

## Constituent Assembly Debate relating to 6<sup>th</sup> Schedule (excerpts)

**Shri Rohini Kumar Chaudhuri:** We want to assimilate the tribal people. We were not given that opportunity so far. The tribal people, however much they liked, had not the opportunity of assimilation. So much so, that I living in Shillong cannot purchase property from any Khasi except with the permission of the Chief of the State or with the permission of the Deputy Commissioner. I have no right to purchase any property in the tribal areas. An Indian has no right to purchaselands in those areas without the permission of the Deputy Commissioner or the Chief of the State. That ridge is still continued. If this Constitution is adopted those disabilities still continue. I am not allowed to associate with the tribal people; the tribals are not allowed to associate with me. Here comes our Friend Mr. Nichols Roy pleading for autonomous districts. Why do you want autonomous districts? My honourable Friend Mr. Bardoloi says that he wants autonomous districts in order to educate the tribal people in the art of self-Government. Why not give them local self-government itself? (Interruption). You will be surprised to learn that in none of these hills there is a municipality except in the Shillong administered areas. This Municipalities Act of Assam is not in force in any of the tribal areas. The Local Self-Government Act by virtue of which District Boards are formed is not in force in the tribal areas. If you really want to educate the people of the tribal areas in the art of self-government, why do not you introduce this Act in those areas? Why do you want autonomous districts for these Municipal purposes. Why not introduce the Municipalities Act? Then, they will themselves know the art of self-government. Why do you want to dissociate them from us by creating these autonomous districts which will remain autonomous? Do you want an assimilation of the tribal and non-tribal people, or do you want to keep them separate? If you want to keep them separate, they will combine with Tibet, they will combine with Burma, they will never combine with the rest of India, you may take it from me.

Shri Jaipal Singh (Bihar: General) Question.

**Shri Kuladhar Chaliha:** Mr. Jaipal Singh attends the British Club in Shillong.

Shri Rohini Kumar Chaudhuri: This autonomous district is a weapon whereby steps are taken to keep the tribal people perpetually away from the non-tribals and the bond of friendship which we expect to come into being after the attainment of independence would be torn asunder. During the British days, we were not allowed to introduce our culture among those people. Even after the British have gone, we find the same conditions in the new Constitution of Dr. Ambedkar.

**Shri A.V. Thakkar (Saurashtra):** May I ask my honourable Friend if this snot be changed by a change in the Constitution, by a good majority, say a two-third majority?

**Shri Rohini Chaudhuri:** It can be changed. Therefore, I most respectfully request the Members of the House who do not belong to Assam to, take more interest in this province of Assam. It is important that the honourable Members do so and agree to the formation of a Committee, an intelligent committee, to let go round those areas and see things for themselves, speak to them and *gain* personal knowledge. You will find that this hatred on the part of the tribals is a thing invented by interested persons. Formerly, there were intermarriages between the tribals and non-tribals. This hatred is being continued by interested persons.

**Shri Lakshminarayan Sahu (Orissa: General) \*(Mr. President, I would like to make a few observations with regard to this question. I had gone to Assam in 1938, not for travel but in connection with relief work. In that year, there had been devastating floods in Assam, I went there for flood relief work and toured every district, but could not go to the Naga Hills. The reason for my not going there would have been clear to you from the speeches so far delivered by other speakers. What was the cause? I would,**

only like to say that the Nagas are head-hunters; we could not therefore get an opportunity to work among them. Certainly we have to be careful in enacting laws for these people. The regional councils we propose to set up for them, will, in my view, neither benefit these people nor us; for these people have got an organisation for each tribe, which is like our panchayat. They hold their Panchayat in every village. Their customs differ from village to village. The regional councils set up there would make uniform laws and these are likely to cause any number of difficulties among the various villages. In view of this, I would say that the powers vested in us, the Centre and the States should be kept intact. For a moment let us consider the likely consequences if we delegated these powers to these councils. The result would be that these people would develop on their own lines without in any way being connected with us. It is quite on the cards that after they have developed in this splendid isolation for a period of, say ten years, their ideas would be of an altogether different character, and under Nee stress of their different ideas they would begin to fight amongst themselves, and with us asserting that they are absolutely free. It is therefore, absolutely necessary that we proceed in this matter with the greatest caution and circumspection.

I am working among Kanh people of Orissa, among whom there is a system of human sacrifice. That system has been abolished by law. These people also have considerably changed in this respect. But even then we have often to overlook cases of such sacrifice, because even now there are, cases of human sacrifice. Human sacrifice is done in great secrecy. Even if we come to know of such a case, we do arrest them. This is the right course to follow. But the people like Kanh tribe who still perform human sacrifice have been included by us in the Constitution. Then why should we free the Nagas at once? I understand that we cannot bring them very much under the provisions of law; still we should see that we are trying to unite India into a common bond and as such we should not keep them aloof, out of fear. I therefore, wish that we should think over this and not hurry in the matter, for we can be strong only by doing so.

I would like to make one further observation. Mr. Rohini Kumar Chaudhuri has stated that he cannot purchase land in Khasi Hills, even though he lives in Shillong. We have got a similar law in Orissa and we wish that none should be able to take away land from the aboriginals since they do not understand their own economic interest. There should be an independent Act for the lands and we have therefore provided for it. We wish to make the law, stricter so that any outsider, who is not an aboriginal, should not be able to purchase land. Shri Rohini Babu has complained that he cannot purchase land.

