

The Constitution (Sixty ninth Amendment) Bill, 1991.

SECRETARY-GENERAL: I beg to lay on the Table a copy of the Constitution (Sixty-ninth Amendment) Bill, 1991 as passed by the Houses of Parliament during the current session of Rajya Sabha and assented to by the President on the 21st December, 1991.

THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI BILL, 1991

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Mr. Vice-Chairman, 1 move:

"That the Bill to supplement the provisions of the Constitution relating to the Legislative Assembly and a Council of Ministers for the National Capital Territory of Delhi and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

Sir, in pursuance of the provisions of the Constitution (Seventy fourth Amendment) Bill, 1991, the present Bill seeks to give effect to the amendments approved by this House to the Constitution. All the provisions of this Bill are for giving effect to, and supplementing, the provisions contained in the amendments made to the Constitution and for matters incidental or consequential thereto. I don't think that I should trouble the hon. Members with the details of the Bill at this stage.

With these words, I commend the Bill as passed by the Lok Sabha, to this august for consideration.

The question was proposed.

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI M. L. FOTEDAR): Let us pass it unanimously.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Does anybody want to speak?

SOME HON. MEMBERS: Nobody.
(Interruptions) ..

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): I have said that it is open for discussion. (Interruptions)

SHRI SIKANDER BAKHT (Madhya Pradesh): We will take five minutes.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Then it will be taken up at five o'clock. What is the consensus of the House? Shall we take it up at five o'clock.

SOME HON. MEMBERS: Let it be passed now.

श्री सिकन्दर बाख्त: सदर साहब, एम्बेडकर का हाल आप मालूम कर लीजिये बेरी तरह से इस कीजिए बेशक

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Ambedkar, do you want to speak on it?

SHRI PRAKASH YASHWANT AMBEDKAR (Nominated): Yess.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): All right. We will take it up at 5 p.m. Now we take up the Private Members' Legislative Business.

THE ILLEGAL MIGRANTS (DETERMINATION BY TRIBUNALS) REPEAL BILL, 1991—Contd.

श्री लक्ष्मीराम अग्रवाल: उपसभाध्यक्ष महोदय, मैं आपसे यह कहना चाहता हूँ कि सुबह जो सदन में चर्चा की गई थी कि मध्य प्रदेश के मुख्य मंत्री जी सुन्दर लाल पटवा के ग्राम में मस्जिद को तोड़ा गया। उपसभाध्यक्ष महोदय, सदन को यह गलत जानकारी दी गई है (व्यधान)

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please sit down. That is not the correct procedure.

श्री ल. छीराम अग्रवाल : उपसभाध्यक्ष महोदय, आप मेरी बात दो मिनट सुन लीजिए। मध्य प्रदेश के मुख्य मंत्री श्री सुन्दर लाल पटवा ग्राम में मस्जिद तोड़ी गई है, यह गलत जानकारी दी गई है

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Nothing will go on record. Please sit down. What is the use of it? You don't understand that I am on my legs. You must understand. Please sit down Mrs. Swaraj, you also please sit down.

SHRIMATI SUSHMA SWARAJ (Jiaryana): He is on a personal explanation.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please, sit down. Just now we are on the Private Members' business. No matter can be take up except the Private Members' business. Please have patience. At 5 o'clock we can take it up.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Shri Hiphei. Not here. Shrimati Kamla Sinha. Not here Shri Satya Prakash Malaviya.

श्री स.प. प्रकाश मालवीय (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष महोदय, डा० नगेन सैकिया ने जो दि इल्लिगल माइग्रेंट्स (डिटरमिनेशन बाई ट्राइब्यूनल्स) बिल, 1991 प्रस्तुत किया है, मैं इसका समर्थन करने के लिए खड़ा हूँ। इस बिल के जरिए डा० नगेन सैकिया ने इस बात की मांग की है कि 1983 में संसद द्वारा पारित अवैध प्रवासी (अधिकरणों द्वारा अवधारण) अधिनियम को समाप्त किया जाय। अपने भाषण में उन्होंने इस बात पर जोर दिया है कि अब इस अधिनियम की कोई आवश्यकता नहीं है, इसलिए यह आवश्यक हो गया है कि नये वातावरण में विचार

करके भारत की संसद इस विधेयक को समाप्त करने का काम करे। जो वर्तमान विधेयक है, जिस पर हम लोग विचार कर रहे हैं, इसके उद्देश्य और कारणों में डा० नगेन सैकिया ने कहा है "भारतीय गणराज्य में प्रत्येक राज्य को अन्य राज्यों के समक्ष समझा जाना चाहिए। किसी राज्य के लोगों के साथ भेदभाव बरतने से उस राज्य के लोग राष्ट्रीय जीवन की मुख्य धारा से अलग हो जाते हैं। अतः इस विभेद को दूर करना और अवैध प्रवासी (अधिकरणों के द्वारा अवधारण) अधिनियम, 1983 को निरसित करके देश की अखंडता तथा संप्रभुता की रक्षा करना अनिवार्य है।"

मान्यवर, 1983 में जब यह विधेयक पारित किया गया था, उस समय आसाम की परिस्थिति कुछ दूसरी थी। उसके काफी पहले से वहाँ पर एक आन्दोलन चल रहा था और विशेषकर के वहाँ के छात्र और युवा वर्ग उस आन्दोलन का नेतृत्व कर रहे थे और उस आन्दोलन के पीछे उनका कहना यह था कि जो बाहर के लोग हैं, जो हमारे देश के और आसाम के नागरिक नहीं हैं, ऐसे लोगों ने आ कर के आसाम की राजनीतिक सामाजिक व्यवस्था में हस्तक्षेप करना शुरू कर दिया है। उसके बाद आप जानते हैं कि चुनाव हुए और सरकार बनी लेकिन 1983 में जो स्थिति थी वह स्थिति आज नहीं रह गई है बल्कि वहाँ पर पुनः चुनाव हुए और आज वहाँ पर एक दूसरी पार्टी की सरकार है। इस बात पर भी जोर दिया गया है कि इस अधिनियम के प्रावधान के अन्तर्गत यदि किसी के विरुद्ध इस बात की शिकायत है कि कोई वहाँ पर विदेशी है या भारत का नागरिक है और आ कर के वहाँ बस गया है उसको आवेदन पत्र देना पड़ता है। इस आवेदन पत्र को देने के लिए पहले 25 रुपये शुल्क या अब उसको घटा कर के 10 रुपए कर दिया है लेकिन आज भी यदि कोई भारत का नागरिक जो आसाम में रहता है, उसको इस बात की शिकायत है कोई व्यक्ति विदेशी है तो इसके लिए उसको एक आवेदन देना होगा उस पर 10 रुपये टिकट के लिए या कोई फीस

[श्री सत्य प्रकाश मल्लिक]

के लिए खर्च करना पड़ेगा। दूसरा इस में इस बात का प्रावधान है कि जो व्यक्ति शिकायत करेगा, जो शिकायतकर्ता होगा उसी के ऊपर यह जिम्मेदारी होगी कि वह साबित करे कि जिस व्यक्ति के खिलाफ भी आवेदन पत्र दिया है वह विदेशी है जबकि नागरिकता अधिनियम और विदेशी विषयक अधिनियम में ऐसा प्रावधान नहीं है। इसलिए मैं समझता हूँ कि इस संबंध में आसाम के साथ भेदभाव नहीं होना चाहिए और सारे देश में एक ही प्रकार का कानून होना चाहिए। ऐसा कानून जो देश के दूसरे भाग में लागू होता है वही कानून आसाम में भी लागू होना चाहिए। इस संबंध में आसाम के लिए कोई विशेष कानून की आवश्यकता नहीं रह गई है। मैं यह उपयुक्त समझता हूँ कि अब समय आ गया है कि इस सरकार को विचार करना चाहिए और विचार करने के बाद निर्णय लेना चाहिए कि यह जो 1983 का कानून है उसको अब समाप्त किया जाए।

मान्यवर, आसाम में अपार प्राकृतिक सम्पदा है लेकिन आसाम के लोग ऐसा महसूस करते हैं कि राष्ट्र की मुख्य धारा से उनकी अलग-अलग रखा जा रहा है। आसाम में प्राकृतिक सम्पदा होते हुए भी वहां पर पिछड़ापन है, निर्धनता है, गरीबी है और उनके मन में यह बात बैठ गई है कि बाहर से जो लोग आ गए हैं वह लोग वहां पर अपना वर्चस्व कायम किए हुए हैं। इसलिए मैं चाहता हूँ कि भारत सरकार को ऐसा कदम उठाना चाहिए जिससे आसाम के लोगों के मन में यह विश्वास बैठे कि वह लोग भी इस देश के नागरिक हैं और इस देश के नागरिक रहते हुए उनको राष्ट्र की मुख्य धारा से अलग रखने का कोई प्रयास नहीं होगा। जब कानून ऐसा है जो केवल आसाम में लागू होता है जिन दो कानूनों का उद्धरण मैंने ऊपर दिया है वह आज आसाम में प्रभावी नहीं है तो निश्चित रूप से आसाम के जो भाई हैं उनके मन में यदि ऐसी भावना बैठती है, ऐसे विचार उनके मन में आते हैं तो यह उपयुक्त है और इसको देखते हुए मैं यही समझता हूँ कि डा० नगेन सैकिया का जो यह विधेयक है इसको भारत सरकार को स्वीकार

