

MR. CHAIRMAN : The question is:

"That leave be granted to withdraw the Bill to provide for free and compulsory education upto higher secondary level to all children throughout the country and for matters connected therewith."

The motion was adopted.

DR. T. SUBBARAMI REDDY : I withdraw the Bill.

[Translation]

MR. CHAIRMAN : Now the Minister for parliamentary affairs and the Minister for Home are present here in the House. A few moments back when the hon'ble Deputy Speaker was in the Chair, Shri Ganga Charan Rajput had made a special mention and he had raised this issue. Now, if you have to say anything else, you may say.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA) : At that time I was not present in the House. The issue, which he had raised shall be brought to the notice of the hon'ble Home Minister and he might take any action if he so desired.

16.58 hrs.

GOVERNMENT OF UNION TERRITORY OF ANDAMAN AND NICOBAR ISLANDS BILL

SHRI BASU DEB ACHARIA (Bankura) : I beg to move :

"That the Bill to provide for the creation of a Legislative Assembly for the Union Territory of Andaman and Nicobar Islands and for matters connected therewith or incidental thereto, be taken into consideration."

16.59 hrs.

(Mr. Deputy-Speaker in the Chair)

Sir, today I have moved this Bill for the fulfilment of aspiration and desire of the people of Andaman and Nicobar group of Islands. In 1947, our country achieved Independence. Every year we observe Independence Day. This year we are observing the 50th year of the Constituent Assembly. But after 49 years of Independence, the aspiration and desire of the people of Andaman and Nicobar group of Islands, where there are 38 big, medium and small Islands, have not yet been fulfilled.

17.00 hrs.

Sir, a number of times in this very House, a demand was voiced by the various sections of the people that Andaman & Nicobar Islands should also have a

Legislative Assembly. A demand was also made by the Members of this House, a number of times, that Andaman & Nicobar also be given the Statehood.

The demand was made when this House unanimously passed the Delhi State Bill. An assurance was given when the matter was raised by us, particularly by the Member representing Andaman & Nicobar Islands for the last six terms, Shri Manoranjan Bhakta. At that time, we were assured that Andaman & Nicobar Islands would also be given the Statehood. That was in the year 1991, when elections were held in Delhi, the Assembly was constituted and a State Government was formed in Delhi. It is functioning for the last three years. But the people of Andaman & Nicobar Islands are yet to get a Statehood or an Assembly.

Why are we asking Statehood for Andaman & Nicobar Islands? It is not only for a Legislative Assembly but it is the experience of the people after the Pradesh Council started functioning since 1981. Their experience is that there is no proper representation of the people; the voice of the people, the demand of the people, the aspirations of the people and the desire of the people of Andaman & Nicobar Islands are not properly attended to.

I congratulate the hon. Speaker, who took the initiative, when he was Minister of State for Home. He took the initiative, at least, to give a little representation so that adequate power to the Pradesh Council was given. At that time, we were told that this is not the final thing; that this was a step towards a Legislative Assembly.

Fifteen years have already lapsed since the Pradesh Council was set up when this House and the people of Andaman & Nicobar Islands were told by the Government of India that the Pradesh Council is not the final thing. It is a step to have State Assembly in Andaman & Nicobar Islands.

Since 1981 when the Pradesh Council started functioning, till now the demand of the people remains unheeded. It remains unheeded for the last 15 years. It is because Andaman and Nicobar Islands are far away from the main-land. It is because it takes several hours to reach the Andamans through sea. That is why, I made a proposal on the floor of the House to have a leeway with Andaman so as to bring those islands closer to the main land. I made this proposal and a number of Members also supported my proposal. From this feeling, the Feeling of Alienation must be there.

To achieve that, some mechanism has to be worked out and for that closer Centre-State relations have to be developed. To have closer Centre-State relations, a mechanism has to be developed. For this, there must be a State Assembly like Delhi, Pondicherry and Like other small States like Goa.

Now what is the population? As per the 1991 census, the population of the Andaman and Nicobar group of islands has already crossed three lakhs although the capacity is 2.75 lakhs. It is because the people are migrating from the main land. That is the problem. Now I am told that the capacity is seven lakhs. So there is still capacity. But I have seen in one of the reports that the capacity is 2.75 lakhs.