But this must be the case because till those people acquire some capacity for judgement we should protect them by law. I would therefore like that, despite these Acts, we should confer such powers on this Council. That it may have a beneficial effect on their customs and traditions. By doing so we would be able to bring Naga Hills in line with the rest of India, because we regard them as a part of us and we should try strongly to bring them into our fold; we should not leave them aloof, for after ten years some difference may be created between them and us. We should therefore take this into consideration and make some modifications, and the differences of opinion between Premier Bardoloi and Rohini Babu and Shri Kuladhar Chaliha, should be taken into consideration though our respects are due to them.

**Shri Jaipal Singh:** Mr. President, Sir, I must confess that I have been shocked by the amount of venom that has been poured forth this morning by some of the Members against what they imagine the tribal people of Assam are going to do, if this is or that is passed by this House. I wish that some of these Members were present when the Tribal Committee met when the Honourable Sardar Patel explained why he also had accepted the recommendations of the Tribal Sub-Committee for Assam. May I simply repeat what, he said? It was after considerable, difficulty and negotiations that the tribal people of Assam were persuaded to agree to the recommendations. There was a definite understanding on the part of the rest of India that those agreements, those understandings would be honoured. It was definitely on that understanding that the tribal people agreed to do away with the agitation that had been inspired by the departing rulers. I wish people would talk with knowledge. The learned Ambassador in Moscow, the day he left, gave us two solutions for dealing with situations. One was the power solution, the other was the knowledge solution. The vehement language of some of our Members inclines towards power solutions. They want to force the tribal people of Assam to do things against their wishes and expressed will. I suggest that is no solution at all. If you do that you are certainly going to bring about what you fear. You are not going to obviate, but you are going to bring about a further disintegration of India. It is useless now to blackguard the British for what they did and what their motives

were in doing things in a certain way. What purpose does that blackguarding serve? Now, the whole matter is in our hands. Let us be statesmen-like in handling these problems. It does no one any good to suspect the intentions of the tribal people of Assam. Do my friends believe that the Naga is not a man of his word? Do they mean that the people of the Lusai Hills are trying to deceive us? What do they mean? There is the definite understanding between the leaders and the Tribal Sub-Committee that went round the place. Then why this doubt? I know there were difficulties in some of their trips. The Sub-Committee were prevented from going to some places, I know that. But all these obstructive tactics were inspired, we have got concrete evidence of that. And now the British are gone and it is for us to handle the situation. The idea of Subjugating the tracts by requisitioning the Assam Frontier Rifles and so forth will not work. We must inspire confidence in our fellow citizens, in the hearts of the tribals of these hills. Let us do that, and let us do it, genuinely and sincerely, and not try to run them down and think of them as though they were hostile to the Indian Union. They are not. My friends complain that they have not been into these tracts. That is exactly the reason why they should be a bit chary of talking about these tribes.

I wish the country, as a whole, would appreciate the difficulty of my friend, the Honourable Shri Gopinath Bardoloi, the difficulties that he and his colleagues have ahead of them in coming into the picture for the first time, as far as the fully excluded areas of Assam are concerned. I do not think it is quite correct to say that it was altogether impossible for non-tribals to get into those tracts. Certainly, the so-called agitators were precluded, and were prevented from entering those areas. That is perfectly true. But I do not think it can ever be said that social workers were also equally prevented. I do not think that can be said. Assam is a very difficult province. The inter group hostilities are not confined to the hill tracts only. What about the hostilities that exist, shall we say, between the hills and the plains people? What about the hostilities that exist, say between the plains tribals and the hill tribals, I could go on. But it will be out of place now to here on this sort of things. But the hill people have agreed.

**Shri Kuladhar Chaliha:** May I know from the honourable Member if he can mention any instance of hostility between the plain tribals and the hill tribals? Can he give one instance? There is no use making generalisations, unless he can give us instances.

**Shri Jaipal Singh:** I do not think, Sir, it is necessary for me to go into details, I do not think it is necessary. If the House wants to accept my statement, it is there for it to accept. But I do maintain that there are various kinds of hostilities. Fortunately, in the new set-up we have an opportunity to forget the past and to make a happy beginning, in the beginning of which the hill people have given us their assurance, and I am very glad that the Tribals Sub-Committee have gone as far as they can, to accommodate the wishes of those hill tribes. And the tribal people themselves, the hill tribal people themselves also have climbed down, if I may say so, to meet the wishes of the leaders of the Province. There is no question of keeping the hill tracts permanently in water-tight compartments. It is not good for them. It is not good for Assam, nor for the rest of India. That will not happen. The world is getting smaller and smaller every day whether you like it or not. India cannot isolate itself from the rest of the world, nor can the hill tribes. And more so after all these hill tracts have been occupied by the various warring forces in the last global war. They are no longer inaccessible. New ideas have penetrated the tracts, these mountainous tracts that were previously inaccessible. The position has completely changed. There is a new outlook. It is no good trying to think of the Naga as the eternal head-hunter. I wish people would read Haimendorf's "The Naked Nagas" and try to understand these people even if they have not been to the Naga Hills. Let them understand what are the ideas that work behind the mind of the Naga. There are several books on these people. I know some of my friends think that just cause these books happen to be written by non-Indians, they are worthless. That is a kind of attitude for which I have absolutely no use. There have been scientists, there have been anthropologists and various others who have written books on the Assam hill tribes, and I would only wish that some of my friends has read of them; and then they would have realised that the problems that my friends Shri Bardoloi and his colleagues have to tackle in the future are really immense, and I am indeed very glad that he has taken courage in his hands and he is confident the pattern of government, the pattern of administration that the sub-committee has recommended, while it may not be exactly all that he would like it to be, certainly give him an opportunity to unite Assam, which in the past has been kept more or less in watertight compartments. I would appeal to Members to be

