

विधेयक पास किया है, यह विधेयक उस के खिलाफ है।

इस विधेयक के स्टेटमेंट आफ आवजेक्ट्स एंड रीजन्स में कहा गया है कि इस विधेयक में युनाइटेड किंगडम-इंडिया ट्रेड एग्रीमेंट, 1939 के अन्तर्गत निश्चित की गई प्रेफरेंसिज को कायम रखा जा रहा है। 1939 में हमारा देश आजाद नहीं हुआ था और उस समय ब्रिटेन और भारत के बीच में जो समझौते हुए, वे ब्रिटेन के फायदे को दृष्टि में रख कर किये गये थे। इस विधेयक के द्वारा इसी प्रकार के एक समझौते की बातों को कायम रखा जा रहा है। हाल ही में ब्रिटेन ने भारत से कपड़े के ड्यूटी-फ्री इम्पोर्ट को खत्म करने की बात कही है और साथ ही वह 15 पर सेंट और ड्यूटी लगा रहा है। ब्रिटेन इस देश की एक्सपोर्ट मार्केट को खत्म कर रहा है, लेकिन सरकार इस विधेयक में उन्हीं शर्तों और व्यवस्थाओं को कायम रखना चाहती है, जिस से ब्रिटेन को फायदा होगा, हिन्दुस्तान को नहीं।

यह विधेयक कानून के खिलाफ है, संविधान की स्प्रिट के खिलाफ है और इस के साथ ही हमारे एक्सपोर्ट करने के प्रयत्नों के खिलाफ है। इस लिए मैं इस के इन्ट्रोडक्शन का विरोध करता हूँ।

श्री व० रा० भगत : उपाध्यक्ष जी, मेरी समझ में नहीं आता कि एक कानून टैरिफ बिल जो यहां से पास हुआ लोक सभा से उस के ऐक्ट होने में दो और स्टेजेज अभी बाकी हैं। राज्य सभा से पास होना है और इस के बाद राष्ट्रपति जी की उस पर मोहर लगनी है। तब वह ऐक्ट बनेगा। अब वह चाहते हैं कि चूंकि यहां सभा ने पास कर दिया तो हम सब उस में चेंज कर दें तो वह तो ऐक्ट बने बिना कैसे कर सकते हैं।

श्री शिव चन्द्र झा : प्वाइंट ऑफ आर्डर, इन्होंने कहा कि यहां से पास हुआ है, राज्य

सभा से पास नहीं हुआ है और अभी राष्ट्रपति की स्वीकृति होगी तब कानून बनेगा। इस में आप देखें पुराने कानून में क्या लिखा है... (श्रवधान) यह सदन को गुमराह कर रहे हैं। इस में अगर यह पुराने ऐक्ट को रखें तो उस में फैंब्रिक्स पर 100 पर सेंट है उस के मुताबिक भी नहीं है। तो यह न पुराने ऐक्ट पर आधारित है न नये ऐक्ट पर आधारित है। इस तरह यह बिलकुल सदन को गुमराह कर रहे हैं।...

MR. DEPUTY-SPEAKER: The question is :

"That leave be granted to introduce a Bill to consolidate and amend the law relating to customs duties."

*The motion was adopted.*

SHRI B. R. BHAGAT: Sir, I introduce the Bill.

15-12 Hrs.

ASSAM REORGANISATION (MEGHALAYA) BILL—*Contd.*

*Clause 2—Contd.*

MR. DEPUTY-SPEAKER: Now we shall take up the Assam Reorganisation (Meghalaya) Bill, clause-by-clause consideration. One hour has been allotted for this, but, if we can finish it before that, we shall try to do so. We were on clause 2 to which amendments were moved by Shri Tyagi. Would he like to speak on them ?

श्री श्रोम प्रकाश त्यागी (मुरादाबाद) : मेरा सुझाव यह है कि जितने मेरे अमेंडमेंट्स हैं उन सब पर मैं बोल लूँ।

SHRI KANWAR LAL GUPTA (Delhi Sadar): Sir, to save time I suggest that those who have tabled amendments may speak on all their amendments in five minutes and the Minister may reply to all of them. That way we shall finish it earlier.

MR. DEPUTY-SPEAKER: If the House agrees, those who have given notices of amendments can speak on all the amend-

†Introduced with the recommendation of the President.

[Mr. Deputy-Speaker]

ments together and the Minister will reply. Then I will put all the amendments together and all the clauses together to the vote of the House.

**SHRI SURENDRANATH DWIVEDY (Kendrapara):** That will not be regular. Let them speak as you have suggested while putting them to vote you have to put it clause by clause.

**MR. DEPUTY-SPEAKER:** All right.

श्री ओम प्रकाश त्यागी : उपाध्यक्ष महोदय, पहले से ही मेरी यह मान्यता रही है कि आसाम के हिल ट्राइब्स की भलाई के लिए गवर्नमेंट को अधिक से अधिक अच्छा बिल लाना चाहिए था। परन्तु यह मानकर बोल रहा हूँ कि उस दिशा में यह एक कदम है जो गवर्नमेंट ने ला कर यहाँ रखा है और इसलिए इस में मैं कुछ ऐडिशन देना चाहता हूँ। जो आटोनामस स्टेट आपने बनाई हैं उस के साथ मैं कुछ डिस्ट्रिक्ट्स भी हैं नार्थ क्वार और मिकिर हिल्स जो अभी तक आटोनामस डिस्ट्रिक्ट्स रहे हैं। उपाध्यक्ष महोदय, आप भी आसाम से आते हैं, आप इस बात को अच्छी तरह से जानते होंगे, आसाम के हिल पीपुल्स ने आसाम के हिल ट्राइब्स को एक्सप्लायट किया क्यों कि वह पिछड़े हुए थे, गरीब थे। यही स्थिति हिल ट्राइब्स में है।

15-14 Hrs.

[SHRI K. N. TIWARY in the Chair]

उस में कुछ लोग आधिक आगे बढ़े हुए हैं, ऐडवांसड हैं और कुछ लोग पिछड़े हुए हैं वहाँ विदेशी मिशनरियों की सेवाओं की सराहना मैं करता हूँ। उन के कारण से कुछ ट्राइब्स के हिस्से ज्यादा ऐडवांसड हो गए हैं और कुछ बहुत पिछड़े हुए हैं। नार्थ क्वार और मिकिर हिल्स पिछड़े हुए हैं और जयन्तिया और खासी हिल्स यह ऐडवांसड ट्राइब्स हैं। उन लोगों को यह भय है कि अगर नई स्टेट बन गई तो तबाम जितनी अच्छाइयाँ हैं, जितनी

कि नई स्टेट्स के नाम पर उनको पावर्स मिलेंगी वह सब कुछ आदमियों के हाथ में चली जायेगी। सोशलिस्टिक नारों के साथ-साथ एक और आवाज उठ रही है इस देश में कि कुछ मुट्ठी भर लोगों के हाथ में कोई पावर न दी जाये लेकिन यह स्थिति आप करने जा रहे हैं। कुछ मुट्ठी भर लोगों के हाथ में आसाम के ट्राइब्स के लोगों को दे देना सारी पावर्स उनके हाथ में दे देना यह मैं ठीक नहीं समझता। यह तो सब को एक ऐसे ढंग से बनाते कि किसी की मेजोरिटी न हो जाये लेकिन जो आप बना रहे हैं उसमें कुछ मुट्ठी भर लोगों की मेजोरिटी हो जाती है। इसलिए मेरा कहना है कि जो मेघालय बना रहे हैं उसके साथ-साथ जो डिस्ट्रिक्ट हैं नार्थ क्वार और मिकिर हिल्स के, उनको भी आप यह अधिकार दीजिये कि वह चाहें तो उनके साथ मिल जायें और नहीं चाहें तो सेपरेट रहें। स्वतंत्र एटोनामस जिले के रूप में उन्हें भी वही पावर्स मिलनी चाहिए जिससे कि वह भी मेघालय की तरह आसाम के अन्तर्गत अपनी उन्नति कर सकें। यही मेरा सुझाव है और यही मैंने अपने अमेंडमेंट्स में दिया है कि जहाँ भी मेघालय लिखा है वहाँ ये आटोनामस जोड़ दिए जायें और परिभाषा में मैंने यह दिया है कि

"Autonomous District" means the Autonomous Districts of North Cachar Hills or Mikir Hills.