करना चाहिए। यह बहुत ही सामयिक है उपयुक्त है, हालांकि परिस्थिति आज बदल गई है। इन्हीं शब्दों के साथ मैं डा० नगेन सैकिया के विधेयक का पूरा समर्थन करता हूँ धन्यवाद।

*DR. NARREDDY THULASI REDDY (Andhra Pradesh): Mr. Vice Chairman, Sir, in the Republic of India every state should be treated at par with others. Disciplinary treatment alienates the people of the state concerned from the mainstream of the national life. Unity and integrity of our country should be protected. Keeping this in view the Foreigners Act was passed in 1946. This Act is operative through out the country. This Act empowers the authorities to deport foreigners from the country. According to this Act any citizen can identify a foreigner and report the matter. He need not pay anything nor is he required to prove that the person is a foreigner. It is left to the foreigner himself to prove which country he belongs to. As per this Act it is easy to identify foreigners. The procedure is simple. But Sir, unfortunately a Special Act was introduced for the State of Assam. It is the Illegal Migrants (Determination by Tribunals) Act, 1983. This Act of 1983 is contrary to the spirit of the agitation by the people of Assam because it is discriminatory in nature. According to this Act, a citizen is required to pay Rs. 10/- to identify a foreigner and report it. Apart from that he is also required to produce two witnesses to prove that the identified person is a foreigner. One more interesting thing is that the person who identified the foreigner, the two witnesses and the foreigner should all belong to the same locality. There are some localities where only foreigners are residing and it is really difficult to report the matter. The onus to prove a person as a foreigner

*English translation of the original speech delivered in Telugu.

again lies with the person who identifies him. People are discouraged to come forward and identify the foreigners. This is the difference between the Act of 1946 and that of 1983. Since the political, social and economic situation in Bangladesh is not conducive, there is a large scale influx of people into our country from across the border. There is also not much difference in their culture, language and tradition. In such a situation it is difficult to identify the foreigners. Infiltration of foreign nationals continues unabated and the citizens of our country have to face many hurdles in lodging complaints against the illegal migrants. The people of Assam feel insecure because they apprehend that foreigners may occupy the whole state and make them homeless.

Sir, what was the necessity to introduce this Act of 1983 only for the State of Assam? The provisions of this Act are nothing but an attempt by the government to put hurdles in the identification of foreigners.

There is a selfish motive behind this. It is a vote catching device of the Congress Party. AGP people are against the foreigners. So the foreigners will not vote for AGP party. Congress Party wants to exploit the situation and gain the votes of these foreigners. This Act is anti-nationals and should be repealed immediately. It had put strong hurdles in identifying the foreigners. This Act militates against the integrity and sovereignty of our country and is discriminatory in nature. It is, therefore, imperative to remove this discrimination and to protect the integrity and sovereignty of the country by repealing the Illegal Migrants (Determination by Tribunals) Act, 1983. I support this Bill introduced by Shri Nagen Saikia and thank you, Sir, for giving me this opportunity.

SHRIMATI KAMLA SINHA (Bihar): Sir, my name was called but I was outside the House. I seek your permission to speak.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Let me put it to the House. What is the pleasure of the House? (No. hon. Member dissented). Yes, go ahead.

SHRIMATI KAMLA SINHA: Sir, the Bill to repeal the Illegal Migrants (Determination by Tribunals) Act, 1983, moved by our esteem colleague, Dr. Nagen Saikia, has been brought before the House at an opportune time and I rise to support the same. The parent Act provides for establishment of tribunals for determination in a fair manner the question whether a person is an illegal migrant or not and to enable the Central Government to expel illegal migrants from India and for matters related thereto. This Act also empowers Government to deal with cases relating to foreigners who migrated into India across the borders, eastern border and north-eastern border regions, after 25th March, 1971 without having any lawful authority to do so and illegally remained in India. The parent Act also has a provision for detection of such foreigners in north-eastern region and also in any part of India in which such foreigners may be found to remain illegally and take action. Sir, if we go through the Illegal Migrants (Determination by Tribunals) Act, 1983 and the Citizenship Act, 1950, as amended in 1955 and 1986 and also the Foreigners Act, 1946, we shall see that there are a lot of provisions—how to define who can be a citizen of India and who is not a citizen of India; who is a foreigner and under certain conditions, who can acquire citizenship of India—there are a lot of provisions, there are a lot of sections. I do not want to go into all that. I would just like to mention here that in many of our border areas, for example, eastern border and north-eastern border, people have been coming inside India because racially, ethnically and linguistically, there is a lot of affinity.

[Shrimati Kamala Sinha]

So when they come, you just cannot find out who has come and quietly they settle down here. And it has been found that gradually they got themselves enrolled in the electoral rolls. Although they did not formally apply for registering themselves as citizens of India, without going through the processes of acquiring the citizenship of India, they quietly got their names entered on the voters' lists. This is happening even in my State, Bihar, in the border areas, especially in the districts of Purnea and Katihar. This is happening on a large scale there. And it is tilting the balance of the area. In Assam, especially the younger generation of the original Assamese, the Ahomias, became a minority in their own State, because those people who came from outside, who were not Indians originally, who migrated after India became a free nation, migrated quietly without any legal authority; they started living here, they violated the Indian constitutional provisions, they started their trade and commerce and industry and agriculture; they even started establishing marital relationships here and started acquiring properties. They became voters here and now they claim to be the inhabitants of the State in the north-eastern region. This has tilted the total balance of the region. Naturally we have seen agitations and movements against this by the young people, those who feel cheated in the whole process, those who feel they have lost their homeland in their their own State. We have also seen changes in Government. We have seen how a new Government came into power. Till today Assam and the whole of the north-eastern region is in turmoil. We know what is happening there. ULFA and terrorism. The other day there was a long debate in this House about terrorism. We know everything. So I request the Government to amend the parent Act. Either the Government should accept the amendment which has been brought by the honourable.

Shri Nagen Saikia, or the Government on its own should bring an amendment to the Act so that this type of illegal migrants cannot sneak into our country. As regards those who have started living here, you should have a machinery to deport them. You are not doing anything in that direction. When our own boys, our own countrymen, agitate against the whole thing, you just brand them as terrorists. This should not go on. I would like to go on record, I demand that the Government should accept this amendment Bill or should on its own bring another Bill to correct the situation. Thank you.

श्री राम अवधेश सिंह (दिल्ली):
उपसभाध्यक्ष महोदय, 1983 में जो आई.एम.डी.टी. एक्ट के अन्दर सरकार ने इल्लिगल माइग्रेंट्स डिमिनिशन ट्रिब्यून बनाया उसकी मंशा क्या है, यह साफ नहीं है। लेकिन ऐसा लगता है कि वह कहीं न कहीं उसका मन खलना हुआ है केन्द्र सरकार का मन अगर साफ होता तो किसी विदेशी नागरिक के बारे में शिकायत करने वाले पर ही सारा खोनास नहीं डाँटा तो सारा बर्देन इस पर केवल जो शिकायत है उसी के ऊपर है। इसमें जिसके ऊपर शिकायत की जाती है इक्यूज पर भी कुछ खोनास रहना चाहिए। जैसे मान-खीजिए कि मर्डर का एक केस है, हम किसी पर केस करते हैं कि इसने मर्डर किया है तो हम को भी सबूत जुटाना पड़ता है कि इसने मर्डर किया। साथ-ही-साथ जो एक्ज्यूज है, उसको भी साबित करना पड़ता है कि मैं निर्दोष हूँ। तो इस तरह से इसमें दो-तरफा बात होती चाहिए कि उसको भी कहना चाहिए कि हाँ, हम इसके सिदीकत हैं और एक्ज्यूज को भी, जो कम्प्लेन्ट है उसको भी आनर रहना चाहिए कि हाँ, हम इन को जानते हैं और ये हमारे पास सबूत हैं कि ये यहाँ के सिटीजन नहीं हैं और उसको भी कहना चाहिए। दोनों तरफ से बात होनी चाहिए और फिर कोर्ट को जो सही बात लगे, उस पर डिटरमिनेशन होना चाहिए क्योंकि बात एकतरफा होने से सामंजस्य बग़ुरा रह जाता है। महोदय, इसमें एक सीमा

