

THE DOCK WORKERS REGULATION OF EMPLOYMENT) AMENDMENT BILL, 1987

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): Madam, I beg to move for leave to introduce a Bill further to amend the Dock Workers (Regulation of Employment) Act, 1948.

The question was put and the motion was adopted.

SHRI RAJESH PILOT: Madam, I introduce the Bill.

PAPERS LAID ON THE TABLE— contd.

The Ministry of Surface Transport, Transport Research Division (Transport Wing) (Junior Investigator and Computer) Recruitment Rules, 1987.

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): Madam, I beg to lay on the Table a copy (in English and Hindi) of the Ministry of Surface Transport (Transport Wing) Notification G.S.R. No. 539, dated the 11th July, 1987, publishing the Ministry of Surface Transport, Transport Research Division (Transport Wing) (Junior Investigator and Computer) Recruitment Rules, 1987 [Placed in Library. See No. LT-4908/87]

THE AUTHORISED TRANSLATIONS (CENTRAL LAWS) AMENDMENT BILL, 1987

THE MINISTER OF HOME AFFAIRS (SHRI BUTA SINGH): Madam, I beg to move for leave to introduce a Bill to amend the Authorised Translations (Central Laws) Act, 1973.

The question was put and the mo-

SHRI BUTA SINGH: Madam, I introduce the Bill.

THE ALL INDIA COUNCIL FOR TECHNICAL EDUCATION BILL, 1987

मानव संसाधन विकास मंत्रालय में शिक्षा और संस्कृति विभागों में राज्य मंत्री (श्रीमती कृष्णा साहू) : महोदया, मैं सारे देश में तकनीकी शिक्षा पद्धति की समुचित योजना और समन्वित विकास, योजनाबद्ध परिणामात्मक वृद्धि के सम्बन्ध में ऐसी शिक्षा के गुणात्मक सुधार का संवर्धन करने की दृष्टि से तकनीकी शिक्षा के लिये और तकनीकी शिक्षा में पद्धति के विनियमन और मानों तथा स्तरमानों के समुचित अनुरक्षण के लिये अखिल भारतीय तकनीकी शिक्षा परिषद् की स्थापना का और उससे सम्बन्धित विषयों का उपबन्ध करने वाले विधेयक को पुरःस्थापित करने की अनुमति चाहती हूँ।

The question was put and the motion was adopted.

श्रीमती कृष्णा साहू : महोदया, मैं विधेयक को पुरःस्थापित करती हूँ।

THE DEPUTY CHAIRMAN: Now we will take up first the Constitution Amendment Bill. I don't think it will take much time now. The voting will be...

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): I would request you to allow many speakers to speak on this and not rush through it.

THE DEPUTY CHAIRMAN: The approximate voting time will be round about 10'clock. The Constitution Amendment Bill and the Representation of the People (Second Amendment) Bill, 1987, can be discussed together. Shri Buta Singh.

I. THE CONSTITUTION (FIFTY-EIGHTH AMENDMENT) BILL,

II. THE REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL, 1987

THE MINISTER OF HOME AFFAIRS (SHRI BUTA SINGH):
Madam, I beg to move:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

With your permission, I also beg to move on behalf of my colleague, Shri Hansraj Bhardwaj:

"That the Bill further to amend the Representation of the People Act, 1950, as passed by the Lok Sabha, be taken into consideration."

Madam, while moving these two very important measures for the welfare of the people of the North-Eastern region, I would like to make a few comments.

The Constitution (Fifty-first Amendment) Act, 1984 amended Act, 332 of the Constitution to provide for reservation of seats for the Scheduled Tribes in the Legislative Assemblies of the States of Nagaland and Meghalaya also. Madam, prior to this amendment, in the Legislative Assemblies of Meghalaya and Nagaland there was no reservation for Scheduled Castes and Scheduled Tribes. At the time of the enactment of the Constitution (Fifty-first Amendment) Act, 1984, Arunachal Pradesh and Mizoram were Union territories. These have been conferred the status of Statehood from February 20, 1987. Thus, the provision in article 332 of the Constitution regarding reservation of seats for Scheduled Tribes in the Legislative Assemblies is now applicable to the States of Arunachal Pradesh and Mizoram as well. Thus seats are reserved for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of Meghalaya, Nagaland, Arunachal Pradesh and Mizoram also.

Madam, elections to Nagaland Legislative Assembly are due to be held in November 1987 and the elections to Meghalaya Legislative Assembly in February 1988. The Constitution (Fifty-first Amendment) Act has already come into effect. However, so far there is no Parliamentary enactment authorising the Election Commission to determine the reservation of seats for Scheduled Tribes and identify the constituencies for Scheduled Tribes. At present under the provisions of article 332 (3) of the Constitution, seats are reserved in the Legislative Assemblies for Scheduled Tribes in the same proportion to the total number of seats in the Assembly, as the tribal population bears to the population of the State. However, considering the historical background and the special requirements of the North-Eastern Region and the Scheduled Tribes therein, we consider it necessary to provide for a special arrangement with regard to reservation for Scheduled Tribes in these areas for a temporary period. This will facilitate smooth transition of these areas to the normal arrangements envisaged in the Constitution. The Bills seek to provide for a higher reservation for Scheduled Tribes in the Legislative Assemblies of Nagaland, Meghalaya, Mizoram and Arunachal Pradesh than would follow from the existing provisions in the Constitution.

The proposed Constitution amendment is a temporary provision which will be enforced until the readjustment of seats on the basis of the first census after 2000 under article 170 of the Constitution. The amendment seeks to provide that if all the seats in the Legislative Assemblies of such States in existence on the appointed day are held by the members of the Scheduled Tribes, all the seats except one shall be reserved for Scheduled Tribes and in other cases the reservation of seats will be made for Scheduled Tribes in the Legislative Assemblies in the same proportion as the

[Shri. Buta Singh]

seats occupied by members belonging to Scheduled Tribes bears to the total number of seats in the Assembly on the appointed day. It goes without saying that candidates belonging to Scheduled Tribes will be able to contest from open constituencies as well.

The Representation of the People (Second Amendment) Bill, 1987 is a sequel to the amendments proposed to be made in article 332 of the Constitution by the Constitution (Fifty-eighth Amendment) Bill. This Bill seeks to empower the Election Commission to determine the Assembly constituencies in the States of Nagaland, Mizoram and Meghalaya which shall be reserved for Scheduled Tribes. So far as Arunachal Pradesh is concerned, section 14 of the State of Arunachal Pradesh Act, 1986 empowers the Election Commission to do so. In Mizoram elections were held in February 1987 after the identification was done in accordance with the State of Mizoram Act.

It has been the constant endeavour of our Government to further the cause of the tribal population of this country in general and the North-Eastern Region in particular and to take steps to protect and safeguard their identity and culture while paving the way for their joining the National mainstream and becoming equal partners in the process of development in the country. The Constitutional amendment proposed is yet another step in this direction.

With these words, Madam, I commend these two Bills for the consideration of the House. Thank you.

The questions were proposed.

SHRI ALADI ARUNA alias V. ARUNACHALAM (Tamil Nadu): Madam, at the outset, I wholeheartedly welcome the measures taken by our hon. Minister regarding the Bill fur-

ther to amend the Constitution of India and the Bill further to amend 1950.

Madam, these measures are quite essential to protect the interests of the tribal people, especially those who are living in the north-east frontier States. Because of our bitter experience in Tripura, these measures are indispensable. According to the 1931 Census in Tripura the tribal people were in majority, but according to the 1961 Census the people who were in majority in 1931 were reduced to one-fourth of the population. The State which was noted for tribals became a non-tribal State in 1961. Such things cannot be allowed in the north-east frontier area. Therefore, I honestly believe that it is a bulwar against the aggression of the non-tribal people in the north-east frontier area.

The Bill at present is intended to freeze the number of seats up to the year 2000. The number of seats has to be decided on the basis of the guidelines specified in Article 332(3) of our Constitution. Madam, if this principle is adopted, I think, the number of seats in Meghalaya will be 48, Nagaland 52, Mizoram 32 and Arunachal Pradesh 39 out of 40. But, in this context I would remind this House that these Assemblies have passed a resolution unanimously asking the Centre to give 100 per cent protection to the tribal people. Such things have not been guaranteed.

[The Vice-chairman (Shri H. Hanumanthappa) in the chair].

The present guarantee is temporal. It is temporary, it is up to year 2000. That is why such suspension should be removed.

More than that, I would like to mention that if you go through, we are now taking steps to protect the interest of the tribal people. India is a country of multi-culture, multi-ethnic, multi-religious and multi-national people. The identity and distinct character of the States.....

