मुबारिकबाद नहीं देता हूँ। मैं कहता हूँ कि ये पछतायेगे इस वास्ते कि हमसे नई नई उलभने बाद में पैदा हो गी जायेंगे। जब उलभने होंगी तो मुझे डर है कि शायद तब न यहाँ ये होंगे, न हम होंगे और यहाँ कोई और ही बैठा होगा और वह, वह होगा जो इस हिन्दुस्तान को एक समझेगा, एक समझ कर हिन्दुस्तान की असमत की हिकाजत के लिए इस बात की कसम खायेगा कि उत्तर प्रदेश की तरह से नौ नौ करोड़ के सूबे यहाँ हों और उसको करके दिखायेगा। वह बड़े बड़े रिजन बनायेगा ताकि यूनिट बनी रहे और नेशनल इंटिग्रेशन हो। आज हम कदम कदम पर रिजनलिज्म ला रहे हैं, लिगुइज्म ला रहे हैं, कम्युनलिज्म ला रहे हैं अगर हम ऐसा करते रहे तो मुझे डर है कि मुल्क का बुरा होने वाला है।

मैं आपका शुक्र गुजार हूँ कि आपने मुझे वक्त दिया। मैं हाउस का भी शुक्र गुजार

हूँ कि उसने मुझे ठंडे दिल से सुना। इस लिए उसने मुना कि मैं उसको ब.पू की वाणी में याद दिलाना चाहता था। बापू हृगिज यह चीज नहीं चाहते थे। पंडित नेहरू ने गलतियाँ की और पहाड़ जैसी गलतियाँ की। उसमें बड़ी खूबियाँ भी थीं। वह एक बड़े नेता थे। मेरे पिता थे। लेकिन पहाड़ जैसी गलतियाँ उन्होंने कीं। खुद उन्होंने बांडउरी कमीशन बिठया। खुद ही लिगु-इज्म और रिजनलिज्म लाए। अपनी गद्दी को कायम रखने के लिए अपनी आप न जाने कितने और नए नए खिलोने निकालेंगे स्वैल जैसे हमारे भाईयों को बहलाने के लिए, उनको हसाने के लिए, उनको खुश करने के लिए। लेकिन डिस्ट्री आपको कभी नहीं भूलेगी। वह कहेगी कि पेशवाओं ने तो मुल्क की आजादी के लिए, बेरूनी हमलावरों से मुकाबला करने के लिए लाखों मराठों को कुरबान किया लेकिन उन्ही पेशवाओं के एक फालोअर ने एक नई स्टेट बनाकर हिन्दुस्तान का एक और टुकड़ा कर दिया। मैं तो यह कहूँगा कि आप ऐसे ही कर रहे हैं जैसे दिल का एक टुकड़ा अलग किया जाता है, जिस्म का एक टुकड़ा अलग किया जाता है, उसको काट दिया जाता है। मुबारख लिखेंगे कि श्री चव्हाण ने और मेरी बहन इन्दिरा जी की सरकार ने पहले जहाँ और भी बहुत सी बड़ी भूलें की वहाँ घ्राज वह फिर एक और एक बड़ी भूल करने जा रही है।

[شری عبدالغنى ڈار (مرگواو)]
 ادھیکش مھودے وڈن برٹا ہی
 بد نصیب تھا جب کہ ہندو برھمن
 اور مسلمان برھمن کو ہندو راجپوت
 اور مسلمان راجپوت کو دونیشن مانا گیا۔
 وڈن برٹا ہی بد نصیب تھا جب قائد
 اعظم کی تحریک کے آگے ہمارے
 لوڈرون لے سر جھکایا اور آگے کے
 دو ٹکڑے کئے۔ اس کا نتیجہ یہ ہوا کہ
 ہر کمزور ہو گئے۔ اگر ہمارا ملک تقسیم
 نہ ہوا ہوتا تو اگر ہر دنیاوی کا اول طاقت

کچھ ملا نہیں۔ آج یہ اتنے خوش ہو رہے ہیں لیکن ہمارے شری چوہان ایک ماہر سیاستدان ہیں۔ پیشواؤں کی یاد گار ہیں۔ کتنی خوبصورتی سے انہوں نے اپنی باتیں کہی ہیں۔ آج اس میں نہ مسلمان کا سوال ہے اور نہ ہندو کا سوال ہے۔ وہ سمجھتے ہیں کہ کوئی عیسائیوں کا پاکستان بننے جا رہا ہے۔ لیکن کل ان کے پاس شکائتیں آئیں گی۔ وہاں کے ہندوؤں کی شکائتیں آئیں گی۔ وہاں کی دوسری مائینارٹیز کی شکائتیں آئیں گی کہ مسٹر سویل اور ان کے ساتھی زیادتیوں کر رہے ہیں۔ اس لئے کوئی سیدس نہیں ہے کہ اس طرح سے ہم ملک کو بانٹتے چلے جائیں۔ اسی سرکار کو یاد رکھنا چاہئے کہ جس لینا کے امر پر وہ قائم ہیں۔ جس لینا کو ہم نے راضی بنا مانا ہے۔ اس کی ہرگز بد نمنا نہیں تھی کہ ملک کے ٹکڑے کئے جائیں۔ میں تو عیران ہوں کہ سردار بٹیل نے جہاں ۶۰۰۰۰۰ راجاؤں اور لوہوں کو ختم کر کے ملک کو ایک کھا وہاں پر آج کیا ہو رہا ہے۔ میرے پیارے دوست جن کے ساتھ میری زندگی کٹی ہے۔ جن کے قدموں میں میری ساری زندگی کٹی ہے۔ وہ آئے دن نئی نئی اسٹیٹس بناتے چلے جا رہے ہیں۔ آخر کیوں۔ کس لئے۔ کوئی غرض تو ہونی چاہئے۔

میں تو خوش ہوتا اگر مسٹر چالہا کہتے کہ مسٹر سویل نے آواور چیف منسٹر بن جاؤ۔ اگر کوئی اپنا بھارتی بھائی چیف منسٹر بنا رہے اور اس کے ایڈمنسٹریٹن کو چلائے تو ہمیں کوئی اعتراض نہیں ہوگا۔ ہم خوش ہوں گے۔ بجائے اس باغ پر راضی ہو گئے ہیں کہ تم الگ ہو جاؤ۔

من شری پشن کو سن رہا تھا۔ میرے دل میں ان کے لئے بڑا احترام ہے۔

یہ ہوتی تو کم سے کم تیسرے درجے پر ضرور ہوتی۔

آج جو دلیل دی گئی ہے میں نے اسے بڑے ٹھنڈے دل سے سنا کہ چونکہ ان کے ساتھ اسم کے میدانے علاقہ کے بھائی اچھا سلوک نہیں کرتے تھے اور جو کچھ وہ آرزو کرتے وہ انہیں نہیں ملتا تھا۔ اس لئے ان کے دماغ میں یہ باغ آئی کہ بھارت کا وفادار ہونے ہوئے بھی ہم چاہتے ہیں کہ ہم الگ ہوں۔ اب تک ایک دلیل تو یہ ہمارے سامنے آئی۔ دوسری دلیل یہ آئی کہ میان بیوی راضی تو کیا کرے گا قاضی۔ جب دونوں مان گئے۔ میدان والے بھی اور بھارتی بھی۔ تو جو لوگ مخالفت کرتے ہیں وہ کیوں کرتے ہیں۔ میں بڑے ادب کے ساتھ آپ کے ذریعہ اپنی سرکار سے کہنا چاہتا ہوں کہ۔

مالا کے دائوں کو کن کن کر گھر یوں ہی بکھیرنے جاو گے۔

پچھتاو گے۔ پھر ڈھونڈنے ہاتھ نہ آو گے۔

میں اس باغ کو قبول کرتا ہوں کہ جو پانچ کروڑ مسلمان بھان ہیں اگر ان میں سے ۴ کروڑ ۹۰ لاکھ یہ کہیں کہ ہم اس سرکار سے مطمئن نہیں ہیں۔ ہندو بھائیوں کے رویہ سے مطمئن نہیں ہیں۔ تو میں بد پسند کرونگا کہ پانچ کے پانچ کروڑ مسلمان ختم ہو جائیں۔ لیکن ہر اس جدا لا ہوں کیونکہ ہر ان کے ہیں ہم بھان کے ہیں اور بھان کے رہنے والے ہیں۔ میں نہیں سمجھتا کہ شری سویل کیوں خوش ہو رہے ہیں۔