रेखा तय हुई, खासकर जब असम में झगड़ा हुआ और बांग्लादेश से लोग आए उनके बारे में किया गया। महोदय, मेरी दृष्टि उस दृष्टि से भिन्न है क्योंकि हम लोग मानते रहे हैं खासकर लोहियावादी लोग कि यह जो सब-कॉन्टीनेंट है, इसकी अलग समस्या है और उधर से दस-बीस आदमी आते जाते रहेंगे। आप आने-जाने वालों को रोक नहीं सकते चाहे कड़ाई आप कर दें क्योंकि यह एक क्लचर है, एक सम्प्रदाय है। उनको रिश्तेदारी उधर है, इनकी उधर है, इसलिए आना-जाना चलता रहेगा। तो क्या अगर कोई रिश्ते-दारी में आएगा तो आप उसको पकड़कर कहेंगे कि चलो, भागो? तो इस तरह हमें आगे चलकर बहुत दिक्कत हो सकती है। अभी भी है। असम के लोगों ने तो इसे बहुत जोर से उठाया है। महोदय, आज मैं नवाज शरीफ का बयान पढ़ रहा था कि बायलेटल तरीके से समस्याओं का समाधान हो। तो हम लोहियावादी यह मानते हैं कि हिंद, पाक और बांग्लादेश का एक महासंघ ढीलाढाला जिस तरह भी हो, बने। जब तक इस तरह के ठोस कदम हम नहीं उठाएंगे तब तक इन छोटी-छोटी बातों से कुछ होने वाला नहीं है क्योंकि जब ये अलग-अलग देश रहेंगे तब तक ये आपस में लड़ेंगे-झगड़ेंगे, उनका आर्थिक विकास नहीं होगा और आर्थिक विकास में गतिरोध आ जाने से निश्चित तौर पर हमारी प्रगति नहीं होगी। मान्यवर, मेरा मानना है कि अभी जिस तरह से यूरोप के लोग यूरोपियन कम्युनिटी बना रहे हैं, अब समय आ गया है कि एशिया के लोग भी यूरोपियन कम्युनिटी के घात-प्रतिघात से बचने के लिए एशियन कम्युनिटी और एशिया के देशों का भी एक ढीलाढाला फेडरेशन आर्थिक और राजनीति ढंग का बनाएं। महोदय डा० लोहिया कहते थे कि बर्ड वार्ड की लीडरशिप भारत को करनी चाहिए। अब मार्क्सवाद एशिया को छाती में खंजर होगा। यह डा० लोहिया ने कहा था। यह उन्होंने बहुत पहले कहा था कि मार्क्सवाद एशिया और अफ्रीका की छाती में खंजर है। तो यह बात साबित हो गई है। अब मार्क्सवाद जो यूरोपियन मार्क्सवाद था, रबिंद्र का हिस्सा था, वह तो फूट गया अब मार्क्सवाद को वज्र

के औजार के सहारे जो एशिया की विशाल जनसंख्या है, अफ्रीका की विशाल जनसंख्या है, उसकी आर्थिक समस्याओं का 3.00 P. M. समाधान संभव नहीं है।

अंतरन पश्चिमी तीर-तरीकों के प्रौद्योगिकरण से ही एशिया की समस्याओं का समाधान होगा। इसलिये यह निहयत जरूरी है। कल प्रधानमंत्री जी ने जो बयान दिया, उसमें मैं एक चीज देखता हूं कि चीन जो हमारे सीमा पर आ रहा है या उससे हम खूब डर जा कर रहे हैं बत करने के लिये, उसमें उसकी आर्थिक आवश्यकत है। आर्थिक आवश्यकत है और इसलिये, मान्यवर, यह पहल-कदमी हो रही है सच की। रूस और अमरीका जब इंटरमोडेट रेंज के मिसायल को खतम करने के लिये पहली बार बैठे थे, उस समय इस सदन में प्रस्ताव हुआ और हर्षवर्धन की गई कि दोनों दुनिया के हित के लिये कर रहे हैं। लेकिन, नहीं, बल्कि दोनों अपने हित के लिये कर रहे थे क्योंकि वह बात सफ हो गई है, जग जहिर हो गई है कि अर्थ-व्यवस्था रूस की इतनी खराब हो गई थी, सोवियत संघ की अर्थ-व्यवस्था इतनी खराब हो गई थी कि वह आगे अण्वैिक हथियारों का बोझ ढालने में असमर्थ थे। अब चीन भी अण्वैिक हथियारों का बोझ नहीं ढो सकता है।

मान्यवर, आज ही जो नवाज शरीफ सदन का बयान आया है, उसके सफ है कि वह भी समझ रहे हैं कि हम परमाणु बम बन कर विकास की दौड़ में अगे बढ़ते जायेंगे, यह संभव नहीं है और भारत के साथ दुश्मनी करके जिद रहेंगे, यह भी संभव नहीं है इसलिये उन्होंने कहा है कि अपनी समस्याओं का समाधान बहुपक्षीय तरीके से हो सकता है। यह स्वगत योग्य कदम है और भारत सरकार को इस पर जल्दी ही अच्छे ढंग से रिएक्ट करना चाहिए, अच्छी प्रतिक्रिया देकर पहले करती चाहिये।

मान्यवर, मैं समझता हूं कि केवल भारत और पाकिस्तान की समस्या

[श्री राम अवधेश सिंह]

नहीं है बल्कि बांग्ला देश की भी समस्या है और इसलिये एक महासंघ की बात हम लोगों को करनी चाहिये, हिंदू, पाक और बांग्ला देश का महासंघ। इसमें और भी अगल-बगल के राष्ट्रों को, देशों को ले सकते हैं। इसके सिवा और कोई चारा नहीं है। बदली हुई परिस्थिति में यह छोटे-छोटे कदम बड़े सबलों के समाधान के लिए सही नहीं है। इसलिये मैं चाहता हूँ कि सरकार थोड़ा व्यापक बने और अपने कानून में सुधार करे या फिर जो संविधान संहिता का संशोधन है इसको मान ले, लेकिन इसमें थोड़ा सुधार के साथ। इनका जो पूरा-पूरा संशोधन है, उसमें भी मेरी संशोधन है कि दोनों की रैस्पेक्टिविटी होनी चाहिये, इकतर्फा नहीं। लेकिन, इससे भी समस्या का समाधान नहीं होगा। समस्या के समाधान के लिये तो थोड़ा छाती चौड़ी करनी पड़ेगी और दिल्ली से आगे बढ़ना पड़ेगा और तभी समस्या का समाधान होगा।

मान्यवर, मैं समझता हूँ कि भारत सरकार जो पहल कर रही है वैदेशिक मामलों में, वह दिशा सही है। आगे भी भारत सरकार पाक और बांग्ला देश के बारे में उदार दृष्टि अपनायेगी और इनका महासंघ बनाने की बात करेगी, केवल छोटी-छोटी बात में नहीं रहेगी। अब पाकिस्तान भी ज्यादा देर तक, लग रहा है, जिद नहीं करेगा क्योंकि जैसी उसकी घरेलू स्थिति है। उसके यहाँ सिध में लड़ाई चल रही है। उसके यहाँ आटोनामी की लड़ाई चल रही है। इस बात को भी वह बहुत देर तक दबाकर नहीं रख सकता है। इसलिये जब महासंघ की बात होगी तो वह सिध, कश्मीर, बांग्ला देश, बर्मा यंगरह-यंगरह आने चाहिये और फिर एक व्यापक हो, जिसमें चीन, इंडोनेशिया, मलेशिया, यह सारे देश मिलकर एक साथ समस्याओं के समाधान के लिये आगे बढ़ सकते हैं। यही एक चारा है, दूसरा कोई चारा नहीं। धन्यवाद।

SHRI BHADRESWAR BURAGOA-
HAIN (Assam): Thank you, Mr.

Vice-Chairman, Sir, while supporting the Bill to repeal the Illegal Migrants (Determination by Tribunals) Act, 1983 moved by Dr. Saikia, I would like to make a few observations on the subject. In 1978, the Assam agitation against the foreigners was started. In 1985, the Government of India and the leaders of the agitation signed an accord. In 1983, the agitation was at its peak and the Government of India brought out the enactment of the IM (DT) Act. This Act is only meant for Assam and the North Eastern States. I would like to submit here that this Act divides the foreigners into two categories. The first is those who have entered India before 25th March, 1971 and these people will be termed as foreigners and they will be expelled. The second category is of people who have entered India after 25th March, 1971 and they will be termed as illegal migrants. These are the two divisions made by the Act. How can one from abroad be a foreigner as well as an illegal migrant? This is a very peculiar connotation made by the Act. Further more, the Act under Section (8) sub-clause (3) says that every application made under subsection 2 shall be made in such form and in such manner as may be prescribed and shall be accompanied by an affidavit by not less than two persons residing in the same police station in which the person against whom the complaint has been made also resides. The application should also be accompanied by a fee of Rs. 10. Whoever intends to file a complaint has got to pay a fee of Rs. 10 along with his application. Not only that but he shall also to be from the same police station of the person against whom the complaint has been made. Sir, in Assam there are certain areas which are totally infiltrated by foreigners. There is no one to make a complaint. If anybody wants to complain, he may be killed or he may be abducted. What will happen to these areas? Most of the southern parts of Assam, the Indo-Bangladesh borders are totally infiltrated. Who would volunteer to

complain and get penalised for it? Hence, this provision only defends the foreigners. Again the Act says that the onus of proving whether the person is a foreigner or not lies with the complainant. It is the complainant who has to prove whether the individual is a foreigner or a citizen of this country. Why should the onus lie with the complainant? This is the duty of the authorities or the person against whom the complaint has been made. So, I would like to submit that this Act is meant to defend foreigners. In fact, the Act is a stumbling block in the detection and deportation of foreigners. Sir, we were in power since 1985. Only a few hundred of people were detected and deported through this Act. People ask us why we were not able to detect and deport foreigners. We told them that unless and until this Act was scrapped, unless and until this Act was repealed, it would be difficult for anyone to detect and deport the foreigners.