SHRI BUTA SINGH: Multi-national or multi-racial?

SHRI ALADI ARUNA alias V. ARUNACHALAM: That is according to me. According to you it may be different. "Multi-national", I am saying. It is important to protect that. That is why Pt. Jawaharlal Nehru rightly said, "unity in diversity." The diversity is not against the unity. It is necessary. To maintain the distinct diversity this type of measure is necessary. Unless there is supremacy of the particular people in their area, there will be no chance to protect their interests. That is why, I mentioned earlier, this measure is a bulwark.

But I would like to know whether mere protecting or freezing the number of seats in the Assembly will be alone helpful to protect their interests. That is more important, because you know well, Sir, we have reserved 18 per cent for the Scheduled Castes and whether this measure is effective one. There is a unanimous opinion about this. But is merely protecting this number of seats helpful for uplifting the Scheduled Castes or the Scheduled Tribes? No. Steps in other areas are more important. There we have

to concentrate, because as far as their political rights are concerned, it is all right, but what about their social status? What about their economic position? What are the protective measures we have taken for them so far? You take the city of Delhi. How many Harijans or Scheduled Castes or Scheduled Tribes people are owning their shops in trade centres or running industries? Can you finger at even a single institution where their representation is adequate? No. That is why I am saying apart from the political rights, we have to concentrate on other areas also. There is no doubt that by freezing the number of seats their dominant position in the Assembly is protected. But we must also think about their strength in the executive and administrative machinery. Arunachal Pradesh is a State where 100 per cent

of the people belong to the tribal race. But what is their position? According to the latest figures available for the year 1984 for this State in Group A posts their number is only 57 whereas the total number of posts is 400. In Group B the total number of posts is 815 while the tribal people possess only 172. In Group C and D their strength is a little encouraging. In Group C, the total strength is 12,402 out of which the tribals possess 3359 posts. In Group D the total number of posts is 6,451 and the tribals possess 3,192 posts. Out of the total strength of 20,068 posts in Arunachal Pradesh, the tribals possess only 6,780. What does it mean? It means that the administration is not under their control; the executive is not under their control. It is controlled by people other than the tribals. Mere freezing the strength in the Assembly alone will not help the tribals.

I would like to know what measures the Government has proposed to protect these people in other areas. You take Andhra Pradesh or Tamil Nadu or Kerala or any other State. There the strength of the local people in administration and executive is adequate. The other people are not in a position to dominate. But it is not the position in tribal States. Therefore, some protection for them in that area is also necessary.

With these observations, I, on behalf of the Anna-DMK party, extend support to the Constitution (Fifty-eighth Amendment) Bill, 1987.

SHRI S. C. JAMIR (Nagaland): Mr. Vice-Chairman, Sir, on 28th August, 1987, the Lok Sabha has already passed the Constitution (Fifty-eighth Amendment) Bill, 1987. While replying to the debate, the Home Minister had said that the aim and object of this Bill is to provide protection to the cultural identity of the tribals and also to ensure development of north-eastern areas.

I do not have any doubt as far as the good intention, sincerity, concern,

[Shri H. C. Jamir]

compassion and sympathy of the Home Minister for the tribal people and also the down-trodden people of this whole country. I know that his heart is full of milk of human kindness for the tribals. It is not only in words, but also in actions at all times. But Sir, while standing with him in this Bill, I as a representative of Nagaland want to have a full expression of what our people think about this Bill. I am not going to oppose this Bill but I should have the liberty to express the feelings of the people of Nagaland area as far as this Bill is concerned.

Sir, to me, this Bill is devoid of vision. It is devoid of vision and political foresight. In the old testament of the Bible it is said in the Proverb's "Where there is no vision, the people perish." Any decision or any programme undertaken can be effective only if it is based on clear vision; otherwise it will fail. Sir, this Bill, however laudable however promising it might be for the people of the tribal areas, I am afraid, in the long run, it will come to naught.

Sir, the Home Minister has said that through this Bill the tribal people will be benefited. To some extent I disagree with that point of view. If I earn Rs. 100 through my hard labour and through the sweat of my brow and if you take away our rupee and say that Rs. 99 is yours, we shall share Re. 1, then, I will not be benefited from my own earning. It is a fallacy. How can you say that by taking away the rights of the people we are being benefited? How are we benefited? In what way are we benefited? There is no logic in that point.

It is very strange again that the Government is so keen to make reservations for the tribals in a majority area. If this reservation is there for the minority, I can agree. If that spirit is there, I can agree. But it is very, very strange that this reservation is being made where the popula-

tion of the entire people are tribals. I can quite understand that had it been in undivided Assam, reservations for the Mizos, Nagas, Arunachalites and Meghalayan. But we have already come out of the undivided Assam and we have formed Tribal States. What is the necessity of reservation for the tribals? At least my State cannot concede or cannot reconcile to this logic. That is what I wanted to point out here.

Sir, this Bill will only provoke the tribal feelings and the tribal people suspect that they have to face the same fate of the Arab who allowed his camel to take shelter in his tent and ultimately he was kicked out. I hope we do not face the same fate.

We should remember that the previous speaker has said that there will be delimitation of constituencies after 2000 A.D. on the basis of census. I am afraid even at that time also you will definitely erode the legitimate rights of the tribal people through some mechanism or the other or you say the constituency or population or so on and so forth. Even after 2000 A.D. you are going to erode the rights of the tribal people.

In Bible it is said "A poor man's field may produce abundant food, but injustice sweeps it away." Whatever the Naga people have earned during their long struggle with supreme sacrifices in lives and blood, you are taking away that right and therefore, this is gross injustice to the Nagas and my fear is that this will not, in any way, benefit our people. Sir, in this respect, the Nagaland Legislative Assembly, on 13th September, 1986 passed a unanimous resolution and with your permission, I would like to quote the relevant portion. I quote:

"And whereas the State of Nagaland is inhabited by the Nagas and the seats in the Legislature are meant for the members of the Scheduled Tribes of Nagaland. The Nagas nur-

tured and cherished their individual identity, culture and traditions from time immemorial and these ideals were zealously guarded by the Nagas;

And whereas the special provisions were enshrined in Article 371A of the Constitution of India protecting Naga traditions, customs, culture, land tenure and Naga way of life so as to accommodate the political aspirations of the Nagas;

And where the political movement of the Naga people eventually led to the grant of Statehood to the Naga people by the Sixteen Point Agreement of 1960 reached between the Naga People's Convention and the Government of India under peculiar and abnormal circumstances to give an opportunity to them to develop and to fulfil their aspirations according to their own genius, distinct culture, customs and traditions;

And therefore, we hereby resolve that 60 seats should be solely reserved for the Tribals of Nagaland. That is what they have said.

Sir, this House has got the right to know how Nagaland State was born, how it has come into existence. It was not carved out from Assam through the States Reorganization Commission. The political history of Naga people can be traced to the year 1929 when Simon and his group visited Kohima. They were told that Nagas should be left alone. Nagas should not be disturbed by the reforms. So, when 1935 Act was passed, the Naga hills were kept secluded under the charge of the Governor of Assam. When the Naga people came to know that Britishers are going away, they organized themselves into a political group known as Naga National Council and this agitation continued and the Government of India also made various efforts to make political settlement with Naga people. In 1947, as an effort to solve the Naga issue, 9-point Agreement was signed between Sir Akbar Hydari, the then Governor

of Assam and leaders of the Naga National Council. According to this 9-point agreement which is called the Ten years Interim period or the Interim Government or the Akbar Hydari Agreement, according to this agreement, after 10 years it was to be considered whether the agreement should be reviewed or otherwise. But the Nagas said, after the expiry of 10 years, the Nagas should be free to choose their own future. That was the deadlock and it continued. After independence, in 1951, when first general election came, Nagas boycotted the same because their aspirations were not fulfilled. Thereafter, the Naga National Council had declared that Nagaland should be a sovereign, independent Nagaland. Thereafter, between 1954 and 1957, there was bloodshed in that area. Sir, I would like to mention very briefly that from 1954 to 1957, the entire Naga area was plunged into bloodshed. The atrocities committed by the police and the security forces at that time were unparalleled in human history. Villages were burnt. Granaries were burnt to ashes. Our people were herded to jail. When there was no village, when there was nothing to eat, they had to go into the jungle. They lived on grass, on leaves and roots. But not a single soul fled from Nagaland as a refugee. At that time, Mr. Vice-Chairman, Sir, had the leaders of this country raised any voice of sympathy? Had they raised any voice of compassion for the people of Nagaland? No, none! At that time there were so many social welfare organisations and charitable organisations. But they did not help. Had any other organisation lent support to the hungry, starving Naga people at that time? Not a single organisation, whether voluntary or Government, had provided even the basic needs of food stuff to the starving dying Nagaland. In this situation, we, who have a vision for the future of Naga people in order to salvage the hopes and aspirations of the people of Nagaland, had to step in. A group of educated people assembled to find