generous in what they say about the tribal people to be generous to them and not think as if they were enemies of India. That seems to be the idea lurking in the minds of some here. They seem to think that they are going to get out of India and join Burma or join the communists or something like that. I am not so pessimistic. Indeed, I am very optimistic about future of Assam particularly if the Sixth Schedule, even with all its shortcomings, is operated in the spirit in which it should be operated, in a spirit of accommodation and in the real, desire to serve the hill people of Assam, as our compatriots, and as people whom we want to come into our fold, as people whom we will not let go out of our fold and for whom we will make any amount of sacrifice so that they may remain with us.

**Shri A.V. Thakkar:** Mr. President, Sir, I consider it my duty to speak on this subject, as I happen to be one of the members of the committee appointed to enquire into the tribal matters of Assam. Unfortunately, I was laid up for some of the time when the Committee was on tour, and therefore I could not visit all the parts that the Committee visited. But I can say that I have good knowledge, and I have visited the Lushai Hills, though not the Naga Hills. But the Naga Hills were visited by me as early as the year 1926. I visited Kohima with the kind permission of our friend Mr. Muhammad Saadulla who was one of the ministers then, and I was able to see Kohima, the headquarters, the capital of the Naga Hills. At that time I could see that the Nagas, were really naked Nagas, though perhaps now may not be able to see them naked. But I am very much ashamed at the ignorance we are all showing about the knowledge of the tribals, in Assam especially. (Hear, hear). Even of my Friend Shri Rohini Kumar Chaudhuri, I would say that.

First I will try to answer my Friend Mr. Lakshminarayan Sahu. He was talking about Orissa, but not of the current century, but of the last century, of the year 1846 when one Mr. MacDonald suppressed maria or human sacrifice ceremony. But why does, he talk of things which existed one hundred years ago now in the year 1949? He was right in saying that at the present moment we do hear of complaints about human sacrifice being made even at the present day. But do not murders take place nowadays? Do not dacoities take place nowadays? Do not firings take place nowadays? Similarly, maria sacrifice that existed in the year 1850 does exist in the year 1949 or even 1950. Why compare v at old state of things with the present state of things?

Talking of Mr. Rohini Kumar Chaudhuri's remarks, I am afraid he has brought Assam politics into this Constituent Assembly. Let me ask him, Sir, with your permission as to why he did not offer evidence before the Tribal Committee that was touring in Assam. It was open to him to do it, it was open to him to give all his views about autonomous districts or about regional councils or anything else that was contemplated. Not that he was not in the know of it—he could have easily known it from all the Members of the Committee who were friends of his and who were colleagues of his. He could have done that, but he did not care to do so.

Talking of Nagas, I was the other day talking with my honourable Friend the Rev. Nichols Roy. He reminded me of the fact that there were seven sub-divisions amongst the Nagas each having a different dialect of its own. I had read this many years ago but had forgotten it, he reminded me of the same. And who does not know even at the present time of the system of head-hunting that prevails among the Nagas? They are so ill-developed, they are so much behind in civilization that they go and fight with their neighbouring villagers—not to speak about the fight with the plains tribes about whom our friend Mr. Jaipal Singh was speaking—but of one tribe of Nagas killing another tribe of Nagas. Ao Nagas and Sema Nagas, and cutting off their heads and putting them on the door tops as a memento of their victory. Even last year when a friend of mine visited the Naga hills, he said there were 150 cases being conducted in the court of law wherein 150 people were charged with head-hunting or taking part in it at the present day. Now, what do you say of such a thing as that? Why take no notice of such a state of thing at the present day? The Committee, with its own difficulties, tried to inquire into the state of affairs not only of the Nagas but of all the tribal area people and came to this particular conclusion on which is based Schedule No. VI. The Nagas are a very difficult race to deal with, I know. We had a Naga member on the Committee, Mr. Imti was his name. He was a graduate of the Calcutta University.

Somehow or other he worked with the Committee for some time but afterwards withdrew because he was persuaded by his other Naga friends not to work with the Committee, not to give his helping hand and not to be one of us. That was an unfortunate thing.

**Shri Kuladhar Chaliha:** Mr. Imti is a man of Golaghat, is a Christian and was brought up at Golaghat itself.

Shri A.V. Thakkar: Is he not a Naga?

Shri Kuladhar Chaliha: He is not. He was born and bred in Golaghat.

Shri A.V. Thakkar: But he is a tribal man, there is no doubt about that. I am sorry, my information is that he is a Naga—that is what he himself told me.

Shri Jaipal Singh: He is a Naga.

Shri A.V. Thakkar: He is a Christian, but what does it matter? He is an Ao Naga, that is what my other friends told me. If you like I will ask him by a special letter whether he is a Naga or a Mikir. But that does not change the question.