आठवीं लाइन के पश्चात् ये शब्द उसमें जोड़ दिए जाएं। इसको जोड़ देने से आसाम के इस लंगड़े बिल को हम सभी ट्राइब्स के लिए हितकारी बना सकते हैं अन्यथा कल फिर आंदोलन होंगे कि मुट्ठी भर लोगों के हाथ में पावर चली गई और पिछड़े हुए लोग पीछे रह जायेंगे। जिन लोगों को विदेशी मिशनरियों ने पढ़ा लिखा कर आगे कर दिया है उनके हाथ में पावर चली जायेगी और जो नंगे भूखे हैं वह जैसे

के तैसे पड़े रह जायेंगे। मेरा कहना यह है कि इस बिल में उनकी भी सुरक्षा होनी चाहिए।

दूसरी बात मैं यह कहना चाहता हूँ कि आपने जो बिल बनाया है इसमें या तो इस सब-स्टेट को न बनाते, मैंने पहले भी कहा है कि जब आप बनाने लगे हैं तो ऐसी स्थिति बना लीजिए कि मेघालय को आप चाहे अलग टैरीटरी बनायें या अगल नागालैंड की तरह स्टेटहुड दें जिससे भारतवर्ष के अन्य प्रान्तों में यह बीमारी न फले। नहीं तो हर प्रांत में सब-स्टेट की बीमारी खड़ी हो जायेगी। क्लॉज 7 में जो यह दिया है उसके अनुसार मेघालय की अवस्था यह है:—

“The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor.”

मेरे कहने का मतलब यह है कि यह तो ब्रिटिश गवर्नमेंट के टाइम की स्टेट बन गई। से गवर्नर जनरल साहब नियुक्ति करेंगे चैफ़ मिनिस्टर की और मिनिस्टर्स की। यह बिल्कुल गलत है। मेघालय बनता है तो मेघालय के लोगों की आबाज का सम्मान करना चाहिए। होम मिनिस्टर कह रहे थे कि जनसंघ वाले विरोध कर रहे हैं, लेकिन आपने मेघालय के चैफ़ मिनिस्टर और मिनिस्टर्स की नियुक्ति गवर्नर के हाथ रखी है। इस प्रकार से आपने मेघालय की गर्दन को सेंटर के हाथ में रख दिया है। यह इन्डियारेक्ट वे में अपनी सब-स्टेट बना दी . . . (व्यवधान) . . . में अपने सभी अर्डिनेट्स पर बोल रहा हूँ। ज्यादा समय नहीं लूंगा। मेरा मतलब यह था कि मेघालय जब आप बना रहे हैं तो मेघालय का चैफ़ मिनिस्टर मेघालय की जनता के द्वारा इलक्टेड होना चाहिए। वह गवर्नर के द्वारा एपाइंटेड

नहीं होना चाहिए। और मिनिस्टर्स भी लेजिस्लेचर द्वारा जिस प्रकार से और असेम्बलियों में बनाते हैं उसी प्रकार से बनने चाहिए, गवर्नर के द्वारा नहीं।

इसके आगे देखें उसी 8 में यह लिखा है—

“The Governor may, if he thinks fit to do so, appoint a person who is qualified to be appointed a judge of a High Court to be the Advocate-General for Meghalaya.”

एडवोकेट जनरल जो किसी भी स्टेट के गवर्नर को सलाह देने के लिए होता है, वह चाहे तो गवर्नर नियुक्त करे चाहे तो न करे! मेरी प्रार्थना है कि जब मेघालय आपने बनाया ही है तो उसे इतनी पावर्स दीजिए जिससे कि वहां की जनता के जो एस्पिरेशन्स हैं उनको वह संतुष्ट कर सके अन्यथा कल आसाम की गवर्नमेंट और मेघालय की उस स्टेट में संघर्ष पैदा होगा। लेकिन दुर्भाग्यवश हमारी गवर्नमेंट की नीति रही है कि समझदारी से पहले कोई काम करती नहीं और जब आन्दोलन होते हैं 10-5 बिल्डिंगों में आग लगती है, 10-5 लाशें बिछ जाती हैं तब गवर्नमेंट उस पर विचार करती है और काम को करता है। लेकिन मैं प्रार्थना करूंगा कि होम मिनिस्टर खून-खराबी से पहले ही इस लंगड़े बिल को ठीक कर दें। मेघालय दिया है तो फुल पावर्स के साथ दीजिए और मेघालय के साथ-साथ नार्थ कचार और मिकिर हिस्स के बारे में जो सुझाव मैंने दिया है उसे भी स्वीकार करें।

श्री कंबर लाल गुप्त : (दिल्ली सदर) : सभापति जी, इस विषयवाच में मेरे 6 संशोधन हैं। एक तो क्लॉज 3 में है जिसमें यह कहा गया है कि नार्थ कचार और मिकिर हिस्स की जो कौंसिल हैं उनको अधिकार दिया गया है कि वह दो-तिहाई मेजोरिटी से यह तय करे कि मेघालय वा हिस्सा बनना चाहते हैं या नहीं। तो दो-तिहाई की जगह में कहा है कि तान-चौथाई होना

[श्री कंवर लाल गुप्त]

चाहिए। दूसरा संशोधन मेरा क्लॉज 6 में है जिगमें यह कहा है कि :

“There shall be a Council of Ministers....”

मैंने यह कहा है :

“There shall be a Council of Ministers not exceeding four ....”

मैं समझता हूँ कि मंत्री महोदय यह मानेंगे और यह सारे सदन ने स्वाकार किया है, कई बार सरकार ने भी स्वाकार किया है कि कोई न कोई मेक्सिमम लिमिट लगाना चाहिए। कई बार कोई पॉलिटिकल इनस्टेब्लिटी आती है तो जितने मंत्री होते हैं उससे आधे मिनस्टर हो जाते हैं। आपको याद होगा एक बार हरियाणा में जिसमें केवल 5 डिस्ट्रिक्ट हैं 24-25 मिनस्टर बन गये थे यानी एक-एक तहसील के ऊपर एक-एक मंत्री। इस-लिए मैंने कहा है कि ज्यादा से ज्यादा चार मंत्री होने चाहिए। तीन हो सकते हैं, दो हो सकते हैं, लेकिन अधिक से अधिक चार होने चाहिए।

तीसरा मेरा संशोधन है क्लॉज 11 में। उसमें यह बात बर्ही गई है :

“The Governor may, if he is of opinion that any minority community in Meghalaya need representation in the Legislative Assembly and are not adequately represented therein, nominate not more than three members.