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a way out and to lead the people to the path of peace, to the path of reconciliation and to the right path of political solution. We were guided by our vision. What is that vision? We dreamed that Nagas' future lies with India because in Free and Democratic India, every section of people will have their say and they will receive equal treatment, equal privilege. The Naga People's convention in which I was Joint Secretary sent a delegation to meet late Pandit Jawaharlal Nehru who was the Prime Minister in 1960. I want to read out a portion of the agreement reached. Clause 5 of the Agreement about Legislature says, "There shall be constituted a legislative Assembly consisting of elected and nominated members as may be necessary representing different tribes." Here, it is very clearly mentioned that it shall consist of representatives of tribals. Accordingly, the State was formed. Today, in Nagaland more than sixty per cent belong to non-locals in the Administration. Non-locals from outside control ninety per cent of trade and business. But Nagas are a humble people, accommodative and broad-minded. There is no communal problem in Nagaland. They are living peacefully. Why? We are not jealous of them. But the only thing we want is, sixty seats for us. You want to take away even that. Those people from outside had gone there only after 1960. There was not a single soul who had participated in the negotiation. But even during election we allowed outsiders to canvas. Therefore, this will turn the clock backwards and there will be a very strong reaction in the hill areas and this will definitely disturb the law and order. I am afraid this will rake up even communal issues in those areas. (Time bell rings) With these words I once again thank you for the opportunity given to me.

SHRI GHULAM RASOOL MATTO
(Jammu and Kashmir): Mr. Vice-Chairman, the Constitution (Fifty-

eight Amendment) Bill is before us. The Statement of Objects and Reasons has been explicitly mentioned and I feel that nobody, not even Mr. Jamir and others who have spoken on this subject, can object to what has been stated in the Bill. We must pass the Bill because this primarily gives the tribals their due share in the constituencies of the places that have been mentioned, namely, Nagaland, Meghalay, Mizoram and Arunachal Pradesh. I have, however, to state that the objective of the Bill is to amend Articles 330 and 332 of the Constitution. Articles 330 and 332 must not be read in isolation. They have to be read along with Article 170 of the Constitution. According to what I have been able to understand—and here I slightly differ from my honourable colleague, Mr. Jamir—Article 170 clearly states that in the Census after 2000 AD even the reservations with regard to the Scheduled Castes and Scheduled Tribes can be done away with. It is not essential that after the year 2001, the reservations will be here. But it is in the interests of the tribal people that they should have reservation even after 2001. Why I say this is because like the poor people of Jammu and Kashmir, the people of hills tribes of Mizoram, Nagaland and those other places are simple people. We, the people of hills, are very simple. But political manoeuvring may be made in such a way that non-Scheduled Tribe people are put up as candidates in the Scheduled Tribes areas; money power is used, other powers are used. So the very concept of representation of Scheduled Castes and Scheduled Tribes will be done away with...

SHRI SANTOSH KUMAR SAHU
(Orissa): How is it possible? If a non-Scheduled Tribe candidate is put up, he will be disqualified, his candidature will be rejected by the Returning Officer. He cannot file his nomination.

SHRI GHULAM RASOOL MATTO:

I have said my point is on the premise that Article 170 is amended after 2000 and it is decided that the reservations will be done away with; in that case, the interests of the tribal people will be jeopardized. That is my point, that even after 2000 there is necessity in the interests of Scheduled castes and Scheduled Tribes and it will be very essential that they have the reservations. So, this is a point that has to be taken into consideration. There have been reservations provided for the non-tribals. For instance, in Arunachal Pradesh, out of a total of 40, 32 seats have been reserved and eight are non-reserved; in the case of Meghalaya, out of a total of 60, 48 are reserved and 12 are non-reserved; in the case of Mizoram, out of a total of 40 seats, 38 are reserved and two are non-reserved; and, in the case of Nagaland, out of a total of 60, 53 are reserved and seven are non-reserved. The Bill says that all the seats except one shall be reserved in the interest of the scheduled Tribes. Mr. Jamir was talking of vision. My vision says that even after 2000 AD article 170 cannot be done away with and even at that time the interests of the Scheduled Tribes must be safeguarded and due representation must be given to them.

With these words, I support this Bill.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Shrimati Deori.

SHRIMATI OMEM MOYONG DE-ORI (Arunachal Pradesh): Mr. Vice-Chairman, Sir, I am grateful to you for giving me the opportunity to participate in the debate on the Constitution (Fifty-eight Amendment) Bill, 1987.

Sir, I rise to congratulate the honourable Home Minister and the Government of India for the timely action they have taken in bringing forward this important piece of legislation for safeguarding the interest of the Scheduled Tribes in Nagaland, Mizoram, Meghalaya and Arunachal

Pradesh. Sir, as explained by the honourable Home Minister, the need has now arisen for the determination of the number of seats reserved for the Scheduled Tribes in these States and for empowering the Election Commission to do this and this Bill seeks to achieve this objective.

Sir, I am fully aware of the support which all the honourable Members of this House give for the welfare of the Scheduled Tribes and particularly the support which the people in the North-East has received from the House and the genuine concern which the Government and the honourable members have always shown on any matter relating to the welfare and well-being of the tribals.

Sir, only the other day, this House passed the Bill for the creation of the new State of Arunachal Pradesh. Sir, I once again take this opportunity to express my gratitude to the Government and the honourable Members of this House. I am confident that this Bill will also have the support of this House. My friends from the States concerned have expressed their fears regarding keeping one seat unreserved and they have pleaded for a hundred per cent reservation. Though it may be argued that a tribal is free to contest from an open seat and if all the elected members are tribals just as it is in the State of Arunachal Pradesh at present where all the elected members are tribals may create problems. But I request for a hundred per cent reservation of seats for the scheduled Tribes in Arunachal Pradesh, Nagaland, Mizoram and Meghalaya.

I also take this opportunity to reiterate my earlier request that the number of seats in the Arunachal Pradesh Assembly may be increased from 40 to 60. This is the demand of the people of Arunachal Pradesh.

With these words, Sir, I support this Bill. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Yes, Dr. Silvera.

DR. C. SILVERA (Mizoram): Mr. Vice-Chairman, Sir, I rise to support the Constitution (Fifty-eighth Amendment) Bill, 1987.

Sir, the Bill seeks to protect and safeguard the interests of the tribal people living in the North-Eastern part of India and it also protects and safeguards the interests and rights of the minority non-tribals living in these areas.

Sir, it is a known fact that the tribal people living in the four States of the North-Eastern part of India are still backward, economically weak, and it will take many many years for them to be on par with the more developed and more advanced States of India. The difficulties which are to be faced by these tribal people were clearly visualised by the great leaders of our past and that is the very reason why some protective measures were inserted in the Indian Constitution. As time passes by, the political and economic situation in the country changes and the tribal areas also are changing and, therefore, the Constitution has to be amended accordingly and hence this Constitution (Fifty-eighth Amendment) Bill. The present Prime Minister, Shri Rajiv Gandhiji, and the Home Minister, Shri Buta Singhji, have realised that the tribal people in the north-eastern region need the support of the more affluent society in the country. They see the need to develop the area and also see that their interest needs protection. While it is the desire of the tribal people that all the seats in the State Assemblies be occupied by the tribals, the Central leadership could not overlook the sentiments and interests of the minority non-tribals living in those areas. Considering the population of the country, the tribals living in these four States are very small, and yet the Constitution of India has many provisions to safeguard the interest of the people. Similarly, the Constitution also must have provision to safeguard the minority amongst these minorities. But according to the

Statement of Objects and Reasons this is a temporary arrangement till 2000 AD, and I hope that the Government will revise the Constitution to suit the feelings of the tribals.

With these words, I support the Bill and thank you very much.

SHRI JERLIE E. TARIANG (Meghalaya): Mr. Vice-Chairman, Sir, I have seldom spoken in this House. This Bill affects my State very much. I think out of four States my State will be affected the most. So I crave for your compassion and kindly to give me some more time to speak on this subject.