Further more, if a person is found to be guilty or found to be an illegal migrant, he can prefer an appeal before the Appellate Tribunal constituted by the Government of India. And that Appellate Tribunal will follow the Civil Procedure Code which has a long-lazy procedure. In 1970, when I joined the local Bar, I had to deal with one civil case filed in 1950 because of this lengthy procedure of the CPC. This was formulated by the Britishers. If those procedures are to be followed, then no one will be able to detect and deport the foreigners. So this is a very big stumbling-block in implementing the Assam Accord of detecting and deporting the foreigners. I request that this Act should be scrapped and repealed forthwith so that at least one provision, of deletion and deportation of the foreigners, in the Assam Accord could be implemented. As I told earlier, we should also not feel isolated here. We are talking so much about national integrity and unity. Charity should begin at home. Charity should begin with the

Central Government. Let us begin by repealing this Act. Let the message go to the people of Assam that they are not dealt with separately because this Act was made applicable only to Assam and the North-Eastern States and not to any other parts of India. I will repeat again that charity should begin at home. I would say that every negligence by the persons in authority, by the Government produces a group of angry youngmen and the accumulation of these grievances and negligences produces insurgents and terrorists. In order to curb this, the people should be made to think that none is neglected and none is deprived of their dues. None should feel isolated. When there was agitation in Assam, there was a series of discussions with the Central Government. Giani Zail Singh was the Home Minister at that time. One young educated leader who was in Delhi asked the Home Minister, "What will you do if you find a foreigner in Punjab?" He replied, "We will shoot him first." But in our case, we are required to go through so many hurdles in this law. It is evident that we are not treated as other Indians. So, I will submit that no individual should be neglected or no ill-feeling should be created. In turn, as I said earlier, every instance of negligence, every occasion of deprivation, produces a group of angry young men. Long-standing, accumulated, feeling of deprivation and discontent produces insurgency, produces terrorism. And, therefore, we should not allow the time to slip from from our hands. We must see things in a national perspective. As I said earlier, in order to solve this burning problem, in order to prevent the kind of things that are happening, as we have been saying right from 1983 that the IMDT Act which is the main and stumbling block in implementing the Assam Accord which is now in cold storage, the Government of India should agree to repeal this Act, as is being demanded through the present Bill moved by an Opposition Member be-

[Shri Bhadreswar Buragohain]

longing to my party. And, of course, this move may be defeated, but the problem will not be solved here. The Government should, therefore, think positively and agree to repeal the IMDT Act. With that end in view I support the present Bill and demand once again that the Government should repeal the IMDT Act forthwith so that no part of India, whether it be north or south or any other, should feel isolated and neglected by the Centre.

डा० जेड० एक० ग्रहमद (उत्तर प्रदेश):
उपसभाध्यक्ष महोदय, इस बिल का जो असली मुद्दा है कि बाहर के लोग जो आकर वहाँ बस गये उनको निकालने की क्षमता वहाँ की सरकार या स्टेट प्रसेम्बली के हाथ में न हो, बात सही है। लेकिन यह प्रश्न बड़ा टेढ़ा प्रश्न है, इतना असन नहीं है। हिन्दुस्तान जैसे मुल्क में जुड़े प्रदेशों से या पड़ोसी देशों से लोग आते जाते हैं, कुछ रह जाते हैं और कुछ चले जाते हैं। अगर हमारी नीति को पकड़ कर हरेक आदमी को विदेशी कहकर निकाल दिया जाय वहाँ से तो भयंकर परिस्थिति पैदा हो जायेगी और असम में भी वहीं भयंकर परिस्थिति पैदा हो गई। बंगला देश बनने के बाद क्या नहीं हुआ। क्या ज्यादतियाँ नहीं हुई। किस तरह से वहाँ के लोग आए फिर वापिस पहुँच गये यह भी हम को मालूम है। इसलिये मेरे लिये बहुत कठिन है यह कहना कि मैं बिल का समर्थन करता हूँ या समर्थन नहीं करता हूँ। मैं चाहता हूँ कि असम की जनता का जो अधिकार है कि वह बाहर के लोगों से अपने आप को एक तरीके से बचाये रखे, बाहर की भीड़ से बचाये रखे, उसके लिये तौर तरीका निकालना चाहिये। दूसरे प्रदेशों से लोग भेड़ों की तरह से चले आये और बस जाये क्योंकि जमीन खाली पड़ी हुई है, असम के लोग देखते, तकते रह जायें, उनको हटाना नहीं, यह उनके साथ अन्याय होगा। इसलिये मैं इस बिल को तकसीम करते हुये, मानते हुये कि असम की जनता को,

असम राज्य को यह अधिकार है कि जो लोग नज्दियन तरीके से असम के अन्दर बस गये हैं उनको अहिस्ता-अहिस्ता सुनसे हुये तरीके से वहाँ से बाहर भेज दिया जाय, लेकिन इसमें ऐसा कानून बना देने का नौकरशाही के हाथ में डंडा है। मार-मारक उनकी कमर तोड़ और पता लूटें, यह जो हुज्रा है, यह बहुत ही खराब बात है। जिनके पैसा लूटा है मेरे लिये गत सर्टिफिकेट पटव रियों से लिये गये हैं और जिनको जाना चाहिये, बाहर, वह नहीं गये, जो बाहर से आये, वे बच गये। यह भी हड्ड जानते हैं। तो मैं चाहूँगा कि इसमें अमेडमेंट हो और कमेडमेंट करते समय इस बात का ध्यान रखा जाय कि जो सही मामलों में गरीब जनता वहाँ आकर बस गई है, धकते खाकर, दुनिया भर से धकते खाकर आदमी वहाँ बस गये हैं, इमिग्रेशन प्रॉब्लम पर भी और पॉलिटिकल प्रॉब्लम पर भी उसको रक्षा, पुखा और हिकाया होना चाहिये।

मैं समझता हूँ अने प्रचलित भाइयों की बात कि असम के नागरिक कहते हैं बाहर के लोग आकर बस गये और हमारा रोगर खत्म हो गया। मैं समझता हूँ अपने प्रचलित भाइयों की बात कि वहाँ डिफिकेट है, बड़ा डिफिकेट है पर आपको उता फेंक करना है लेकिन साथ-साथ आपको अपनी जनता को भी एजुकेट करना है कि हमारे विगत देश के अन्दर इस तरीके से सुबेबुब में परिस्थितियाँ पैदा होंगी मैं पृष्ठ हूँ हमारे गुजराती भाई हैं, क्या यह नहीं है कि शिव सेना ने गुजरातियों के खिलाफ और आंध्र प्रदेश के लोगों के खिलाफ और दक्षिण भारत के लोगों के खिलाफ कसे नारे उठाये हैं और उनके ऊपर वे निदा हैं... (व्यवधान)

श्री विठ्ठलभाई मोतीराम पटेल (गुजरात): वहाँ भी यह हालत है कि कोई इंडास्ट्रलिस्ट आज वहाँ फैक्टरी नहीं डालेगा क्योंकि उसको डर है कि मुझे लूट लिया जायेगा, मुझे मार दिया जायेगा।

SHRIMATI BIJOYA CHAKRAVARTY (Assam): That is not the question. The point is that there are foreigners here and you have not been able to drive out the people who are coming into India... (Interruptions)...

SHRI VITHALBHAI M. PATEL: In today's situation, nobody is prepared to go there and put up industries. That is also a fact... (Interruptions)...

SHRIMATI BIJOYA CHAKRAVARTY: That is right. But your own Government is there now. What are you doing?... (Interruptions)... I also would like to ask as to what is happening in Karnataka and other places... (Interruptions)...

SHRI VITHALBHAI M. PATEL: If you want to create employment, without industries it is not possible and if some people want to put up industries there, they are not allowed!... (Interruptions)...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mrs. Chakravarty, please sit down... (Interruptions)...

SHRI DEUBANESWAR KALITA (ASSAM): Sir, he is very correct. Industrialists are not allowed to go there and invest money in industries. What is to be done?... (Interruptions)...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mrs. Chakravarty, please sit down... (Interruptions)...

SHRIMATI BIJOYA CHAKRAVARTY: Sir, we only appeal through you that the foreigners should be driven out. That is our main point... (Interruptions)...

श्री अनन्तराय देवशंकर दावे (गुजरात):
मान्यवर, मैं एक बात कहना चाहता हूँ कि यह देश कोई धर्मशाला तो है नहीं कि जो बाहे जहाँ से आ जाय।

कोई कानून है इस देश का, कोई नियम है। जो चाहे वह घुसकर बैठ जाय तो देश कैसे चलेगा।

डा० जैदण्ण महन्त: मैं समझता हूँ कि दुनिया में जो ट्रान्झयुनल बॉर्डर आप बनाते हैं तो उसमें यह भी होता है कि दूसरे देश के नाम पर यहाँ के देश वालों को भी निकाल दिया जाये। इसलिये इस सबका केयरफुल एक्जामिनेशन करके इसका एडमिनिस्ट्रिटिव एन्फोर्समेंट करवाया जाय। इसकी जिम्मेदारी आपके ऊपर है। कि किसी के साथ अन्याय और जुल्म न हो और जो देश के नियम हैं, उनका पालन हो। धन्यवाद।

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Yes, Mr. Minister.

SHRIMATI BIJOYA CHAKRAVARTY: Sir, my name is there.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): It does not appear here. But, if you want to speak, I will permit you.

SHRIMATI BIJOYA CHAKRAVARTY: Thank you, Sir.

Sir, it is very unfortunate that in 1983, a very ugly, distorted, blind and spastic child, in the form of the Illegal Migrants (Determination by Tribunal) Act, was given birth to in Parliament. It should not have been enacted at all and even if it has been enacted, it should be scrapped at once.