अगर कोई माइनोरिटी कम्युनिटी या कम्युनिटीज का रिप्रेजेंटेशन नहीं है लेजिस्लेटिव असेम्बली में और वह एंड कैटली रिप्रेजेंटेड नहीं है, गवर्नर को यह अधिकार होगा कि वह तब तक सदस्य चुन सकते हैं, मैंने उस में यह कहा है कि यह शब्द जो एंड कैटली है इसे हटा दिया जाये। अगर किसी माइनोरिटी का कोई नुमाइन्दा नहीं है तो गवर्नर को अधिकार होना चाहिए। यह एंड कैट के पीछे उस की बंधन एन्ट्री जिस को आप लाना चाहते हैं और जिस के

कारण से आप यह अधिकार लेना चाहते हैं, यह हथियार सरकार को नहीं मिलना चाहिए और डेमोक्रेटिक फंक्शनिंग के लिए अगर माइनोरिटी को कोई सुरक्षा भी देनी है अगर वह रिप्रेजेंटेड नहीं है हाउस में जैसा कि एंग्लो इंडियन्स के केंस में कहा गया कि अगर रिप्रेजेंटेड नहीं है तो गवर्नर यह कर सकता है या प्रेसाइंट कर सकता है उसी प्रकार से मैं चाहूंगा कि अगर कोई उनका रिप्रेजेंटेशन नहीं है तो उस समय अधिकार होना चाहिए और 5 के बजाय मैंने 3 कहा है।

अगला संशोधन मेरा क्लॉज 29 के अन्दर है। उसमें उन्होंने यह कहा है :

“A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly,—”

यानी डिस्क्वालिफिकेशन क्या-क्या होनी चाहिए ये सब बातें उन्होंने कही हैं। उसमें मैंने यह बात जोड़ी है कि अगर कोई सदस्य अनलाफुल एक्टिविटीज प्रिविशन ऐक्ट 1957 जो हमने अभी पास किया जिसके अन्दर यह अधिकार है कि अगर कोई व्यक्ति यह घोषणा करे, इस बात का प्रचार करे कि हम हिन्दुस्तान से अलग करना चाहते हैं। उसको कोर्ट दण्ड दे सकता है उसने यदि किसी व्यक्ति का कन्विकशन हो जाये अदालत से तो चूँकि उसकी एक्स्ट्रा टेरिटोरियल लायल्टी है इसलिए उसको भी एक्सक्लूड करना चाहिए।

दूसरा मेरा संशोधन है 73 के अन्दर, जिसमें यह कहा गया है कि :

“Every order made under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

मैंने यह कहा है कि इन्होंने जो आर्डर की बात ऊपर कही है और वह बहुत इम्पोर्टेंट आर्डर्स करने के अधिकार दिए हैं तो इसके बजाय कि वे टेबिल पर ले कर दें मैंने

यह कहा है कि संसद् की एप्रूवल चाहिए।

ये मेरे संशोधन हैं और मैं प्रार्थना करूंगा कि मंत्री महोदय इनको स्वीकार कर लें।

**श्री शिव चन्द्र झा :** (मधुबनी) : सभापति जी, इस विधेयक का हम लोग तो स्वागत करते ही हैं लेकिन फिर भी मेरे कुछ संशोधन हैं। जब आर्डिनेंस की बात का जाती है और यहां कहा है :  
**Clause 50 :-**

"An Ordinance promulgated....

(a) shall be laid before the Legislative Assembly and shall cease to operate at the expiration of six weeks from the reassembly of the Legislative Assembly.....

मैं यहां 6 की जगह 4 हफ्ते रखना चाहता हूँ। इसकी वजह यह है कि आप जानते हैं एक नया एक्सपेरिमेंट इस विधेयक के चरित्र से किया जा रहा है सब-स्टेट का, उनकी भावनाओं की पूर्ति करने के लिए और साथ-साथ डिसेंट्रलाइजेशन की बात भी हम आगे बढ़ा रहे हैं। लेकिन आर्डिनेन्स भले ही आप सिक्कीम की के लिए करें या किसी और ऐसे कार्य के लिए करें। यह डेमोक्रेटिक रूप उसका नहीं होता है और ज्यादा दिन जो उसके लिए लिख रहे हैं यह कोई अच्छा चंज नहीं होता है। कोशिश यह होनी चाहिए कि जितने थोड़े असें के लिए जारी रहे उतना ही अच्छा है। इसलिए जब हम एक नई शुरुआत कर रहे हैं तो यह 6 हफ्ते वाली जो बात है उसको कम कर दें। आप यह कहेंगे कि दूसरा जगह भी यही सिलसिला है तो उसके लिए मेरा यह बहना है कि जब एक नया एक्सपेरिमेंट यहां कर रहे हैं तो 6 हफ्ते का जगह 4 हफ्ते का एक्सपेरिमेंट इसमें करें।

दूसरा संशोधन मेरा है क्लॉज 62 में :

"The Central Government may nominate to the Provisional Legislative Assembly not more than three persons, not being persons in the service of the Government, to represent any minority communities in Meghalaya which, in its opinion, need representation in the Assembly.

अब यहां नामीनेशंस की बात है। कोशिश यही होनी चाहिए कि नामीनेशन वा सिलसिला खत्म हो और जैसा कि हमने कहा एंग्लो इंडियन कम्युनिटी के नामीनेशन की बात आई थी उसमें 2 की जगह 1 कर दिया यह भी हम सोचते हैं कि एक दिन वह आयेगा जब नामीनेशन की जरूरत नहीं होगी और उनको इलैक्शन लड़ना पड़ेगा और यह सिलसिला अच्छा भी नहीं है। तो जहां एक नया एक्सपेरिमेंट कर रहे हैं वहां इसमें भी 3 की जगह 2 कर दें।

63 में मेरा एक संशोधन है जिसके ऊपर मंत्री महोदय गौर करें तो मानना लाजिमी हो जायेगा।

क्लॉज 63 में है:—

"The Central Government may, in consultation with the Governments of Assam and Meghalaya by order constitute a committee consisting of such number of persons as it may think fit for advising the two Governments on matters of common interest....

आप आसाम और मेघालय सरकारों की राय से "सब नम्बर आफ परसन्स" को एडवाइजर नियुक्त करने जा रहे हैं। मान लीजिये आप टी० पी० सिंह या मेनन को जो उन इलाके के नहीं हैं यहां एडवाइजर नियुक्त करते हैं तो यह अच्छा नहीं होगा। तो मेरा संशोधन है कि जो आसाम और मेघालय के रिप्रेजेन्टेटिव अफपर हैं उन्हीं के जो अफसर और कर्मचार हैं, उन्हीं को वहां पर एम्पाइंट करें, उन को ही एडवाइजर बनायें, टी० पी० सिंह या मेनन को या जो बाहर के लोग हैं इन को वहां एडवाइजर न बनायें। क्योंकि वहां

### [श्री सिवचन्द्र झा]

के लोग वहाँ के वातावरण को अच्छी तरह से जानते हैं और वे ज्यादा अच्छी सलाह दे सकते हैं और वहाँ यह भावना भी पैदा होगी कि हमारे ही बीच के जो अफसर हैं, वे ही काम कर रहे हैं।

मेरे तीन संशोधन हैं—मैं चाहूँगा कि मंत्री महोदय इन पर जवाब दें।

**SHRI HEM BARUA (Mangaldai):** The sub-State of Meghalaya is proposed to be composed of two districts of Assam; one is the Khasi and Jaintia-Hills districts and the other is the Garo Hills district. What is going to happen about the North Cachar and Mikir or Mizo hill district? There is nothing about them in this Bill.

This Bill has a number of articles and clauses. Therefore, I wanted that this Bill should be referred to a Joint Committee. In the interests of Parliament and in order to do credit to Parliament, I wanted this Bill to be consigned to a Joint Committee of Parliament, so that the provisions in the articles and clauses in the Bill might be carefully examined and that examination will reflect credit on Parliament. What is the haste in it? What is the hurry about it? I do not understand it.

Whatever that be, there are several transitory provisions. I want article 62 to be deleted. Who would get the power in Meghalaya? That is the problem. About the transitional powers, analogies have been drawn with the instance we had when the British power withdrew from this country, when power was handed over to the Congress Party; but the Congress Party was in power then. So, the analogy does not go parallel with the Meghalaya analogy, because Meghalaya is only a sub-State, but India became independent from the British rulers. Therefore, that analogy does not hold good here.