While appreciating the attitude of the Home Minister in bringing forward this Bill, I would like to mention a little of the political history of our area. During the British rule, before 1947, Nagaland, Arunachal and Mizoram were administered or partially administered areas. The Khasi Hill were semi-independent States, according to the treaties executed between the Khasi chiefs and the British during the later years of Eighteen Hundred thirties. They were administered directly by the Crown Representative through the Dominion Agent who was stationed in Shillong. They enjoyed all the liberties. In fact, when Subhash Chandra Bose came to Shillong, he said if India were to have democracy they should come to Khasi Hills. We have democratic institutions and we love them. Our people are very peaceful. Sir, in 1947 our people were given the option, either to opt for India or for Pakistan. We all opted for India because we have faith in India. In 1948 when Sardar Vallabhbhai Patel came to Shillong and met the representatives of the Federation of the Khasi States, an instrument of between accession the

Khasi States and India had been executed, thereby giving all the protection and the people were assured therein that their cultural and other identities will be protected. Well, Sir, we have full faith and confidence in India. Our people have accepted this. But, surprisingly, Sir, the founding fathers of the constitution thought it fit that we should be merged with Assam, while, at the same time they incorporated the sixth schedule in the constitution that each hill area will have an autonomous District Council. Nagaland refused and rebelled and went into insurgency. Others accepted it as a trial. It did not work, because in 1953-54, the Eastern India Tribal Union was formed and demanded Statehood for the Hills before the States Reorganisation Commission. Sir, the movement of the hills was always peaceful. In 1960, the All-Party Hill Leaders Conference was formed demanding separation from Assam and the creation of a hill State. Sir, the Government of India had not seen it fit that we should have a State and, therefore, Mizoram also went in for insurgency in 1966. There was a bloodbath and bloodshed. Crores of rupees were wasted and many precious lives were lost in Nagaland and Mizoram. But the rest of the Hill people continued the struggle through peaceful means. Ultimately, the statehood was given to Meghalaya in 1972. Sir, I would like to mention the assurance given by Pandit Jawaharlal Nehru when he was the Prime Minister. In 1955, he addressed a big public meeting of the hill people in Shillong. He said, "I would take that the hill people should grow according to their own genius". Before she gave us statehood, Shrimati Indira Gandhi addressed one of the biggest rallies we had in Shillong where she said that you would be looking after your affairs and you will rule your own State. Our people have full faith in Pandit Nehru, Indira Gandhi and the present Government led by Shri Rajiv Gandhi. The Khasi people

have always been peaceful. The people of Meghalaya are always peaceful. In fact, when all the States were going in for violence, Meghalaya was the only peaceful State. Recently there has been trouble. In 1978-79, there was infiltration of foreigners from Bangladesh and you know the problems we had. We have got China in the North, Burma in the East and Bangladesh in the South. What happened? There was an influx of these foreign nationals. There was a movement and there was bloodshed. That was the first time we saw bloodshed in Shillong and Meghalaya. The reason is that the local people are afraid that the people coming from outside are endangering them. They have seen what happen to the hill people in Tripura where only 19 seats out of 60 have now been reserved for them. The rest of the seats have gone to others. What is the position in Sikkim? What happened to the original settlers like the Lepchas and Bhutias in Sikkim today? So, there is a psychological fear. I would like to stress that the Government of India has given 59 seats reserved out of 60 for Nagaland or 39 seats reserved out of 40 in Mizoram and Arunachal. In our case, how do we justify that our people should have only about 5 seats reserved out of 60? The Khasi students unions have now agitated again. The movement has now lasted for more than 2 months. This is because the youths saw GNF flag in some parts of the State of Meghalaya, after the GNLF started their agitation. What happened. The life is paralysed now in our State. We have been under curfew for more than two months. Even today we are under curfew, except with relaxation during day time. All schools, colleges and university classes are closed. We are not leading a normal life, and one of the demands of the students is that 60 out of 60 seats should be reserved for the Tribals. Now, they have demanded an inner-line permit on the line that

were given to Mizoram, Arunachal and Nagaland. They also demand that the Accord that the Government of India had reached with Assam on foreign nationals should also be extended to Meghalaya because Meghalaya has its long southern border with Bangladesh.

Sir, the genuine fears of the people are there. We want peace. As I told you earlier, this is the only State which is not aligned with the other States which have insurgency. This is a peaceful State. Yet, now how do we go to our people and tell them that the Government of India is so kind to the Tribals, that it wants to help us to grow according to our genius? Now you are giving us only 53 seats reserved or 55 seats, if the Kochhas and Rabhas are included, in the list of scheduled tribes of Meghalaya. While appreciating the efforts of our Home Minister who has tried to bring this Bill which is an improvement from the past, at present there are 50 reserved seats and ten seats are general seats. Out of these 10 seats, only 5 seats are now held by non-Tribals, 55 seats are held by the Tribals. And on that basis, you probably have considered that seats in Meghalaya shall be reserved. I feel that it will have a great reaction in the minds of our people. I appeal to the hon. Home Minister that he may kindly assure us and he may help us, if not in getting all the seats reserved, at least by treating us at par with Nagaland. We should also get 59 seats reserved. With these words, Sir, I appeal again to the Home Minister. And I hope that he will consider my request in the larger interest of the State, the region and of the country, Thank you, Sir.

SHRI DHARNIDHAR BASUMATARI (Assam): Sir, as you know, Assam is a peculiar State. Nowhere there are any excluded areas except

in Assam under the Sixth Schedule. In Assam, there are 50. Why the suspicion arose in the minds of the Tribals was because these Sixth Schedule areas were excluded. People were not allowed to come down and nobody could go there. Therefore, there was suspicion. After Independence, Sir, I had the privilege to host the 12th Naga Gowbura. There are the Chiefs of the Gowbura villages. They sent 12 Gowburas under the leadership of one intelligent lady, Rane Agella. So, at that time, our Chief Minister did not allow them to meet him. He said that no Minister, no MLA could meet them. Then I came to know of it. I kept them in my house and had an interview with the Prime Minister. I told him that they wanted to see him because they were not allowed to see our Chief Minister. I told Prime Minister Nehru that was the reason why I had to bring them to him. Nehru said, "We behave in such a way that I think more than what you people think of your tribals." By that time the Sixth Schedule was not framed. Thakkar Baba was the Chairman. Gopinath Bardolai was the Chief Minister. Nicholasraj was in Assam at that time. So this sub-committee has been constituted. Now, the Sixth Schedule areas are being administered nicely. Now, I do not understand why there should be one seat only. One seat open means suspicion in the minds of the tribals. I believe our Home Minister, present Home Minister, Shri Buta Singh cannot be wrong, but still request him just to see whether he can revise it.

Now, Sir, with regard to the tribals of the hills they were with us. But since the Chauvanism of Assam, came to the fore, the so-called Assamese passed the Bill, the

Language Bill. When the Language Bill was passed then they had to go out of Assam, and the question was separate State and fight and fight. I am very happy for their having got the Statehood now.

Now, Sir, about the development and a.l that you know very well the position and I am thankful to our Member from AIADMK who spoke for the tribals. What I wanted to speak, he had already said it. So, I do not want to repeat all that. I want to only add that the Hon. Home Minister may remove suspicion from the minds of tribals by taking the right decision about this one seat also. I do not want to add anything. Mr. Jamir has said many things and so has Mr. Tariatang from Meghalaya said so many things. I do not want to add to it. There is no time. At the same time some colleagues from other parties may wish to speak. I know their heart as you know the heart of mine too. Therefore, I request our Home Minister, just see whether he can revise the position about this one seat. I feel that bureaucrats always try to mislead. You have to see whom you are trying to help. You are trying to help the tribal people.

Now as regards Meghalaya there are some enlightened people who object to **see this one seat**. When wanted Naga and as a Constituent Assembly Member, I thought with myself that this position of the country should not be allowed to be with India, because in exceptional cases I thought that they should not be distressed. But under the Constitution everybody has been covered. So, Sir, before I sit down; I request the Home Minister again to remove the suspicion.

SHRI SHANKARRAO NARA-
YANRAO DESHMUKH (Maha-

rastra): Mr. Vice-Chairman, Sir, I rise to support the Bill, the Constitution (Fifty-eighth Amendment) Bill, 1987. Sir, this Bill is very important though it is small in nature but its effects are very wide. We have seen in the post-independence period that the Government have constantly tried for the improvement of the Scheduled Castes and Scheduled Tribes taking fullest advantage of the Constitutional safeguards the Government has always brought in such legislation which has helped to improve their social status, to remove the social disparities, social injustices. Not only that, but they have gone a step further to bring political stability to the Scheduled Castes and Scheduled Tribes. To mention a few, I would just draw the attention of this august House to that famous effort, the Untouchability Offences Act, 1955. By this Act the Government tried to do away with the injustice that was being done to them. Not only that, the offence was made cognizable. Later on, this Act was converted into Protection of Civil Rights Act in 1976, by which it was declared that any person convicted under that Act for going injustice to these people, would be disqualified from contesting the legislative election. The Government went a little farther and made amendment to the Fifth Schedule of the Constitution in 1976. By this amendment, the Government created a special role and a responsibility for the Governors and the Central Government with regard to location of tribal areas..... (Time bell rings).