Why is it that there is a demand for a State Assembly? What is the experience of the Pradesh Council? How is the Pradesh Council functioning? What is the power delegated to the Pradesh Council? The Pradesh Council is there. It also meet twice or thrice a year. The hon. Member from that island, Shri Manoranjan Bhakta is the ex-officio Member of it. Does this Pradesh Council really have any power? It has not power. It is just a Pradesh Council and it cannot pass a resolution even without the approval of the Lieutenant-Governor. That is the position of the Pradesh Council. The members are elected directly by the people. There are five members in the Pradesh Council. They enjoy facilities like the State Deputy Minister of State. The member of the Pradesh Council have facilities but they do not have any power. They cannot pass a simple resolution to stave off other functions.

The Lieutenant Governor has to approve the Resolution before passing it. The Annual Plan allocation for this group of Islands is Rs. 600 crore. The experience of the people of the Islands is that this amount is also not reaching the grass-root level. The planning, development and utilisation of the money allocated to the Islands are not done properly at all. Now, after the Panchayati Raj Act, three-tier local bodies have been constituted.

In my bill, I have not asked for powers equal to the other major State Assemblies...*(Interruptions)*

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands) : Why not? Why should only limited powers be given?

SHRI BASU DEB ACHARIA : Now they have no powers. They will start with limited powers. Later on, we can ask for more powers like those enjoyed by the Members of the Delhi Assembly...*(Interruptions)*. We cannot say that they have no experience. For example, for the last more than ten years, the Pradesh Council is functioning without any powers. I have suggested in my Bill that with limited powers, identical to that of the Delhi State Legislature or similar to the Legislative Assembly can be given to the Andaman and Nicobar Islands.

The issue was discussed in various fora and by various Committees. The Estimates Committee in its two Reports - one in 1989 and another in 1992 or 1993, when Shri Manoranjan Bhakta was the Chairman of the

Committee - have made a number of recommendations. They have recommended that Statehood should be given to the Andaman and Nicobar Islands. They have gone into the problems faced by this Union Territory. They also come to the conclusion that unless the State Assembly is given some powers, the problems faced by the people of Andaman and Nicobar Islands cannot be solved easily.

I would like to quote from the recommendations made by the Estimates Committee, 1992-93 :-

"In order to make Legislature/Pradesh Councils effective, the Committee desire that the powers may be delegated to these bodies in a far liberal manner that has been done hithertofore. They also recommend that in the case of a difference of opinion between the Lt. Governor and the Legislative/Pradesh Council, the views of the elected representatives should prevail except in matters concerning national security, law and order and such like important areas. For this purpose, necessary amendments in the Government of Union Territories Act should also be effected."

Now, there is no question of any difference. The question is that unless the Lt. Governor desires nothing can be brought in the Pradesh Council. Unless it is approved by the Lt. Governor nothing can be brought out. Even a resolution cannot be passed by the Pradesh Council. Even for consideration of a resolution the approval of the Lt. Governor is required. So, the Pradesh Council has no power.

In another paragraph in the same Report, the Estimates Committee have stated and I quote :-

"The Committee are dismayed to find that even though Executive Councillors/Counsellors have been appointed in various Union Territories in most cases either no files are routed through them or these are routed in a very lackadaisical manner. The Committee desire the Ministry of Home Affairs to issue clear instructions to Administration in all the Union Territories to ensure routing of all files to be submitted by the Lt. Governors through the respective Executive Councillors/Counsellors except where such files relating to reserve subjects which are submitted direct. The Committee would like it to be ensured that no deviation from this instruction is permitted."

I do not know whether, even after submission of this report by a Parliamentary Committee wherein a recommendation was made, instructions have been issued by the Ministry of Home Affairs in regard to the

functioning of the Pradesh Council. Our experience is that this Pradesh Council of the Andaman and Nicobar Islands is without any powers. The powers have not been delegated to the Pradesh Council.

Suddenly, some two years back, the Pradesh Council was dissolved without any rhyme and reason. My colleague Shri Manoranjan Bhakta will correct me if I am wrong. There is only one municipality in Port Blair. Even that municipality was also dissolved without any rhyme or reason.

SHRI MANORANJAN BHAKTA : No. The municipality was not dissolved. Only the Pradesh Council was dissolved.

SHRI BASU DEB ACHARIA : So, only the Pradesh Council was dissolved.

There was a movement. I also went there once and took up the matter with the Lt. Governor. There was a movement for the restoration of the Pradesh Council. When there is no Assemble there should at least be some representation of the people in the Pradesh Council. Even that Pradesh Council was also dissolved. It continued like that. The Union Territory of Andaman and Nicobar Islands continued without any representation of the people for more than two years. There is very little representation of the people in the Pradesh Council.