تناوں میں الجھایا گیا ہوں۔

کھلوئے دے پہلایا گیا ہوں۔

آپ سبھی لہین لہیں گئے۔ ایک بار اس کو بنالے کے لئے آج بھی آپ کی ملاست ہو رہی ہے۔ آپ کی مہجورٹی ہے۔ آپ کو مبارک باد بھی دی جا رہی ہے۔ مبارکباد کا بادکھا اس کٹاؤنے کو بنالے پر دی جا رہی ہے۔ کیا اس واسطے دی جا رہی ہے کہ ایک خوبصورت آدمی جس کو ہوم منسٹر کہتے ہیں اور جو ہمارے سامنے بیٹھا ہوا ہے وہ نہ کھلونا دیتے جا رہا ہے۔ میں مبارکباد نہیں دیتا ہوں۔ میں کہتا ہوں کہ یہ بچھتاؤں گے۔ اس واسطے کہ اس سے نئی نئی الجھنیں بعد میں پیدا ہوئی جائیں گی۔ جب الجھنیں پیدا ہونگی مجھے ڈر ہے کہ شاید تب نہ یہاں نہ ہوں گے نہ ہر ہونگے اور یہاں کوئی اور ہی بیٹھا ہوگا۔ اور وہ ہوگا جو اس ہندوستان کو ایک سمجھے گا۔ ایک سمجھے کر ہندوستان کی عصمت کی حفاظت کے لئے اس بات کی قسم کھائے گا کہ اگر بدیش کی طرح سے ٹوٹوڑ کے عزت یہاں ہوں اور اس کو کر کے دکھائے گا۔ وہ پرتے پرتے وہیں بنائے گا تاکہ یونٹی بنی رہے۔ اور نیشنل انٹیگریشن ہو۔ آج ہر قدم قدم پر رجسٹرز ملا رہے ہیں۔ انکو پورے ملا رہے ہیں کہ ہولڈرز ملا رہے ہیں۔ اگر ہر ایسا کر لے رہے تو مجھے ڈر ہے کہ ملک کا برا ہوتا والا ہے۔

میں آپ کا شکر گزار ہوں کہ اب لے مجھے وٹس دیا۔ میں ہائوس کا بھی شکر گزار ہوں کہ اس نے ٹھنڈے دل سے مجھے سنا۔ اس لئے سنا کہ میں اسکو باپو کی راپس یاد دلانا چاہتا تھا۔ باپو ہرگز یہ لہین چاہتے تھے۔ بدیش لہرو لے غلطیان کہن اور بہار جیسی غلطیان کہن۔ اس میں بڑی خوبیاں ہی تھیں۔ وہ ایک بڑے نیتا تھے۔ میرے پتا تھے۔ لیکن بہار جیسی غلطیان انہوں نے کس کس

وڈ کھتے آگے کہ میں نے اسکو ویلکم کیا ہے اور میں مہاراشٹر کے بارے میں بھی کہہ سکتا ہوں کہ وہاں کو لکنی لوک جو وہیں ان کے ساتھ انصاف لہین ہو رہا ہے۔ آج کو لکنی ہے ٹوکل کو چو لکنی ہو گئے اور پھر چھو لکنی ہوں گے۔ اس طرح سے تو وہ جانتے کتے ہو جائیں گے۔ کیا اس طرح سے دیش کے ٹکڑے ٹکڑے یہ سرکار کوئی رہے گی۔ اس طرح سے بندر بانٹ کر لی رہے گی۔ بڑی ہوشیاری کے ساتھ دو بلوں کو لڑائی رہے گی۔ ایسا لہین ہو سکتا ہے۔ یہ ملک کے لئے ہائی ہے۔ یہ سٹیٹ ان کے لئے قابل مبارک ہے۔ جو بھارتی علاقے میں رہتے ہیں یا مسٹر سویل کے لئے لیکن دیش کے ہسٹ میں یہ چیز لہین ہے۔ شری سویل بڑی لاپٹی بھی بتائے ہیں اور کہتے ہیں کہ ہر لابل ہیں دیش کے۔ لیکن یہ شکہ ہمارے سمجھتا۔ ہمارا تمدن۔ ہماری معاشرے اور ہمارا کھانا پینا الگ الگ ہے۔ لیکن اس آدھار پر دیش کے ٹکڑے ٹکڑے کو دئے جائیں اس کو مانا لہین جاسکتا ہے۔ یہ دلیل لہین دی جا سکتی ہے۔ یہ ٹھیک ہے کہ اپنی پورٹل مہجورٹی کے بل پر آپ اس کو پاس کر لیں گے۔ آج جس سنگھ کی اپنی مہجورٹی لہین ہے۔ میں جن سنگھی لہیں ہوں۔ جن سنگھی وہ ہوتے ہوئے بھی میں کہتا ہوں کہ جس سنگھ لے جو وہو دیا ٹھیک دیا۔ کیا آئے دن آپ اس طرح سے دیش کے ٹکڑے کرتے جائیں گے۔ اللہ ہا میں آپ تھلنگا بنا لیں گے۔ پھر کیا آپ موہستان بنا لیں گے۔ ہندوستان میں پانچ کروڑ مسلمان رہتے ہیں۔ یہ سب سے بڑی مائورٹی ہے۔ کیا ان کے لئے پھر سے ایک اور پاکستان بنایا جائے گا۔ کیا ایک بار جو غلطی ہر لے کی ہے اس سے

المہور نے باؤڈری کہیشن بھٹایا۔ خود ہی لڈگوڈ اور رینچلرہ لائے۔ ایسی گلی کو فائر رکھنے کے لئے ابھی آپ لہ جالے کتے اور لئے کھلوانے لکالین گے۔ سوئل چہتے ہماہے بھائیوں کو بھالنے کے لئے۔ ان کو ہندالے کے لئے ان کو خوش کرنے کے لئے لیکن ہیٹری آپکو کبھی لہی بھولتے کی۔ وہ کھے گی کہ بیشوائوں نے تو ملک کی آزادی کے لئے ونی عملہ آوروں سے مثالبہ کرنے کے لئے لاکھوں مراٹھوں کو قربان کیا لیکن الہیں بیشوائوں کے ایک نالوں سے ایک لٹی۔ ٹیٹ بنا کر ہندوستان کا ایک اور ٹکڑا کر دیا۔ میں تو یہ کھوں گا کہ آپ ایسے ہی کر رہے ہیں۔ چہتے دل کا ایک ٹکڑا ایک کیا جاتا ہے۔ چسکر کا ایک ٹکڑا الگ کیا جاتا ہے اس کو کاٹ دیا جاتا ہے۔ مورخ لکھیں گے کہ شری چوہان نے اور میری بہن اندرا جی کی سرکار نے بچلے چوان اور بھی بہت سی بڑی بھولین کیں وہاں آج وہ پھر ایک اور بڑی بھول کرانے جا رہی ہیں۔

the main stream of national life. They followed, really speaking, a divide and rule policy. But I must say that the Constituent Assembly in its wisdom took a very important step, the details of which were given by my hon. friend Prof Ranga, for bringing those areas into social, economic and political life of Assam and thus make the whole area part of the main stream of national life. This Bill does not want to undo that. Members said that we were trying to cut one part of the body or one part of the heart and what not; some poetic and romantic reference also can be made. It is not so. We are accepting a certain reality. The moment after the Constitution came into force problems appeared. One could not have said: we have solved the problem and would-would be no further difficulties. Immediately after that, the aspirations of the hill people became evident. I do not want to go into the causes and analyse whether it was due to linguistic policy or something else. Maybe, I would agree with Mr. Hem Barua; maybe, it is not linguistic policy that was responsible but something else. I have had some opportunities to discuss this matter with Mr. Hem Barua himself. Even he never claimed that there was no problem to be solved. But the differences are about the solution to the problem. The problem was there. We did not rush to find out solutions. How many leaders were brought together? How many Commissions sat? How many conferences and how many committees were there? I have great faith in the democratic functioning of this country. The continued dialogue helped to find out a solution; we did not allow ourselves to become dependent. Neither did we despair. A solution was found. I must say that it is the wisdom of all the political parties that has helped to find a solution. Mr. Hem Barua began his speech by saying that this Bill did not represent the spirit of the declaration of 11 September. I was interested in seeing how he was going to prove that. But he did not go into the details of it. I can assure him that this is the full embodiment of the spirit of the declaration of 11 September 1968. He seems to have forgotten what he had said then. I have got a press cutting of what he said then. Even then he said that it had seeds of disintegration but at the sometime

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): During the last four or five hours, we have had a very useful and interesting debate on the Constitution (amendment) Bill. Except a few speakers including the last one, most of the speakers welcomed the present measures to have an autonomous State for the hill areas in Assam. I can understand their sentiments; I am not indifferent to the sentiments that prompted the Jan Sangh and the PSP leaders to express a different view on this particular matter. I certainly do respect the very high and noble national sentiments expressed by my hon. friend Abdul Ghani Dar. But we are not merely competing with each other in expressing sentiments; we are trying to deal with hard realities of political life in India. We know that in the eastern region of India there was a steady and scientific effort by the British imperialism to isolate the hill areas from the rest of India and they were never allowed to become part of

[Shri Y. B. Chavan]

he said something else and I should like to remind him of that. This is from *Assam Tribune* which printed its despatch from New Delhi:

"Shri Hem Barua, Praja Socialist member of Praliament from Assam said today that Centre's decision to carve out an autonomous hill State in Assam can be experimented as a measure of concerted living and harmonious relations between the different sections of the people Assam."