The Committee tried its best and put forward the proposal which was acceptable not only to the Committee but also to the various tribes themselves—I mean this system of autonomous districts. When I heard first of the proposal of these autonomous districts, I myself too was surprised, let me tell you, because I had never heard of autonomous districts in any part of India elsewhere. But I came to know afterwards by the persuasion of friends that this is the only possible way there and that therefore the system of autonomous districts should be kept there for future modifications when the proper time comes for the same. There is no reason why we should fear this autonomous districts business and should not make the most of it, as if it were giving away or making States within States for permanent period. It is not for a permanent period. All constitutions are changeable, all laws are changeable, and we can change the law, change the constitution, when you think the time is ripe for it. In the meantime let us all study the question of the tribals as best as we can.

The Honourable Rev. J.J.M. Nichols Roy (Assam: General):

Mr. President, Sir, some of the aspersions that have been made here are really very unfortunate and they are based on a lack of knowledge of the conditions of the hills people in Assam. I wish that, those honourable gentlemen, my friends who come from Assam, had visited these places, had mixed with the people and had known the feelings of these people, had known the desire of these People, as expressed in meetings, in Committees and before the Sub-Committee also of which I was a member. Sir, the first principle for bringing about a feeling of reconciliation between people who are estranged from one another is that one must place himself in the place of another. I wish some of my friends who had spoken would place themselves in the place of these tribal people, place themselves in their conditions, study their views, realise what their ambitions and their aspirations are, and whether if they were in that place they would like those feelings and aspirations to be crushed to pieces and themselves just cowed down by the sword, or whether they would like to be -won by love and by association and by the gradual understanding of one another. The attitude manifested in the way that speeches have been delivered by some friends of mine here perhaps due to lack of knowledge, if kept up, would actually upset the good association between the hills people and the gentlemen who have spoken; but I thank God for a leader like the Honourable 'Mr. Gopinath Bardoloi who is known to be very kind and sympathetic to all hills people and who has been respected by these hill tribes wherever had been, and who has studied, vary closely the position of these hill tribes.

I myself being a hillman, know what I feel. Being a Christian, I want universal brotherhood everywhere. I want this in the whole of India and in the fold of the tribal people also. Therefore, when I speak in this House, I speak with Ere knowledge of the feelings of

hill tribes. I speak also with a sense of universality and brotherhood of mankind. I speak keeping in view the high ideal of raising all people to the same level.

It is said by one honourable gentleman that the hill tribes have to be brought to the culture which he said "Our culture" meaning the culture of the plains men. But what is culture? Does it mean dress or eating and drinking: if it means eating and drinking or ways of living, the hill tribes can claim that they have a better system than some of the people of the plains. I think the latter must rise up to their standard. Among the tribesmen there is no difference between class and class. Even the Rajas and Chiefs work in the fields together with their labourers. They eat together. Is that practised in the plains? The whole of India has not reached that level of equality. Do you want to abolish that system? Do you want to crush them and their culture must be swallowed by the culture which says one man is lower and another higher? You say "I am educated and you are uneducated and because of that you must sit at my feet." That is not the principle among the hill tribes. When they come together they all sit together whether educated, or uneducated, high or low. There is that feeling of equality among the hill tribes in Assam which you do not find among the plains people.

Let me read some of the statements made by the Assam Government regarding the hill areas:

"The tribes are of Mongoloid stock found nowhere else in India and differing from most Indians than the latter do from Europeans. Except for a few non-tribal shop-keepers and officials the population in any area is homogeneous. Thus a traveller in the Naga Hills would see no one but Nagas, in the Lushai Hills no one but Lushais and so on."

These people have come there from outside. They have never been under a Hindu or Muslim rule. They had their own rule, their own language, court and culture. To say that the culture of these people must be swallowed by another culture unless it is a better culture, and unless it be a process of gradual evolution, is rather very surprising to anyone who wants to build up India as a nation and bring all people together.

Then it is said here:

"The manifold languages belong to the Tibeto-Burman linguistic family with the exception of Khasi, which belongs to the Mon-Khmer family. None of these languages is spoken elsewhere in India."

"None of the tribes professes the Hindu religion or Islam, except a section of Kacharis in the North Cachar Hills, who practise a form of Hinduism. Tibetan Buddhism has been introduced in the Northern Hills and Burman Buddhism in the Tirap Frontier Tract. A considerable number of the tribesmen are Christians particularly among the Nagas, Lushais and Khas's. The rest of the tribesmen are Animist. There is no communal feeling between animists and others."

The Hindus do not eat beef but the tribesmen do. The Muslims do not eat pork but the tribal people do. Therefore these people cannot be either Hindus or Muslims. The Government report is that the people of the hills have their own culture which is sharply differentiated from that of the plains. The social organisation is that of the village, the clan and the tribe and the out look and structure are generally strongly democratic. There is no system of caste or purdah and child marriage is not practised.

So that is the culture of the hill tribes. India should rise to that feeling or idea of equality and real democracy which the tribal people have. They should not for a second think that these people should give up their democracy and equality and be swallowed up by another culture which is quite different from what they have been used to, and which is considered by them not at all suitable to their society.