There is a district council also. This would elect 35 Members of the Meghalaya Legislative Assembly. I have tabled an amendment in regard to the district council and also the regional councils. I have said that the district council and the regional council should go. This district council will have an electoral college to elect the Members from amongst themselves

45LLS/69—

to the Legislative Assembly. I say that the electoral colleges are constituted only in order to elect the President or the Vice-President of this country according to the Constitution. Whatever that might be, this is a very serious matter. I do not understand how the members of the district council would be competent to elect from amongst themselves the members of the Legislative Assembly of Meghalaya. So, I submit that the provision regarding electoral college should go.

The district council is mentioned in the Sixth Schedule to the Constitution. This was visualised with a view to bringing about a sort of integration. I was never visualised with a view to bringing about a fragmentation of the existing State on the frontier. Whatever that be, these district councils enjoy judicial, executive and legislative powers also. I would submit that if we have the district councils and also the regional councils, then we shall have a sort of dyarchy in Meghalaya. Therefore, the district councils and regional councils should go. No Member of Parliament is allowed to be a member of the Assam Legislative Assembly, or of any other Legislative Assembly. Similarly, no MLA can be a Member of this Parliament. But here we find that the same man can become a member of the district council and at the same time a member of the Meghalaya Legislative Assembly. He plays dual role. As regards the North Cachar and Mikir Hills, I think the Asoka Mehta formula should be followed. But as regards the district councils, they were an admission of the backwardness of the Hills people. Now that they are going to have a separate State, a sub-State, an autonomous region, they are no longer backward. Therefore, the provision for district councils is an anomaly and therefore it should go. While handing over the government, do not give power to the district councils. Give power to the duly elected Legislative Assembly. If you do not do that, it will be a fraud on our democracy. I do not want that fraud to be perpetrated by a man like Shri Chavan.

Whatever that be, I think the clauses of the Bill are too pregnant for interpretation and the Bill should go to a Joint Committee. There is no hurry. Today is the last day of our session. Do you think that it will go to Rajya Sabha today and they can get it passed?

The Rajya Sabha also is concluding its session today. Therefore, there is no hurry. In order to do credit to the Indian Parliament, it should be referred to a Joint Committee for examination in a spirit of friendliness and sympathy so that this Bill for Meghalaya might be a foolproof Bill.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): I have myself to move an amendment to clause 65.

Page 23, for lines 11 and 12, substitute—

“(b) on or after the appointed day, except in accordance with such rules as may be made by the Central Government after consultation with the Governments of Assam and Meghalaya.”

What we are doing is to say that such rules may be made by the Central Government after consultation with the Governments of Assam and Meghalaya. Naturally when framing these rules, both the Governments have to be consulted, but in order to make the consultation more perfect, it is much better to give certain procedural details about it. This can be done only if certain rules are formulated beforehand.

Now I would like to deal with the amendments moved and reply to them clause by clause, because I find there is some sort of a system in this. To cl. 2, there are four amendments, Nos. 17, 20, 21 and 22, by Shri OP Tyagi. He wants a definition of the Legislative Assembly of Assam. I personally think this is unnecessary because what we are trying to deal with in this Bill is the Assembly constituted under the Meghalaya Act. Therefore, the definition of Assembly is only related to the Meghalaya Assembly, and it would be a futile exercise again to define the Assam Assembly.

Amendments Nos. 20-22 amount to conferring on Mikir and North Cachar Hills autonomous status if they do not join Meghalaya. It is a rather wonderful logic they are following. In the first instance, they do not want an autonomous State in Assam. Now with a vengeance, they want to have more than one, two or three, if possible. Our idea is not to have fragmentation of the State of Assam. Therefore,

it is much better that if North Cachar Mikir Hills district does not want to join Meghalaya, they continue to remain part of Assam State proper. I do not think these amendments are called for.

श्री ओम प्रकाश त्यागी: लेकिन उन लोगों को ज्यादा वावर्स मिलनी चाहियें, जिससे उन का डेवलपमेंट हो सके। मेघालय का तो डेवलपमेंट हो जायगा, लेकिन उन का क्या होगा?

SHRI Y. B. CHAVAN: There is provision in the Bill, if you have seen it properly; under an amendment to the 6th schedule powers had been given to the Government to add more powers to the district councils.

SHRI HEM BARUA: What about the application of Asoka Mehta's formula to North Cachar and Mikir Hills.

SHRI Y. B. CHAVAN: It is for the Assam Government.

SHRI HEM BARUA: Not for you?

SHRI Y. B. CHAVAN: If they become part of Meghalaya, it will think about it; if they do not, the Assam Government will think about it.

Most hon. Members referred to the autonomous State as sub-State. I should like to correct that impression; this is not a sub-State; it is an autonomous State. Both have got different connotations. It has got autonomous status in some matters which had been delegated to that State. Let there be no misunderstanding. There are three amendments to clause 3. Shri K. L. Gupta's amendment No. 10 seeks to provide for a majority of three-fourths, instead of two-thirds in the district councils. Even for the purpose of amending the Constitution we have accepted a majority of two-thirds. I do not understand why we should make it three-fourths majority and make it thus more difficult. Therefore, I want to persuade Mr. Gupta not to insist on three-fourths majority. Amendments 23 and 24 of Tyagiji are also on the same lines. Amendments 25 and 26 to clause 4 are the same. There is an amendment No. 27 to clause 6 on the same lines. Amendment No. 11 to clause 6 fixes a ceiling of four on the Council of Ministers. This is an understandable concept. We may recall

[Shri Y. B. Chavan]

that in our Defections Committee Report there is a recommendation that there should be some sort of ceiling on the size of the cabinets; where there are two houses, ten per cent and where there is one chamber, eleven per cent. I do not understand why merely Meghalaya should be made an exception to begin with. If Parliament accepts this principle they can amend the Constitution itself and make it applicable to all the States. I do not think it will be wise or correct or just... (Interruptions.) You can start with bigger States. Amendments 17, 18 and 19 to clause 7. It says that the Chief Minister should be elected by the Assembly instead of being appointed by the Governor and the Ministers should be appointed by the Chief Minister. I think Tyagiji has misunderstood the whole position. He feels as if the Governor is going to nominate the Chief Minister; it is not so because the Act speaks of the principle of collective responsibility to the legislature and that is exactly the principle that is followed in the case of appointments of the other Chief Ministers, even the Prime Minister. There is no danger that the Governor without any consideration of the majority wishes will, nominate anybody he likes. I hope he understands the point. Shri Gupta has argued that there should be two nominations instead of three. There are a number of small minority groups in Assam. It is better to keep it at three, rather than two.

SHRI HEM BARUA: There are two lakhs of non-tribal people in the hill areas.

SHRI Y. B. CHAVAN: So, it is better to have a larger number of nominations, than a smaller number.

SHRI KANWAR LAL GUPTA: Why do you not remove the Word 'adequate'.

SHRI Y. B. CHAVAN: The draftsman feels that it is much better to have it and I agree with him.

Then, there is clause 12. This amendment seeks to reduce the maximum number of associate members for the delimitation of of constituencies from five to three. This number is kept flexible because at the present moment there are three District Councils. If two additional District Councils are added, there will be five. So, is it not better to have five members there?

If the number is not added, most probably they will continue with three members. The flexibility is there, because this flexibility is inherent in the situation itself.

Then, clause 29. Shri Kanwar Lal Gupta has suggested in his amendment No. 14 that persons convicted for any unlawful activities should be debarred from being members of the Assembly. I think it is a good suggestion; it is a very good idea. But I do not know why Meghalaya alone should be chosen for this treatment. If this disqualification is made applicable to this Bill, then this can be made applicable to all the Members including Members of Parliament, including members of the other Assemblies, etc.