I do not think that anybody can better describe the present solution. Has he forgotten what he said then ?

SHRI HEM BARUA: I said although the seeds of disintegration are inherent in this proposal (*Interruption*)... here is a sentence after that. The seeds of disintegration are inherent.

SHRI Y. B. CHAVAN : I am not criticising you. Even though you spoke differently, I know your heart. Your heart is with the Bill. So, when I said that I believe in the democratic functioning in this country, whatever may be our views, when we voice the national realities, I think by the natural course we come to a very correct decision in this country, because the compelling factors were the unity of the different people in the eastern region. The eastern region has a special significance in the national affairs of our country from the strategic point of view and from the security point of view. What Shri Ranga said, I entirely endorse it. But when the question of security come in, whatever may be the consideration, whatever may be the ideologies of the political parties, I have no doubt that by the compulsion of national life, we will come to the same conclusion as we have arrived at. It is this particular fact of life that helped us to find a solution. It is not due to the credit of any individual, any Minister or any political party alone. It is the collective compulsion to accept the realities of national life that brought us together to find a

solution. I would therefore request the leaders to see it that way. Of course I know that the Jan Sangh are prompted by very high national considerations in expressing their difference on his matter. But let the country know, let the people of Assam know, let the people living in the hills know, that this is not a solution of a Government, this is not a solution of a party, but this is a solution of the entire nation. It is this feeling alone that will give the necessary strength to the people who are going to work out this difficult scheme. The scheme is a little complicated ; this scheme is rather difficult: I have no doubt about it. Not only this scheme, but any democratic scheme ultimately is a very delicate mechanism, but the working out of scheme ultimately depends upon the human relationship in the areas concerned. That is more important here.

When Shri Hem Barua and Shri Swell spoke, we felt that they are not going to see eye to eye on this matter, but I must remind them that they have to live in the same State; they have to work together shoulder to shoulder and make the journey in hand. Let them not forget it. It is this human relationship that is more important.

Therefore, I would make an appeal to Shri Swell to forget what Shri Hem Barua said about it. Ultimately, you are the leaders of the Assam area; one may be the leader from the plains and the other may be the leader from the hills, but if you will pull together your strength, your wisdom and your patriotism, that alone will help this area to make further progress.

Let me say one more thing. I have no doubt that it is the patriotic feeling, it is the national attitude of both the leaders, the leaders of the plains and the leaders of the hills, the leaders of the Government of Assam and the leaders of the APHLC that helped us to find a solution. The consensus looked at one time absolutely out of reach, but I must say that the feeling of camaraderie and the spirit of nationalism of these people that ultimately helped us to find a solution. Some people expressed some doubts but I am quite sure that even though there were difficulties for them

to accept this consensus when they have committed themselves to the demand for a separate State for the hill areas, it is only the national spirit, it is the patriotic spirit that really speaking helped them to come together I have no doubt that they are no less patriots than any others who can claim to be patriots.

I would, therefore make an appeal to the hon. House, having said what we wanted to say about these matters, when it comes to the question of voting on this Bill, let us all vote together.

MR. SPEAKER: This being a Constitution (Amendment) Bill, a voice vote will not do. Therefore, the lobbies may be cleared. The lobbies have been cleared.

The question is:

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

The Lok Sabha divided:

Division No. 5] [17.29 hrs.
AYES

Achal Singh, Shri
Ahirwar, Shri Nathu Ram
Ahmed, Shri F. A.
Ahmed, Shri J.
Amin, Shri R. K.
Anjanappa, Shri B.
Ankineedu, Shri
Awadesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Banerjee, Shri S. M.
Barua, Shri Bedabrata
Barua, Shri R.
Basumatari, Shri
Baswant, Shri
Besra, Shri S. C.
Bhagaban Das, Shri
Bhagat, Shri B. R.
Bhagavati, Shri
Bhakt Darshan, Shri
Bhandare, Shri R. D.

Bhanu Prakash Singh, Shri
Bhargava, Shri B. N.
Bharti, Shri Maharaj Singh
Bhattacharyya, Shri C. K.
Birua, Shri Kolai
Bist, Shri J. B. S.
Biswas, Shri J. M.
Bohra, Shri Onkarlal
Burman, Shri Kirit Bikram Deb
Buta Singh, Shri

Chanda, Shri Anil K.
Chanda, Shrimati Jyotsna
Chandra Shekhar Singh, Shri
Chandrika Prasad, Shri
Chatterji, Shri Krishna Kumar
Chaturvedi, Shri R. L.
Chaudhary, Shri Nitiraj Singh
Chavan, Shri D. R.
Chavan, Shri Y. B.
Choudhary, Shri Valmiki

Dalbir Singh, Shri
Damani, Shri S. R.
Das, Shri N. T.
Dass, Shri C.
Deo, Shri K. P. Singh
Deoghare, Shri N. R.
Desai, Shri Morarji
Deshmukh, Shri B. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivajirao S.
Dhillon, Shri G. S.
Dhuleshwar Meena, Shri
Dinesh Singh, Shri
Dixit, Shri G. C.
Dwivedi, Shri Nageshwar
Ering, Shri D.
Fernandes, Shri George
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gautam, Shri C. D.

Gavit, Shri Tukaram
 Ghosh, Shri Bimalkanti
 Ghosh, Shri Ganesh
 Ghosh, Shri P. K.
 Govind Das, Dr.
 Gowd, Shri Gadilingam
 Gowda, Shri M. H.
 Gupta, Shri Ram Kishan

Hajarnavis, Shri

Haridar, Shri K.

Hanumanthaiya, Shri

Hari Krishna, Shri

Hazarika, Shri J. N.

Hem Raj, Shri

Himatsingka, Shri

Iqbal Singh, Shri

Jadhav, Shri Tulshidas

Jadhav, Shri V. N.

Jaggiah, Shri K.

Jaipal Singh, Shri

Jha, Shri Shiva Chandan

Joehi, Singh S. M.

Kahandole, Shri Z. M.

Kalita, Shri Dhireswar

Kamalanathan, Shri

Kambe, Shri

Kandappan, Shri S.

Karan Singh, Dr.

Karni Singh, Dr.

Kasture, Shri A. S.

Katham, Shri B. N.

Kavade, Shri B. R.

Kedaria, Shri C. M.

Khadilkar, Shri

Khan, Shri H. Ajmal

Khan, Shri M. A.

Khanra, Shri P. K.

Kinder Lal, Shri

Kisku, Shri A. K.

Kotoki, Shri Liladhar

Kripalani, Shrimati Sucheta

Krishna, Shri M. R.

Kureel, Shri B. N.

Kushok Bakula, Shri

Lakshmikanthamma, Shrimati

Lalit Sea, Shri

Laskar, Shri N. R.

Laxmi Bai, Shrimati

Limaye, Shri Madhu

Lobo Prabhu, Shri

Lutfal Haque, Shri

Mahadeva Prasad, Dr.

Mahajan, Shri Vikram Chand

Maharaj Singh, Shri

Mahida, Shri Narendra Singh

Mahishi, Dr. Sarojini

Mandal, Dr. P.

Mandal, Shri Yamuna Prasad

Mane, Shri Shankarrao

Mangalathumadam, Shri

Maran, Shri Murasoli

Master, Shri Bhola Nath

Meghachandra, Shri M.

Mehta, Shri Asoka

Mehta, Shri P. M.

Menon, Shri Govinda

Minimata Agam Dass Guru, Shrimati

Mirza, Shri Bakar Ali

Mishra, Shri Bibhuti

Mishra, Shri G. S.

Misra, Shri Srinibas

Modak, Shri B. K.

Mohammed Ismail, Shri

Mohan Swarup, Shri

Molahu Prasad, Shri

Mondal, Shri Jugal

Mrityunjay Prasad, Shri

Mukerjee, Shri H. N.

Mukerjee, Shrimati Sharda

Murthy, Shri B. S.

Murti, Shri M. S.

Naghnoor, Shri M. N.