To say that these tribesmen will be inimical or they would raid Assam or go over to Tibet if this Sixth Schedule is introduced in these areas is rather surprising. This idea is based on wrong understanding of facts and a wrong psychological approach to the problem of bringing the hill folks and the plains people together. This schedule has given a certain measure of self-government to these hill areas but the laws and regulations to be made by the District Councils are subject to the control and assent of the Governor of Assam. What is more unifying than that? The sub-committee for the tribal areas in Assam recommended that these

districts mentioned in this Sixth Schedule should have a sort of self-government, to rule themselves according to their culture and genius. The Congress principle has been to allow each group to grow according to their own genius and culture. If that be so, the sub-committee did the right thing by recommending this kind of local self-government for these hill areas but they will be subject to the control of the Governor of Assam. Even the laws and regulations which will be made by these district councils will be subject to the assent of the Governor. The Governor may withhold his assent. Where is the Pakistanising influence there mentioned by certain speaker. The provisions of the Sixth Schedule satisfy these people to a certain extent and at the same time joins them to the rest of the province.

There is another point which must be considered in this connection. To keep the frontier areas safe these people must be kept in a satisfied condition. You cannot use force upon them. Human nature is such that when you use force to make a people to do something they run to somebody else. If you want to win them over for the good of India you will have to create a feeling of friendliness and unity among them so that they may feel that their culture and ways of living have not been abolished and another kind of culture thrust upon them by force. That is why the sub-committee thought that the best way to satisfy these people is to give them a certain measure of self-government so that they may develop themselves according to their own genius and culture. That will satisfy them and they will feel that India is their home and they will not think of joining Tibet or Burma. But if you were to follow some of the ideas advanced by one or two honourable Members of this House, it will not be a unifying influence but an influence which will divide these hill tribes from India and that will be very unfortunate indeed. I was somewhat surprised at the statement made by one of my honourable Friends from Assam that even the Premier of Assam did not know the conditions; of these people. I think that the honourable Friend did not visit these areas and does not know their conditions. The Premier of Assam visited these areas and knows their conditions. I know their conditions. I know their feelings. We have met them in big meetings. We have met them in Committees and on several occasions. *We* have visited them, heard them, and many of them were associates of our Sub-Committee which went round to find out the conditions of these hill tribes. And many people came to give evidence there and they expressed their feelings. The provisions of the Sixth Schedule are based on the recommendations of the sub-committee after considering the evidence given by these hill people, a few of whom were members of our sub-committee.

Someone spoke as if he is very much interested in the advancement of the hill tribes. I think that gentleman whoever he may be, for his good motive in desiring the advancement of the hill tribes. But advancement cannot come by force. Advancement comes by a process of assimilation of a higher culture, higher mode of thinking and not by force. Advancement will be accepted by the people when you allow them to see something better than what they have. The hillmen realise that their own village councils, or what may be called village panchayats, are much better and more suitable to them than the regular courts and the High Court of Assam. To some of them, it is too expensive to go to the High Court. They have no money for that. Therefore among some of the hill tribes village courts are more suitable to them. The Assam Government is trying to introduce village panchayats even in the plains of Assam. Of course that will take away a very large number of law suits from some of the regular courts, but it will be better for the people themselves. The village councils in the autonomous districts and the District Councils will enable the hills people to rule themselves in their own way and to develop themselves according to their own methods. Why should you deprive the people of the thing which they consider to be good and which does not hurt anybody on earth? It does not hurt India. Why do you not want them to develop themselves in their own way? The Gandhian principle is to encourage village panchayats in the whole of India. Why then should any one object to the establishment of the district councils demanded by the hills people? This measure of self-government will make them feel that the whole of India is sympathetic with them and India is not going to force upon them anything which will destroy their feeling and their culture, I therefore think that unnecessary storm has been raised in this House, and it is not at all palatable, but I hope that a better study will be made of these problems.

I would like very much if Parliament will appoint a committee to see these tribal areas. Perhaps they will see that in some places they are so far advanced that the whole of India must follow their example. In those areas there is no difference between man and woman: the woman does work, goes to the bazaars and does all kinds of trade. And she is free. In the plains the woman is just beginning to be

free now, and is not free yet. But in some of the hills districts the woman is the head of the family; she holds the purse in her hand, and she goes to the fields along with the men. Women and men are not ashamed of any kind of labour there. In the plains of Assam there are some people who feel ashamed to dig earth. But the hillman is not so. Will you want that kind of culture to be imposed upon the hillman and ruin the feeling of equality and the dignity of labour which is existing among them? Why talk of culture. There is some kind of culture in the hill areas which is far better than what is obtaining in the plains. Therefore the Sub-Committee on the tribes of Assam has decided that this would be the best method of allowing these people to grow according to their culture and according to their genius and at the same time to become unified with the whole of India.

Shri Rohini Kumar Chaudhuri: Why do you make propaganda against our people? Do not we dig earth in our villages and raise houses? Why do you vilify our people?

The Honourable Rev. J. J. M. Nichols Roy: Many of them do not. I am not vilifying anybody. I am telling facts. The whole of Assam knows that some people in Assam would not dig earth.

Shri Kuladhar Chaliha: Please withdraw your remarks.

Mr. President: The honourable Member has not said anything which requires withdrawal. He is perfectly justified in saying what he has said.

The Honourable Rev. J. J. M. Nichols Roy: I am not vilifying anybody. Some people would not dig earth because of their feeling of superiority. But in the hill areas you do not find anything of that kind. That is a fact which is known throughout Assam. In my own Department—the Public Works Department—we have road earth works and we have to teach some of the local people to do it, and labourers have to be brought from Bihar and Noakhali in order to carry earth and make roads in Assam. That is a fact I am telling.