SHRI KANWAR LAL GUPTA: Will you consider that ?

SHRI Y. B. CHAVAN: If you feel that it should be applicable to Meghalaya, than there should be some sort of distrust in our mind about that particular area.

SHRI KANWAR LAL GUPTA: Not that.

SHRI Y. B. CHAVAN: I know you did not mean that, but it will imply that. That is the difficulty. If you start with some particular State, it will be rather very unjust. I therefore feel that if you want to advocate this principle, I would suggest that you may bring an amendment to the Representation of the people Act.

SHRI KANWAR LAL GWPTA: Why don't you bring an amendment to the Representation of the People Act, as a Government amendment?

SHRI Y. B. CHAVAN: It is a good suggestion; but I do not promise. Then, clause 50, amendment No. 29. It is for reducing the period of time within which an ordinance should be replaced. I do not understand it. Why are you going to make this four weeks restriction only for a small autonomous State of Meghalaya? This is a thing which has been accepted by the Constitution. The period within which the ordinance should be converted into law is six weeks. I do not understand why we should make this distinction between Meghalaya and other States.

Then, there is an amendment about the arrangements for a provisional assembly. Shri Hem Barua has argued his case just now about it. As you know, after this Bill becomes an Act, there are a large number of preparations to be made in this matter, because many things about the assets and liability and rule-making have to be attended to. Then there is always the danger of very heavy rains in Meghalaya. The name Meghalaya itself indicates heavy rains. It is a very long monsoon period at that time there. After the Bill becomes an Act, after Parliament passes the Bill for the creation of this State, we should not allow unreasonably any period to lapse. Therefore, the idea—

SHRI SURENDRANATH DWIVEDY (Kendrapara): Cherrapunji is in Meghalaya.

श्री सुरेन्द्रनाथ द्विवेदी : जी हाँ। इसीलिए तो मेघालय बड़ा गया है।

I think therefore that this provisional arrangement is necessary. We should really look to the eagerness and enthusiasm and expectation with which the people of the hill areas are looking forward to this Bill to be passed. I am very sorry this Bill is delayed. Of course, this House has its privilege. But unfortunately this is not likely to go to the Rajya Sabha, as Shri Hem Barua has stated. In any case, this Bill is likely to be delayed. I am very sorry for it. It is because of the eagerness of the people that once agree to create a State it is much better that it comes into existence quickly. I therefore plead with the hon. House to accept the provision for a provisional Legislative Assembly.

Again, there is a point about reducing the number of nominated members from three to two. Shri Shiv Ghandra Jha has mentioned it. I have already replied to the suggestion that only persons belonging to Assam and Meghalaya shall be members. This is just a suggestion that the Advisory Committee should be composed of those persons only from the State of Assam and Meghalaya. I understand his anxiety about it. Why make obvious what is already obvious? When the Committee has to be appointed for the special problems of Shillong, I do not think the Chief Ministers will be unwise enough to invite people from outside the State of Assam or Meghalaya.

I can assure the hon. Member that this is the intention of the Bill, and it will be followed when it becomes law.

श्री शिव चन्द्र झा : आसाम के चीफ मिनिस्टर तो अनवाइज नहीं हो सकते हैं लेकिन सेन्टर के होम मिनिस्टर अनवाइज एडवाइज दे सकते हैं।

SHRI Y. B. CHAVAN: I have moved an amendment No. 16 to clause 65, regarding the rule-making power in the matter of the services.

Coming to clause 73 which provides for removal of difficulties Mr. K. L. Gupta has moved amendment No. 15 that the orders have to be approved by the Parliament. Sir, when anything is laid on the Table, it is the inherent right of Parliament to raise a discussion over it and reject it also if it thinks fit. When we say that it is to be laid on the Table, it means we have given the right to Parliament to reject it also. There is no necessity to have a special provision for approval by Parliament.

Mr. Hem Barua has tabled an amendment for abolition of district and regional councils, I do not really see the point, when we are thinking of decentralisation and giving more powers to zila parishads...

SHRI HEM BARUA (Magaldia): Zila Parishads are not the same as District Councils. They do not enjoy those powers.

SHRI Y. B. CHAVAN: Even then, it is better that certain developmental powers are given to smaller bodies. Really speaking, by this you will be taking the development administration to the people. That is why the Constitution-makers have specially enacted the Sixth Schedule for Assam. It is not meant for all the tribal areas; it is meant only for Assam tribals. So, I do not think it would be wise to take away those powers by this Bill.

SHRI HEM BARUA: These powers can be given to the Assembly of Meghalaya,

SHRI Y. B. CHAVAN: The State Assembly will have all those powers.

SHRI HEM BARUA: Then is there a sort of diarchy.

**SHRI Y. B. CHAVAN:** He asked, why should somebody be a member of the District Council as well as the Assembly? Why should he not? In other States, people can be members of zila parishads, corporations, etc. and also be members of the Assembly.

**SHRI HEM BARUA:** As I said, Zila Parishads are not the same as District Councils.

**SHRI Y. B. CHAVAN:** They may have more powers. Now that Meghalaya State comes into existence, their relationship with the district councils will be of the same kind and same quality. Their relationship does not change. This is my argument.

With these words, I would request the House to reject all the amendments moved by other members and accept my amendment.

**श्री शिवचन्द्र झा :** संशोधन नं० 31 अलग से रक्खा जाये।

**श्री ओम प्रकाश त्यागी :** मैं संशोधन नं० 18 और 19 वापस लेता हूँ।

**श्री कंबर लाल गुप्त :** संशोधन नं० 11 और 14 को अलग से रक्खा जाये।

**सभापति महोदय :** हाउस ऐग्री कर गया है कि सब अमेंडमेंट एक साथ रक्खे जायेंगे।

**श्री शिव चन्द्र झा :** ऐसा नहीं हो सकता कि सब एक साथ रख दिये जायें।

**MR. CHAIRMAN:** I will now put all the amendments to clause 2.

*Amendments Nos. 17, 20 to 22 were put and negatived.*

**MR. CHAIRMAN:** The question is: "That clause 2 stand apart of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

**Clause 3.—(Formation of Meghalaya)**

**MR. CHAIRMAN:** The amendments moved to this clause are Nos. 19, 23 and 24.

**SHRI KANWAR LAL GUPTA:** I beg to move:

Page 2, lines 27 and 28,—

for "two-thirds" substitute "three-fourths". (10)

**SHRI OM PRAKASH TYAGI:** I beg to move :

Page 2, line 29,—

after "Meghalaya" insert—

"or remain as separate autonomous State or States like Meghalaya." (23)

Page 2, line 33,—

add at the end—

"or remain a separate autonomous District or Districts with the form or powers as Meghalaya". (24)

**MR. CHAIRMAN:** I will now put the amendments to the vote of the House.

*Amendments Nos. 10, 23 & 24 were put and negatived.*

**MR. CHAIRMAN:** The question is :

"That clause 3 stand part of the Bill".

*The motion was adopted.*

*Clause 3 was added to the Bill.*

**Clause 4.—(Executive power of Meghalaya)**

**MR. CHAIRMAN:** The amendments moved to this clause are 25 and 26.

**SHRI OM PRAKASH TYAGI:** I beg to move :

Page 2, line 34,—

after "Meghalaya" insert—

"or Autonomous District or Districts or both" (25)

Page 2, line 41,—

after "Meghalaya" insert—

"or Autonomous District or Districts or both". (26)

**MR. CHAIRMAN:** I will now put the amendments to the vote of the House.

*Amendments Nos. 25 and 26 were put and negatived*

**MR. CHAIRMAN:** The question is : "That clause 4 stand part of the Bill"

*The motion was adopted.*

*Clause 4 was added to the Bill.*

**Clause 5.**—(*Extent of executive power of Meghalaya*)

MR. CHAIRMAN : The amendment moved to this clause is No. 27.