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA) : Is it without representation or with very little representation?

SHRI BASU DEB ACHARIA : There is no Pradesh Council for two years. There was no representation. Two years back that was dissolved without any rhyme or reason.

Without any reason, the Pradesh Council was dissolved and in the Union Territory there was no Pradesh Council for more than two years. Then, the elections to Pradesh Council and the *Panchayat* took place only this year.

Now, there is a change in the planning process because for most of the things the island has to depend on the mainland since they have forest products; they have very little industry. Even for agricultural commodities, they have to depend on the mainland. So, when there is a change in the planning process in our country, unless there is a State Legislature, how can this be materialised? By whom are the schemes implemented? These are implemented by the bureaucrats. The decisions are taken by the bureaucrats and implemented by the bureaucrats. Our experience, before *panchayat raj* was there, is that the schemes were sanctioned, materialised and implemented by the bureaucrats. This is still happening in the Andaman and Nicobar Islands. Therefore, statehood is urgently needed to have a change in the planning process, to have a grass-root level planning and to have a better

State-Centre relations. When Pondicherry and Delhi can have State Legislatures, why can the Andaman and Nicobar Islands not have a State Legislature?

There are a number of problems. Only yesterday, Shri Manoranjan Bhakta raised a very serious problems of the Islands. We have to raise problems regarding the transportation of the people and the commodities from the mainland to the Islands. Sometimes, ships are withdrawn for *Haj* during *Haj* time and the Government, while withdrawing the ships, does not consider the problems of the people of the Islands.

There is a discount in the airfare for the North-Eastern States. Why should this not be for Andaman and Nicobar Islands because air is the main means of transportation? If the people of the North-Eastern States enjoy this concession, why should the people of Andaman and Nicobar Islands not have this concession? We have been demanding this, but that is not being considered. Similar is the case in regard to industrialisation. There is a proposal for establishing industries. I do not know whether the proposal is still there. If that is materialised, there will be a danger to the ecological balance of the Islands.

In 1997, Hong Kong will be merged with China. Then there is a proposal that Andaman and Nicobar Islands be converted or be allowed to be converted as a free port like Hong Kong. We should be careful, because the ecological balance may be affected. The environment and forests of the island territory should be protected and nothing should be done which would endanger the environmental balance of these islands.

Then, there are various other problems faced by the people of these islands. There are tribals in the Nicobar Islands and their ethnic culture should be protected. As you are aware, Port Blair is a mini India where you will find people from all the places of our country. Hindi is the language of the people living there. When we go there, we are asked to speak in Hindi, because the three language formula is followed there. The literacy rate there is almost 100 per cent...*(Interruptions)* I am told that the literacy rate is 80 per cent there. Unemployment problem is also growing in these islands.

In order to tackle all these problems, there is a need for a State Legislature where the aspirations of the people can be voiced and through which the problems of the people can be solved in a democratic manner. Therefore, I demand that the Government should accept this Bill.

Sir, on a number of occasions the Government had assured on the floor of the House that Statehood would be given to the Andaman and Nicobar Islands. When the Delhi Statehood Bill was brought in the House in 1991, it was stated that this question would also be

considered. That is also an assurance. So I would request the hon. Minister of Home Affairs that he should accept this Bill and give the people of the Andaman and Nicobar Islands a State Legislature on the 50th anniversary of the Independence of our country, so that the desires and aspirations of the three lakh people of the Andaman and Nicobar Islands can be fulfilled.

[Translation]

SHRI SATYA PAL JAIN (Chandigarh) : Mr. Deputy Speaker, Sir, I rise to support the bill brought by Shri Basu Deb Acharia. I have gone through this bill minutely and have felt that this bill might also have represented our sentiments has the word 'Chandigarh' been also included in it alongwith Andaman and Nicobar Islands. Nothing else needs to be done in this Bill except adding one word.

We have two types of states - some are full fledged states and some are Union Territories. Section 239-A of the Constitution of India provides for the administration of Union Territories and it also deals with the provision of Legislation Assemblies in Union Territories. But when the issue of providing Legislative Assemblies in the Union Territories came up as a matter of policy. I could not understand as to why only Delhi and Pondicherry have been provided with Legislative Assemblies while other Union Territories of the country like Andaman and Nicobar, Lakshadweep, Dadra and Nagar Haveli, Daman & Diu have not been considered.