Naidu, Shri Chengalraya

Nair, Shri Vasudevan

Nanda, Shri

Nath Pai, Shri

Nayar, Dr. Sushila
 Nihal Singh, Shri
 Nirlep Kaur, Shrimati

Oraon, Shri Karuk

Padmavati Devi, Shrimati
 Pahadia, Shri Jaganath
 Pandey, Shri K. N.
 Pandey, Shri Vishwa Nath
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parmar, Shri, Bhaljibhai
 Parmar, Shri D. R.
 Partap Singh, Shri
 Parthasarathy, Shri
 Paswan, Shri Kedar
 Patel, Shri Manubhai
 Patel, Shri N. N.
 Patil, Shri Anantrao
 Patil, Shri N. R.
 Patil, Shri S. D.
 Patil, Shri T. A.
 Poonacha, Shri C. M.
 Pradhani, Shri K.
 Pramanik, Shri J. N.

Radhabai, Shrimati B.
 Raghu Ramaiah, Shri
 Raj Deo Singh, Shri
 Rajaram, Shri
 Rajasekharan, Shri
 Rajni Devi, Shrimati
 Raju, Shri D. B.
 Raju, Dr. D. S.
 Ram, Shri T.
 Ram Dhan, Shri
 Ram Dhani Das, Shri
 Ram Sewak, Shri Chowdhary
 Ram Subhag Singh, D.
 Ram Swarup, Shri
 Ramabadrn, Shri T. Dr.
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M. B.
 Randhir Singh, Shri

Rane, Shri
 Ranga, Shri
 Rao, Shri Jaganath
 Rao, Shri K. Narayana
 Rao, Shri Muthyal
 Rao, Shri J. Ramapathi
 Rao, Shri Thirumala
 Rao, Dr. V. K. R. V.
 Rao, Shri V. Narasimha
 Raut, Shri Bholu
 Reddy, Shri Ganga
 Reddy, Shrimati Sudha V.
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Roy, Shrimati Uma

Saboo, Shri Shri Gopal
 Sadhu Ram, Shri
 Saigal, Shri A. S.
 Saleem, Shri M. Yunus
 Samanta, Shri S. C.
 Sambasivam, Shri
 Sambhali, Shri Ishaq
 Sanghi, Shri N. K.
 Sapre, Shrimati Tara
 Sarma, Shri A. T.
 Satya Narain Singh, Shri
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sayyad Ali, Shri
 Sen, Shri Deven
 Sen, Shri Dwaipayan
 Sen, Shri P. G.
 Sethi, Shri P. C.
 Sethuraman, Shri N.
 Shah, Shrimati Jayaben
 Shah, Shri Manabendra
 Shah, Shri Shantilal
 Shambhu Nath, Shri
 Sharma, Shri Madboram
 Sharma, Shri Naval Kishore
 Shasi Bhushan, Shri
 Shashi Ranjan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Ramanand
 Sheo Narain, Shri

Sher Singh, Shri
 Shiv Chandika Prasad, Shri
 Shukla, Shri Vidya Charan
 Siddayya, Shri
 Siddheshwar Prasad, Shri
 Singh, Shri D. N.
 Singh, Shri D. V.
 Sinha, Shri Mudrika
 Sinha, Shri R. K.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Tarkeshwari
 Snatak, Shri Nar Deo
 Solanki, Shri S. M.
 Sonar, Dr. A. G.
 Sonavane, Shri
 Subavelu, Shri
 Suryanarayana, Shri K.
 Swaran Singh, Shri
 Swell, Shri

Tiwary, Singh D. N.
 Tiwary, Shri K. N.
 Tula Ram, Shri

Uikey, Shri M. G.

Venkatesubbaiah, Shri P.
 Venkateswamy, Shri G.
 Verma, Shri Balgovind
 Virbhadra Singh, Shri
 Vyas, Shri Ramesh Chandra

Yadav, Shri Chandra Jeet
 Yadav, Shri Jagdishwar

NOES

Ayarwal, Shri Ram Singh

Bansh Narain Singh, Shri
 Brij Raj Singh-Kotah, Shri

Chauhan, Shri Bharat Singh

Dar, Shri Abdul Ghani
 Daschowdhury, Shri B. K.
 Devgun, Shri Hardayal

Gupta, Shri Kanwar Lal

Kachwai, Shri Hukam Chand

Madhok, Shri Bal Raj

Ranjit Singh, Shri

Shalwale, Shri Ram Gopal
 Sharda Nand, Shri
 Sharma, Shri Narain Swarup
 Sharma, Shri Yajna Datt
 Shastri, Shri Raghuvir Singh
 Suraj Bhan, Shri

Tyagi, Shri O. P.
 Vajpayee, Shri Atal Bihari

MR. SPEAKER : The result* of the division is : Ayes : 265; Noes : 19.

MR. SPEAKER : The "Ayes" have it; the "Ayes" have it. The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

Clause 2- (Insertion of new Article 244A)

MR. SPEAKER : There are some amendments. Shri Hem Barua is not here.

*The following Members also recorded their votes :-

AYES : Dr. K.L. Rao, Shri A. K. Sen, Shri Masuriya Din, Shri G.S. Reddy and Dr. I. Ahmad.

NOES : Shri Jai Singh.

SHRI LOBO PRABHU : I beg to move:

Page 1, lines 12 and 13,--

for "whether elected or partly nominated and partly elected", *substitute*, "elected". (3)

Page 2, lines 24 and 25,--

omit "by not less than two-thirds of the members present and voting". (5)

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 1, line 9,--

omit "or any of". (6)

Page 1, lines 12 and 13,--

for "a body, whether elected or partly nominated and partly elected", *substitute* "a body elected". (7)

Page 2, lines 24 and 25,

for "not less than two-thirds", *substitute* "the simple majority". (8)

SHRI GANESH GHOSH : I beg to move.

Pages 1 and 2,

for clause 2,--*substitute*, "2. In Part X of the Constitution, after article 244 the following article shall be inserted, namely :--

"244A (1) Notwithstanding anything, in this Constitution, Parliament may, by law, form a Federal State of Assam comprising two autonomous States as follows :

(a) an autonomous State of plain areas in Assam,

(b) an autonomous State of all the tribal areas specified in Part A of the Table appended to paragraph 20 of the Sixth Schedule.

(2) Parliament may, by law, create therefore,--

(a) a body, fully elected, to function as Legislature for each of the autonomous States ;

(b) a Council of Ministers elected by the Legislatures of each of the autonomous States ;

(c) a federal Legislature comprising equal number of members from both the autonomous States ; and

(d) a federal Council of Ministers.

(3) The Legislature of the Federal Government of Assam shall have power to make laws and levy taxes regarding the following subjects : -

(a) State highways ;

(b) Major projects in the fields of irrigation, flood control and drainage, water-storage and water-power ;

(c) Navigation ; and

(d) any other subject of common interest.

(4) The Legislature of each of the autonomous State shall have power to make laws for the whole or any part thereof on all issues except those that are reserved for the Federal Government of Assam". (11)

SHRI SRINIBAS MISRA ; I beg to move :

Page 1, line 9,--

after "State" insert--"or autonomous States". (15)

Page 1, line 11,--

for "therefore" substitute "each such autonomous State". (16)

Page 2, line 7,--

for "of the" substitute "of each". (17)

Page 2, line 12,--

for "the" substitute "each". (18)

Page 2, line 14,--

for "to the" substitute "to each". (19)

Page 2, line 15,--

for "the" substitute "such". (20)

Page 2, line 18,--

for "the" substitute "an". (21)

Page 2,--

omit lines 21 to 29. (22)

SHRI LOBO PRABHU : It is not necessary for me to add to what I have already said. Since the Home Minister did not reply to my point. I would again appeal to him to consider it. The amendment is a very simple one. It seeks to delete the word "nominated". The principle of nomination does not go properly with a democratic election. It will open the door for favouritism and so it should be avoided.

