

Mr. President : Amendments 185, 186 and 187: I think Mr. Naziruddin Ahmad does not wish them to be put to vote. The question is :

“That in amendment No. 20 of List I (Seventh Week), in sub-paragraph (1) of paragraph 6 of the proposed Fifth Schedule, for the words ‘President may by order’ the words ‘Parliament may by law’ be substituted.”

The amendment was negatived.

Mr. President : The question is:

“That in amendment No. 20 of List I (Seventh Week), in sub-paragraph (2) of paragraph (6) of the proposed Fifth Schedule.

- (a) for the words “such order may” the words “such law may” be substituted;
- (b) for the words “to the President” the words “to the Parliament” be substituted; and
- (c) the words “but save as aforesaid, the order made under sub-paragraph (1) of this paragraph shall not be varied by any subsequent order” be deleted.”

The amendment was negatived.

Mr. President : The question is:

“That the proposed Para 6 of the Fifth Schedule stand part of the Schedule.”

The motion was adopted.

Para 6 was added to the Fifth Schedule.

Paragraph 7

The proposed Para 7 was added to the Fifth Schedule.

Mr. President : The question is:

“That the Fifth Schedule as moved by Dr. Ambedkar stand part of the Constitution.”

The motion was adopted.

Fifth Schedule was added to the Constitution.

Sixth Schedule

Mr. President : We now go to the Sixth Schedule.

The Honourable Dr. B. R. Ambedkar : Sir, I move:

“That in sub-paragraph (1) of paragraph 1, before the words, ‘The tribal areas’ the words ‘Subject to the provisions of this paragraph’ be inserted.”

Originally, the draft merely said that the Tribal areas were those which were included in the table attached to this Schedule. There was no power given to define the boundaries of those areas included in the Table. It is felt that it is necessary to give the Governor the power to define the boundaries of those areas included in the Table. In order to provide for this power for the Governor, it is necessary to add the words which are contained in this amendment.

Mr. President : Amendment number 99 also relates to paragraph 1.

The Honourable Dr. B. R. Ambedkar : May I move that ?

Mr. President : Yes.

The Honourable Dr. B. R. Ambedkar : Sir, I move :

That for sub-paragraph (3) of paragraph 1, the following sub-paragraph be substituted :—

- “(3) The Governor may, by public notification—
- (a) include any area in Part I of the said Table,

[The Honourable Dr. B. R. Ambedkar]

- (b) create a new autonomous district,
- (c) increase the area of any-autonomous district,
- (d) diminish the area of any autonomous district,
- (e) unite two or more autonomous districts or parts thereof so as to form one autonomous district.
- (f) define the boundaries of any autonomous district:

Provided that no order shall be made by the Governor under clauses (b), (c), (d) and (e) of this sub-paragraph except after consideration of the report of a commission appointed under sub-paragraph (1) of paragraph 14 of this Schedule."

In this amendment, the new things to which attention must be drawn are, included in sub-clauses (e) and (f) of sub-paragraph (3). That is necessary because it may be required, in any particular state of affairs, that two or more autonomous districts may be united together. The power contained in sub-clause (f) is also necessary because it may be desirable to define the boundaries in case there is any particular dispute between the different tribes.

The proviso introduces a change. By comparing the proviso with the original provisos, it will be seen that there were two provisos to sub-paragraph (3). In the first proviso, the Governor could act under clause (b) or clause (c) on the recommendation of a Commission. But, if he wanted to act under clauses (d) or (e) he was required to have a resolution of the District Councils of the Autonomous Districts concerned. It is felt that this distinction made by the two provisos for the different parts of sub-paragraph (3) is not necessary. It is better to make it uniform by requiring the Governor to act after consideration of the report of a Commission which is proposed to be appointed under sub-paragraph (1) of paragraph 14 of this Schedule.

Mr. President : As regards this Schedule, as the Schedule as a whole has not been changed but only certain amendments to some of the paragraphs have been suggested, I propose to take this paragraph by paragraph. Regarding the first para, these are the two amendments which have been moved on behalf of the Drafting Committee. I will now take the other amendments of which notice has been given. There are some printed in the second volume of the list of amendments.

(Amendments 3489, 3490 and 3491 were not moved.)

There is one amendment that paragraphs 1 to 16 be deleted. I do not know whether to take it.

The Honourable Dr. B. R. Ambedkar : That need not be taken.

Mr. President : Yes. The Member can vote against each paragraph. It is not necessary to take it now.

No. 101 Shri Brajeshwar Prasad.

Shri Kuladhar Chaliha : I have No. 100. Sir, I want both the provisos to be taken out but here one proviso has been taken out but the other remains in the next paragraph. If you look at para 14 you will find this :

"provision of educational and medical facilities and communications in such districts;
the need for any new or special legislation in respect of such districts; and
the administration of the laws, regulations and rules made by the District and Regional Councils."

