

which have a quick flashing point of 23 degrees centigrade. These are classified "petroleum class A." Motor gasoline, aviation gasoline, naphtha, liquid petroleum gas—special boiling point spirit—these come under "petroleum class A." Then "petroleum Class B" means petroleum having a flashpoint of 23 degrees centigrade and above but below 65 degrees centigrade. These are kerosene, mineral turpentine oil, H.S.D. These are the middle distillates having a high flash point. Then Petroleum Class C refers to that which has a flash point of 65 degrees C and above but below 93 degrees C, i.e. LDO, furnace oil, etc. Therefore, when a person has to transport, store, etc., then the quantity to be stored or transported is decided with reference to the flash point of petroleum. If it is petroleum like motor gasoline, etc., he will not be allowed to store a huge quantity. If it is LDO or H.S.D., having a flash point as mentioned, he will be allowed to store a larger quantity. Therefore, for this purpose this has been done. It is not that it has been done only now. As I said, this Bill has been brought to amend the Petroleum Act 1934 which has been designed and framed on a very scientific basis. There was some rationale behind it.

श्री जगदीश प्रसाद माथुर : बी श्रेणी के कैरोसिन का वर्णन किया गया है। आपको पता होगा पिछले दिनों देश में तमाम ऐसी दुर्घटनाएँ हुई हैं। बसों में कैरोसिन ले जाने की आदत है लोगों को और कई बसों में 50 और 60 आदमी तक मरे हैं, क्योंकि कैरोसिन के लिए कोई व्यवस्था न रहने के कारण उनमें आग लग गयी है।

SHRI D. R. CHAVAN: That is because of violation of safety law. Therefore, in the amending Bill we have enhanced the sentence. You have very well argued my point. The question was why the sentence has been enhanced. You have given in the reply that some people violate the safety rules and, therefore, there are a number of accidents. So, the people should pay much more attention to the safety rules. That is why the sentence has been enhanced.

Sir, I think there is nothing special in the Bill. It only seeks to convert gallons into litres and Fahrenheit into Centigrade. One gallon is equal to 4.546

litres. That is the equation. If it is 20, it is multiplied by this and rounded up; that is the figure which has been given. If it is 100, it is multiplied by this and rounded up. Therefore, there is nothing extraordinary in the Bill. It is a very innocuous Bill. But some of the hon. Members raised some points and I believe I have replied to them within the short time that was at my disposal. I hope the hon. Members would support this amending Bill.

SHRI CHITTA BASU: Sir, he has not answered a very important question raised by me.

THE VICE CHAIRMAN (SHRI RAM NIWAS MIRDHA) : The hon. Minister has tried to cover quite a lot of ground which was not very relevant to the Bill also.

The question is:

"That the "Bill further to amend the Petroleum Act, 1934, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA): Now we shall take up clause by clause consideration.

Clauses 2 to 16 were added to the Bill.

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

SHRI D. R. CHAVAN: Sir, I move; "That the Bill be passed".

The question was put and the motion was adopted.

SHRI CHITTA BASU : Sir, will the hon. Minister assure us that he will look into the matter raised by me?

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA): All that the hon. Members have said will get due consideration.

THE NORTH-EASTERN COUNCIL BILL.
3970 THE MINISTER OF HOME AFFAIRS
(SHRI Y. B. CHAVAN): Sir, I move;

"That the Bill to provide for the setting up of a Council for the northeastern areas of India be called the

[Shri Y. B. Chavan.]