I have already spoken on my second amendment also. Since my hon. friend, Shri Swell, is so much concerned about it, I hope the condition of two-thirds majority will be dropped.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मैं जानना चाहूंगा कि विधेयक में नामजदगी की जो व्यवस्था की गई है वह नामजदगी कौन करेगा ? क्या यह आसाम की सरकार करेगी या केन्द्रीय सरकार की राय से

राष्ट्रपति करेंगे ? इसमें नामजदगी का अधिकार किसको दिया गया है, यह स्पष्ट नहीं है। इस बात को गृह मन्त्री स्पष्ट करें तो फिर विरोधी दल भी, उन्होंने जो संशोधन दिए हैं, उन पर पुनर्विचार करें।

श्री शिव चन्द्र भ्वा : अध्यक्ष महोदय, मेरे चार संशोधन बलाज (2) में हैं और पाँचवाँ संशोधन बलाज (3) में है। मेरा पहला संशोधन यह है कि बलाज 2 में 244 (ए) में जो लिखा हुआ है :

"of any of"

और अब जितने लोग यहां पर बोल गए हैं गृह मन्त्री को मिलाकर, सभी मानते हैं कि इससे समस्या का पूरा हल होने नहीं जा रहा है, समस्याएँ फिर भी रहेंगी तो मैं कहता हूँ कि आप गारो, खासी जयन्तिया हिल्स को प्राटो-नामस बना रहे हैं लेकिन मीजो और कछार के लिए क्या होगा ? वे तो रह ही जायेंगे। इसलिए जब आपने एक कदम उठाया है वहादूरी के साथ उसके बाद भी अगर आप उन तीनों को लेकर ही हिल स्टेट बनाते हैं और बाकी को छोड़ देते हैं तो फिर उसी प्रकार की भावनाएँ पैदा होंगी और यह समस्या फिर बढ़ेगी। आपने जब एक कदम उठाया है जो कि विकेन्द्रीयकरण की दृष्टि से अच्छा कदम है हम उससे सहमत हैं, जितनी अधिक ताकत आप जनता को देंगे उतना ही अच्छा होगा, वे आपने आप अपनी किस्मत का फँसला कर सकेंगे। इसलिए आप तमाम ड्राइवल एरियाज को मिलाकर आसाम के साथ एक प्राटोनामस स्टेट बनायें। यह मेरा पहला संशोधन है।

जहां तक मेरे दूसरे संशोधन का सम्बन्ध है, 2 (ए) में जो लिखा हुआ है :

"a body whether elected or partly nominated and partly elected"

इसके बारे में लोबो प्रभु जी ने भी ध्यान खींचा है कि नामिनेट करने का जो सवाल है वह बहुत खतरनाक है क्योंकि उससे ग्रुपिज्म की भावना बढ़ती है और साथ ही बहुत तरह की दूसरी खराबियां पैदा होती हैं। हमारे देश में जनतन्त्र है और हम उसको और आगे बढ़ाना चाहते हैं। नामिनेट करने की बीमारी अखिल भारतीय स्तर पर फैली हुई है और उसको हम यकायक समाप्त नहीं कर सकते हैं परन्तु अगर हमें कहीं पर कोई नया मौका मिलता है तो वहां पर जरूर इस प्रथा को समाप्त करके एक शुद्धात करनी चाहिए, नामिनेशन का सिलसिला समाप्त करके एलेक्शन का सिलसिला ही रखना चाहिए।

मेरा अगला संशोधन, जो दो तिहाई मेजरिटी का प्राविजन रखा गया है, उसके सम्बन्ध में है। इसके बारे में काफी डिसेन्टिंग वायस है। मेरा भी यही कहना है कि यदि आप सविधान को सिम्पुल मेजरिटी से संशोधित कर सकते हैं तो फिर इसमें संशोधन के लिए दो तिहाई की बात क्यों रखते हैं? यह कौनसा तरीका है? यह बिल्कुल कन्ट्राडिक्टरी बात है। मेरा निवेदन है कि यहां पर सिम्पुल मेजरिटी की ही बात रहनी चाहिए।

मेरा जो चौथा संशोधन है, क्लॉज 2, पैराग्राफ (4) जो है इसके बारे में मैंने कल भी कुछ कहा था :

"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."

पहली बात तो यह है कि ये कहते हैं कि हम संशोधन करते हैं लेकिन संशोधन है नहीं। दूसरी बात यह है कि 368 में जो ये संशोधन कर रहे हैं उसका एक अलग ही तरीका है।

इस प्रकार से ये एक हास्यास्पद अवस्था में आते हैं, ये इनडाप्रेरेक्टली 368 में संशोधन करना चाहते हैं जिसका कि एक अलग ही तरीका है। अच्छा होगा कि जो बात आप करना चाहते हैं उसके लिए शुद्धात के पैराग्राफ को हटा दें—इस तरीके से आप क्यों लाना चाहते हैं?—इस पैराग्राफ को हटा दें और फिर संशोधन करें तो फिर जैसा संविधान में है वैसा ही आप करेंगे। इसलिए मेरा निवेदन है कि आप इस पैराग्राफ को हटा दें।

SHRI GANESH GHOSH : Sir, my amendment is self-explanatory.

MR. SPEAKER : That is what I thought ... (Laughter).

SHRI GANESH GHOSH : I do not know, Sir, why hon. Members are laughing.

MR. SPEAKER : They are laughing because I said that your amendment was self-explanatory. Anyway, you proceed with your speech.

SHRI GANESH GHOSH : This is based on the earlier statement of the Government when equal status was promised to the hill people with all the other people of Assam. So, I have suggested a particular autonomous State for the hill people and another particular autonomous State for the Assam people, all to be within the federal State of Assam and within the Indian Union. This is what I have said in my amendment.

SHRI SRINIBAS MISRA : Sir, amendments Nos. 15 to 21 are intended for one purpose. When there is a measure of agreement in this House, I do not want to strike a discordant note by opposing this, but I would request the hon. Home Minister to give consideration to what I am submitting. Of course, we are told that some of our ministers consult astrologers. I do not know whether astrologers have been consulted to find out whether the Mikir Hills people or the North Cachar people will not demand a separate autonomous State. We do not know that.

[Shri Srinibas Misra]

My amendments are not actually creating autonomous States but they are only enabling Parliament to make law to form autonomous States. I am making use of this occasion when the Constitution is being amended so that the Government does not have to come before the House for amending the Constitution every now and then. It is the twenty-second amendment that we are going through. There must be provision in the Constitution now to foresee such other demands by other district councils and autonomous councils. So, my amendment is to make it "autonomous State or States" so that there will be provision in the Constitution. If the Parliament wants, it can form only one such State or if it wants to form such States, it can do so; but there is no obligation on Parliament to do so. My suggestion is that there should be provision for "state" or "States" and amendments Nos. 15 to 21 are to that effect.

Amendment No. 22 has got some other intention. Yesterday I raised this question on the floor of this House. Sub-clause (3) of clause 2 makes a peculiar provision that for ordinary amendments which the Parliament has to make two-thirds majority will be needed. Why should this be so? If you are not going to apply article 368 for the purpose of amending, why this provision for a two-thirds majority?

Sub-clauses (3) and (4) are contradictory. Under sub-clause (3) it is said that two-third majority will be required for making an amendment to such a law. In sub-clause (4), you have said about application of article 368. If you want application of article 368, have it by all means. If you do not want it, then make it, 'by simple majority. There is no point in saying that you will have only two-third and not simple majority. Under article 368, two things, are provided, as you are enforcing today, i. e., a simple majority of the total membership and two-third majority of the members present and voting. But here you have omitted the first one and you are having only two-third majority. This is something which is not intelligible.

To sub-clause (4), I have some vital objections. Sub-clause (4) reads thus :

"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."

This Constitution, namely, the Constitution of India, includes articles 14 to 31. When Golak Nath's case is still ruling this country, it cannot be said that Parliament will be empowered to amend articles 14 to 31. This is, of course, subject to passing of Mr. Nath Pai's Bill. If that Bill is passed, then we can do this. But now, when Golak Nath's case is ruling, we cannot say that we can amend articles 14 to 31. I would request the hon. Home Minister to consider this and delete the portion, 'notwithstanding that it contains any provision which amends or has the effect of amending this Constitution'. For his reference I would cite item 21 of Sixth Schedule where it is only said that article 368 will not apply, this addition 'notwithstanding that it contains any provision which amends or has the effect of amending this Constitution' is not there. I would request the hon. Home Minister to consider this and delete this portion.

SHRI HEM BARUA : I had given certain amendments.

My point is this. The recommendations of the Ashoka Mehta Committee were the best for the reorganization of the State because the recommendations gave autonomy to the different hill districts, at the same time maintaining the integrity of the State. Therefore, I just wanted, in (2) (a), the subjects to be specified because Asoka Mehta Committee's recommendations specified the subjects. Out of 55 subjects, 50 subjects were given to the autonomous region and 5 were retained by the State Government. So, the subjects should have been specified.

About sub-clause (3), it says that the amendment will be by two-third majority only. This is in contravention of article 368

of the Constitution which stipulates a simple majority of the total membership and a two-third majority of the members present and voting. Therefore, I want this to be considered.

About sub-clause (4), Mr. Misra has said sufficiently. I want this to be omitted, 'shall not be deemed to be an amendment of this Constitution'. Why 'shall not be deemed'? We should respect the Constitution as long as the Constitution is there; we must not violate the provisions of the Constitution.

SHRI Y. B. CHAVAN : May I first refer to the amendment moved by Mr. Lobo Prabhu about the nomination part? I think, the hon. Member has missed the intention of this particular provision in the Constitution Amendment Bill. The scheme of the entire process of reorganization will be this. This Constitutional Amendment Bill will give us certain enabling powers to constitute the Assembly, to have the Assembly, the composition of the Assembly, the powers of the Assembly, the distribution of the powers between Assam and the Autonomous State, etc. Here what we are doing is that we are making an enabling provision to have Assembly of the Autonomous State which can be partly of nominated persons also. This is not a final decision on this. When we consider the Reorganization Bill itself, then certainly we can take a decision whether there should be nomination or no nomination.