It should not be given any chance to grow like Frankenstein's monster, so that there can be a hindrance, a great obstacle, to drive out foreign nationals from the Indian soil. I do agree with the hon. Member, Dr. Ahmed, that every patriotic Indian, every citizen of this country, must disagree with the Bill, the Bill which puts obstacles to drive out the foreigners from the country, and the Bill which is meant only for a particular State; the name of that unfortunate State is Assam. That should be scrapped. Sir, the situation in Assam is

[Shrimati Bijoya Chakravorty]

this. The position of Assam is vulnerable; it lies in the eastern most corner of this country, and there is simply a very narrow link just like the neck with the rest of the country. In any aggression the enemy can cut down that neck, cut down that link, and thus make a bifurcation of Assam with the rest of India. Sir, this happened in 1962. If you recall, the Chinese attacked India from the eastern most side. When the Indian army moved backwards, when the Assamese people gave their milk, food and everything, then sitting in Delhi Pt. Jawaharlal Nehru I have great respect for him announced during that time that he was very sorry for the people of Assam, now he could not say the people of Assam but he would make a base in Siliguri --Siliguri is now in West Bengal, not in Assam and from Siliguri he would try to recover Assam from the Chinese clutches.

So, Sir, these are the apprehensions in the minds of the people of that corner of the State.

Sir, let me quote here one more important comment made by a civil servant. His name is C. S. Mullan. He made this comment in 1931 in his Census Report. He said:

"By 1921 the first army corps of invaders had conquered Goalpara. The second army corps which followed them in the years 1921-31 has consolidated their position in that district and has also completed the conquest of Nowgong. The Borpeta Sub-division of Kamrup has also fallen to their attack and Darrang is being invaded. Sibsagar has so far escaped completely, but the few Mymensinghians in North Nakhimpur are an outpost which may, during the next decade, prove to be a VALUABLE BASIS OF MAJOR OPERATIONS."

And his second comment is this:

"... The whole structure of Assamese culture and civilization has

been the invasion of a vast horde of land-hungry Bengali immigrants mostly Muslims, from the districts of Eastern Bengal, and in particular from the Mymensingh... It is sad but by no means improbable that in another thirty years Sibsagar district will be the only part of Assam in which an Assamese will find himself at home..."

So this was spoken in 1931. And it is quite true, Sir. So this is the position of the Assamese people in their own State, Sir.

SHRI VITHALBHAI M. PATEL: At that time there was no Bangladesh.

SHRIMATI BIJOYA CHAKRAVARTY: He wrote Mymensingh.

SHRI VITHALBHAI M. PATEL: At that time there was no Pakistan.

SHRIMATI BIJOYA CHAKRAVARTY: Kindly listen to me: Mymensingh District. Side by side I mention that Mymensingh District is now part of Bangladesh. I think I can satisfy the Member.

SHRI VITHALBHAI M. PATEL: I am not satisfied.

SHRIMATI BIJOYA CHAKRAVARTY: Now I say that Mymensingh is a part of Bangladesh.

SHRI VITHALBHAI M. PATEL: Today?

SHRIMATI BIJOY CHAKRAVARTY: Yes, today.

SHRI VITHALBHAI M. PATEL: It is an out-dated report.

SHRIMATI BIJOYA CHAKRAVARTY: Mymensingh is a district of West Bengal. Then it was East Bengal. Bengali Muslims came in hordes to Assam.

Sir, when a Bill is introduced and enacted, there is a motive behind it. So what is the motive to introduce? And why is it promulgated only in Assam, not in the rest of India. East Pakistanis and now Banglade-

shis have been coming to Assam all the time right since 1947. And in this way, from Pakistan, from China, from Burma, from the USA many are coming. Why has this Act not been used in the case of those, and why is it used in Assam in the case of Bangladeshis?
(Interruptions)

Try to understand what I say. If you want to know something, come to my residence. With your permission, Sir, I am inviting. My question is, why is it not used throughout the country to drive out foreigners from Punjab, from Gujarat, from Kashmir. Why on the Punjab border the Pakistanis are killed when there is a war between India and Pakistan? Give them protection, give them citizenship right, give them the right to vote. Make them Indian citizens. If you cannot do this, what is the idea behind it? What is the meaning of this? Does it mean when you make groups A, B and C, you want Assam in 'C' group and thereby you want Assam to be a part of Pakistan. Now, through you, Sir, I want to ask a question from the hon. Home Minister whether the Government want to make Assam a part of another Bangladesh. Is it true?

Sir, earlier the Act was amended in 1983. But that amendment is nothing. Sir, I want to make a few points here. Earlier there was the Passport Act, 1920, the Passport Act, 1947, Foreigners Act, 1956 and Immigration Act, 1950. All these Acts are sufficient to drive out the foreigners from the country. Then what is the use of that Act for a particular part of the country. The State of Assam which has a common boundary with Burma, with Bangladesh, is vulnerable in many ways. So to give protection to the foreigners why this Act has been made. Sir, the most unfortunate part is this that in this Act there is a Tribunal for detection of illegal migrants. And another appellant court is also there. So the process is such that even for

years and years if one can identify foreigners they cannot be driven out, because there is one Tribunal, there is another Tribunal, there is the High Court, and so on. What is the use of this Act. Perhaps everybody who is present in the House will feel that the aim and object of this Bill is to save the right of foreigners who have come to Assam. Why are they called migrants? Why not foreigners?

Sir, through you I would like to state that this is a monstrous Act and it will destroy the very sovereignty and very security of this country. I appeal not as an Assamese, but as a citizen of the country, as a responsible Member of Parliament that this Act should be repealed. If this Act is not repealed, slowly and gradually, the Members will feel, the House will feel, the whole country will feel that that part of the country, the eastern-most part of the country which is known as Assam may not be there in the geographical boundary of the country. So, Sir, I do not like to explain much. I think, this is enough.

I urge upon the hon. Minister who is present here to give a serious thought to this Illegal Migrants (Determination by Tribunals) Act. The name of the Act is Illegal Migrants (Determination by Tribunals) Act. But in actual practice the name of the Act is Illegal Migrants (Giving Protection to Settle in the country) Act.

So, Sir, through you, I appeal to the hon. Home Minister to repeal the Act forthwith. It is already delayed. The delay is dangerous. I am speaking not for the sake of Assam, but I am speaking for the sake of the country. Thank you, Sir.

THE MINISTER OF STATE IN
 THE MINISTRY OF PARLIAMEN-
 TARY AFFAIRS AND THE MINIS-
 TER OF STATE IN THE MINIS-
 TRY OF HOME AFFAIRS (SHRI
 M. M. JACOB): Mr. Vice-Chairman,

(Determination by

Bill, 1991

Sir, I am happy that Prof. Nagen Saikia brought forward this Bill, the *Illegal Migrants (Determination by Tribunals) Repeal Bill, 1991*. And about seven hon. Members participated in the discussion today—Shri Satya Prakash Malaviya, Dr. Thulasī Reddy, Shrimati Kamla Sinha, Shri Ram Awadhesh Singh, Shri Bhadreswar Buragohian, Dr. Z. A. Ahmad and Shrimati Bijoya Chakravarty. I am thankful to them for their active contribution in the deliberations.

Sir, it has all arisen out of an apprehension that the existing arrangement of the IMDT Act is something injurious to the people of Assam. I am surprised at this particular finding. Sir, it may be recalled that while the *Illegal Migrants (Determination by Tribunals) Act, 1983*, was applicable to the whole of India, Section 13 of the Act has been made applicable only to the State of Assam for the time being. Then a complaint came that this is a discriminatory Act and that this is only for Assam. Sir, there is a provision in the Act that it can cover any part of India or all parts of India. That is also provided. So, there is no basis for this anxiety that this is an Act specially brought to create problems for the people of Assam. We had a problem in Assam, we had a special problem in Assam and we thought that the Act had to be applied in Assam. But the Act provided for the facility of extending all over India.

SHRIMATI BIJOYA CHAKRAVARTY: Sir, through you, may I ask the hon. Minister as to what that special problems is?

SHRI M. M. JACOB: The whole agitation took place for about five years and the Assam Accord had also to be reached in 1985. So, I do not want to place all the problems before you now because all of us know them.

Sir, you look at the complexion of Assam where it is multi-religious, multi-lingual and even a little bit of mixing of various races. So, the composition of the State itself is a peculiar one. So, in such a situation, we had to act according to the necessity of that place. And about the people who are coming from the other side, from Bangladesh to Assam, it is very difficult even to identify as to who were the earlier settlers and who are the new-comers because of the ethnic similarities. It is very difficult even to determine the differences. These are all facts that existed. As Smt. Bijoya Chakravarty pointed out about the problem, the agitation started on the foreigners' issue. All of you know, we had several categories at that time. One was of those who came to Assam before 1-1-1966; the other was for those who came to Assam after 24-3-71. And those who came after 24-3-1971 are to be expelled. In order to see that there was no undue harassment to the migrants who under the terms of Assam Accord were entitled to stay in the country, and in order to ensure that the cases relating to expulsion of the migrants were disposed of without delay, the IMDT Act of 1983 was enacted. Assam Accord was signed in 1985, as I said, when the IMDT Act was already in force. The Assam Accord did not provide for repealing of the Act. There was no condition in the Accord. The Accord only mentioned that there were certain difficulties in the present IMDT Act of 1983, and with a view to removing those difficulties, an amendment was thought necessary and this was brought forward in 1988. That amendment was also widely accepted. The Assam Government at that time also accepted it and agreed that this was a very good amendment. But later on, in 1990, when there was a different Government here—whatever it is the Government is the same, only leadership is different—and when Assam also had a Government associated with the hon. Member who moved