North-Eastern Council and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

Sir, I have not a very long speech to make. I will just give you the background. When this House considered and passed the Assam Reorganisation Bill, I had given the background of that Bill also. When the Government in 1968 issued a statement communicating the decision of the Government to bring about a reorganisation of Assam and having an autonomous State in Assam itself, we indicated in the same statement the necessity of establishing a new organisation called the North-Eastern Council. The purpose was that while reorganising Assam, we wanted not only to create a new autonomous State in Assam itself but at the same time give further emphasis on some of the very important problems of Assam or rather eastern India, which need a united and integrated approach. The problems of eastern India are mainly problems of the security of India and secondly the problems of economic development of that region. It was necessary for political considerations and also to meet the aspirations of the people to create a new political forum for giving recognition to a new entity in the State of Assam itself. But at the same time, it was necessary to throw much more light on the problems of that area, i.e., the problems of security and development. It is in this context that it was thought that along with the emergence of an autonomous State, it was also necessary to have this new organisation called the North-Eastern Council. I would like to anticipate one objection and that is, what is the necessity of having duplication of organisations when there is already the Zonal Council. As a result of the reorganisation of States in 1956, we created different Zonal Councils in different parts of the country. One of them is the Eastern Zonal Council which consists of Bihar, Bengal, Assam and all other Union Territories of that part. Sir, Bengal and Bihar are the leading members of the Eastern Zonal Council. Therefore, the more important and vital problems of this north-eastern area get relegated to the background when we consider the questions in the Eastern Zonal Council. Sir, in the last three years, I have had some experience of

the functioning of the Zonal Council. I have once presided over the meeting of the Eastern Zonal Council also. Naturally it is a very useful forum where important aspects of administration and other inter-State problems are discussed and decided. But at the same time, problems of security and development do not get that priority or that importance which they deserve. Therefore, this Council is considered to be very essential. The Zonal Council is not a body where you can consider the problems of security in all its aspect. This body is expected to do that.

Now coming to the provisions of this Bill, the Bill gives the details of the composition of the Council. It consists of the Chief Ministers of Assam and Meghalaya, one Minister each from Assam and Meghalaya, Administrators of the Union Territories of Manipur and Tripura, the Chief Ministers of Manipur and Tripura, and also a representative from the NEFA area. We have made an enabling provision for Nagaland. The question can very rightly be raised: How is it that Nagaland has not agreed to join? It is a fact that Nagaland has not agreed to join yet. I think it will be our responsibility and our efforts to actually create conditions in the functioning and working of the North-Eastern Council so that Nagaland would be persuaded to come and join it. I have every hope that Nagaland Government will also ultimately agree to become a member of the Council. Much depends upon what atmosphere is created. Much depends upon what contribution the Council will make towards the economic development of that region. So, Sir, this will be the composition.

Sir, if you see Clause 4 of the Bill, it makes a reference to the functions of the Council. Then there are certain provisions about meetings of the Council, etc. There is another point of distinction between the Zonal Council and the North-Eastern Council and it is this that there will be a representative of the Planning Commission at the latter's meetings. If you see Clause 6 of the Bill, you will find that—

"The Council shall have the following persons as Advisers to assist the Council in the performance of its duties, namely.—

- (a) one person nominated by the Planning Commission; and

(b) one person nominated by the Ministry of the Central Government dealing with Finance."

So it will indicate the seriousness with which the economic aspect of this area are being considered by the Government. If there is an officer of the Finance Ministry who will be sort of an organic link not only with the Finance Ministry but also with the Government of India. Particularly the presence of a representative of the Planning Commission in the Council will equally create a new bond between those people who are thinking about the general planning in the country and the planning problems of that particular region.

Sir, there is then going to be a Co-ordination Committee. Under Clause 7 the Bill provides that—

"There shall be a Committee of the Council called the Co-ordination Committee consisting of—

(a) the Governor of Assam, etc."

Then there will also be a secretariat which can be of much use. The problems of security, etc. can be gone into by this Committee. You will see in subclause (3) of Clause 7 it is provided that it shall be the duty of the Co-ordination Committee to review from time to time the measures taken by the States represented on the Council for the maintenance of security and public order therein. We have provided this sub-clause because some Member who looks to the intentions of the Council and the Co-ordination Committee may very well ask why no reference has been made to the maintenance of security, etc. So this has been provided in sub-clause (3) of Clause 7. Sir, this is the general scheme of the North-Eastern Council. By establishing this North-Eastern Council the process of the reorganisation of Assam which was started in 1969 will be in a sense complete. I hope the honourable House will see the consequences of this new body. I know that by merely creating a new body, the tasks are not going to be completed. Some Members might possibly feel that we are creating a series of forums which ultimately will lead us nowhere. That also can be a comment which can legitimately be made and I do not want to deny the possibility of that comment being made.