But it is much better to have a provision so that there may not be any problem that the minorities must have some nomination because again it would be necessary to have an amendment of the Constitution. It is not necessary to have amendment of the Constitution every now and then. Therefore, this enabling provision is made.

Hon. Member, Shri Vajpayee, has asked me as to what will be the method of nomination. The method of nomination, as far as I can see—naturally this can be discussed when we come to the Reorganisation Bill—and what is in our minds is nomination on the recommendation of the Chief Minister of the autonomous State. There will be no

outside authority. If it is decided to have nomination, it will be his responsibility to select for nomination for the minorities in the area. We still get certain representation from the Nepal population there. If the House decides to have it in the Re-organization Bill, that is different matter. Personally, I feel that it would be a wise thing to have this provision made in the Constitution Amendment Bill.

Coming to Shri Misra's amendment, he has again raised the same points which he raised at the earlier stage. He has got involved.....(Interruptions).

Certainly I am only meeting your arguments. I do not want to repeat the same arguments which I advanced yesterday. I read the opinion of the Attorney-General yesterday. I do not think it is necessary to accept his amendment.

Then there is Shri Hem Barua's amendment. Really speaking, if we accept the amendment, the effect would be to treat the Reorganisation Bill that will be passed later on as an amendment of the Constitution. I do not think it is our intention to amend the Constitution every now and then.

SHRI HEM BARUA : Now you are violating the provisions of the Constitution.

SHRI Y. B. CHAVAN : There I do not agree. We are holding different views in this matter.

Mr. Jha's amendment, really speaking, wants to create an autonomous State for every tribal area. I do not think I can accept that.

SHRI LOBO PRABHU : What about the two-thirds majority?

SHRI Y. B. CHAVAN : I think it is necessary. The essence of this scheme is distribution of executive and legislative powers between the autonomous State and the State of Assam. As this particular decision is a decision as a result of the consensus among the parties concerned, if we merely make a provision for simple majority, I think the consensus will be eroded. Therefore, we are making it necessary to have more majority than a simple majority so

[Shri Y. B. Chavan]

that the parties concerned will always think in terms of consensus and not by simple majority.

SHRI LOBO PRABHU : In Parliament this majority is provided for legislation.

SHRI Y. B. CHAVAN : No, No. For the Assembly there.

MR. SPEAKER : I will put all the amendments to the vote of the House.

Amendments Nos. 3, 5, 6 to 8, 11 and 15 to 22 were put and negatived.

MR. SPEAKER : I will put clause 2 to the vote of the House. Let the lobby be cleared.

The question is :

"That clause 2 stand part of the Bill."

Lok Sabha divided :

Division No. 6] [17.52 hrs.

AYES

Achal Singh Shri
Ahirwar, Shri Nathu Ram
Ahmad, Dr. I.
Ahmed, Shri F. A.
Ahmed, Shri J.
Anjanappa, Shri B.
Ankineedu, Shri
Awadesh Chandar Singh, Shri
Azad, Shri Bhagwat Jha

Babunath Singh, Shri
Banerjee, Shri S. M.
Barua, Shri Bedabrata
Barua, Shri R.
Basumatari, Shri
Baswant, Shri
Batra, Shri S. C.
Bhagat, Shri B. R.
Bhakt Darshan, Shri
Bhandare, Shri R. D.
Bhanu Prakash Singh, Shri
Bhargava, Shri B. N.
Bharti, Shri Maharaj Singh

Bhattacharyya, Shri C. K.
Bist, Shri J. B. S.
Biswas Shri J. M.
Bohra, Shri Onkarlal
Burman, Shri Kirit Bikram Deb
Buta Singh, Shri

Chanda, Shri Anil K.
Chanda, Shrimati Jyotsna
Chandra Shekhar Singh, Shri
Chandrika Prasad, Shri
Chaturvedi, Shri R. L.
Chaudhary, Shri Nitiraj Singh
Chavan, Shri D. R.
Chavan, Shri Y. B.
Choudhary, Shri Valmiki

Dalbir Singh, Shri
Damani, Shri S. R.
Das, Shri N. T.
Dass, Shri C.
Deo, Shri K. P. Singh
Deoghare, Shri N. R.
Desai, Shri Morarji
Deshmukh, Shri B. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivajirao S.
Dhillon, Shri G. S.
Dhuleshwar Meena, Shri
Dixit, Shri G. C.
Dwivedi, Shri Nageshwar

Ering, Shri D.

Fernandes, Shri Gerge

Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi Shrimati
Gautam, Shri C. D.
Gavit, Shri Tukaram
Ghosh, Shri Bimalkanti
Ghosh, Shri P. K.
Govind Das, Dr.
Gowd, Shri Gadilingana

Gowda, Shri M. H.	Mahadeva Prasad, Dr.
Gupta, Shri Ram Kishan	Mahajan, Shri Vikramchand
	Maharaj Singh, Shri
Hajarnawis, Shri	Mahida, Shri Narendra Singh
Haldar, Shri K.	Mahishi, Dr. Sarojini
Hanumanthaiya, Shri	Mandal, Dr. P.
Hari Krishna, Shri	Mandal, Shri Yamuna Prasad
Hazarika, Shri J. N.	Mane, Shri Shankarrao
Hem Raj, Shri	Mangalathumadam, Shri
Himatsingka, Shri	Maran, Shri Murasoli
	Master, Shri Bholanath
Iqbal Singh, Shri	Masuriya Din, Shri
	Meghachandra, Shri M.
Jadhav, Shri Tulshidas	Mehta, Shri Asoka
Jadhav, Shri V. N.	Mehta, Shri P.M.
Jaggaiah, Shri K.	Menon, Shri Govinda
Jaipal Singh, Shri	Minimata Agam Dass Guru, Shrimati
Joshi, Shri S. M.	Mirza, Shri Bakar Ali
	Mishra, Shri Bibhuti
Kahandole, Shri Z. M.	Mishra, Shri G. S.
Kama-anathan, Shri	Misra, Shri Srinibas
Kamble, Shri	Molahu Prasad, Shri
Kandappan, Shri S.	Mondal, Shri Jugal
Karan Singh, Dr.	Mrityunjay Prasad, Shri
Karani Singh, Dr.	Mukerjee, Shri H. N.
Kasture Shri A. S.	Mukerjee, Shrimati Sharda
Katham, Shri B. N.	Murthy, Shri B. S.
Kavade, Shri B. R.	Murti, Shri M. S.
Kedaria, Shri C. M.	
Khadilkar, Shri	Naghnoor, Shri M. N.
Kinder Lal, Shri	Naidu, Shri Chengalraya
Kisku, Shri A. K.	Nair, Shri Vasudevan
Kotoki, Shri Liladhar	Nanda, Shri
Kripalani, Shrimati Sucheta	Nath Pai, Shri
Krishna, Shri M. R.	Nayar, Dr. Sushila
Kureel, Shri B. N.	Nihal Singh, Shri
Kushok Bakula, Shri	Nirlep Kaur, Shrimati
Lakshmikanthamma, Shrimati	Padmavati Devi, Shrimati
Lalit Sen, Shri	Pahadia, Shri Jagannath
Laskar, Shri N. R.	Pandey, Shri K. N.
Laxmi Bai, Shrimati	Pandey, Shri Vishwa Nath
Limaye Shri Madhu	Panigrahi, Shri Chintamani
Lobo Prabhu, Shri	Pant, Shri K. C.
Lutfal Haque, Shri	Parmar, Shri Bhaljibhai
	Partap Singh, Shri
	Parthasarathy, Shri
	Patel, Shri Manubhai
	Patel, Shri N. N.

Patil, Shri Anantrao
 Patil, Shri S. D.
 Patil, Shri T. A.
 Poonacha, Shri C. M.
 Pradhani, Shri K.
 Pramanik, Shri J. N.

Raghu Ramaiah, Shri
 Raj Deo Singh, Shri
 Rajaram, Shri
 Rajasekharan, Shri
 Rajni Devi, Shrimati
 Raju, Shri D. B.
 Raju, Dr. D. S.
 Ram, Shri T.
 Ram Dhan, Shri
 Ram Dhani Das, Shri
 Ram Sewak, Shri Chowdhary
 Ram Subhag Sing. Dr.
 Ram Swarup, Shri
 Ramabadran, Shri T. D.
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M. B.
 Randhir Singh, Shri
 Rane, Shri
 Ranga, Shri
 Rao, Shri Jaganath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri Muthyal
 Rao, Shri J. Ramapathi
 Rao, Shri Thiaumala
 Rao, Dr. V. K. R. V.
 Rao, Shri V. Narasimha
 Raut, Shri, Bhola
 Reddi, Shri G. S.
 Reddy, Shri Ganga
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Roy, Shrimati Uma

Sadhu Ram, Shri
 Saigal, Shri A. S.
 Saleem, Shri M. Yunus
 Salve Shri Narendra Kumar
 Samanta, Shri S. C.
 Sambasivam, Shri
 Sambhali, Shri Ishaq
 Sanghi, Shri N. K.