In introspection of the efforts made by the Government, it is necessary to see how many of the Constitutional safeguards are utilised by the Government in order to improve the conditions of the Scheduled Castes and Scheduled Tribes particularly, because in all the safeguards mentioned in article 164(1), 164(v), article 46, and article 335, advantage has been taken

[Shri S. N. Deshmukh]

by the Government. The fullest advantage was taken under article 338 for establishing machinery for providing security to the Scheduled Tribes. (Time bell rings)

In conclusion, I would say that this is a small Bill but it provides very wide-ranging protection to the Scheduled Tribes. Thank you.

SHRI SANTOSH KUMAR SAHU: I stand to support this Constitutional Amendment Bill for one reason that it gives protection and reservation to the Scheduled Tribes in the North-Eastern States. They have a cultural unity with the country not only after independence but since the days of Mahabharatha, which we find in the history. We are aware how our first Prime Minister, Pandit Jawaharlal Nehru was concerned for the development of these areas; then Prime Minister Shrimati Indira Gandhi and now our Prime Minister Shri Rajiv Gandhi during whose time the interests of tribals have been fully protected, and the fears expressed earlier that these interests will not be protected, have vanished, because all of the separate regions have been given Statehood. Now it is for them to protect their own interests.

Coming to the present Bill, I would like to say that it was almost accepted in the first amendment Act of 1984. In the Objects and Reasons it has been clarified that it was necessary to bring in this amendment, because as far as article 170 is concerned, delimitation is to take place only after 2000 A.D., when probably after the census, new constituencies will be delimited. So, it is necessary that these constituencies should be identified for reservations, and that is why it is necessary to bring in this Bill.

I also heard my friend from Mizoram. As far as the interests of the Scheduled Tribes are concerned, these have been protected. They have two general (non S.T.) seats now. This had been reduced to one. So, Gov-

ernment is interested in protecting their interests. We support this Bill strongly. It is in the interest of the North-Eastern States. But while drafting such Constitutional amendments, it is necessary that we should not make frequent changes. In the 1984 amendment itself, this provision could have been incorporated and frequent changes would not have been necessary.

Coming to the point of delimitation, it is true that number of seats may not be increased in different areas. As has been pointed out in the Statement of Objects and Reasons of the Bill, there can be readjustment of seats on the basis of the first census after the year 2000. If there are grievances in some areas, if it goes against the interests of people in these areas, this will definitely be taken care of. There need be no apprehension on the part of Members belonging to these areas. They should welcome this Bill. It is for the State Governments now to implement the provisions. The people of these areas have played a definite role during the Independence movement. I would appeal to non-Members like Mr. Jamir and other not to have any apprehensions. People in other parts want the speedy development of these areas.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Last speaker. Mr. Bir Bhadra Pratap Singh.

SHRI BIR BHADRA PRATAP SINGH (Uttar Pradesh): Mr. Vice-Chairman, Sir, reservations provided for in the Constitution are not a permanent feature. But it is being extended only because of the fact that those sections for whom this was meant have not reached that stage of development. Their development is lagging behind. But the argument advanced by Mr. Jamir and many members from these areas would be a good argument if it is to be advanced at the time of the census in 2000 AD when a determination is required to be made in accordance with sub-clause (3) of article 170 of the Constitution. Only then, it would be a

good argument and a relevant argument. This is not the appropriate time. We passed the Constitution (Fifty-first Amendment) Bill. The only question now is to give effect to some of the provisions that we adopted in that Bill and the present Bill is only consequential to that Bill. The present Bill gives support to my first contention that reservations have to be continued and the rights of these people have to be preserved till they reach that stage of development in line with other sections of the society. That is why we have to give effect to the provisions of the Constitution (Fifty-first Amendment) Bill and the present Bill, as I said, is consequential to that.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The Minister will reply to both the Bills.

[The Deputy Chairman in the Chair]

SHRI BUTA SINGH: Madam Deputy Chairman, may I express my grateful thanks to the hon. Members who have participated in the debate? I have taken note of the suggestions which they have made. Before I dwell at length on the points raised by hon. Members, I would like to briefly explain once again the reasons for the proposed amendment Bills. Although reservation for Scheduled Tribes in the State Legislative Assemblies was provided by the Constitution (Fifty-first Amendment) Act, 1984, the number of seats was not determined and the Election Commission was required to determine the seats on the basis of guidelines specified in clause 3 of article 332 of the Constitution. As per the provision of this article the number of seats for Scheduled Tribes in the Legislative Assemblies shall bear the same proportion to the total number of seats of the Assembly as the population of Scheduled Tribes bears to the total population in the State. If this principle is applied Meghalaya will get 48 and Nagaland 53 seats for the Scheduled Tribes out of the total number of 60 seats each. May I also point out that this was rectified by both the Assemblies?

It is no use for hon. Members to say now as if we are doing something which is not justified. The

Assemblies have accepted 1.00 p.m. this number and we are going beyond that. Therefore, in Arunachal Pradesh and Mizoram the number of seats for Scheduled Tribes will be 32 and 39 out of 40 seats each. The position resulting after the proposed amendments are made will be a marked improvement on the existing position.

I may add that the Ministry of Welfare are considering legislation to revise and update the list of Scheduled Tribes. If some of the tribes as mentioned by Shri Tariatang who are already occupying seats in the Meghalaya Legislative Assembly are covered by this legislation before the appointed day, the number of seats held by the Scheduled Tribes in the Meghalaya Assembly may further change. Thus the hon. Members will appreciate that the Bills seek to bring about a marked improvement in favour of the seats reserved for the Scheduled Tribes in the above State Legislative Assemblies.

I share the sentiments expressed by Shri Jamir, Shri Tariatang, my friend Shri Basumatari, Shrimati Deori and other friends. We ourselves have been most keen to ensure that the interests of Scheduled Tribes in North-East are duly taken care of. It is in this context that the position of representation has been considerably improved, much beyond the population percentage. It goes without saying that candidates belonging to Scheduled Tribes will be able to contest even from the unreserved seats. There is no bar that a tribal cannot contest from any unreserved seat. (Interruptions). If there is bar, the bar applies to the non-tribals contesting from the tribal seats.

While tribal interests will always remain uppermost in our mind, any step that is taken has also to be seen in the context of national interest and feeling of amity amongst different communities.

[Shri Buta Singh]

The Nagaland Chief Minister has also strongly urged that there should be 100 per cent reservation for local tribals. He has repeatedly stressed the point. He has also conveyed the strong views of the youth in Nagaland in this direction. We have tried our best to accommodate these youths to the maximum extent possible, though not 100 per cent, nearly 100 percent seats have been reserved for tribal people in Nagaland, in Mizoram and Arunachal Pradesh. In Meghalaya the number that will be reserved will be in the same proportion as held by the tribal people in the present assembly on the appointed day, that is the date of enforcement of the Bill. Thus we have tried to accommodate the viewpoints of the respective leaders to the extent possible.

These provisions are transitory and remain valid till 2000 A.D. We shall review the situation in appropriate time with due regard to local needs and aspirations. Elections to the State Legislative Assembly of Nagaland are due in November, 1987. The Election Commission has pointed out that the identification of the reserved Assembly constituencies is essential and a mandatory requirement for holding the general elections. This is the first general election in Nagaland after the Constitution (Fifty-first amendment) 1984 providing for reservation. No parliamentary law has been passed giving power to the Election Commission to undertake delimitation of the Constituencies or identify the seats reserved for Scheduled Tribes. Therefore, Madam, the Constitution Amendment Bill and the Representation of the People (Second Amendment) Bill, 1987, have been moved for consideration so that the Election Commission is clear about the number of seats to be reserved and derives power to delimit the constituencies accordingly before the elections are held.

In order to ensure that the tribals are given a measure of autonomy in the governance of their day-to-day affairs, autonomous district councils under the Sixth Schedule provisions have been provided for in the tribal areas specified in Tripura, Meghalaya, Assam and Mizoram. Nagaland and Arunachal Pradesh are predominantly tribal areas. Manipur also has district councils on the pattern of the Sixth Schedule.