Mr. Deputy Speaker, Sir, you told us that the population of Andamans of Nicobar is about lakhs and the people there want to have a Legislative Assembly. The Union Territory of Chandigarh to which I belong, has a population of about eight lakhs and it is the capital of two States. Chandigarh is a Union Territory and there is no Legislative Assembly. Therefore, the people of this territory are unable to enjoy democratic rights.

Mr. Deputy Speaker, Sir, the problem of most of the Union Territories are almost the same. All the Union Territories have emerged as cosmopolitan towns and you will find people from all the states of the country in these Union Territories because people of every state have a curiosity to visit Union Territories and they think it good to go there. They wish to go and live there and so if you wish to have a glimpse of mini India, you will find it in any of Union Territories. You pay a visit to my constituency, Chandigarh and you will find people from all over the country living there. But it is sad that in these Union territories no democratic provision nor any democratic right have been provided and almost all the powers are centred in the hands of officers.

Mr. Deputy Sepaker, Sir, the Union Territories where we have elected representatives like MPs and MLAs and where there are no MLAs and only MPs are the

elected representatives and in some Union Territory there is provision of Corporation and even they do not have any type of democratic involvement. The elected representatives do not have any kind of representation or any say in the development schemes proposed to be implemented or the manner in which the development work is to be carried out. They are not heard at all. Whatever term you like to use, the power are vested in the officers, administrators, Lieutenant Governor.

[English]

Almost all the powers are vested in those officers.

[Translation]

These are the officers who exercise all the powers. Often it is felt that after independence, each and every person got the right to elect a Government and be governed by an elected Government but this is not applicable for the people of Union Territories. The officers of the Union Territories do not have any accountability nor have any responsibility. Even if these officers do any thing wrong, misuse their power they are neither responsible nor accountable.

Mr. Deputy Speaker, Sir, the budget for Union Territories are presented through the Ministry of Home Affairs and this Ministry already have a long list of issues to be discussed and there are plenty of issues to be considered this small issue of Union Territory is not given importance and neither the Members nor the Ministry find enough time to discuss their issues in details. Only two, four, five or eight Members come from these Union Territories and they do not get enough time to raise the issues of their Union Territories. For this, it is essential to make provision for legislative assemblies in the Union Territories so that people could be Governed by their own elected Government.

Mr. Deputy Speaker, Sir, I have said today, that the officers there do not have any sense of accountability and responsibility nor they have any sort of involvement. You have informed just now that some sort of Council has been constituted in Andaman Nicobar but in many Union Territories including Chandigarh there is no democratic constitution. There is no Advisory Council of Home Minister, no local Advisory Committee nor any Municipal Committee. Recently during this month itself Municipal Corporation has been constituted and the election thereof has been held in owe Union Territory. That also represents only a segment not the whole Union Territory. There does not exist any Zilla Parishad and election of Panchayat Samiti has not been held. Therefore it is my request from the Union Government through you that the Home Minister is here, I think as a matter of policy he should take an initiative to make provision for legislative assemblies in Union Territories in Union Territories as per the policy of the Government.

Mr. Deputy Speaker. Sir, there was a time when our leaders were of the opinion and many parties also thought that development cannot be achieved unless the states are bigger in size but today almost all the major political parties of the country are of the opinion that better development can be achieved when the states are smaller in size and the regional parties were already in favour of this idea. In small states the extent of development is greater. When Himachal Pradesh and Haryana were one state, they could not develop to the extent to which they should have developed.

Mr. Deputy Speaker. Sir, you yourself belong to Haryana and people of Haryana, today think that had they not been separated from Punjab, probably they could not have achieved this extent of development and progress. The people of Himachal Pradesh also think that they could not have achieved this much progress had they not been made a separate State.

Probably these States could not have developed to the extent to which they have developed. Now, all the major parties have begun to accept the benefit of small states for their pace, and of development.