Shri Rohini Kumar Chaudhuri: Yes, the Honourable Minister has discharged the Hindu workers there and employed Muslims from Noakhali. He is under the impression that we are not able to dig earth.

The Honourable Rev. J. J. M. Nichols Roy: That is a wrong statement altogether.

When I am talking about culture what I mean is this. Labour is an honour to these hills people. No one of them consider that it is beneath their dignity to work. And men and women work together. Even the people who are in big positions in life like Rajahs and Mantris work in the same way as other people, whereas that principle is not found everywhere in India. And India must rise to that place where they feel that there is dignity in labour. When there is such a culture among the hills people why not allow them to develop that and be a little model for all the others to the good of all India?

Finally, Sir, I support the amendment moved by Dr. Ambedkar. At the same time I must say before I sit down that these hills people feel that even this Sixth Schedule has controlled them too much and that they have not got enough what they would like to have. I think many of us realise that. Even Mr. Bardoloi the honourable Premier of Assam realises that. But under the circumstances we have agreed in order to have a compromise and in order to bring peace between all parties. Therefore, do not think that the hill areas have been given too much. They have not been given enough according to their ideas. But at the same time they have been brought under the control of the Governor of Assam. And that is the process by which they will be unified.

Shri H.V. Kamath (C. P. & Berar: General): May I Sir, suggest that, in view of the widely divergent views expressed regarding this Schedule, the finalisation of it may be postponed to a more propitious day?

Mr. President: I will call upon Dr. Ambedkar to reply. I think we had better finish this now. We have had enough discussion.

The Honourable Dr. B.R. Ambedkar: We have debated this question for two hours and I think the debate was mostly on points that are really not.

Sample Only (READ)

"That clause (c) of paragraph 18 be deleted."

Mr. President: Amendment Nos. 148 and 149 are ruled out. Then we have amendment Nos. 223, 224, 225 and 226 which are more or less on the same lines. Would you like to move No. 226, Mr. Brajeshwar Prasad? The other three I have ruled out.

Shri Brajeshwar Prasad: I do not like to move any of my amendments, Sir,

Mr. President: Then, I put Dr. Ambedkar's amendment Nos. 146 and 147. The question is: "That in paragraph 18, in line 22, the words 'in his discretion' be deleted."

The amendment was adopted.

Mr. President: The question is:

"That clause (c) of paragraph 18 be deleted"

The amendment was adopted

Mr. President: The question is:

That paragraph 18 of the Sixth Schedule, as amended, be adopted.

The motion was adopted

Paragraph 18, as amended, was added to the sixth schedule.

### **Paragraph 19**

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

"That with reference to amendment Nos. 150 and 151 of List I (Seventh week) for paragraph 19 and the Table appended to it the following paragraph and Table be substituted:

"19. Tribal areas.—(1) The areas specified in parts I and II of the Table below shall be the tribal areas within the State of Assam.

(2) The United Khasi-Jaintia Hills District shall comprise the territories which before the commencement of this Constitution were known as the Khasi States and the Khasi and Jaintia Hills District, excluding any areas for the time being comprised within the cantonment and municipality of Shillong, but including so much of the area comprised within the municipality of Shillong as formed part of the Khasi State of Myllem:

Provided that for the purposes of clauses (e) and (f) of sub-paragraph (1) of paragraph 3, paragraph 4 and paragraph 5 and sub-paragraph (2), clauses (a), b) and (d) of sub-paragraph (3) and sub-paragraph (4) of paragraph 8 of this Schedule, no part of the area comprised within the municipality of Shillong shall be deemed to be within the District.

(c) Any reference in the Table below to any district (other than the United Khasi-Jaintia Hills District) or administrative area, shall be construed as a reference to that district or area on the date of commencement of this Constitution:

Provided that the tribal area specified in part II of the Table below shall not include any such areas in the plains as may, with the previous approval of the President, be notified by the Governor of Assam in this behalf.

### **TABLE**

#### **PART I**

Sample Only (Not Valid)

1. The United Khasi-Jaintia Hills District.
2. The Garo Hills District.
3. The Lushai Hills District.
4. The Naga Hills District.
5. The North Cachar Hills.
6. The Mikir Hills District.

#### PART II

1. North-East Frontier Tract including Balipara, Frontier Tract, Tirap Frontier Tract, Abor Hills District, Misimi Hills District.
2. The Naga Tribal Area."

Pandit Hirday Nath Kunzru: Sir, with your permission, I shall move amendment Nos. 330, 332 and 333 together.

Sir, I move:

"That after paragraph 16 of the Sixth Schedule, the following paragraph be inserted:—

'16A. Provisions applicable to areas specified in part 1A of the Table appended to paragraph 19.

(1) Notwithstanding anything contained in this Constitution, no Act of Parliament or of the Legislature of the State shall apply to any tribal area specified in Part IA of the Table appended to paragraph 19 of this Schedule unless the Governor by public notification so directs; and the Governor in giving such directions with respect to any Act may direct that the Act shall in its application to the area or to any specified part thereof have effect subject to such exceptions or modifications as he thinks fit.

(2) The Governor may make regulations for the peace and good government of any such tribal area and any regulation so made may repeal or amend any Act of parliament or of the Legislature of the state or any existing law which is for the time being applicable to such area. Regulations made under this sub-paragraph shall be submitted forthwith to the President and until assented to by him shall have no effect."