this Bill, then the question was discussed at the Government level. It went up to the top, and at that time, the finding was that the Government of Assam had not intimated the specific difficulties experienced by them in implementation of the Act and for repeal of the Foreigners Act which, according to them, was liable to give rise to possible misuse of the provisions of the Act which were applicable to the migrants belonging to religious or linguistic minorities in Assam, who were entitled to stay in terms of Assam Accord. That Government thought that it was not necessary. At that time, that Government also did not want this to be repealed. The idea of repeal came subsequently. But anyway, I am not going to argue on this as to why that Government did not repeal it, or why that Government of Assam did not ask for repealing it or why the Government in the Centre at that time did not repeal it. I am not going into the details. What I am trying to point out is, we have a Bill. We have a Constitution which is fortunately dynamic, not a static one. We bring forward various Acts; we go on with amendments also whenever it is necessary. I am not arguing that we are going to be adamant or strict on this. I am not saying that we will never repeal anything. What I am saying is that the present situation does not warrant an immediate repeal of the IMDT Act as amended, and as it exists today. One hon. Member asked why not amend it if it is found necessary to do so. Yes, we are prepared to do it if it is found on examination, on carefully study, that anything is creating problems for the people of Assam. If there is any harassment to the people of Assam, then there is a point in it. I will accept it, but only after examining it and after we find out whether there is any real difficulty being faced in the new situation. Situations change. Situations vary. I do not think the repealing of this Act will help. My

friend, the Professor, had good motives in bringing this forward; to help the people. But my apprehension is that this is not going to help the people. It is going to create more problems for them. If you do not have this Act, if you do not have a determination mechanism there, they will find it difficult.

Now, I was looking at the figures. The Assam Government have given the figures, in regard to the illegal migrants. This is up to 31-7-1991. Number of enquiries taken—2,86,894. Number of enquiries completed—2,65,686. Number of cases referred to the IMD Tribunal—24,221. Number of cases disposed of by the Tribunal—3,367. Number of persons declared as illegal migrants—7,781. This is during a span of time, upto 1991. The number of persons declared as illegal migrants is 7,781. The Assam Government are free to expel them even now. But they were able to expel only 716 persons. This is because of your own problems. You cannot do it. It is very difficult to say who is a migrant, who is a settler because of ethnic similarities. It is not an easy thing as you speak somewhere. We have to think how best we can do it.

The solution is, you have to go slow. You have to accept the susceptibilities and the sentiments of the people, because you are a State which has played host to the different religious groups, linguistic groups, etc. You are a special State by yourself. Therefore, we are all concerned about you. That is why, in the Assam Accord, the then hon. Prime Minister, late Shri Rajiv Gandhi, emphasised that the development had to be taken care of. All the efforts made in the Assam Accord were to ensure that the speedy development of Assam was catered to. This will give a positive signal to the people of Assam. Therefore, I hope, my good friend, Dr. Saikia, will not insist on the repealing of this Act. It will create more complications. At the same time, I can certainly assure

[Shri M. M. Jacob]
him that this will come under close scrutiny by us, by the Government of India.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Minister, there are some suggestions made by Members. One is, you have imposed a fee of Rs. 10. You have put Rs. 10 as the application fee. Why are you insisting on that? Secondly, the onus of proof is put on the complainant. This is what many hon. Members have said. If you want, you can respond.

SHRI M. M. JACOB: Otherwise, anybody can be harassed. It is a normal law of jurisprudence. Anybody can be harassed, unless somebody proves. Of course, this is a matter that has to be looked into. This is all I can say, at the moment. I hope the Professor will take the hint.

SHRI BHADRESWAR BURAGOHAIN: I would like the hon. Minister to clarify one point. What is the present position on the Indo-Bangladesh border? It is said that large-scale infiltrations are still continuing. I would like to know whether any barbed wire-fencing has been done erected.

SHRI M. M. JACOB: We are taking very strict measures to see that illegal migration from the other side does not take place. We have not only the Border Security Force posted at various points, important points. We also have flood-lighting at quite a number of places, and also fencing started in a reasonable manner. We are trying to take it up. Even if Government takes up wire-fencing and flood-lighting in a routine way, personally, if you ask me, I would say that this will not solve the problem. You may have fencing for a distance of 30 kms. Then, somebody may be standing in an observation post after the 30 km. distance. In between, somebody can come in. There are mechanisms by which one can cut the fence and come in, without difficulty. I think, perhaps, the best

thing will be vigilance. For vigilance there should be good border roads and efficient patrolling together with the cooperation of the people who are living this side, real Asamese people who are living this side. If there is vigilance and cooperation from this side, to make an effort to have effective border patrolling and stopping illegal migrants coming in, will not be a problem. But I assure you that we are making every effort to increase the activity of vigilance. On the part of the Government of India the border forces are alert and active and we are still strengthening our force to our capacity.

SHRIMATI BIJOY CHAKRAVARTY: I want to inform the hon. Minister...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): No, no. Mrs. Chakrabarty, you have made your speech. Let us save some time. (Interruptions). Nothing will go on record.

SHRIMATI BIJOYA CHAKRAVARTY:*

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): It is not going on record.

Yes, Professor Saikia

DR. NAGEN SAIKIA (Assam): Hon. Vice-Chairman, I am thankful to the hon. Members who participated in this debate. I am doubly thankful to those who supported it, and those who have opposed the Bill have got their own reasons for opposing. But I have found that some of the hon. Members are not quite familiar with the Act. Some Members saw relation with the Assam Accord and some misunderstood this Bill to be only an amending Bill. I have seen that some Members even tried to bring the subject of extortion of money, killings and other

*Not recorded.

things by some militant outfits also there. They also tried to relate those events of the present time also. I think those references are quite irrelevant. When I moved the Bill I made it very clear in my speech that the IMDT Act itself was a hurdle in identifying the foreign nationals who have infiltrated into India through Assam. It is an Act separately made for Assam. The Home Minister has also said that there is a provision in the Act itself that it will cover the whole of the country, but that provision is not in operation, the Act has been made operative only to Assam. So, it was enacted mainly for Assam and it has been operated in Assam. This proves that the Government has two standards in the case of identifying foreign nationals. They treat the foreign nationals who infiltrated into Assam differently than those who infiltrated into other parts of the country. This is something absurd. Sir, though the definition of the 'foreigners' has the same meaning as in the Act of 1946, yet the treatment towards is the foreigners differs from the said Act along with the other Acts. This Act is against the provisions of Foreigners Act 1946, Migrants Act of 1950 and Passport Acts of 1920 and 1967. By applying this the Government has been giving privilege, an undue opportunity to the foreigners, who have infiltrated into India through Assam after 1971. One of my friends here, and the honourable Home Minister also, referred to the date 24th March 1971. Yes, we are not asking you to identify and deport those who migrated or infiltrated into that part of the country before that date because it was accepted so. Though the cut-off year was 1976, in practice 1971 was taken to be the cut-off year. So, I want to know whether the Government is ready to identify those foreign nationals who have been infiltrating into that part of the country till today after 24th March 1971. If the Government is ready, if the Government has got the responsibility to identify those foreign nationals who have been infil-

trating into that part of the country after 24th March 1971, then, by operating this Act the Government cannot identify those foreign nationals. It has been proved very clearly during the time of the AGP Government there. From 1986 to 1990 they could identify only 7,781 people or something like that and, out of that number, as the Home Minister himself has stated, only 761 persons would be deported.

SHRI M. M. JACOB: The others may be genuine.

DR. NAGEN SAIKIA: This is enough to prove that the IMDT Act is a big hurdle in identifying the foreigners who have been infiltrating into that part of the country.

Sir, in my speech when I moved the Bill, I touched the main points and I don't want to repeat those points again, but I want to refer to some of the points made by some honourable members in this House. Mr. Madan Bhatia, an honourable Member of this House and a legal luminary of the country, chose to oppose the Bill. He has got his own reasons. He didn't see any relevance of the 1983 election to the Bill. I, in my speech, made it clear that in 1983 an election was held in Assam, which was boycotted by the people, and by polling only 56 or 60 votes some were declared elected and some people became even Ministers in the State. That was the state of affairs at that time, in 1983. And after the installation of that Government, which was not accepted by the people of Assam, at the instance of that Government this Bill was passed in Parliament. This was done only to give a safeguard to the people who infiltrated even after 1971. That is the main point.

Sir, if you would have seen it with an open mind, you could have found that this Bill has got some relevance to the 1983 election also. That election, as I have already said, was held against the will of the people. It was actually not an election but a fraud, where only the paramilitary forces

[Dr. Nagen Saikia]

and the police were engaged to cast votes in some places in the name of some citizens. It is a scar on democracy itself. The real citizens didn't take part. Only foreigners, paramilitary forces and police had their day in that election. After the installation of that illegally elected Government, this IMDT Bill was brought and passed, as I said, to safeguard the cause of the foreigners and not to safeguard the integrity and solidarity of the country and the interests of the people of that part of the country. I agree with Mr. Bhatia that Assam's history did not halt in 1983. He tried to say that Assam's history was not halted in 1983. Yes, it was not halted in 1983. I shall come to that point. It was proved by the 1985 elections that in 1983 the history of Assam was not halted. The election of 1985 proved it. But to put the AGP Government in the dock this IMDT Act was one of the effective instruments.

Mr. Bhatia discovered some contradictions in the objectives of the Bill also. He made this statement in his speech that there are some contradictions in the objectives of the Bill that I have brought to the House. There is no contradiction as such. I have not found it. It may be the result of the colour of the glass he uses.