But this is one more forum which we want to activate and give it a content which will obviate the further necessity of fragmenting that area or of viewing that area in a fragmented manner. Thank you.

SHRI JAGDISH PRASAD MA-THUR (Rajasthan): Sir, I beg to move:

"That the North-Eastern Council Bill, 1970, as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of fifteen members, namely:—

1. Shri Golap Barbora.
2. Dr. Bhai Mahavir.
3. Shri Bipinpal Das.
4. Shri Banka Behary Das.
5. Shri S. D. Misra.
6. Shri R. S. Doogar.
7. Shri Lai K. Advani.
8. Shri Chitta Basu.
9. Shri Dwijendralal Sen Gupta.
10. Shri Balkrishna Gupta.
11. Shri Lokanath Misra.
12. Shri Dahyabhai V. Patel.
13. Shri M. Vero.
14. Shri E. M. Sangma ; and
15. Shri Baharul Islam.

with instructions to report by the 1st day of the next (Seventythird) session of the Rajya Sabha."

SHRI RAJNARAIN (Uttar Pradesh) : Sir, I beg to move:

"That the North-Eastern Council Bill, 1970, as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of fifteen members, namely:—

1. Shri Golap Barbora.
2. Dr. Bhai Mahavir.
3. Shri Bipinpal Das.
4. Shri Banka Behary Das.
5. Shri S. D. Misra.
6. Shri R. S. Doogar.
7. Shri Lai K. Advani.
8. Shri Chitta Basu.
9. Shri Dwijendralal Sen Gupta.

10. Shri Balkrishna Gupta.

11. Shri Lokanath Misra,

[Shri Rajnarain.]

12. Shri Dahyabhai V. Patel.
13. Shri M. Vero.
14. Shri E. M. Sangma; and
15. Shri Baharul Islam.

with instructions to report by the last day of the next (Seventythird) session of the Rajya Sabha."

The questions were proposed.

SHRI M. VERO (Nagaland): Mr. Vice-Chairman, Sir, the object of the North-Eastern Council seems to be a laudable one. Nevertheless, I am not in a position to support this Bill wholeheartedly because of various reasons. The Home Minister in his reply in the Lok Sabha the other day specifically stated that this Council is essentially an advisory body. He clearly expressed that he did not want to make the Council to be a decision-making body because it may complicate the already complicated issue. I am glad that he has foreseen the difficulties even at this initial stage. If this is an advisory body, I do not quite understand as to why the decision of the Council shall be according to the majority vote, and when this majority decision is made, whom shall it advise and for what, because those member-States who have expressed their views in the Council and have disagreed with the decision, cannot accept what they have rejected. I may give one example. In this Council there are five member-States representing Assam, Meghalaya, Manipur, Tripura and NEFA. Out of these five members, while taking a vote, three are in favour and two against. Then, alternately the majority decision has to be counted while taking a decision in the Council. How can you ensure that the dissenting member-States accept what they have rejected? This is what I request the Home Minister and honourable Members to realise.

The Government of India should know that the people of Nagaland and Meghalaya could not agree with the people of Assam and thus they had to be separated from Assam. It was only when they were separated from Assam that the misunderstandings and the difficulties which these two States had faced, were removed. And they are quite happy now. Now, according to the Home Minister's statement though the very idea of the Council is to bring all the political units together through

this Council, to understand one another's problems, may I frankly tell the Home Minister that these States having different problems or differences among themselves, will be compelled to speak in the Council for their own interests which may not be acceptable to all? While doing so, this will create only bitterness, misunderstanding and alternately dissensions and thereby whatever the Government of India has done for the people of this region, will be undone through this Council. I, therefore, feel that the formation of this Council is not necessary at all because the idea of this North-Eastern Council is not at all originated by the people of Assam, by the people of Nagaland, Tripura, Manipur and NEFA. This idea is an imposition from outside. The people of NEFA are not consulted. My friend, Mr. Ering, a valuable member of the Council of Ministers, is here. But he is not at all consulted. What is this? How will it be possible for to survive? It will face its natural death.