My second amendment runs as follows:

"That in paragraph 19 of the Sixth Schedule, for the words and figures 'Parts I and II' the words and figures 'Parts I, IA and 4f be substituted."

My last amendment is:

"That for Part I of the Table appended to paragraph 19 of the Sixth Schedule, the following be substituted:—

#### PART I

1. The Lushai Hills District.
2. The Naga District.
3. The North Cachar Sub-divisions of Cachar District. PART IA
  1. The Khasi and Jaintia Hills District excluding the cantonment and the municipality of Shillong but including so much of the area comprised within such municipality as forms part of the Myllem State.
  2. The Garo Hills District.
  3. The Mikir Hills portion of Nowgong and Sibsagar Districts excepting the mouzas of Barpathar and Sarupathar."

I have put forward these amendments in order to place a difficulty that I feel, before the House and in particular before my honourable Friend, Dr. Ambedkar. The areas that are mentioned in Table I appended to paragraph 19 as moved by him contains all those areas

that were formerly regarded as excluded or partially excluded areas. The difference between these areas was that while the Governor could act in his discretion in regard to excluded areas, he could only exercise his individual judgment in regard to partially excluded areas. In other words, while in connection with excluded areas he was not bound to consult his ministers at all, in respect of partially excluded areas he was bound to act according to their advice, unless he felt that he must dissent from it. Now this distinction no longer exists because the Governor, practically speaking, is required in all cases to act on the advice of his Ministers.

Shri T.T. Krishnamachari (Madras: General): Bar one.

Pandit Hirday Nath Kunzru: I have said 'practically speaking'. The only exception is with regard to areas specified in Part II of the table appended to paragraph 19. There he has to act in his discretion because he will act as an agent of the President and obviously the directions given by the President cannot be allowed to be modified by the Provincial Ministers. But though the legal distinction between excluded and partially excluded areas has been done away with by the Draft Constitution, the fact to which it corresponded still exists. What lay at the bottom of the division of backward areas into excluded and partially excluded was that while areas that were totally unable to look after their own interests were classified as excluded, other backward areas, owing to their contact with the people of the plains and thereby being in a better position to protect their interests than those living in the most backward areas, i.e., the excluded areas, were classified as partially excluded. This distinction was made, it meant that the people living in the partially -excluded areas, however backward they might from our point of view, were more advanced than those living in the excluded areas.

Now the arrangements made in the Sixth Schedule are concerned with the protection of the interests of the most backward people in respect of certain matters. I have no objection whatsoever to this protection being given. On the contrary, I welcome it and I hope that the new awakening on the part of the State in respect of the duty that it owes to the tribal people, who have been neglected for centuries and centuries, will bring about a speedy improvement in the condition of the people in the excluded, areas. But is it necessary for this purpose, that areas more advanced than those that were formerly known as excluded should be placed on the same footing as the most backward areas? I am all in favour of establishing local self-government in areas that were formerly known as partially excluded areas that is, the Khasi and Jaintia Hills district minus the Khasi States that were at that time quite distinct from the British administered portion of the Khasi and Jaintia hills district, the Garo Hills districts and the Mikir Hills district. I know, Sir, what the report of the Bardoloi Committee and the memorandum of the Assam Government have to say on this point. These documents show that the people living in the areas that I have just referred to are backward. But the fact remains that fourteen years ago they were thought to be more advanced than the people living in areas that were then known as excluded areas. Is it necessary, in order to improve the condition of the people living in the Khasi and Jaintia Hills district or the Garo Hills district or the Mikir Hills to make no distinction between them and the people living in the Naga Hills district, the Lushai Hills district and the North Cachar sub-Division of the Cachar district? I see no reason why the status of the people living in the former areas should be lowered and why they should be regarded as helpless when, owing to their intercourse with the people of the plains, their consciousness has been awakened and they are better able to look after their vital interests than those living in the Naga Hills. It may be thought that if district council and regional councils are established in the areas formerly known as partially excluded areas, no harm would be done to them and that there was therefore no reason for objecting to giving them the rights that the people living there would get under this Constitution.

Sir, in order to clear our minds on this point let us consider whether we would approve of such an arrangement in connection the plains districts. Somebody may say, if it is desirable for a local body to enjoy the rights that are being conferred on regional and district councils under Schedule Six, there is no reason why the more advanced people should not enjoy them. What would our reply be in that case? Our reply would be that, however good provisions of the Sixth Schedule might seem, they segregate

people living in different districts and thus make unity much more difficult. I feel the same difficulty in connection with the inclusion of what were partially excluded areas before in the table placed before us by Dr. Ambedkar. When these people have reached a state of development in which they can better look after themselves than those who are living, say in the Naga Hills district, why should we regret that fact? Why should we make the arrangements with regard to them rigid and make future changes more difficult? Our policy should be to take advantage of the natural progress made by them in respect of the understanding of their interests and bring them closer to the other areas, that is, to the plains districts without in any way affecting their essential interests. This is the purpose of the first amendment I have moved. If the position that I have taken up is correct and honourable Members share my view, then it is obviously desirable, unless Dr. Ambedkar can give us convincing reasons to the contrary, that the arrangements for the tribes mentioned in Part IA of my table should be different from those made for the tribal areas mentioned in part I.