SHRI V. NARAYANASAMY (Pondicherry): Is he saying that the Home Minister wearing a different coloured glasses?

SHRIMATI BIJOYA CHAKRAVARTY: He is a different person.

DR. NAGEN SAIKIA: Let me say that through his speech he was rather misleading the House when he said that the agitationists in Assam had sought such a Bill. We did not seek such a Bill, we did not seek such an Act, but he tried to establish that the agitationists in Assam had sought such a Bill. It is a misleading statement, Sir.

The objectives of the Bill was not to prevent harassment and vindictive-

ness against any citizen but to fully safeguard the interests of the foreigners. The AGP or the people of Assam never uttered or will never utter a single word against true citizens of the country or even against those who have been accepted by the country. According to the Assam accord, those who migrated between 1967 and 24 March 1971 had to be disenfranchised for ten years, and then they will have to be recognised as citizens. We do not have any objection to it. We shall not, the people of Assam shall not utter a single word against those people whom we have already accepted as the citizens of the country or those who have been disenfranchised and are to be accepted as citizens. Against them we don't have anything to say. We have accepted them. They have become a part and parcel of the society of Assam.

Mr. Bhatia's statement that the real object of bringing this Bill to repeal the IMDT Act is to whip up sectarian political passions, is totally disgraceful and misleading. Sir, I must say that he does not know the population pattern of the State and the psyche of the Assamese people also. Otherwise, he would not have hurt the Assamese psyche by using these words.

He is rather trying to belittle the people of Assam by saying that only by electing the Congress (I) Government in the State have the people of Assam proved their sense. This statement is a very insulting statement to the people of Assam. Yes, today, an elected Government is there, a popular Government is there elected by the people. It is the Congress Government. We do not deny the fact. But it does not mean that, as Mr. Bhatia has said, the history will halt somewhere at some point on some day. It will not halt. Yesterday it was the AGP Government there. Today it is the Congress Government

there. Tomorrow, if the people feel that some other government should be installed there, they will elect that government and instal it there. It is a democratic system. When we are going through this democratic system, we have our governments in that part of the country also like those in other parts of the country. So, the sentiments of the people should not be hurt this way.

Sir, as I have said, it is a derogatory remark just enough to hurt the people of the State. In my speech I made it clear that it was the spirit of the Assamese language, culture and society which since time immemorial have been unifying the different races, cultures and languages and thereby creating a composite language, culture and society. Mr. Jacob in his speech has stated that it is a multi-lingual State. There are so many races. Yes, there are so many races from time immemorial. Even historians say that in about 400 B. C. the first Alpine group of people, the Aryans, migrated to that part of the country. They brought with them the language of the Aryans to that part of the country. In that part of the country at that time the languages spoken were not the languages, but dialects of Tibeto-Burmese origin. The students of languages know that the Tibeto-Burmese language is based more on phonetic quality. Even a slight variation of phoneme changes the meaning of the word in a very big way. But the Aryan language has got a rich vocabulary. You can have no equivalents of the word "Surya" i.e. Sun in Sanskrit—like Arun, Tapan, Bhaskar, Martand etc. It unified all the languages. Even now in the Assamese language 55 per cent of the words are from Sanskrit. They are known to be "Tatsama" and "Tadbhava" words. Rest of the words are obtained from the dialects

of different groups, mainly of the Tibeto-Burmese origin. This should also be kept in mind that from the ethnic point of view more than 80 per cent of the people of Assam are of Indo-Mangoleid origin. That means they have got their ethnic affinity with the people of South-East Asia, but linguistically and culturally due to this migration of the Alpines in 400 BC to that part of the country, today the Assamese language and the Assamese sub-nationality is an integral part of the Indian culture and the Indian nation. That should not be forgotten. If there had not been a composite language and culture, so many races would not have come into the fold of today's Indian nationality.

If it was not there, most of the hilly parts of the North Eastern region would not have found the passage to meet the mainstream of the country. This historical role should not be forgotten. Because sometimes feel very much embarrassed when we speak of Assamese language, culture and sub-nationality. Sometimes somebody tries to look down as if we are speaking as an Assamese chauvinist. I am a nationalist in the true spirit of the term; but I always think what Gandhiji has remarked very correctly that India is many in one and one in many. We shall have to recognise that diversity. We have to give them their due place and respect. Otherwise you cannot keep the country united. I would caution people like Mr. Bhatia to be careful in making such statements. Such statements are enough to ignite anti-Centre sentiments amongst the people. We are speaking of federalism, but, at the same time, we know that without a strong Centre the country cannot be kept united. The Centre and the States, both, must be given their powers equally. I would like to correct the statement of Bhubaneswar Kalita. Mr. Kalita very well knows the population structure of Assam.

[Dr Nagen Saikia]

On that day he said that so many people migrated from East Bengal; They have become part and parcel of the country. Yes, I know. I have visited all parts of the State, even the areas in which the people who migrated from Bangladesh have been inhabiting since long back. They have become part and parcel of Assam. We don't have any objection against them. We don't have anything, even a single word to utter against them. They are our people. We have taken them as our own brothers. We don't have any religious differences also, any religious enmity also.

Mr. Jogi in his speech mentioned that this Bill which I have brought is against the minorities. Let me be very frank. I think Assam is the only State where Hindus and Muslims and other different religious groups have been living like family members. There is no communal riots as such in Assam. Hindus treat Muslims as their brothers. Muslims treat Hindus as their brothers.

Most of you know that Mr. Darvish—I forgot his name—at the time of Mirjhumla aggression on Assam,—when he tried to invade Assam—he went with Mirjhumla and wrote that Assam is a place where you cannot find a Muslim at all. They are Assamese at first and then they are Muslims. He was a historian. Sir, we don't have any religious conflict, any religious clash in that part of the country. It was due to Shankar-Dev and due to Ajanpir. We respect Ajanpir as much as we respect Shankar Dev irrespective of caste, creed and religion. If I go in this way, then there will be no end to it.

Mr. Ahluwalia stated that this Bill was against Muslims. It has hurt me very much; because as I have said in Assam we don't take somebody to be Muslim and somebody to be Christian. In Assam we take everybody to be a true Assamese. The forefathers of Shankar Dev migrated from Kannauj.

The forefathers of Jyoti Prasad Aggarwal migrated from Rajasthan and the "Agarwala" title has become an Assamese title. Dr. S. K. Bhuyan was the Vice-Chancellor of Guwanati University and the President of Assam State Sabha. His forefathers migrated from Bihar. The fathers of many people migrated from Kannauj and other parts of India.

SHRI S. S. AHLUWALIA (Bihar):
Guru Teg Bahadur and Guru Nanak Dev also.

DR. NAGEN SAIKIA: Yes.

In Nowgong, we have two big villages of Sikh people. They are not Punjabis. They are Assamese. They do not know Punjabi language. They don't speak Punjabi language. They are quite Assamese. We call them Assamia Sikhs, like Assamia Hindus, Assamia Muslims and Assamia Buddhists.

SHRI JAGESH DESAI (Maharashtra): Not Indians?

DR. NAGEN SAIKIA: They are Indians.

Therefore, Mr. Desai, I appeal that we shall have to recognise the diversities of the country. Recognise it. Give them due respect and place. Only then you can keep the country united.

Sir, so many examples, I can cite.

Mr. Kalita knows better than me about my State, so also the population structure. And I think he also knows my stand. Since 1960s I have been working for the cause of the people of Assam, to unite the people irrespective of caste, creed or religion. That is the mission of my own life. We do not have anything to speak against Muslims.

SHRI BHUBANESWAR KALITA: Will you please yield for a minute? You have mentioned my name.

Sir, I have the greatest respect for Mr. Saikia who has been contributing to the Assamese language and Assamese society. I appreciate the way in which he is handling the matter today. I was only pointing out one point which I thought was a contradiction. He said that the matter in 1983 was the electoral roll and that the electoral roll consisted of names of foreigners and that is why that election was opposed. But the 1985 elections were also held on the basis of the same electoral roll. His party was in power in the State then. And, at the Centre, a non-Congress Government was in power.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Kalita, please do not repeat what you have already said.

SHRI BHUBANESWAR KALITA:
....Why was this Bill not brought
officially at that time? That is one of
my points.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): You have already said this. He will reply if he wants to.

DR. RATNAKAR PANDEY (Uttar Pradesh): He wants to know the view of the Member on this particular point.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): He has already said that, Pandeyji.

SHRI BHUBANESWAR KALITA: There is a contradiction in that. Regarding his personal contribution to the Assamese society and to the nation, nobody can dispute. I have the greatest respect for him.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Dr. Saikia, if you yield, I cannot help. If the Member repeats, you need not yield. For repetition you need not yield. Whatever he says now, he has already said in his speech.

DR. NAGEN SAIKIA: I want to reply to one point of his. He is right that when the AGP Government was in power, it should have brought this proposal or it should have asked the Central Government to repeal the same. That is true. But actually, from the installation of that Government in Assam, it was trying to draw the attention of the Centre; and the Central Government in 1988 sent a message that the Government was going to amend the Act in such a way that it could satisfy the people of the State. It was amended in 1988. What amendments were made? I spoke very clearly on that. Only two amendments were made and these amendments were that the area of operation was extended from three kilometres to a police thana and the application fee was reduced from Rs. 25 to Rs. 10. These were the only two amendments. Otherwise, the Act remained as it was. So it could not satisfy the people of the State.