Mr. Deputy Speaker. Sir, Achariaji has just now mentioned the problems of Union Territories. All the Union Territories have the same problems. Our city Chandigarh was built to accommodate five lacs people but now about eight lacs people are living in this city. He has said that about three lacs people are already living in Andaman and Nicobar and probably some more arrangement is likely to be made. With the gradual increase in population, Chandigarh is facing lot of problems. The second problem is of unemployment. Though unemployment is a national phenomena but for want of elected Government and legislative assembly in the Union Territory Chandigarh, there is no provision to look into these problems. The working of the Government in this the territory is less as compared to other states. This is why unemployment is on the increase in this Union Territory. There is no elected Government so even for notice, electricity and road one had to depend on the officers. It depends on the officers to think of water and electricity for the next five or seven or eight years but if they do not wish to think about and look into the future development of a Union Territory, there is no such institution to think about and take care of the development works. As a result thereof, we have to face problems and we have to make efforts to resolve the problem at that time. This does not give satisfaction to the people and the problem also do not get solved. The problem is not even considered seriously. This also leads to adverse situations.

Today we have to accept that by and large the whole system in India to a great extent is run by the bureaucracy, inspite of that the major power has been

vested in the elected representatives. But this theory is not applicable to the Union Territory. The final decision is not in the hands of elected representatives because there, no such system and such provision has been made. In many Union Territories there were Advisory Committees of the Home Ministry and at many places there were local advisory committee. But during the last four or five years such institutions were abolished in Chandigarh because the officers did not want any such institution to come up which would expose their wrong doings. Those who are in Union Government feel that they have many more things to do than to think of such trifle matters. The attitude resulted in the centralisation of powers in the hands of the officers. Today, bureaucracy has emerged as very strong system in those Union Territories. I have been elected from Chandigarh Union Territory. Even though being an elected member, I am not apprised of the decisions taken there by the Administration on several occasions. I believe that similar condition would be prevailing in rest of the Union Territories. There are numerous instances when I come to know that the Administration has taken a particular decision whereas people believe that an elected Member must be knowing everything. People hold them responsible for the policies adopted at the particular places. For example if there is a Policy to demolish 500 Jhuggies at a particular places or not to allow preparation of ration cards at some particular place, in that case general public is not able to know that an elected Member has no role in taking all those decisions, rather it is the decision of the bureaucracy. However, it is a elected Member who is held responsible by the common people although he has absolutely nothing to do with all those policies. I would, therefore, like to request the hon. Minister of Home Affairs that while considering the matter regarding Andaman and Nicobar Assembly, he should also consider the proposal of setting up an institution at central level which may provide concrete suggestions regarding the working and problems of Union Territories.

I am happy that Shri Indrajit Gupta happens to be in charge of the Ministry of Home Affairs. He is such a person who has been concerned with the problems of the people for a long time. He is aware of the problems of common men. I would like to tell Guptaji that I feel much anguished while reading in the newspapers that 400-500 houses have been demolished by the Administration. We are, however, helpless. There is no Municipal Committee or State Assembly to raise all those issues. The Officer claims that he is an Administrator and the Indian Constitution has provided him ample powers. He says he is the final authority, others have no right to give any opinion. He will entertain you only when he wants to do so. If any administrative authority of a certain Union Territory harrases a poor man or a hawker or a Jhuggi dweller

or a rickshaw puller, in that case where will he go to ventilate his grievances. The Public Representative can raise their problems. But at present there is no such facility.

I would particularly like to tell Guptaji that while accepting this Bill, he must consider to formulate a central policy regarding the Administration of Union Territories. Union Territories must have all those provisions that are available to States having Assemblies. Number may differ. The number of members may be more or less depending upon the population. There may be a provision of Lt. Governors. The Governor of the neighbouring States may be invested with additional charge. A separate adviser or administrator may be appointed. You may make a policy in that regard. The Administration of all those union territories may be run under that policy.

With this submission I extend my support to the Bill introduced by Shri Acharia. I fully hope that the Government would accept it and that it would not be made applicable to Andaman and Nicobar alone, neither it would be made applicable to all union territories including my constituency of Chandigarh so that the people may have the privilege of being governed by the Government elected by them.

SHRI P. NAMAGAYAL (Ladakh) : Mr. Deputy Speaker, Sir, I rise to support the Bill introduced by Shri Basudeb Acharia seeking to provide status to legislature. I personally feel that areas that are far way from the main land have got numerous problems. I think those are more than 360 smaller islands and many of them are without population whereas so my Islands are inhabited by people. I feel that such an effort to ensure their welfare should have been made much earlier. Problems of those areas are entirely different. I have seen that leave aside the essential commodities, even construction materials like stone chips and sand are transported there from the mainland. You can now imagine the problems of those places. So far as the Administration is concerned, people have been complaining against it for a long time. Bureaucrats are worried about their own chair. They hardly pay any attention to take welfare measures for the people. If my memory does not betray me, I had gone there in 1982. Even during that time people were complaining the bureaucrats were not concerned about redressal of their grievances. People wanted some system to be introduced, they wanted a legislature so that they may be able to solve their problems themselves.