Sapre, Shrimati Tara
 Sarma, Shri A. T.
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sayyad Ali, Shri
 Sen, Shri A. K.
 Sen. Shri Dwaipayan
 Sen, Shri P. G.
 Sethi, Shri P. C.
 Sethuraman, Shri N.
 Shah, Shrimati Jayaben
 Shah, Shri Manabendra
 Shah, Shri Shantilal
 Shambhu Nath, Shri
 Sharma, Shri Madhoram
 Sharma, Shri Naval Kishore
 Shashi Bhushan, Shri
 Shastri, Shri B. N.
 Shastri, Shri Ramanand
 Sheo Narain, Shri
 Sher Singh, Shri
 Sheth, Shri T. M.
 Shiv Chandika Prasad, Shri
 Shukla, Shri Vidya Charan
 Siddayya, Shri
 Siddheshwar Prasad, Shri
 Singh, Shri D. N.
 Singh, Shri D. V.
 Sinha, Shri Mudrika
 Sinha, Shri R. K.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Tarkeshwari
 Snatak, Shri Nar Deo
 Solanki, Shri S. M.
 Sonar, Dr. A. G.
 Sonavane, Shri
 Subravelu, Shri
 Suryanarayana, Shri K.
 Swaran Singh, Shri
 Swell, Shri

Tapuriah, Shri S. K.
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tula Ram, Shri

Uikey, Shri M. G.

Venkatasubbaiah, Shri P.
 Venkateswamy, Shri G.

Verma, Shri Balgovind
Virbhadra Singh, Shri
Vyas, Shri Ramesh Chandra
Yadav, Shri Chandra Jeet
Yadav, Shri Jageshwar

NOES

Dar, Shri Abdul Ghani
Daschowdhury, Shri B. K.
Devgun, Shri Hardayal
Gupta, Shri Kanwar Lal
Jha, Shri Shiva Chandra
Madhok, Shri Bal Raj
Reddy, Shri M. N.
Shaliwale, Shri Ram Gopal
Sharda Nand, Shri
Sharma, Shri Yajna Datt
Shastri, Raghuvir Singh
Tyagi, Shri O. P.
Vajpayee, Shri Atal Bihari

MR. SPEAKER: The result of division is:

Ayes :	---	248
Noes :	---	13

The motion is not carried by a majority of the total membership of the House and by a majority of not less than two-third of the members present and voting.

The motion was negatived

SHRI NATH PAI (Rajapur) : This is because of the irresponsibility of the Government. They don't know what the voting procedure is.

SHRI KANWAR LAL GUPTA : Let them resign.

MR. SPEAKER: Order, Order. What is the proposal of the Government? Do they want to go to other Clauses now? Clause 2 is lost. What shall I do now?

SHRI Y. B. CHAVAN: Nothing is finished. As we know, Sir, in the first Division the Bill got sufficient majority. It is just an unfortunate accident that some Members were not here. (*Interruptions*)

MR. SPEAKER: Order, Order. Let us see whether they withdraw the Bill.

SHRI Y. B. CHAVAN: If it is not carried, naturally, the Government proposes to reintroduce the Bill again.

SHRI NATH PAI: Mr. Speaker, I am very constrained to submit to you and through you to Government that what has happened is a reflection of the casual manner in which the Government function. They asked our co-operation and we gave them that co-operation. I do not know if many on the Treasury Benches realise that the voting has got to be on a certain pattern, that it is not enough to have a simple majority, that the majority must be more than one half of the total membership of the House today, that is, it must be more than 264.

From what has happened now, I am constrained to say this. This Bill was very serious, very important. Just now he made an impassioned appeal for a unanimous vote, failing that a consensus. Has this been carried out by his own party? So far as we are concerned, we have co-operated, but basically, it is the responsibility of the ruling party to ensure their presence in sufficient number . . .

MR. SPEAKER: We need not discuss that. It is gone now. We shall go to the next subject.

SHRI SHIVAJI RAO S. DESHMUKH (Parbhani): On a point of order. The division we have just now had is bad in the procedure of the House. The procedure regarding amendments to the Constitution requires that all questions on the issue of a constitutional amendment shall only be decided by regular division and not by voice vote. In so far as certain amendments moved to the clause were put to vote and decided only by a voice vote, the division is bad in terms of the procedure.

* The following Members also recorded their votes under:—

AYES : Shri Bhagavati, Shri Kartik Oroom and Shri Gulam Mohammad Bakshi.

MR. SPEAKER: No, no.

SHRI SHIVAJI RAO S. DESHMUKH:

The procedure and rules require that even amendments to clauses can only be decided by division. As the amendments have been rejected by a voice vote, it has been wrongly decided. The division applies to clauses as well as amendments as they are inseparable. Therefore, the division that has just taken place is bad and there should be a fresh division on this issue again.

MR. SPEAKER: Should I have to read the rule to him? It shows he has not read the rule. I will read it for him.

The rule says:

"Amendments to clauses or schedules shall be decided by a majority of members present and voting in the same manner as in the case of any other Bill."

I am referring to the amendments that were disposed of in this manner. If I were to call a division on them also, the position would have been much worse, because we would not have got even 200 as the House was almost empty then.

We shall go on to the next item of business.

श्री मधु लिमये (मुंबेर) : अध्यक्ष महोदय, मैं यह निवेदन करना चाहता हूँ कि पिछले 2 वर्षों में हिन्दुस्तान की राजनीति में जो बड़ा परिवर्तन आया है उसका यह दृक्कृत की कुर्सी पर बैठने वाले ख्याल नहीं कर रहे हैं। सन् 1967 तक आप अपने राक्षसी बहुमत के आचार पर किसी भी संशोधन को पास करते थे लेकिन आज जो धर्मी वोटिंग में हुआ है उसकी गम्भीरता को शासक वर्ग वाले नहीं समझ रहे हैं। इस सवन् में आप की सिर्फ़ अब 48 का बहुमत है तो इसलिए क्या सरकार इन मामलों पर गम्भीरता से सोचेगी? जब कभी संविधान में परिवर्तन करने की बात आयेगी तब क्या आप अधिक गम्भीरता पूर्वक आप इस बारे

में विचार करेंगे? इसके अलावा आप इसके ऊपर भी सोचिये कि यह जो आज यहां पर हुआ है क्या इसका बहुत बुरा असर असम की जनता पर और पहाड़ी लोगों के ऊपर पड़ने वाला नहीं है। यह एक बहुत खराब चीज है।

MR. SPEAKER: Do not go into a debate now.

श्री अटल बिहारी वाजपेयी : अब यह पास नहीं हुआ तो यह सरकारी पक्ष वालों की गलती है। असम की जनता पर खराब असर क्यों पड़ेगा?

SHRI H. N. MUKERJEE (Calcutta North-East): I would like your direction in regard to parliamentary proceeding when a crisis of this description occurs. Government gave notice of this Constitutional amendment matter, and we knew the day on which it was going to be taken up. As far as we of the Opposition are concerned, it is not generally for us to pull Government's chestnuts out of the fire. But because on this occasion, we thought that we should come to the assistance of Government, we have done it to the best of our ability. But the primary responsibility, in constitutional terms, remains that of Government to make sure that the attendance, as far as its party is concerned, makes for a majority. In that view, as Shri Madhu Limaye, has pointed out, it does indicate that this Government does not appear to be able to command a majority in this House. It could not get more than half the members of this House, in spite of the assistance we gave them, to support the measure.

18 hrs.

They have brought about a crisis by putting the people of Assam also in a quandary. They have accentuated a problem which we were trying to co-operate with them in solving. Therefore, it shows up the deficiency of the Government in a manner which has been demonstrated on the floor of Parliament... (Interruptions.) I do not want to waste the time of the House. I want your direction. This cannot be hurriedly dealt with. Here is something

which has happened and which is almost unprecedented. In spite of the support we offered them they are unable to mobilise the votes which were at their disposal. It indicates something very rotten in the State of Denmark as far as they are concerned. Therefore, I want your direction and I wish you to pronounce something in the matter. I do not wish to hurry you. This is a situation of crucial significance and I want you to make some observations on behalf of the whole House.

SHRI VIKRAM CHAND MAHAJAN (Chamba) : May I ask you to refer to articles 2 and 3 of the Constitution... (Interruptions.) An amendment can be passed by a majority of the House.

MR. SPEAKER : I have already given my ruling that it was not passed and my ruling cannot be questioned now. I do not want to hear views on that question; that is closed now.

