

Creating special provisions for Goa by Article 371 of the Constitution

2213. SHRI SHANTARAM NAIK: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether any proposal has been made by the Government of Goa demanding creation of special provisions for Goa by amending Article 371 of the Constitution;
- (b) if so, when was this proposal made;
- (c) whether any memorandum has been submitted or letter written by the State Government to the Central Government; and
- (d) if so, the status of the proposal ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJJU): (a) to (d) Yes, Sir. The Chief Minister of Goa, in May 20113, had apprised the Central Government of the urgent need for granting special status to Goa, on the lines of the special status granted to the States of Mizoram, Himachal Pradesh and Uttaranchal under Article 371 or any other provision of the Constitution of India, for regulating the ownership and transfer of land in order to conserve the limited resources available for development and to ensure that the State preserves its unique identity.

Article 19(1)(d) and 19(1)(e) of the Constitution of India protect the right of free movement throughout the territory of India and to reside and settle in any part of the territory of India. Nothing in sub clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub clauses either in the interest of the general public or for the protection of the interest of any Scheduled Tribe.

Further, "Land" as a subject, including right in or over land, land tenure etc. Figures at entry 18 in the List II-State List of the Seventh Schedule of the Constitution. Any enactment of law on this subject should, therefore, be made by the State Legislature. The demand for the proposed amendment would contravene Article 19(1)(d) and 19(1)(e) of the Constitution. Therefore, the aforesaid demand has not been found justifiable and hence not agreed to.

Protection of good samaritans from legal hassels

2214. DR. T.N. SEEMA: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether proper legal provisions are in place to protect bystanders or good Samaritans, from being subjected to prolonged legal formalities and court procedures who help injured persons on the road and if so, the details thereof;

(b) whether Government proposes to introduce a national legislation for protection of good Samaritans, who help those in distress, from any kind of legal or procedural hassles;

(c) if so, the details thereof and if not, the reasons therefor; and

(d) the steps taken by Government in this regard ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJJU): (a) The State Governments are primarily responsible for the safety of road users. The Government has taken necessary steps to finalize policy directives for improving road safety. State Governments are expected to take appropriate steps for enforcement of road safety provisions.

(b) to (d) No Sir. However, the Central Government already has a National Road Safety Council (NRSC) which advises on all matters pertaining to planning and coordination of policies and standards of safety in Road Transport Sector. NRSC was established under Section 215 of Motor Vehicle Act, 1988 and is chaired by Minister (RT&H) with Minister-in-charge of Road Transport of states/UTs, Director General of Police of all States and also representatives from various Ministries/Departments. Under Section 215 of Motor Vehicles Act, 1988, a State Government by notification in Official Gazette can constitute a State Road Safety Council comprising a chairman and such other members as the Government considers necessary and on such terms and conditions that Government may determine. Similarly, there is also a provision for District Road Safety Committee for each district.

Smuggling of iron ore in collusion with naxalites

†2215. SHRI MOTILAL VORA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that iron ore is being smuggled by iron smugglers with the collusion of naxalites from Bailadila of South Bastar in Chhattisgarh where development work has stopped due to naxalites fear;

(b) whether it is also a fact that smuggled iron-ore is being sent to elsewhere in night by trucks;

(c) if so, the steps taken by Government to check it; and

(d) if not, the reasons therefor ?

†Original notice of the question was received in Hindi.