Hon. Members are aware that the development of the North-Eastern region has been receiving due importance. The North-Eastern Council which was set up for the socio-economic development of the North-Eastern areas has done commendable work, in the field of development of infrastructural facilities in the region of transport, communication, power etc. The NEC schemes are in addition to States plans and other Central sector schemes. My friend, Shri Aladi Aruna was asking as to what additional efforts are being made by the Government of India to see that the tribals are really benefited socially, economically and politically. May I mention here that during the Sixth Plan, NEC had received substantial amounts of Central assistance. As against the approved outlay of Rs. 340 crores in the Sixth Plan, the outlay for the Seventh Plan for the NEC schemes is Rs. 675 crores, i.e. more than double. We have taken a number of steps to strengthen the NEC by delegating more powers to them, for speeding up decision-making process. I would like to mention some of the important NEC schemes which have been implemented:

Ranganadi Hydel Project with an estimated cost of Rs. 312.78 cr. alongwith Transmission Line Project with an estimated cost of Rs. 47.34 crore.

The road bridges over river Brah-

maputra near Tezpur has, been commissioned at a cost of Rs. 89.14 crores.

Kopili project which has been sanctioned at a cost of Rs. 212 crores.

Regional Mining School in Nagaland with an estimated cost of Rs. 3.22 crores has been sanctioned.

Sanction has been given for establishment of 5MW gas turbine set at gas based thermal power station at Baramura in Tripura in March, 1987 with an estimated cost of Rs. 5.26 crore

132 single circuit KV line linking Kamarghat and Aizwal has been completed by North-Eastern Electricity Power Corporation under the NEC scheme on 5th November, 1986. The construction of 132 KV Jiribam-Aizwal line is going on and is expected to be commissioned next year. With the completion of this line, the constraint on flow of power to Mizoram, Tripura, Barak Valley districts of Assam will be removed.

The construction 132 KV line linking Gohpur in Assam with Itanagar in Arunachal Pradesh at a cost of Rs. 2.40 crores has been approved for transmission of power to Arunachal Pradesh from Assam.

The Committee of Central Minister for Economic Development of North-East has been specially commissioned and constituted by our hon. Prime Minister who has the cause of tribal development in the North-East region very dear to his heart. The Committee oversees and coordinates progress of major Central schemes which are undertaken by the Central Ministries and Departments of the Government of India in the North-East region.

The hon. Members, I am sure, will agree with me that the Government of India is making all efforts to ensure that the people of the important North-Eastern region of our coun-

try fully participate in the developmental efforts of our nation. The Bills before the House seek to further safeguard the best interests of the tribal people of these States while balancing the demands of national interest.

I would therefore request hon. Members to lend their full support to the provisions of these Bills and pass these very important pieces of legislation unanimously.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

The House divided.

THE DEPUTY CHAIRMAN:

Ayes .. 137

Noes .. Nil.

Ayes-137

Abdi, Shri Hashim Raza Allahabadi

Ahluwalia, Shri S. S.

Aladi Aruna, Shri alias V. Arunachalam

Alva, Shrimati Margaret

Amarjit Kaur, Shrimati

Amla, Shri Tirath Ram

Anand Sharma, Shri

Antony, Shri A. K.

Arun Singh, Shri

Bagrodia, Shri Santosh

Bansal, Shri Pawan Kumar

Basumatari, Shri Dharanidhar

Bekal Utsahi, Shri

Bhajan Lal, Shri

Bhardwaj, Shri Hansraj

Bhatia, Shri Madan

Bhatt, Shrimati Ela Ramesh

Bhatt, Shri Jitendrabhai Labhshanker

Bhattacharjee, Shri Kamalendu

Bhim Raj, Shri
 Birla, Shri Krishna Kumar
 Chaturvedi, Shri Bhuvnesh
 Chowdhary Ram Sewak
 Darbara Singh, Shri
 Deori, Shrimati Omem Moyong
 Desai, Shri Jagdish
 Deshmukh, Shri Shankarrao Narayan-
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Dhusiya, Shri Sohan Lal
 Faguni Ram, Dr.
 Fernandes, Shri John F.
 Fotedar, Shri Makhan Lal
 Ganeshwar Kusum, Shri
 Ghan Shyam Singh, Shri
 Gupta, Shri Vishwa Bandhu
 Hanspal, Shri Harvendra Singh
 Hanumanthappa, Shri H.
 Jacob, Shri M. M.
 Jadhav, Shri Vitthalrao Madhavrao
 Jamir, Shri S. C.
 Jani, Shri Jagadish
 Jha, Shri Lakshmi Kant
 Jogi, Shri Ajit P. K.
 Joshi, Shri Krishna Nand
 Kailashpati, Shrimati
 Kalmadi, Shri Suresh
 Kamble, Prof. N. M.
 Kar, Shri Ghulam Rasool
 Kaul, Shrimati Krishna
 Khaparde, Miss Saroj
 Khatun, Kumari Sayeeda
 Kidwai, Dr. Mohd. Hashim
 Kollur, Shri M. L.
 Kushnoor, Shri Veershetty Moglappa
 Laxmi Narain, Shri
 Mahendra Prasad, Shri
 Mahto, Shri Bandhu
 Makwana, Shri Yogendra
 Malaviya, Shri Radhakishan
 Malik, Shri Mukhtiar Singh
 Malik, Shri Satya Pal
 Manhar, Shri Bhagatram
 Masodkar, Shri Bhaskar Annaji

Matto, Shri Ghulam Rasool
 Meena, Shri Dhuleshwar
 Mehta, Shri Chimanbhai
 Mirza Irshadbaig, Shri
 Mishra, Shri Mahendra Mohan
 Mishra, Shri Sheo Kumar
 Mittal, Shri Sat Paul
 Mohapatra, Shri Basudeb
 Moopnar, Shri G. K.
 Naik, Shri G. Swamy
 Nalwa, Shri Hari Singh
 Narayanasamy, Shri V.
 Natarajan, Shrimati Jayanthi
 Natha Singh, Shri
 Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti
 Palaniyandi, Shri N.
 Pandey, Shrimati Manorama
 Pandey, Dr. Ratnakar
 Panicker, Shri K. Vasudeva
 Panwar, Shri B. L.
 Patel, Shri Chhotubhai
 Patel, Shri Vithalbhai Motiram
 Patil, Shri Dinkarrao Govindrao
 Patil, Shrimati Suryakanta Jayawant-
 rao
 Puglia, Shri Naresh C.
 Rafique Alam, Shri
 Rajagopal, Shri M.
 Rajangam, Shri N.
 Ramamurthy, Shri Thindivanam K.
 Ramanathan, Shri V.
 Ramesh Babu, Shri S. B.
 Rao, Prof. B. Ramachandra
 Ratan Kumari, Shrimati
 Rathvakoli, Shri Ramsinghbhai Patali-
 yabhai
 Ray, Shri Deba Prasad
 Rayka, Shri Sagar
 Richharia, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Sahu, Shri Rajni Ranjan
 Sahu, Shri Santosh Kumar
 Salve, Shri N. K. P.
 Saring, Shri Leonard Solomon

Sayeed Mufti Mohamad
 Sharma, Shri Chandan
 Sharma, Dr. H. P.
 Sharma, Shri Satish Kumar
 Shiv Shanker, Shri P.
 Shukla, Shri Keshavprasad
 Siddiqi, Shri Shamim Ahmed
 Silvera, Dr. C.
 Singh, Shri Bir Bhadra Pratap
 Singh, Shrimati Pratibha
 Singh, Shri R. K. Jaichandra
 Singh, Dr. Rudra Pratap
 Singh, Shri Vishvijit Prithvijit
 Sukhdev Prasad, Shri
 Sukul, Shri P. N.
 Surender Singh, Shri
 Tariang, Shri Jerlie E.
 Thakur, Prof. Chandresh P.
 Thakur, Jagatpal Singh
 Thakur, Shri Rameshwar
 Thakur, Shri Surendra Singh
 Thangabaaalu, Shri
 Tiria, Kumari Sushila
 Tiwari, Shri Narayan Datt
 Tripathi, Shri Chandrika Prasad
 Tyagi, Shri Shanti
 Vaduthala, Shri T. K. C.
 Valiullah, Shri Raoof
 Verma, Shri Kapil
 Verma, Shrimati Veena
 Vikal, Shri Ram Chandra
 Yadav, Shri Ramanand

Noes—Nil

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

THE DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration. The question is:

"That clause 2 stand part of the Bill."

The House divided.