SHRI OM PRAKASH TYAGI : I beg to move :

Page 3, line 2 and wherever it occurs in the Bill,—

after "Meghalaya" insert—

"or Autonomous District or Districts or both". (27)

MR. CHAIRMAN : I will put the amendment to the vote of the House.

*Amendment No. 27 was put and negatived.*

MR. CHAIRMAN : The question is :

"That clause 5 stands part of the Bill"

*The motion was adopted.*

*Clause 5 was added to the Bill.*

**Clause 6.**—(*Council of Ministers*)

MR. CHAIRMAN : The amendment moved to this clause is No. 11.

SHRI KANWAR LAL GUPTA : I beg to move :

Page 3, line 19,—

after "Ministers" insert "not exceeding four" (11)

MR. CHAIRMAN : I will now put the amendment to the vote of the House.

*Amendment No. 11 was put and negatived.*

MR. CHAIRMAN : The question is :

"That clause 6 stand part of the Bill"

*The motion was adopted.*

*Clause 6 was added to the Bill.*

**Clause 7.**—(*Other provisions as to Ministers*)

MR. CHAIRMAN : The amendments moved to this clause are Nos. 18 and 19.

SHRI OM PRAKASH TYAGI : I beg to move :

Page 3, line 24,—

for "appointed by the Governor" substitute—

"elected by the members of the Legislative Assembly". (18)

Page 3, line 25,—

omit "the Governor on the advice of" (19)

SHRI Y. B. CHAVAN : I have replied to them.

SHRI OM PRAKASH TYAGI : In view of the reply of the Home Minister, I want to withdraw my amendments.

MR. CHAIRMAN : Has the hon. Member the leave of the House to withdraw his amendments ?

SOME HON. MEMBERS : Yes.

*Amendments Nos. 18 & 19 were, by leave, withdrawn.*

MR. CHAIRMAN : The question is :

"That clause 7 stand part of the Bill"

*The motion was adopted.*

*Clause 7 was added to the Bill.*

*Clauses 8 to 10 were added to the Bill.*

**Clause 11.**—(*Constitution of the Legislature of Meghalaya*)

MR. CHAIRMAN : The amendment moved to this clause is No. 12.

SHRI KANWAR LAL GUPTA : I beg to move:—

Page 4, line 35,—

(i) omit "adequately"; and

(ii) for "three" substitute "two." (12)

MR. CHAIRMAN : I will not put the amendment to the vote of the House.

*Amendment No. 12 was put and negatived.*

MR. CHAIRMAN : The question is :

"That clause 11 stand part of the Bill"

*The motion was adopted.*

*Clause 11 was added to the Bill.*

**Clause 12.**—(*Delimitation of Constituencies*)

SHRI KANWAR LAL GUPTA : I beg to move :

Page 5, line 8,—

for "five" substitute "three" (13)

MR. CHAIRMAN : I shall put the amendment to the vote of the House.

*Amendment No. 13 was put and negatived.*

MR. CHAIRMAN : The question is :  
 "That clause 12 stand part of the Bill."

*The motion was adopted.*

*Clause 12 was added to the Bill.*

*Clauses 13 to 28 were added to the Bill.*

Clause 29—(*Disqualifications for membership*).

SHRI KANWAR LAL GUPTA : I beg to move :

Page 10, line 12,—

*after "State" insert—*

*"or is convicted by the court under the Unlawful Activities (Prevention) Act, 1967". (14)*

MR. CHAIRMAN : I shall now put the amendment to the vote of the House.

*Amendment No. 14 was put and negatived.*

MR. CHAIRMAN : The question is :

"That clause 29 stand part of the Bill."

*The motion was adopted.*

*Clause 29 was added to the Bill.*

*Clauses 30 to 49 were added to the Bill.*

Clause 50—(*Power of Governor to promulgate Ordinances during recess of Legislative Assembly.*)

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 18, line 29,—

*for "six weeks" substitute "four weeks" (29).*

MR. CHAIRMAN : I shall now put the amendment to the vote of the House.

*Amendment No. 29 was put and negatived.*

MR. CHAIRMAN : The question is :

"That clause 50 stand part of the Bill."

*The motion was adopted.*

*Clause 50 was added to the Bill.*

*Clauses 51 to 61 were added to the Bill.*

Clause 62—(*Provisions as to Provisional Legislative Assembly.*)

SHRI HEM BARUA : I beg to move :  
*Omit lines 29 to 35 (3).*

SHRI SHIV CHANDRA JHA : I beg to move :

Page 22, line 5,—

*for "three persons" substitute—  
 "two persons" (30)*

MR. CHAIRMAN : I shall now put the amendments to the vote of the House together.

*Amendments No. 3 & 30 were put and negatived.*

MR. CHAIRMAN : The question is :

"That clause 62 stand part of the Bill."

*The motion was adopted.*

*Clause 62 was added to the Bill.*

16.08 hrs.

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

Clause 63—(*Special committee for development of Shillong.*)

MR. DEPUTY-SPEAKER : There is Amendment No. 31 by Shri Shiva Chandra Jha.

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 22, line 34,—

*after "persons" insert—  
 "of those States" (31).*

MR. DEPUTY-SPEAKER : The question is :

Page 22, line 34,—

*after "persons" insert—  
 "of those States" (31).*

*The Lok Sabha divided :*

## AYES

Division No. 23]

[16.11 hrs.

Bharati, Shri Maharaj Singh  
 Gowda, Shri M. H.  
 Jha, Shri Shiva Chandra  
 Khan, Shri Ghayoor Ali