But you do not find mention of these subjects in paragraph 3. It mentions something else. Unless para 14 is modified or amended, I do not think it would cover these subjects. As such my object is that we should delete this entirely so that there will be no necessity of having a Commission and the Governor may by public notification can do these.

Shri T. T. Krishnamachari : If he reads Amendment 134 tabled by the Drafting Committee, he will find the answer to his query. It covers these.

Shri Kuladhar Chaliha : I have read 134. It covers to a certain extent but I do not want that it should be done by a Commission. A Governor means of course the Cabinet. I do not want a Commission. The Governor would have the power in consultation with his Cabinet to discuss these things and if it is left to a Commission there will be obvious delay. You have also not decided as to the composition of the same and who will be members, whether the legislature will be represented in it or whether there will be only selected members from the autonomous districts. None of the plains areas which are somehow or other by fluke included in the Hills will ever be excluded. Unless it is definitely stated that the members of the Legislature will be represented, it will have no effect. As such I feel that para 14 as drafted will not satisfy. You should declare what will be the composition of this Commission. Unless that is decided properly, the defect remains there. As such I submit that this proviso should be deleted. I therefore move:

“That with reference to amendment No. 3487 of the List of Amendments (Volume II), the provisos to sub-paragraph (3) of paragraph 1 be deleted.”

Shri Brajeshwar Prasad : There are three amendments and I would like to know whether I should move also 188, 190 and 191.

Mr. President : You can move them. 101 and 102 are the same as Mr. Chaliha's.

Shri Brajeshwar Prasad : I will move 103. I move:

“That the following be added at the end of paragraph 1 :—

‘The functions of the Governor under this paragraph shall be exercised by him as the agent of the President.’ ”

or alternatively,

“The functions of the Governor under this paragraph shall be exercised by him in his discretion.”

There are other amendments. I move:

“That in sub-paragraph (3) of paragraph 1 for the word ‘Governor’ the word ‘President’ be substituted.”

I also move:

“That the two provisos to sub-paragraph (3) of paragraph 1, be deleted.”

Mr. President : It is the same as Mr. Chaliha's.

Shri Brajeshwar Prasad : Then it may not be taken as moved. The effect of these amendments, if approved by the House, will be to place the administration of the tribal areas in Assam under Central jurisdiction. I am very serious when I suggest that it is necessary in the interest of the country that these areas should form part of the Centre. I have tabled 49 amendments in this Schedule VI and I had similarly tabled 49 amendments in Schedule V. It was not due to any lack of seriousness on my part that I did not move those amendments.

Sir, it was in accordance with the wishes expressed on the floor of the House that the time at our disposal is short and that we wanted to finish this work before the commencement of the Dusserah vacation, that is why I did not move them. But, if the criterion of seriousness is the moving of amendments, I am prepared to move all these 49 amendments.

[Shri Brajeshwar Prasad]

Well, Sir, I am opposed to handing over the administration of the tribal areas into the hands of the provincial government, because Assam is on the border of five or six foreign States. I am referring to China, Tibet, Burma and Pakistan. Sir, in Assam, the conflicts between the Ahoms, and the Assamese, the Bengalees and the Muslims and the Mangoloid races have assumed proportions of which probably we the members of the House are not fully aware and so do not realise the gravity of the situation with which the Government of Assam is confronted. Sir, infiltration on a mass scale is going on from East Bengal and the Government of Assam has not been able to check it, and I understand that in spite of a request that the Government of Assam made to the Centre to provide facilities to enable it to check this, somehow or other, no facilities were given to the Government of Assam and the result has been mass infiltration of fifth columnists and subversive elements, not only from East Bengal but from all those States which I have mentioned a few minutes back. Sir, the conflict between the Bengalees and the Assamese. In Assam, the conflict between the Hindus and the Muslims and the conflict between the tribals and the non-tribals, these are the problems with which the Government of Assam is confronted. About 72 per cent. of the budget of the province is swallowed up in the form of salary bills.

Therefore Sir, is it right, is it safe, is it strategically desirable, is it militarily in the interests of the Government of India, is it politically advisable, that the administration of such a vast tract of land should be left in the hands of the provincial government, especially in a province where there is no element of political stability ? Sir, I love this country more than provincial autonomy. I know the problems in Assam are too complicated and are beyond the economic resources of the province to tackle, they are much too complicated and large to be tackled by the Provincial Government of Assam. Therefore these problems should be left into the hands of the experts, social workers, doctors, teachers, engineers, psychologists, professors, philosophers, and sociologists, and no politicians should be allowed to meddle in this affair.

Mr. President : Mr. Chaliha, then I take it that your amendment is also moved ?

Shri Kuladhar Chaliha : Yes, Sir.

Mr. President : I do not think there is any other amendment to this paragraph. Dr. Ambedkar, would you like to say anything?