THE DEPUTY CHAIRMAN:

Ayes 137

Noes Nil

AYES—137

Abdi, Shri Hashim Raza Allahabadi
 Ahluwalia, Shri S. S.
 Aladi Aruna, Shri *alias* V. Aruna chalam
 Alva, Shrimati Margaret
 Amarjit Kaur, Shrimati
 Amla, Shri Tirath Ram
 Anand Sharma, Shri
 Antony, Shri A. K.
 Arun Singh, Shri
 Bagrodia, Shri Santosh
 Bansal, Shri Pawan Kumar
 Basumatari, Shri Dharanidhar
 Bekal Utsahi, Shri
 Bhajan Lal, Shri
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bhatt, Shrimati Ela Ramesh
 Bhatt, Shri Jitendrabhai Labhshanker
 Bhattacharjee, Shri Kamalendu
 Bhim Raj, Shri
 Birla, Shri Krishna Kumar
 Chaturvedi, Shri Bhuvnesh
 Chowdhary Ram Sewak
 Darbara Singh, Shri
 Deori, Shrimai Omem Moyong
 Desai, Shri Jagesh
 Deshmukh, Shri Shankarrao Narayanrao
 Dhusiya, Shri Sohan Lal
 Faguni Ram, Dr.
 Fernandes, Shri John F.
 Fotedar, Shri Makhan Lal
 Ganeshwar Kusum, Shri
 Ghan Shyam Singh, Shri
 Gupta, Shri Vishwa Bandhu
 Hanspal, Shri Harvendra Singh
 Hanumanthappa, Shri H.

Jacob, Shri M. M.
 Jadhav, Shri Vithalrao Madhavrao
 Jamir, Shri S. C.
 Jani, Shri Jagadish
 Jha, Shri Lakshmi Kant
 Jogi, Shri Ajit P. K.
 Joshi, Shri Krishna Nand
 Kailashpati, Shrimati
 Kalmadi, Shri Suresh
 Kamble, Prof. N. M.
 Kar, Shri Ghulam Rasool
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 Kushnoor, Shri Veershetty Moglappa
 Laxmi Narain, Shri
 Mahendra Pradesh, Shri
 Mahto, Shri Bandhu
 Makwana, Shri Yogendra
 Malaviya, Sri Radhakishan
 Malik, Shri Mukhtiar Singh
 Malik, Shri Satya Pal
 Manhar, Shri Bhagatram
 Masodkar, Shri Bhaskar Annaji
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 Mehta, Shri Chimanbhai
 Mirza Irshadbaig, Shri
 Mishra, Shri Mahendra Mohan
 Mishra, Shri Sheo Kumar
 Mittal, Shri Sat Paul
 Mohapatra, Shri Basudeb
 Moopnar, Shri G. K.
 Naik, Shri G. Swamy
 Nalwa, Shri Hari Singh
 Narayanasamy, Shri V.
 Natarajan, Shrimati Jayanthi
 Natha Singh, Shri
 Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti

Palaniyandi, Shri M.
 Pandey, Shrimati Manorama
 Pandey, Dr. Ratnakar
 Panicker, Shri K. Vasudeva
 Panwar, Shri B. L.
 Patel, Shri Chhotubhai
 Patel, Shri Vithalbhai Motiram
 Patil, Shri Dinkarrao Govindrao
 Patil, Shrimati Suryakanta Jayawantrao
 Puglia, Shri Naresh C.
 Rafique Alam, Shri
 Rajagopal, Shri M.
 Rajangam, Shri N.
 Ramamurthy, Shri Thindivanam K.
 Ramanathan, Shri V.
 Ramesh Babu, Shri S. B.
 Rao, Prof. B. Ramachandra
 Ratan Kumari, Shrimati
 Rathvakoli, Shri Ramsinghbhai Pataliyabhai
 Ray, Shri Deba Prasad
 Rayka, Shri Sagar
 Richharia, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Sahu, Shri Rajni Ranjan
 Sahu, Shri Santosh Kumar
 Salve, Shri N. K. P.
 Saring, Shri Leonard Solomon
 Sayeed, Mufti Mohammad
 Sharma, Shri Chandan
 Sharma, Dr. H. P.
 Sharma, Shri Satish Kumar
 Shiv Shanker, Shri P.
 Shukla, Shri Keshavprasad
 Siddiqi, Shri Shamim Ahmed
 Silvera, Dr. C.
 Singh, Shri Bir Bhadra Pratap
 Singh, Shrimati Pratibha
 Singh, Shri R. K. Jaichandra
 Singh, Dr. Rudra Pratap

Singh, Shri Vishvjit Prithvijit
 Sukhdev Prasad, Shri
 Sukul, Shri P. N.
 Surender Singh, Shri
 Tariat, Shri Jerlie E.
 Thakur, Prof. Chandresh P.
 Thakur, Jagatpal Singh
 Thakur, Shri Rameshwar
 Thakur, Shri Surendra Singh
 Thangabalu, Shri
 Tiria, Kumari Sushila
 Tiwari, Shri Narayan Datt
 Tripathi, Shri Chandrika Prasad

Tyagi, Shri Shanti
 Vaduthala, Shri T. K. C.
 Valiullah, Shri Raoof
 Verma, Shri Kapil

Verma, Shrimati Veena
 Vikal, Shri Ram Chandra
 Yadav, Shri Ramanand

NOES — Nil

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 2 was added to the Bill.

THE DEPUTY CHAIRMAN: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The House divided.

THE DEPUTY CHAIRMAN:

Ayes	137
Noes	Nil.

AYES—137

Abdi, Shri Hashim Raza Allahabadi

Ahluwalia, Shri S. S.
 Aladi Aruna, Shri alias V. Aruna-chalam

Alva, Shrimati Margaret
 Amarjit Kaur, Shrimati

Amla, Shri Tirath Ram

Anand Sharma, Shri

Antony, Shri A. K.

Arun Singh, Shri

Bagrodia, Shri Santosh

Bansal, Shri Pawan Kumar

Basumatari, Shri Dharanidhar

Bekal Utsahi, Shri

Bhajan Lal, Shri

Bhardwaj, Shri Hansraj

Bhatia, Shri Madan

Bhatt, Shrimati Ela Ramesh

Bhatt, Shri Jitendrabhai Labhshanker

Bhattacharjee, Shri Kamalendu

Bhim Raj, Shri

Birla, Shri Krishna Kumar

Chaturvedi, Shri Bhuvnesh

Chowdhary Ram Sewak

Darbara Singh, Shri

Deori, Shrimati Omem Moyong

Desai, Shri Jagesh

Deshmukh, Shri Shankarrao Narayanrao

Dhusiya, Shri Sohan Lal

Faguni Ram, Dr.

Fernandes, Shri John F.

Fotedar, Shri Makhan Lal

Ganeshwar Kusum, Shri

Ghan Shyam Singh, Shri

Gupta, Shri Vishwa Bandhu

Hanspal, Shri Harvendra Singh

Hanumanthappa, Shri H.

Jacob, Shri M. M.

Jadhav, Shri Vithalrao Madhavrao

Jamir, Shri S. C.

Jani, Shri Jagadish

Jha, Shri Lakshmi Kant

Jogi, Shri Ajit P. K.

Joshi, Shri Krishna Nand

Kailashpati, Shrimati
 Kalmadi, Shri Suresh
 Kamble, Prof. N. M.
 Kar, Shri Ghulam Rasool
 Kaul, Shrimati Krishna
 Khaparde, Miss Saroj
 Khatun, Kumari Sayeeda
 Kidwai, Dr. Mohd. Hashim
 Kollur, Shri M. L.
 Kushnoor, Shri Veershetty Moglappa
 Laxmi Narain, Shri
 Mahendra Prasad, Shri
 Mahto, Shri Bandhu
 Makwana, Shri Yogendra
 Malaviya, Shri Radhakishan
 Malik, Shri Mukhtiar Singh
 Malik, Shri Satya Pal
 Manhar, Shri Bhagatram
 Masodkar, Shri Bhaskar Annaji
 Matto, Shri Ghulam Rasool
 Meena, Shri Dhuleshwar
 Mehta, Shri Chimanbhai
 Mirza Irshadbaig, Shri
 Mishra, Shri Mahendra Mohan
 Mishra, Shri Sheo Kumar
 Mittal, Shri Sat Paul
 Mohapatra, Shri Basudeb
 Moopanan, Shri G. K.
 Naik, Shri G. Swamy
 Nalwa, Shri Hari Singh
 Narayanasamy, Shri V.
 Natarajan, Shrimati Jayanthi
 Natha Singh, Shri
 Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti
 Palaniyandi, Shri M.
 Pandey, Shrimati Manorama
 Pandey, Dr. Ratnakar
 Panicker, Shri K. Vasudeva
 Panwar, Shri B. L.
 Patel, Shri Chhotubhai
 Patel, Shri Vithalbhai Motiram
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Patil, Shrimati Suryakanta Jayawantrao
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 Ramamurthy, Shri Thindivanam K.
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 Sahu, Shri Santosh Kumar
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 Sayeed Mufti Mohamad
 Sharma, Shri Chandan
 Sharma, Dr. H. P.
 Sharma, Shri Satish Kumar
 Shiv Shanker, Shri P.
 Shukla, Shri Keshavprasad
 Siddiqi, Shri Shamim Ahmed
 Silvera, Dr. C.
 Singh, Shri Bir Bhadra Pratap
 Singh, Shrimati Pratibha
 Singh, Shri R. K. Jaichandra
 Singh, Dr. Rudra Pratap
 Singh, Shri Vishvjit Prithvijit
 Sukhdev Prasad, Shri
 Sukul, Shri P. N.
 Surender Singh, Shri
 Tariang, Shri Jerlie E.
 Thakur, Prof. Chandresh P.
 Thakur Jagatpal Singh
 Thakur, Shri Rameshwar
 Thakur, Shri Surendra Singh
 Thangabalu, Shri
 Tiria, Kumari Sushila

Tiwari, Shri Narayan Datt
 Tripathi, Shri Chandrika Prasad
 Tyagi, Shri Shanti
 Vaduthala, Shri T. K. C.
 Valiullah, Shri Raoof
 Verma, Shri Kapil
 Verma, Shrimati Veena
 Vikal, Shri Ram Chandra
 Yadav, Shri Ramanand

NOES — Nil

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

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

SHRI BUTA SINGH: I move:

"That the Bill be passed."