Every State has got its own Legislature where all the problems relating to development, law and order, etc. are discussed and decided. Honourable Members are aware that it is a long and time-consuming process which you cannot avoid in the democratic functioning of an Assembly. Even after this, the same problems which they have already decided in their own Legislature have got to be discussed again by the Council, which will only cause delay. Any legislature worth the name may not like to have any mid-way house between the States and the Centre. The North-Eastern Council is only a duplication and therefore, unnecessary. It only shows that the Government does not have faith in the democratic functioning of this region because the Council is going to be a bureaucratic institution, and as you know, bureaucracy and democracy cannot go together. As I have stated earlier, while setting up this Council over their heads, the Government would be by passing the decisions of the Assemblies and the Council of Ministers in that area.

It is really a strange thing that the Governor who is a titular head of the State is to preside over the Council and also have the power to nominate members from the political units. As a staunch democrat, I cannot accept a Council where

ed. May I also point out some difficulties about the appointment of the Chairman of the Council? Whether now or in future the Government of India must grant Statehood to Tripura, NEFA, Mizos and even Meghalaya will have to be separated from Assam. There are bound to be many Governors in these regions which Government of India cannot escape. Then how is it that the Governor of Assam alone can be the Chairman of this Council? Governors are all equal in status. In this case, when there are four or five Governors, who will become the Chairman? Or who is authorised to appoint the Chairman of this Council? There are bound to be difficulties in this matter.

The State of Nagaland very rightly is dissociated from this Council. Even though the Hon* Minister stated that "Nagaland was either sensitive to certain matters, and possibly they felt whether it was descending for them to come and become a member of the present Council, because they felt that there was no other State than Assam in the Council, and so it was rather below their dignity. It was a sort of psychological feeling." But I like to clear this misunderstanding. The State of Nagaland is not concerned about the psychological but is concerned about the practical aspect of the problem. As a full-fledged State competent enough to deal with all the developmental programmes and other security matters of the area and also veered to democratic functioning of a Government, cannot be a Party to a bureaucratic institution. What the State of Nagaland wants is enough funds from the Centre for the development of the area.

It would have done better if the eastern States are left alone without this Council, so that (here will be more progress and understanding among the neighbourine States. Nagaland knows very well that this will be a forum of quarrel and thereby develop bitterness among the member States and therefore she decided to be a Say from this Council and develop their area in an atmosphere of peace in their own imagination. Even though Nagaland is not a member of this Council, "she wishes the Council to succeed and she hopes that the member States will not start quarrelling in the very first meeting of the Council.

With these few words, I wish the Council well but I may warn the framers of the Bill that this Council will not work as it is expected.

SHRI N. R. MUNISWAMY (Tamil Nadu): Mr. Vice-Chairman, Sir I welcome this Bill. This is a Bill which was long overdue and I am happy that the Home Minister thought it fit to bring it forward here.

Sir, there is one small aspect which I want to mention. This seems to be something like a miniature Zonal Council. Before this was thought of, the Zonal Council was functioning and doing the job of this North-Eastern Council but now this will intensify the attention of all the members in that area and the people residing round about that area would be given proper attention and remedies will be sought for their problems. In that respect I think this is very good Bill and it will be useful to the North-Eastern Frontier area.

