

constituency of Mangaldoi. Every time I was given a sweet reply: "line kharab hey". A major cause of telephone failure can be traced to a total lack of service spirit in the top officers posted in the North-Eastern region.

Gauhati is supposed to be a suitable place for punishment posting of corrupt officers. So many of them simply pass time there doing nothing for the improvement of the telecommunication system in the North-Eastern region and Assam. The last incumbent at Gauhati is a case in point. I do not want to mention his name. So I urge upon the Government not to send such officers to make a mess of things in the under-developed parts of the country.

The Telecommunication Department works under severe financial constraints for want of financial clearance from the Centre. That is why the microwave system has not yet been installed in most parts of the North-Eastern region. Extension of telephone lines and modernisation of the system remain suspended for want of positive approach on the part of the Central Government. Moreover, there are Telephone Advisory Bodies there. Although these bodies have outlived their time, yet those Telephone Advisory Bodies are not yet reconstituted. I appeal to the Government to gear up the telecommunication system in the entire North-Eastern region. Thank you.

**Agitation among the Tribals in Sikkim
Consequent upon a Decision of the
Sikkim High Court Regarding
Transfer of Tribal Land**

SHRI KARMA TOPDEN (Sikkim): Madam, recently in a case before the High Court of Sikkim, which is presently a single judge bench, it give a decision which, for all practical purposes, alienates tribal land which has been protected in Sikkim from early ages. Because of this decision, the tribals, mainly the Bhutias and Lepchas, in Sikkim have become very

agitated and the Tribal Welfare Association has announced a total bandh throughout the State starting from the 10th of this month.

Article 371 of the Constitution gives special protection to the old laws of Sikkim. One of the old laws is the Revenue Order No. 1 of 1917 and another the Proclamation of the then Chogyal of 1956. Both these laws relate to land belonging to the tribals who are the indigenous people of Sikkim, forbidding any transfer of land from a Butia-Lepcha to a non-Bhutia-Lepcha. However, recently, the High Court in a case before it gave a very narrow interpretation of this Revenue Order No. 1 and the Proclamation of 1956. The High Court Judge gave the decision saying that since the word "gift was not explicitly forbidden in Revenue Order No. 1 or in the 1956 Proclamation, any transfer of land from a Bhutia-Lepcha to a non-Bhutia-Lepcha was permitted if it was a "gift". This interpretation practically destroys the very purpose of Revenue Order No. 1 and the 1956 Proclamation, which was to protect against the transfer of Bhutia-Lepcha land to non-tribals in any form. Under article 371F of the Constitution, it is the responsibility of the Government of India to ensure the economic and social advancement of the different sections of the population of Sikkim. As the Bhutia-Lepchas have now been classified as tribals under the Constitution of India, and as they are very important section of the population of Sikkim requiring special protection for their economic and social advancement, therefore, I request the Government of India through you, Madam, to fulfil its Constitutional obligations to the minority community in Sikkim.

Madam, members of the different tribal welfare associations have come to Delhi in the last few days, to make an appeal before the Supreme Court, incurring a lot of expenses and inconveniences. This is because presently in Sikkim we have only one Judge who is the Acting Chief Justice and thus

[Shri Karma Topden]

the people are deprived of the benefit of an appeal to the Division Bench from the Single Judge Bench. The State Government has already approved the Central Government's proposal for the appointment of the Chief Justice as far back as February 1989, but till date no Chief Justice has been appointed. There is also a controversy going on just now between the Acting Chief Justice and members of the Subordinate Judiciary, with the result that the judicial system in the State has come to a stand still. I would request the Government of India through you, Madam, to take immediate action to appoint a permanent Chief Justice in Sikkim so that this impasse can be resolved and the people of Sikkim can have the benefit of appealing to a Division Bench from a Single Judge Bench.

[The Vice-Chairman (Shri Mirza Irshadbaig)] in the chair.

Sir, also, a third Judge has not been appointed from 1986. Names have been given by the State Government to the Central Government. As it is the policy of the Central Government to fill up all the vacancies in the High Court without delay, I would urge the Government of India through you, Sir, to take immediate action to appoint a third Judge in the Sikkim High Court. Thank you, Sir.

Need to Protect Natural Topography of Guwahati City

SHRI BHUBANESWAR KALITA (Assam): Mr. Vice-Chairman, Sir, I am thankful to you for allowing me to raise this issue.

Sir, Guwahati is the most important city in the North-eastern region, and over the years it has become the centre for the whole region. But the city has a lot of limitations, because the mighty Brahmaputra is flowing through the city and the city is surrounded by hills

and forests. Sir, it has the constraints of road communication, drainage, proper sanitation and, above all, the railway line, connecting other places of the country from the north-eastern region, goes through the heart of the city, causing a lot of inconvenience to all including the railways. The people, including the administration, have requested the railway authorities to divert the railway line from the existing place to places outside the city. This is a demand of all concerned, and I request the honourable Railway Minister to consider this request urgently.

Moreover, Sir, the city is fortunate to have a natural bird sanctuary within the city, by the name of Deepar Beel. The natural topography of Guwahati is such that the beel serves as the reservoir for the storm water from the city and the adjoining Meghalaya hill areas. Deepar Beel is a famous waste-land housing as many as 122 bird species belonging to 15 families which include many rare and migratory birds. However, this sanctuary is going to be destroyed if the N.F. Railway authorities go ahead with the proposal of aligning the Jorhat-Guwahati railway line through the Beel.

Sir, necessary land acquisition has already been done, and land filling of the Beel has been started. If this goes on, the natural topography of the city will be disturbed, and the beauty of the city will be destroyed. I, therefore, request the Government through you, Sir, to consider diversion of this railway line, that is, aligning of the Jorhat-Guwahati railway line to save the natural topography of the Guwahati city.

SHRIMATI BIJOYA CHAKRAVARTY (Assam): Sir, I associate myself with the special mention. The railway line is going in the midst of the Guwahati city and is a great hindrance for the improvement of the city. So, it should be shifted.