Kushwah, Shri Yashwant Singh  
 Molahu Prasad, Shri  
 Nihal Singh, Shri

## NOES

- Achal Singh, Shri  
 Agadi, Shri S. A.  
 Ahirwar, Shri Nathu Ram  
 Anjanappa, Shri B.  
 Ankineedu, Shri  
 Arumugam, Shri R. S.  
 Awadesh Chandra Singh, Shri  
 Babunath Singh, Shri  
 Bajpai, Shri Shashibhushan  
 Bajpai, Shri Vidya Dhar  
 Barua, Shri Bedabrata  
 Barua, Shri R.  
 Basu, Dr. Maitreyee  
 Baswant, Shri  
 Besra, Shri S. C.  
 Bhagavati, Shri  
 Bhandare, Shri R. D.  
 Bhattacharyya, Shri C. K.  
 Bist, Shri J. B. S.  
 Bramhanandji, Shri  
 Burman, Shri Kirit Bikram Deb  
 Buta Singh, Shri  
 Chandra, Shri Anil K.  
 Chanda, Shrimati Jyotsna  
 Chandrika, Prasad, Shri  
 Chaturvedi, Shri R. L.  
 Chavan, Shri D. R.  
 Chavan, Shri Y. B.  
 Choudhary, Shri Valmiki  
 Choudhary, Shri J. K.  
 Dalbir Singh, Shri  
 Das, Shri N. T.  
 Dasappa, Shri Tulsidas  
 Dass, Shri C.  
 Deoghare, Shri N. R.  
 Desai, Shri Morarji  
 Deshmukh, Shri K. G.  
 Deshmukh, Shri Shivajirao S.  
 Devinder Singh, Shri  
 Dhandapani, Shri  
 Dipa, Shri A.  
 Dixit, Shri G. C.  
 Gajraj Singh Rao, Shri  
 Gandhi, Shrimati Indira  
 Ganga Devi, Shrimati  
 Gavit, Shri Tukaram  
 Ghosh, Shri Bimalkanti  
 Ghosh, Shri P. K.  
 Ghosh, Shri Parimal  
 Girja Kumari, Shrimati  
 Govind Das, Dr.  
 Gowder, Shri Nanja  
 Gupta, Shri Kanwar Lal  
 Gupta, Shri Lakhan Lal  
 Gupta, Shri Ram Kishan  
 Hajaranawis, Shri  
 Hem Raj, Shri  
 Himatsingka, Shri  
 Jadhav, Shri Tulshidas  
 Jadhav, Shri V. N.  
 Jaggaiah, Shri K.  
 Jagjiwan Ram, Shri  
 Jamir, Shri S. C.  
 Kalita, Shri Dhireswar  
 Kamble, Shri  
 Kamala Kumari, Shrimati  
 Kandappan, Shri S.  
 Karan Singh, Dr.  
 Kasture, Shri A. S.  
 Katham, Shri B. N.  
 Kavade, Shri B. R.  
 Kesri, Shri Sitaram  
 Kinder Lal, Shri  
 Kirutinan, Shri  
 Kothari, Shri S. S.  
 Kotoki, Shri Liladhar  
 Kripalani, Shrimati Sucheta  
 Kureel, Shri B. N.  
 Kushok Bakula, Shri  
 Lajit Sen, Shri  
 Laxmi Bai, Shrimati  
 Lutfal Haque, Shri  
 Mahadeva Prasad, Dr.  
 Mahadevappa, Shri Rampure  
 Mahajan, Shri Vikram Chand  
 Maharaj Singh, Shri  
 Mahida, Shri Narendra Singh  
 Majhi, Shri M.  
 Mandal, Dr. P.  
 Mandal, Shri Yamuna Prasad  
 Mane, Shri Shankarrao  
 Marandi, Shri  
 Mayavan, Shri  
 Meena, Shri Meetha Lal  
 Meghrajji, Shri  
 Mehta, Shri Asoka  
 Minimata, Shrimati Agam Dass Guru  
 Mishra, Shri G. S.  
 Mody, Shri Piloo  
 Mohamed Imam, Shri  
 Mohammad Ismail, Shri  
 Mohammad Yusuf, Shri  
 Mohammed Sheriff, Shri  
 Mohsin, Shri  
 Mohinder Kaur, Shrimati  
 Mondal, Shri Ram  
 Nageshwar, Shri  
 Naidu, Shri Chengalraya  
 Naik, Shri R. V.  
 Nayar, Dr. Sushila

Oraon, Shri Kartik  
 Pandey, Shri K. N.  
 Panigrahi, Shri Chintamani  
 Pant, Shri K. C.  
 Paokai Haokip, Shri  
 Parma, Shri D. R.  
 Partap Singh, Shri  
 Parthasarathy, Shri  
 Patel, Shri Manubhai  
 Patil, Shri C. A.  
 Patil, Shri Deorao  
 Patil, Shri S. D.  
 Patil, Shri T. A.  
 Patodia, Shri D. N.  
 Poonacha, Shri C. M.  
 Pradhani, Shri K.  
 Radhabai, Shrimati B.  
 Raghu Ramaiah, Shri  
 Raj Deo Singh, Shri  
 Rajaram, Shri  
 Rajasekharan, Shri  
 Raju, Shri D. B.  
 Raju, Dr. D. S.  
 Ram, Shri T.  
 Ram Dhan, Shri  
 Ram Dhani Das, Shri  
 Ram Subhag Singh, Dr.  
 Ram Swarup, Shri  
 Ramshekhar Prasad Singh, Shri  
 Ranga, Shri  
 Ranjit Singh, Shri  
 Rao, Shri K. Narayana  
 Rao, Shri Muthyal  
 Rao, Shri J. Ramapathi  
 Rao, Shri Thirumala  
 Rao, Shri V. Narasimha  
 Raut, Shri Bhola  
 Rohatgi, Shrimati Sushila  
 Roy, Shri Bishwanath  
 Roy, Shrimati Uma  
 Sadhu Ram, Shri  
 Saha, Dr. S. K.  
 Saigal, Shri A. S.  
 Sait, Shri Ebrahim Sulaiman  
 Saleem, Shri M. Yunus  
 Salve, Shri N. K. P.  
 Sambandhan, Shri S. K.

Saminathan, Shri  
 Sankata Prasad, Dr.  
 Savitri Shyam, Shrimati  
 Sayeed, Shri P. M.  
 Sayyad Ali, Shri  
 Sen, Shri Dwaipayan  
 Sen, Shri P. G.  
 Sethi, Shri P. C.  
 Sethuraman, Shri N.  
 Shah, Shri Shantilal  
 Shambhu Nath, Shri  
 Shankaranand, Shri  
 Sharma, Shri B. S.  
 Sharma, Shri Madhoram  
 Sharma, Shri Naval Kishore  
 Sharma, Shri Ram Avtar  
 Shashi Ranjan, Shri  
 Shastri, Shri Sheopujan  
 Sheo Narain, Shri  
 Sher Singh, Shri  
 Shiv Chandika Prasad, Shri  
 Shukla, Shri S. N.  
 Singh, Shri D. N.  
 Singh, Shri D. V.  
 Snaatak, Shri Nar Deo  
 Solanki, Shri S. M.  
 Somasundaram, Shri S. D.  
 Sonar, Dr. A. G.  
 Sonavane, Shri  
 Sunder Lal, Shri  
 Sursingh, Shri  
 Tapuriah, Shri S. K.  
 Tiwary, Shri D. N.  
 Tiwary, Shri K. N.  
 Tuja Ram, Shri  
 Tyagi, Shri O. P.  
 Uikey, Shri M. G.  
 Ulaka, Shri Ramachandra  
 Venkatasubbaiah, Shri P.  
 Venkatswamy, Shri G.  
 Verma, Shri Balgovind  
 Verma, Shri Prem Chand  
 Vidyarthi, Shri R. S.  
 Virbhadra Singh, Shri  
 Viswanathan, Shri G.  
 Vyas, Shri Ramesh Chandra  
 Yadab, Shri N. P.

MR. DEPUTY-SPEAKER : The result\* of the division is : Ayes : 7; Noes : 204.

*The motion was negatived.*

MR. DEPUTY-SPEAKER : The question is :

“That Clause 63 stand part of the Bill.”

*The motion was adopted.  
 Clause 63 was added to the Bill.  
 Clause 64 was added to the Bill.*

\*Shri Randhir Singh also voted for NOES.

**Clause 65—(Provisions relating to services)**

MR. DEPUTY-SPEAKER : I shall now put amendment 16 to clause 65, moved by the Home Minister, to the vote of the house.

*Amendment made :*

"Page 23,—

for lines 11 and 12, substitute—

"(b) on or after the appointed day, except in accordance with such rules as may be made by the Central Government after consultation with the Governments of Assam and Meghalaya." (16)

(Shri Y. B. Chavan)

MR. DEPUTY-SPEAKER : The question is :

"That Clause 65, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 65, as amended, was added to the Bill.*

*Clauses 66 to 72 were added to the Bill.*

**Clause 73—(Power to remove difficulties.)**

SHRI KANWAR LAL GUPTA : I beg to move :

Page 25, line 23,—

after "Parliament" insert—

"for approval" (15)

MR. DEPUTY-SPEAKER : I shall now put Amendment 15 to clause 73 to the vote of the House.

*Amendment No. 15 was put and negatived.*

MR. DEPUTY-SPEAKER : The question is :

"That Clause 73 stand part of the Bill."

*The motion was adopted.*

*Clause 73 was added to the Bill.*

MR. DEPUTY-SPEAKER : The question is :

"That Clauses 74 to 77 stand part of the Bill."

*The motion was adopted.*

*Clauses 74 to 77 were added to the Bill.*

*The First Schedule, the Second Schedule, the Third Schedule and the Fourth Schedule were added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI Y. B. CHAVAN : I beg to move :

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill, as amended, be passed."