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The House divided.

THE DEPUTY CHAIRMAN:

Ayes .. 137

Noes .. Nil

AYES—137

Abdi, Shri Hashim Raza Allahabadi
 Ahluwalia, Shri S. S.
 Aladi Aruna, Shri alias V. Aruna-chalam
 Alva, Shrimati Margaret
 Amarjit Kaur, Shrimati
 Amla, Shri Tirath Ram
 Anand Sharma, Shri
 Antony, Shri A. K.
 Arun Singh, Shri
 Bagrodia, Shri Santosh
 Bansal, Shri Pawan Kumar

Basumatari, Shri Dharanidhar
 Beka! Utsahi, Shri
 Bhajan Lal, Shri
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bhatt, Shrimati Ela Ramesh
 Bhatt, Shri Jitendrabhai Labhshankar
 Bhattacharjee, Shri Kamalendu
 Bhim Raj, Shri
 Birla, Shri Krishna Kumar
 Chaturvedi, Shri Bhuvnesh
 Chowdhary Ram Sewak
 Darbara Singh, Shri
 Deori, Shrimai Omem Moyong
 Desai, Shri Jagesh
 Deshmukh, Shri Shankarrao Nara-
 yanrao
 Dhusiya, Shri Sohan Lal
 Faguni Ram, Dr.
 Fernandes, Shri John F.
 Fotedar, Shri Makhan Lal
 Ganeshwar Kusum, Shri
 Ghan Shyam Singh, Shri
 Gupta, Shri Vishwa Bandhu
 Hanspal, Shri Harvendra Singh
 Hanumanthappa, Shri H.
 Jacob, Shri M. M.
 Jadhav, Shri Vithalrao Madhavrao
 Jamir, Shri S. C.
 Jani, Shri Jagadish
 Jha, Shri Lakshmi Kant
 Jogi, Shri Ajit P. K.
 Joshi, Shri Krishna Nand
 Kailashpati, Shrimati
 Kalmadi, Shri Suresh
 Kamble, Prof. N. M.
 Kar, Shri Ghulam Rasool
 Kaul, Shrimati Krishna
 Khaparde, Miss Saroj
 Khatun, Kumari Sayeeda
 Kidwai, Dr. Mohd. Hashim
 Kollur, Shri M. L.

Kushnoor, Shri Veershetty Moglappa
Laxmi Narain, Shri

Mahendra Prasad, Shri

Mahto, Shri Bandhu

Makwana, Shri Yogendra

Malaviya, Shri Radhakishan

Malik, Shri Mukhtiar Singh

Malik, Shri Satya Pal

Manhar, Shri Bhagatram

Masodkar, Shri Bhaskar Annaji

Matto, Shri Ghulam Rasool

Meena, Shri Dhuleshwar

Mehta, Shri Chimanbhai

Mirza Irshadbaig, Shri

Mishra, Shri Mahendra Mohan

Mishra, Shri Sheo Kumar

Mittal, Shri Sat Paul

Mohapatra, Shri Basudeb

Moopnar, Shri G. K.

Naik, Shri G. Swamy

Nalwa, Shri Hari Singh

Narayanasamy, Shri V.

Natarajan, Shrimati Jayanthi

Natha Singh, Shri

Pachouri, Shri Suresh

Pahadia, Shrimati Shanti

Palaniyandi, Shri M.

Pandey, Shrimati Manorama

Pandey, Dr. Ratnakar

Panicker, Shri K. Vasudeva

Panwar, Shri B. L.

Patel, Shri Chhotubhai

Patel, Shri Vithalbhai Motiram

Patil, Shri Dinkarrao Govindrao

Patil, Shrimati Suryakanta Jayawantrao

Puglia, Shri Naresh C.

Rafique Alam, Shri

Rajagopal, Shri M.

Rajangam, Shri N.

Ramamurthy, Shri Thindivanam K

Ramanathan, Shri V.

Ramesh Babu, Shri S. B.

Eao, Prof. B. Ramachandra

Ratan Kumari, Shrimati

Rathvakoli, Shri Ramsingbhai Pataliyabhai

Ray, Shri Deba Prasad

Rayka, Shri Sagar

Richharia, Dr. Govind Das

Rohatgi, Shrimati Sushila

Sahu, Shri Rajni Ranjan

Sahu, Shri Santosh Kumar

Salve, Shri N. K. P.

Saring, Shri Leonard Solomon

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Sharma, Shri Chandan

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Sharma, Shri Satish Kumar

Shiv Shanker, Shri P.

Shukla, Shri Keshavprasad

Siddiqi, Shri Shamim Ahmed

Silvera, Dr. C.

Singh, Shri Bir Bhadra Pratap

Singh, Shrimati Pratibha

Singh, Shri R. K. Jaichandra

Singh, Dr. Rudra Pratap

Singh, Shri Vishvijit Prithvijit

Sukhdev Prasad, Shri

Sukul, Shri P. N.

Surender Singh, Shri

Tariang, Shri Jerlic E.

Thakur, Prof. Chandresh P.

Thakur Jagatpal Singh

Thakur, Shri Rameshwar

Thakur, Shri Surendra Singh

Thangabalu, Shri

Tiria, Kumari Sushila

Tiwari, Shri Narayan Datt

Tripathi, Shri Chandrika Prasad

Tyagi, Shri Shanti

Vaduthala, Shri T. K. C.

Valiullah, Shri Raoof

Verma, Shri Kapil

Verma, Shrimati Veena

Vikal, Shri Ram Chandra

Yadav, Shri Ramanand

NOES — Nil

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

THE DEPUTY CHAIRMAN: I shall now put the motion regarding consideration of the Representation of the People (Second Amendment) Bill, 1987 to vote.

The question is:

"That the Bill further to amend the Representation of the People Act, 1950, as passed by the Lok Sabha be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up Clause by Clause consideration of the Bill.

Clause 2 was added to the Bill.

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

SHRI BUTA SINGH: I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE EXPENDITURE TAX BILL 1987

THE DEPUTY CHAIRMAN: Instead of breaking for lunch, we will take up the Expenditure Tax Bill, 1987. Shri Janardhan Poojari.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHAN POOJARI): I beg to move:

"That the Bill to impose a special tax on the expenditure incurred in certain hotels, as passed by

the Lok Sabha, be taken into consideration."

The Prime Minister in his Budget speech for 1987-88 had made an announcement that a separate legislation would be brought forward for levy of a tax on expenditure in certain hotels. I shall avail of this opportunity to explain the main provisions of the Bill.

This short and simple Bill has the object of imposing a tax on expenditure incurred in certain hotels at the rate of ten per cent. The tax shall be levied on any chargeable expenditure incurred in a hotel wherein the room charges for a unit of residential accommodation at the time of incurring such expenditure are four hundred rupees or more per day per individual. The expression 'chargeable expenditure' means expenditure incurred in respect of any accommodation or in connection with the provision of food or drink or any other services by way of beauty parlours, health clubs, swimming pools or other similar services. The levy will not apply to payments made in foreign exchange. This exemption will also extend to payments made in Indian currency which is obtained by conversion of foreign exchange into Indian currency by specified modes.

Person responsible for collecting the expenditure tax will be the hotel receiving such payments. The tax so collected during any calendar month will have to be credited to the Central Government by the 10th day of the immediately following calendar month. It will also be the responsibility of the hotel to furnish a return disclosing the aggregate of chargeable expenditure, the tax collected and the tax paid to the Central Government.

[The Vice-Chairman (Shri Jagesh Desai) in the Chair].

In a case where food, drink or other services are provided at the hotel by any other per-