Sir, so far as the functions and the composition of the Council are concerned, I have got certain misgivings. So far as the composition of the Council is concerned, I need not read out the whole thing but there is a proviso to the effect that if the Government of Nagaland expresses a desire to be represented on the Council, it would always be welcome to join the Council. Before introducing this Bill I think the Home Minister should have realised that the Nagaland people by nature are very sensitive and their approach to the problems is very conservative. Now if we see the proviso, it gives the impression that they are a second-rate member of this Council. Sir, Nagaland is placed in a very vulnerable part of our country and if these people's co-operation is not sought by giving them a prominent place on the Council, they would always be having a suspicion in their minds about our dealings with them. Therefore I thought instead of putting a proviso, they should have been given pucca membership there. Otherwise they would be feeling (that they are only second-rate citizens and even their membership is also second-rate membership. They could therefore have done something by which they could have gained their confidence. We all know that—in our human relations—the people who feel somewhat neglected and uncared for, if they

[Shri N. R. Muniswamy.] are given some prominence, they feel happy about it and they come forward and move with the other people socially and otherwise. Similarly they could have been given some prominent place on this Council itself and they would have certainly expressed their desire to be there and even now if they are given some prominent place on the Council, they will soon join and make their presence felt and they will co-operate with the Council to their benefit.

In so far as these Advisers are concerned, the Home Minister was pleased to say that the representatives of the Planning Commission and the Finance Ministry would also be on this Council and they will co-operate with this Council and they will always act like a watchdog in the affairs of the Council. Sir, this being a vulnerable place on the map of India. I would rather like a representative of the Defence Ministry also to be put in there.

About the Co-ordination Committee, it has been stated that it shall be the duty of the Co-ordination Committee to review from time to time the measures taken by the States represented on the Council for the maintenance of security and public order therein and to recommend to the Governments of the States concerned further measures necessary in this regard. So far as the security aspect is concerned, instead of allowing this Co-ordination Committee to deal with this aspect, it would have been better if a representative of the External Affairs Ministry or of the Defence Ministry had been incorporated in this Bill itself. Even now it is not 6 P.M. too late and they can always be asked to come and we can get their reaction to any of the problems. So far as the functions of the Council are concerned, it is all very laudable to see but so far as the developments are concerned . . .

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) : we have a half an hour discussion at six. If you like you can continue tomorrow. Mr. Das,

HALF-AN-HOUR DISCUSSION ON POINTS ARISING OUT OF ANSWER TO UNSTARRED QUESTION NO. 234 GIVEN IN THE RAJYA SABHA ON THE 1ST MAY, 1970 REGARDING TRANSPORTATION OF FERTILIZERS IN ANDHRA PRADESH

SHRI BANK A BEHARY DAS (Orissa) : Mr. Vice-Chairman, I raise, with your permission, a discussion on some of the points which have not been covered in my Unstarred Question No. 234 regarding the transportation of fertilizers in Andhra Pradesh. At the outset I want to record my appreciation of the PAC of Andhra Pradesh Legislature which has unearthed one of the biggest scandals in the post-independent period.

[THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair.]

These involve Rs. 377 lakhs in which many Ministers, some of the officers of the Andhra Pradesh Government, many of the dealers and Cooperative societies, and, I am afraid, the Food Ministry of the Government of India, are involved. Here in reply to that particular question on the basis of which I want to raise this discussion, you will find that the Minister replied:

"The Third Report of the PAC of Andhra Pradesh Legislature cites some irregularities in the transport of fertilizers in that State. It has been stated therein, *inter alia* that in the three years 1966-67 to 1968-69 an amount of Rs. 3.77 crores has been paid by the State Government to the co-operatives and private dealers as transport charges and that there was ground to believe that there were irregularities in some of these payments."

I am really very much sorry that when the PAC clearly states that this money has been embezzled by some dealers, certain officers and Ministers to the extent of Rs. 377 lakhs on the basis of bogus claims when the fertiliser was not transported from ports or from the Sindri Fertilizer Factory to Andhra Pradesh, the Government of India in their reply say that it is an irregularity I do not understand, this and unless some of the top officers of the Food Ministry are involved in this affair, they would not have said that the embezzlement is nothing but an irregularity on the part of the Minister in spite of the fact that