DR. SUSHILA NAYAR (Jhansi) : I rise to give my support to this very welcome Bill which has come before this House. We are all aware of the aspirations of our brethren in the hill areas of Assam and how for a long time every one had been exercised to find a suitable solution to meet their aspirations and at the same time take care of some of the difficulties that came in the way. It is a good solution that has been thought out, but I do wish to say that perhaps it would have been better for the Government to think in terms of accepting full Statehood for this area as for Nagaland. We are aware of similar attempts that have been made in other parts of the country and how the Regional Committee idea was tried in Punjab and Haryana and ultimately it was found that the Regional Committees did not work and the two separate States were created. The same type of difficulty, the same type of dissatisfaction may occur in this case and ultimately the Government may have to revise its opinion and take adequate measures to give full statehood to this area. However, it is good that we have started on that road so that our brethren, the tribal people and others living in the hill areas of Assam will have the right to manage their own affairs.

As you are aware, it is a well-known fact that the developmental requirements of these out-of-the-way places, particularly, in the hills are not given adequate attention when they are part of a big State as was the case in this instance. We know how the roads, etc, in Himachal Pradesh improved very much when the Union Territory of Himachal Pradesh was created. Similarly, we are aware how the roads and other developmental schemes in the old Vindhya Pradesh were very much ahead of the rest of Madhya Pradesh and after it was merged in Madhya Pradesh, its development has slowed down. Therefore, I hope and I have the confidence that the creation of this separate State will lead to greater and more rapid development of this area.

[Dr. Sushila Nayar]

May I say, at the same time, that there are certain provisions in this Bill which, I think, are likely to create some difficulties. We are all aware that the tribal people have their own culture, their own way of life and some of the characteristics of their culture are very desirable, are so good that I wish the rest of India learn some of their ways from them. One of these things is their way of dealing with crime and dealing with justice so that justice is not far removed from the people. In the original arrangement the village councils have been given the power to try these cases and do justice and settle the disputes. Ordinarily appeals on these decisions lay to the District Councils. Now it is proposed that these appeals will lie to the regular courts. I am afraid, it is going to lead to endless litigation and deny justice to the people of these hill areas. It is provided that this transition will be gradual and after watching the situation, then only this measure will be introduced. I would like to suggest to the Home Minister through you, not to try this innovation but let the tribals continue to have their appeals to the District Councils and if there are certain very special cases where recourse to higher courts is necessary, that can always be made possible, but not to open the flood-gates of litigation by saying that all appeals from the Village Panchayats will lie to the regular courts in Assam which may naturally give rise to a certain feeling of dissatisfaction amongst our tribal brethren.

Another provision in this Bill which needs attention of the Home Minister is that it is proposed to exempt the Union properties as well as the properties of the Assam Government from the taxation that may be levied by the Meghalaya Government on a reciprocal basis. Now everyone knows that the properties of the Meghalaya Government are very scanty and very few and reciprocal basis does not have any real meaning. It will deprive this newly set up Government of considerable sources of taxation if this exemption is given. Therefore, I hope the Home Minister will think even at this stage not to insist on this type of exemption.

Similarly, it is stated that the taxation on motor vehicles may be charged by Meghalaya, but that in respect of those vehicles that are registered in Assam etc. there should

be no double taxation. I agree with the Home Minister that there should be no double taxation. At the same time, the fact remains that in Assam and in all these areas, there are heavy defence motor trucks and vehicles. They are very damaging to the roads, and the hill roads, in any case, need a lot of attention for maintenance.

Now the taxes will be paid in Assam and the maintenance of these roads will be the responsibility of Meghalaya, which will cause considerable difficulties for the newly formed State Government. Therefore, the Home Minister should find some way either to make a special financial provision for looking after these roads or in some other way make it possible for them to make good this loss of revenue due to the fact that most of vehicles will be registered in Assam and the Meghalaya Government will not be able to collect any taxes from them.

It has been suggested that Shillong will serve as the headquarters of both Assam and Meghalaya. I can understand it as an interim arrangement. But now that the hill areas are going out of Assam, there is no point in keeping the capital of Assam in Shillong and letting this kind of confused situation and possibility of conflict to continue by keeping two State capitals in one and the same place. The legitimate and proper place for the capital of Assam in future would be Gauhati. Let them move over there and let Shillong be the capital of the new State, if not today, tomorrow. It takes time to make such a change. So as an interim arrangement, it is all right for both governments to stay on in Shillong. But ultimately I think they should do something about it.

May I hope that the power for issuing directions which has been provided by the State and Central Governments will be used sparingly, if not avoided altogether?

With these words, I welcome the Bill.

MR. DEPUTY-SPEAKER : We have a very heavy agenda before us still. Those would like to speak may condense their observations to one or two minutes.

SHRI SHIVAJIRAO S. DESHMUKH (Parbhani) : I rise to congratulate you on this very proud day because in the passing of this Bill I see the fulfilment of a dream

which you as a member of this House has held very high and dear to your heart. We in the Congress Party had our own part to play in this. We were conscious of this fact that since the days of Pandit Nehru, the Hill leaders and the hills people had demanded a separate State which was promised to them by Panditji on the basis of the Scottish formula. They had to cross many hurdles and obstacles and thanks to the perseverance, tact and strength of the Home Minister we could achieve this measure unanimously.

On the passing of this Bill, we wish to convey our best wishes to the people of Meghalaya, to Capt. Sangma and the Assam Hill leaders and also our colleagues here on it being possible to arrive at this solution unimously which is acceptable to all.

With these few words, I support the Bill.

**SHRI SURENDRANATH DWIVEDY:** (Kendrapara) : I am happy that this Bill is being passed almost with the unanimous support of this House. I would have been happier had this Government seen reason and get it passed by the Rajya Sabha also before it adjourned so that the Bill becomes law immediately and the people of the Hills get their State.

I also hope and trust that the Hill people of Assam, now that they have got statehood, will assert their rights and get all the privileges which this Government had not been able to fulfil so far, that is to bring the hill tribes on par with other sections of the population and be on equal terms with the other citizens of the country. I hope the aspirations of these people will be met after the constitution of the new autonomous State.

**MR. DEPUTY-SPEAKER :** The question is :

"That the Bill, as amended, be passed."

*The motion was adopted.*

16.26 hrs.

#### COMMISSION OF INQUIRY (AMENDMENT) BILL

**MR. DEPUTY-SPEAKER :** There are two other items which we have agreed to pass without discussion. We shall take them up first. Shri Shukla.

#### THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : I move:

"That the Bill to amend the Commissions of Inquiry Act, 1952, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely :—

Shri N. C. Chatterjee  
 Shri Y. B. Chavan  
 H.H. Maharaja Pratap Keshari Deo  
 Shri C. T. Dhendapani  
 Shri Surendranath Dwivedy  
 Shri Hem Raj  
 Shri V. N. Jadhav  
 Shri Bhogendra Jha  
 Shri N. Sreekantan Nair  
 Shrimati Sucheta Kripalani  
 Shri D. K. Kunte  
 Shri Bal Raj Madhok  
 Shri Dhuleshwar Meena  
 Shri P. Ramamurti  
 Shri S. S. Syed  
 Shri Gajraj Singh Rao  
 Shri Bhola Ram  
 Shri Rabi Ray  
 Shri R. Dasaratha Rama Reddy  
 Shri Bishwanath Roy  
 Dr. Sisir Kumar Saha  
 Shri N. K. P. Salve  
 Shri Shantilal Shah  
 Shri Viren Shah  
 Shri Biswanarayan Shastri  
 Shri S. M. Siddayya  
 Shri Sant Bux Singh  
 Shri S. Supakar  
 Shri P. R. Thakur  
 Shri Vidya Charan Shukla, and

15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this