Mr. Vice-Chairman, Sir, we had never been and we are never against the natural migration and natural flow of people. We know that only by this way, a country, a nationality, grows. We do not have anything to say against the natural flow of people. We do not have anything to say against the inter-State migration of the people. Dr. Ahmed made his fear known to us that some people, migrating from other parts of the country might also have been harassed sometimes and it might cause irritation in the minds of those people also. I think that such things could happen at any time. But we shall

[Dr. Nagen Saikia]

have to be very careful so that no true citizen, no Indian, nobody who migrated before 24th March 1971, even from Bangladesh, is harassed. We shall have to be very much careful. We shall have to take care. A nationality or a sub-nationality grows in that way. I have already said how most of the forefathers of the citizens of the Assamese society, if you can say—also migrated from the other parts of the country. I have already made that clear. But the unnatural infiltration, which can be called the floods of human beings, cannot be absorbed by a small State like Assam. If the floods of human beings are going to take place in that part of the country, then it will sweep away the whole people of that part of the country. It will sweep away its language, its culture and its social structure. So we shall have to take care of that.

Sir, even a few days back—I do not know where I got it—I came to know from a little news-item that the Bangladesh Government thinks that people of Bangladesh have been migrating to that part of the country, Assam, from time immemorial and it is very difficult to stop and they didn't find any wrong there. I think this statement has got serious implications. I apprehend, in future, some parts of Assam even will be claimed by such forces. Having said that most of the people migrate from Bangladesh even now, they take that part of the country as their own abode has a serious implication. If that is the stand of a foreign country, then our country will also have to take a strong stand. Are you going to permit the Pakistani people to infiltrate into India? Then on what basis we are going to permit them? Have we become liberal in the infiltration of the people from Bangladesh? I don't have anything to say against the language or culture of Bangladesh because Bengali language is also very much there in the State of Assam. There is a sizeable section of people

who speak Bengali. (Interruptions). Sir, let me declare once more, those who migrated earlier, naturally have become part and parcel of the society of Assam. We take them as our own brethren, I repeat it—we take them as genuine citizens of the country. But those who infiltrated later on and found an illegal abode, must be identified and deported in the greater interest of the country and this IMDT Act is a big hurdle in identifying the foreigners even infiltrating at this moment.

Mr. Ahluwalia, in his speech, made some comments. I am not going into detail. But I want to question Mr. Ahluwalia also. He said, he did not find any wrong in migration of the people from Bangladesh to Assam. He didn't find any wrong. If being a citizen of this country, we don't find any wrong in infiltration of foreigners into this part of the country, then I think it is a serious matter to think of. (Interruptions).

SHRI VISHVJIT P. SINGH (Maharashtra): He has asked him a question. He has to reply.

श्री सुरेन्द्रजीत सिंह अहलुवालिया :
उपसभाध्यक्ष महोदय, मैंने जो सवाल
उठाया था वह यह था कि आसाम के
बार्डर के साथ.....

उपसभाध्यक्ष (श्री भास्कर अन्नाजी
मासोदकर) : आप बैठिये, अभी साहु जी
बैठे हैं, उनका बिल आने वाला है,
इस तरह तो ये ही सब टाइम ले लेंगे
... (व्यवधान)

श्री सुरेन्द्रजीत सिंह अहलुवालिया :
वे लोग हर एक सीजन में धान लगाने
के लिये सज्जुर बंगला देश से लाते हैं
... (व्यवधान)

THE VICE-CHAIRMAN (SHRI
BHASKAR ANNAJI MASODKAR):
Now, let him conclude.

श्री सुरेन्द्रजीत सिंह अहलुवालिया :
कैसे आप बंगला देश से और आसाम

क बांडर पर... (व्यवधान) आज भी
इसक मंडल जत है और वहां से मजदूर
जाते हैं।

THE VICE-CHAIRMAN (SHRI
BHASKAR ANNAJI MASODKAR):
Dr. Saikia, please sit down.. What
is your point?

श्री सुरेन्द्रजीत सिंह अहलुवालिया :
बेता में जिन करने के लिए ये वहां
से मजदूर जाते हैं और फिर उनका
बताया गया है। ये अपने इंडस्ट्रि के
लिए वहां से हर साल मजदूर जाते हैं
या तो काम खोजने के लिए और
उनका वापस आने में पड़ता था इस
लिए उनका वहां बसा दिया गया..
(व्यवधान)

DR. NAGEN SAIKIA: Yes, that is
my point. (Interruptions)...

THE VICE-CHAIRMAN (SHRI
BHASKAR ANNAJI MASODKAR):
No two voices. Only one voice.
(Interruptions)...

SHRI BHUBANESWAR KALITA:
Mr. Ahluwalia told that it is of the
past, not of now. (Interruptions)...

THE VICE-CHAIRMAN (SHRI
BHASKAR ANNAJI MASODKAR):
Mr. Kalita, let us not get into argu-
ments. (Interruptions)...

DR. NAGEN SAIKIA: He is speak-
ing of the present. If it is going on
even at present it will have to be
taken care of seriously.

श्री सुरेन्द्रजीत सिंह अहलुवालिया :
तब से अब इस मामले को उठा रहे
हैं, तब से क्या हुआ है मैं भी आसाम
में रहा हूँ, आसाम में पढ़ता रहा हूँ।

डा० रत्नाकर पाण्डेय : मानवता
का शोषण बन्द करिये.. (व्यवधान)

DR. NAGEN SAIKIA: I want to
know which sections of the Foreign-
ers Act the Citizens Act and the

Passport Act are inadequate to identi-
fy the foreigners in that part of the
country. My pertinent question is:
Which are the sections that are in-
adequate? Which are the sections of
the Foreigners Act, the Citizens Act
and the Passport Act that are in-
adequate to identify the foreigners in
that part of the country? It has to
be stated clearly. If those sections
are very much effective for identify-
ing foreigners in other parts of the
country, those are as much effective
in that part of the country also.

Sir, I would like to ask the Gov-
ernment another pertinent question as
to whether the Government is going
to accept those people who have migra-
ted or infiltrated into Assam after
24th March, 1971, as citizens of the
country. If they are not going to
accept those people, what steps will
they take to identify those people?
By this IMDTA? It is quite impos-
sible for the Government to identify
the migrants with the help of this
IMDTA. Dr. Ratnakar Pandey took
part and other friends also took part
in this discussion. They have opposed
it and, as I have already stated, they
have got their own reasons. But those
reasons are not well-founded. They
don't have a strong ground for their
statements. I don't think that they
have any strong ground. In some
cases they made rather contradictory
remarks. Even the stand of the
Central Government is also self-
contradictory. I know this is a Pri-
vate Member's Bill.

THE VICE-CHAIRMAN (SHRI
BHASKAR ANNAJI MASODKAR):
As far as that part is concerned, this
is a Bill before the House. So, you
need not... (Interruptions)...

DR. NAGEN SAIKIA: I know it
will not get the necessary approval.
Still, to register the protest of the
people of Assam, I want to put this
Bill to vote.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR):
So, you are pressing the Bill?

DR. NAGEN SAIKIA: Yes, Sir.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR):
The hon. Minister has explained the position. I thought you are withdrawing the Bill.

DR. NAGEN SAIKIA: If an assurance is given by the Government that it would repeal the Act, then I am ready to withdraw the Bill.

SHRI M. M. JACOB: It is not possible for me to give an assurance to repeal the Act. But what I can say is... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR):
Jagesh Desaiji, the Minister is explaining. (*Interruptions*)...

SHRI M. M. JACOB:...that we will periodically monitor it, we will assess it and if we find any part is detrimental to the interest of the people then that will be thought of. I wouldn't agree to repeal the Act at this stage because I consider this IMDTA quite useful and the effective implementation of the Act with the good co-operation of the Assam Government is going to be a very good solution and we are taking every step to see that other people are not migrating to Assam from the other side of the State.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR):
The hon. Minister, in short, has said: he will review the position. There is no question of repeal. He says, he will review the position and find out how to make it effective. Now it is on you, Mr. Saikia.

DR. NAGEN SAIKIA: I want to register my protest. It should be registered through the process of voting.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR):
I shall now put the motion for consideration of the Bill to vote. The question is:

"That the Bill to repeal the Illegal Migrants (Determination by Tribunals) Act, 1983, be taken into consideration."

The motion was negatived.

THE CONSTITUTION (AMENDMENT) BILL, 1991 (INSERTION OF NEW ARTICLE 117A)

SHRI RAJNI RANJAN SAHU (Bihar): Sir, I beg to move:

"That the Bill further to amend the Constitution of India be taken into consideration."

Sir, this Constitution Amendment Bill, 1991 is for insertion of a new article in our Constitution viz. 117A by giving special Financial Powers to the Council of States i.e. Rajya Sabha in certain cases.

[**The Vice-Chairman (Dr. Nagen Saikia) in the Chair**]

Mr. Vice-Chairman, Articles 112 and 117 of the Constitution lay down the procedure in financial matters in Parliament. The Lok Sabha has been given the dominant role to play in financial matters. The budget is required to be presented only to the Lok Sabha. The demands for grants are also required to be made to the Lok Sabha only. After the Lok Sabha votes on the demands and passes the Appropriation Bills the Rajya Sabha comes into picture. Recent happenings have, however, shown that these financial provisions are for normal times only. There is no doubt that the strings of the purse must be with the House elected directly by the people. But at the same time some contingencies may arise when the House of the People is dissolved or it is not possible for a regular Gov-