I feel that far-flung areas which are cut-off from the main land must have their own Legislative Assemblies. There should be elected representatives to look after the management of those areas. Only one M.P. cannot fight for all of their problems. It is a

difficult task for him. I, therefore, support the idea of having a Assembly.

I would like to mention one more thing which is missing in the Bill. There are certain Islands like Central Island or Jorwaj Island whose inhabitants are tribals. They have no connection with the people living in the main land. Their like style is entirely different. A day may dawn when those people will mingle with the majority population. For that situation there should be a provision for them. Notwithstanding, the Bill provides reservation for tribals. At present, there are a set of people who do not accept the administration of the island. Even Government want them to live in their own free style till they themselves mingle with the people of the main land. That type of protection the Government have given to them; but a time may come when they will join the mainstream. In that case there should be a provision of one separate seat for them. This is also one of my suggestions.

I think the Bill has been brought very timely. The Government should approve it without any delay. Besides, I also endorse the idea of having a Legislative Assembly in Chandigarh as has been pointed out by one of our colleagues. Similarly, we do not have Legislative Assemblies in Lakshdweep and Daman and Diu. People of those islands must have a right to elect their representatives. The world is making rapid progress and it is coming closer. I would, therefore, like to submit that the rest of Union Territories must also have Legislative Assemblies. Earlier, Arunachal Pradesh and other Northern Eastern regions which were Union Territories were accorded Legislative Assemblies.

With these words, I extend my support to the present Bill and my compliment to Shri Basudeb Acharia for bringing this Bill very timely.

MR. DEPUTY SPEAKER : Those who belong to that region will definitely get a chance to express their view.

[English]

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Island) : Mr. Deputy-Speaker, Sir, I am grateful to my hon. friend Shri Basu Deb Acharia who has brought forward this Bill before this House. It is a very long pending demand of the people of Andaman and Nicobar Islands. Everybody, irrespective of caste, creed, religion and cutting across party lines, feels that there is a need for the Central Government to consider providing the representative type of Government in the Andaman and Nicobar Islands.

Sir, in the year 1949 in 'Group D States category', there was only one State and that is Andaman and Nicobar Islands. After the Seventh Amendment of our Constitution in 1956, there were following Union Territories namely, Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadar and Nagar Haveli, Goa, Daman

and Diu, Pondicherry and Chandigarh. Thereafter also, some other State from the North-Eastern regions, out of the then Assam which have come under Group D States.

The question is that wherever there was a violent agitation, wherever there was a threat of the national unity and integrity, the Government of India immediately considered to their demands and came forward for the fulfilment of the people's aspirations. But so far as these Union Territories particularly, Andaman and Nicobar Islands are concerned where for a long time, we have been agitating peacefully, we have been representing to the Government one after another, no result is coming.

Sir, in this respect, it is also necessary that I should mention to you that the Union Territories are of two kinds. It is not one-system. One system, is 'the union territory with legislature' and then the other is 'the union territory without legislature'. The question is about the identity of a citizen of India. I must say today that I am an inferior type of citizen in this country that you. You are from Haryana. The people of Haryana have got the right to elect the President of India but the people of Andaman and Nicobar Islands do not have the right to elect the President of India as there is no legislature...*(Interruptions)*.. You also go when the Assembly's voting is there, he also goes to vote.

That is why I say that so far as the rights of the citizens are concerned, they should be one and equal for all. There cannot be any differences. Whether I live in Andaman and Nicobar Islands or I live in a small territory and you live in a big State, there cannot be differences and citizenship should be one, and everyone should be equal before the Constitution as a citizen of India.

Sir, I also like to draw the attention of this august House that under Article 240 of the Constitution, the Central Government is duty bound to provide a good Government and the development of the Union Territories. But what is happening today? What type of Government have you got? One-man administration, one man who is more powerful than the President of India, one man who is more powerful than the Prime Minister of India, one man who does not require consultation from anybody! He is the Lt. Governor and he can do and undo anything! That is the system!

When we are celebrating the 50th Anniversary of our Independence, do we require to have an inferior type of administrative system in this country or do we need that type of system of administration where all people in this country can feel that 'we are all equal, our system is equal and we can participate in all major issues, whether it is the election of the President of India or whether it is to fulfil the aspirations of the people in this country?