श्री कंबरलाल गुप्त : अध्यक्ष महोदय, जो कुछ भी हुआ वह अनप्रिसिडेंटेट हुआ है। मैं तो भगवान का शुकिया भ्रमा करता हूँ कि जो डिस्ट्रिब्यूशन का बीज प्राज बोया जा रहा था उसे भगवान ने बचा लिया। मैं तो समझता हूँ कि उसने यह मौका सरकार को दिया है कि वह इस पर दुबारा विचार करे और यहाँ पर कोई अच्छा सोल्यूशन लाये जिससे देश की एकता बनी रहे।

मैं इतना ही कहना चाहता हूँ कि यह सरकार के माये पर एक क्लक है। अगर सरकार अच्छी तरह से मेहनत कर के और सारे देश को एक रख कर कोई अच्छा बिल लाये तो बेहतर होगा।

श्री जार्ज फरनेन्डीज (बम्बई दक्षिण) : प्रधान मंत्री को इस्तीफा देना चाहिये (ब्यबधान)

श्री मधु सिन्घे : प्रधान मंत्री को अपसोस प्रकट करना चाहिये।

THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAGAU RAMAIAH) : I only wanted to say that what has happened is unfortunate but it is wrong to conclude from it that the Government had lost its majority and have no majority. That statement had been made and I should like to put the record straight. After all it happened in 1966 also. I wanted to clarify that position... (Interruptions.)

SHRI RANGA (Srikakulam) : I am sorry that this had happened. I do not know whether the Minister of Parliamentary Affairs has the approval of his Prime Minister for saying such a thing in such a light-hearted manner. I do not think that it redounds to their credit... (Interruptions.) When I was approached to offer our co-operation, we took the trouble to sent our whip also and as many of them as could possibly come over had come over. What has happened is this. My leader Rajaji has been saying from housetops for such a long period that something rotten had been going on.

Now, you see the visible results. They have a majority; they speak of their majority all the time; they talk about it, with little respect to us, saying that they are here on behalf of the whole population. But now something has gone wrong not only with their discipline but with their morale, so that this thing has happened. This is not the first time; true, it is the second time. But on the earlier occasion, we were all opposed to that, but this time, we were trying to support them. And mind you, Sir, what we have got to consider is this. It is not that there are not sufficient people here in this House and in the lobbies. We had sufficient majority in the first instance, but later on, 20 or 30 of them preferred to go to the Central Hall to their essential duty in this House. And that is the sense of loyalty that they have shown to us, to this House and to their own Prime Minister and her Cabinet. It is for the Prime Minister and the Home Minister and all of them to consider whether they deserve to continue in office like this and allow their party to function in the way it has done now.

SEVERAL HON. MEMBERS *rose*.-

MR. SPEAKER : Order, order. I am going to the next item on the agenda.

SHRI BAL RAJ MADHOK (South Delhi) : Sir, I just want to say one word. I am really very sorry about it all. You have allowed Mr. Ranga to say a few words, and I would also like to say one thing. It is not just a question of the clause being lost. There is something more important, and I will say it if I am allowed to say it. Please allow me to say a few words. I have a right to say it just as the others had their right to say.

MR. SPEAKER : Everybody, all the time, have a right to say.

SHRI BAL RAJ MADHOK : Here is an amendment of the Constitution. (*Interruption*). There is no question of party. The Constitution is amended, and we have been amending the Constitution for the last 20 years as if it is just a piece of ordinary legislation. I want to say this, and I want it to be on the records. We have been amending our Constitution as if it is a piece of ordinary legislation. And this is how they have brought this amendment also. If they had been really very serious about this, if they had taken all parts of the House into confidence, if they had consulted everybody and brought this amendment of the Constitution which is an organic law, this situation would not have arisen. So, in future, they should not bring any amendment to the Constitution in such a cavalier way as they have tried to do on this occasion. (*Interruption*).

MR. SPEAKER : Order, order. What additional thing have you said now ? Even if senior Members like you want to say like this, what can one do ? I had allowed Shri Gupta of your party to say what he wanted to say, because he shouts. I have allowed one or two from other parties to say. If everybody thinks he has to say, where will it lead to ? (*Interruption*.) It has been defeated. It has gone now. We are discussing a thing which is absolutely not there. As Mr. Ranga has said, in spite of the

opposition's support, this has happened. Shri Mukerjee said that it is lost. Therefore, I say, it is not that one party alone gave its support. All the parties gave support for this law. But it is unfortunate. Therefore, now, let us not try to proceed with it. Shri Mukerjee wanted that I should make some remarks. What remarks can I make now ? There were 265 Members at that time, but within 15 minutes it became 248. They said all the time that all the parties were supporting it.

SHRI ATAL BIHARI VAJPAYEE : No; not the Jansangh.

MR. SPEAKER : Of course, not all parties. Now, no remarks are needed. I pass on to the next item.

SHRI ATAL BIHARI VAJPAYEE : Not a word from the Leader of the House.

MR. SPEAKER : It is all now over. (*Interruption*).

श्री शिवचन्द्र भूतः प्रधान मंत्री इस्तीफा दें ।

श्री जार्ज फरनेन्बीज : सफसोस की बात है कि प्रधान मंत्री ने एक शब्द भी नहीं कहा । कमसे कम उनको बोलने के लिए कहिए । वह मदन की नेता हैं । कुछ भी वह बोलना नहीं चाहती हैं ? (*Interruption*).

MR. SPEAKER : I pass on to the next item.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI B. S. MURTHY) *rose*—

SHRI SRINIBAS MISRA : Sir, on a point of order. You must go according to the rules.

MR. SPEAKER : What is the point of order ?

SHRI SRINIBAS MISRA : What has happened to the Bill ? One clause has been defeated. What about the other clauses ?

MR. SPEAKER: I have already proceeded to the next item. He is already moving the other motion.

SHRI SRINIBAS MISRA: It cannot be done. It must be withdrawn before we can go to the next item.

MR. SPEAKER: The Home Minister has declared that we withdraw it now and we will re-introduce it. He has said it.

18.11 hrs.

INDIAN MEDICINE AND HOMOEOPATHY CENTRAL COUNCIL BILL

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI B. S. MURTHY): I beg to move :

That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to provide for the constitution of a Central Council of Indian Medicine and Homoeopathy and the maintenance of a Central Register of Indian Medicine and Homoeopathy and for matters connected therewith, made in the motion adopted by Rajya Sabha at its sitting held on the 25th February, 1969 and communicated to this House on the 26th February, 1969 and do resolve that the following twenty-two members of Lok Sabha be nominated to serve on the said Joint Committee, namely:--

Shri Arjun Singh Bhadoria, Shri B.N. Bhargava, Shrimati Jyotsna Chanda, Shri P. P. Esthose, Shri M. Kamalanathan, Nawabzada Syed Zulfiquar Ali Khan, Shri G. P. Mangalathumadam, Shri Kamal Misra (Madhukar), Shri B.S. Murthy, Shri Nardeo Snatak, Shri Partap Singh, Shri Mrityunjay Prasad, Shri P. Ganga Reddy, Shri S. C. Samanta,

Shri A. T. Sharma, Shri Sambhu Nath, Pandit, Shiv Sharma, Shri Yajna Datt Sharma, Shri S. K. Tapuriah, Shri Venkatarao Tarodekar, Shri M. G. Uikey, Shri Ram Chander Veerappa."

MR. SPEAKER: The question is:

"That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to provide for the constitution of a Central Council of Indian Medicine and Homoeopathy and the maintenance of a Central Register of Indian Medicine and Homoeopathy and for matters connected therewith made in the motion adopted by Rajya Sabha at its sitting held on the 25th February, 1969 and communicated to this House on the 26th February, 1969 and do resolve that the following twenty-two members of Lok Sabha be nominated to serve on the said Joint Committee, namely:--

Shri Arjun Singh Bhadoria, Shri B.N. Bhargava, Shrimati Jyotsna Chanda, Shri P. P. Esthose, Shri M. Kamalanathan, Nawabzada Syed Zulfiquar Ali Khan, Shri G. P. Mangalathumadam, Shri Kamal Misra (Madhukar) Shri B. S. Murthy, Shri Nardeo Snatak, Shri Partap Singh, Shri Mrityunjay Prasad, Shri P. Ganga Reddy, Shri S. C. Samanta, Shri A. T. Sarma, Shri Shambhu Nath, Pandit Shiv Sharma, Shri Yajna Datt Sharma, Shri S. K. Tapuriah, Shri Venkatarao Tarodekar, Shri M. D. Uikey, Shri Ram Chander Veerappa."

The motion was adopted

MR. SPEAKER: The House stands adjourned till 11 A. M. tomorrow.

18.12 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, March 26, 1969--
 Chaitra 5, 1891 (SAKA).*