The Honourable Dr. B. R. Ambedkar : Sir, there are just two points which have been raised in the course of the remarks made on these amendments which call for reply. The first question is the one, which was raised by Mr. Chaliha. I must say I was somewhat surprised at the amendment tabled by Mr. Chaliha, because like the Fifth Schedule the Sixth Schedule also has arisen, so to say, out of an agreement between the Drafting Committee and the Premier of Assam, my Friend Mr. Nichols Roy and at which conference Mr. Chaliha also was present, and he accepted the new schedule as amended by the Drafting Committee. However, it cannot take long to dispel the doubt he has in his mind as to who would constitute this Commission, who would be its members, and all matters relating to the Commission. I think if Mr. Chaliha had only read carefully the wording of the Sixth Schedule he would have been that in appointing the Commission the Governor is not going to act in his discretion. There is no discretion left in the Governor. That being so, it is quite obvious that in constituting the Commission, and defining its terms of reference, the Governor would be guided by the advice of the local ministers, and I do not think, therefore, there need be any fears such as the one that he has expressed.

Now, with regard to the amendment of my Friend Mr. Brajeshwar Prasad, this is the one amendment I think in which so far as I am concerned, I feel that he has urged some serious argument. He says that the whole of the tribal area should be lifted from the Province of Assam and should be made a Centrally administered area because there cannot be any other effect of the amendment which he has put forward except the one which I have suggested. It means practically constituting the area as a Centrally administered area. But he seems to have forgotten two things. The first is this. Although we have constituted autonomous districts for the purpose of the satisfaction of the tribe people living in those areas that they will have, at any rate for the first ten years, autonomy in the matter of the government of their areas, we have nowhere provided that the autonomous districts shall not constitute part of the province of Assam. That being so, it is very difficult to leave part of the Province to be governed by the Governor of the province and part of the province to be administered as a Centrally administered area.

The second point he has forgotten is this. He has forgotten to take note of the fact that even in constituting the autonomous areas, the Drafting Committee has not forgotten that there are what are called certain “frontier areas”, bordering on the autonomous districts. It has been provided in this Schedule that so far as the administration of these frontier areas of Assam is concerned, the Governor would be acting under the President. Consequently whatever strategic importance, the frontier areas may have, the Centre would certainly have ample jurisdiction to see that none of the disturbing factors to which he has made reference will find any place there. I therefore, think that all these amendments are unnecessary and out of place.

Shri Kuladhar Chaliha : Is amendment No. 139 accepted?

The Honourable Dr. B. R. Ambedkar : I cannot say off-hand now. I am only dealing with your amendment and the amendment of Mr. Brajeshwar Prasad, and I think they are unnecessary.

Mr. President : And amendment No. 139 has not been moved at all. It deals with paragraph 14.

The Honourable Dr. B. R. Ambedkar : We shall deal with it when we reach paragraph 14.

Shri Kuladhar Chaliha : But it is connected with this, practically.

Mr. President : We cannot take up paragraph 14 now. So now I put the amendments to vote. First I put No. 98 of Dr. Ambedkar—The question is:

“That in sub-paragraph (1) of paragraph 1, before the words ‘The tribal areas’ the words ‘Subject to the provisions of this paragraph’ be inserted.”

The amendment was adopted.

Mr. President : Then I put amendment No. 99. The question is:

That for sub-paragraph (3) of paragraph 1, the following sub-paragraph be substituted:—

“(3) The Governor may, by public notification—

- (a) include any area in Part I of the said Table,
- (b) create a new autonomous district,
- (c) increase the area of any autonomous district,
- (d) diminish the area of any autonomous district,
- (e) unite two or more autonomous districts or parts thereof so as to form one autonomous district,
- (f) define the boundaries of any autonomous district:

[Mr. President]

Provided that no order shall be made by the Governor under clauses (b), (c), (d) and (e) of this sub-paragraph except after consideration of the report of a Commission appointed under sub-paragraph (1) of paragraph 14 of this Schedule."

The amendment was adopted.

Mr. President : I think the other amendments, which relate to the deletion of the proviso, do not arise after this has been passed. There is only one amendment which now remains, the one moved by Mr. Brajeshwar Prasad. I put it to the House. The question is :

That the following be added at the end of paragraph 1:—

"The functions of the Governor under this paragraph shall be exercised by him as the agent of the President."

The amendment was negatived.

Mr. President : Then there are two other amendments moved by Mr. Brajeshwar Prasad.

Mr. President : Amendment No. 188—

The question is:

"That in sub-paragraph (2) of paragraph 1, for the word 'Governor' the word 'President' be substituted."

The amendment was negatived.

Mr. President : Amendment No. 190—

The question is :

"That in sub-paragraph (3) of paragraph 1, for the word 'Governor' the word 'President' be substituted."

The amendment was negatived.

Mr. President : I now put paragraph 1 as amended by Dr. Ambedkar's amendment.

The question is:

That paragraph 1, as amended, stand part of the Schedule.

The motion was adopted.

Paragraph 1, as amended, was added to the Sixth Schedule.

The Assembly then adjourned till Nine of the Clock on Tuesday, the 6th September 1949.