MR. DEPUTY-SPEAKER : Manoranjan Bhaktaji, I am told that there are thousands of Scheduled Caste people living in Andaman and Nicobar Islands but not even a single has been recognized as a Scheduled Caste. Is it a fact?

SHRI MANORANJAN BHAKTA : Sir, the point is that when the Constitution was written, at that time, there was only 'Scheduled Tribes' and there were hardly a few people who went from the main land to work there.

As such there was nothing written as the Scheduled Caste in the Constitution. But Scheduled Tribes is there.

MR. DEPUTY-SPEAKER : So, a Scheduled Caste man from some part of the country going to Andamans ceases to be a Scheduled Caste man.

SHRI MANORANJAN BHAKTA : I am answering your query. Subsequently, when the people migrated from different parts of the country, in that case if the Scheduled Caste has to be recognised, then the Constitution amendment is necessary. What I was given to understand is that this matter was looked into by the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes. They have said that once somebody is considered a Scheduled Caste in a State, he will be considered a Scheduled Caste all over the country. But, I think there are some differences among the...*(Interruptions)*

17.56 hrs.

(Mr. Speaker in the Chair)

SHRI BASU DEB ACHARIA : Thousands of tribals of Chotanagpur have migrated from Bihar to work in Assam Tea Gardens. They are Santhal tribals. They are not recognised as Scheduled Tribes in Assam.

SHRI CHITTA BASU : I also want to add to it. After the partition of the country, in the undivided Bengal many citizens recognised as those belonging to the Scheduled Castes, particularly the Namasudras, migrated to other parts of the country, including Andaman and Nicobar Islands. In the Andaman and Nicobar Islands there was a Government's proposal or project for their rehabilitation. Some refugees have also been taken to Bihar and rehabilitated there. They also belonged to the Scheduled Caste, namely the Namasudra Community. Similarly, Namasudras are there in Madhya Pradesh and Orissa also. They are in many other parts of the country too. They were Scheduled Caste citizens in the undivided Bengal and now they are no more Scheduled Caste people. They are suffering because the privileges and special provisions available in the Constitution are not extended to them. So, through you I want to draw the attention of the Home Minister to have an enquiry and to have a status report on these migrant Scheduled Caste people in different parts of the country after the partition of this country.

SHRI MANORANJAN BHAKTA : What the hon. Member has mentioned is a very correct position that according to our Constitution, a Scheduled Caste or a Scheduled Tribe recognised in one State is not automatically recognised in other States until and unless in the Schedule of that particular State that caste name is included. That is why, if anything is to be done, whether it is Andamans or Uttar Pradesh or Bihar...

MR. SPEAKER : Do you want to conclude your speech today or do you want to continue next time?

SHRI MANORANJAN BHAKTA : How can I conclude my speech today? I have just started, Sir. I think it will carry over to the next time.

MR. SPEAKER : Yes. You can speak for one more minute today.

SHRI MANORANJAN BHAKTA : The point here is, in the Andaman and Nicobar Islands, we have examined this process many times. Until and unless on this matter a Constitution amendment is not made, if you want to make reservation for any job available in the Islands to the people from the mainland, it will create heart-burning among the local youth who are jobless and who are searching for jobs. That is why, it is essential that this House should look into this in its totality and not in isolation. That is my suggestion.

MR. SPEAKER : Thank you. You may continue next time.

17.59 hrs.

MESSAGE FROM RAJYA SABHA

[English]

SECRETARY-GENERAL : Sir, I have to report the following message received from the Secretary-General of Rajya Sabha :-

"In accordance with the provisions of sub-

rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (Railways) No. 4 Bill, 1996 which was passed by the Lok Sabha at its sitting held on the 18th December, 1996 and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

18.00 hrs.

VALEDICTORY REFERENCE

MR. SPEAKER : Hon. Members, we have come to the end of the Winter Session. I thank all the hon. Members for their cooperation extended to the Chair.

I take this opportunity to wish all the hon. Members and the people of India a Merry Christmas and a very Happy New Year.

Now, hon. Members may stand up for the *Vande Matram*.

18.0½ hrs.

NATIONAL SONG

The National Song was played.

MR. SPEAKER : The House stands adjourned *sine die*.

18.01 hrs.

The Lok Sabha then adjourned *sine die*.