Now, under the Government of India Act, the Governor exercises two powers in relation to partially excluded areas. In the first place he can modify or amend any law passed by the Central or provincial legislature in its application to partially excluded areas. He enjoys this power even in respect of the excluded areas. In the second place he has the power to make rules for the peace and good government of the tribal areas, whether excluded or partially excluded. It was thought that these provisions by themselves were sufficient to enable the Governor to protect the interest of the people, living in the partially excluded areas. In the excluded areas, in some places, there were tribal councils and there were other arrangements for enabling the people to take counsel among themselves. But the arrangements that existed in the partially excluded areas were not of the same kind according to the report of the Bardoloi Committee. Election in some form of the representatives of the partially excluded areas to the provincial legislature is in existence. Though the election is indirect in some places, in this respect, the partially excluded areas are in a better position than the excluded areas. Now it is proposed to place both of them on the same footing. I venture to think that the interests of the province of Assam as a whole would be better consulted if we continued, in relation to the government of these areas which are specified in part IA of my table, the arrangement that existed under the Government of India Act, 1935. I have already said, and I should like to repeat, in order to prevent any misunderstanding from arising, that I am in favour of complete protection of the interests of the people who will be unable without the help of the State to look after themselves. All that I have submitted to the House is that it is not necessary to treat the areas at present known as partially excluded and excluded in the same way, because that is not in accord with the differences in the mental advancement and the practical knowledge of the people of these areas.

My last two amendments relate to the Table appended to paragraph 19. In accordance with the first amendment moved by me, I have divided the table into three parts, I, IA and II. This requires no explanation in view of the remarks I have already made. The last amendment however requires some explanation. In item 1 of Part IA of the Table, I have not altered the area of the Khasi and Jaintia Hills District. In other words, the Khasi and Jaintia Hills District will include only the area that it does at present and that was recommended by the Bardoloi Committee. In the Table moved by Dr. Ambedkar, however, it has been stated that the Myllem State should get back such portion of the municipality of Shillong as forms part of that State. This means, Sir, that the Shillong municipality which has been in existence for two or three generations will lose a part of the area that it has been governing for so long a time. The Bardoloi Committee undoubtedly has all the facts of the situation before it but it nevertheless recommended no change in this respect. Yet, we are now told that the limits of the Khasi and Jaintia Hills District must be increased and those of the Shillong Municipality must be correspondingly contracted.

This is not a small matter, Sir. The Memorandum of the Assam Government explaining the position of the tribal People states on page 2 that the larger part of the municipality of Shillong is comprised in the Myllem State. I see no reason why so great a change should be made. Dr. Ambedkar in putting forward his table, which is different from that included in the Draft Constitution, did not say a word to justify this change. He treated it as if it were of no concern to us, and therefore needed no notice. I think, however, that the matter is not as insignificant as he considers it to be. It is a matter of some concern that an area that has been within the jurisdiction of the municipality of Shillong for so long a time should be taken out of it and included in the tribal area. If it is desired that the tribal people living in this area should be able to vote in the elections to the District Council, that can be allowed. Paragraph 16A moved by Dr. Ambedkar makes provision for the exclusion of voters not belonging to the tribal area from the tribal voters, we can on the same lines make a provision allowing the tribal people living within the municipality of Shillong to vote in connection with the elections to the District Council, but there is no reason why for this purpose any part, in fact the greater part, of the municipality of Shillong should be excluded from it and be given back to the Myllem State. I know, Sir, that negotiations are being carried on for the merging of the twenty five Khasi States in the Khasi and Jaintia Hills District but even when this amalgamation has taken place, there will be no reason why the Shillong municipality should be deprived of any part of the area that it controls now. If people there have become used to more advanced ways of life and if their interests have been adequately protected so far, the burden of proving that the present arrangement is unsatisfactory lies on those who want to bring about a change in existing position. Sir, I hope that I have explained sufficiently the reasons for the amendments that I have placed before the House.

Mr. President: Pandit Kunzru, in your amendment No. 333 in Part IA **you** have used the same expression as Dr. Ambedkar.

Pandit Hirday Nath Kunzru: I do not think, so, Sir.

Mr. President: It is the same wording, "excluding the cantonment and the municipality of Shillong but including so much of the area comprised within such municipality as form part of the Myllem State."

Pandit Hirday Nath Kunzru: I am sorry, Sir. That was a mistake. Those words should not be there. The words "but including so much of the areas comprised within such municipality as forms part of the Myllem State" should be cut out. I think that this item should be retained in the form in which it L--included in the Draft Constitution. This is the form recommended b,- **the** Bardoloi Committee.

Mr. President: There are certain amendments to the amendment moved **t-V** Dr. Ambedkar. They have come too late. I find that several amendments to the same effect have been notice of. I will allow one of them to be moved. Mr. Chaliha and another gentleman whose name I cannot read want that in amendment No. 331 the words but including so much of the area comprised within the municipality of Shillong as formed part of the -Khasi State of Myllem" be committed. You can move it if you like.

Shri Kuladhar Chaliha: There is also another amendment, Sir, for the insertion of the words "except the mouza of Dimapur" after the words "The Naga Hills District".

Mr. President: You can move both. I find Mr. Das has also given notice of an amendment to the same effect.

Sample Only (Watermark)

Shri Rohini Kumar Chaudhuri: (Assam: General): May I explain what we want by moving these amendments: firstly, that the entire municipality of Shillong including the area owned by the Myllem State should be excluded From the jurisdiction of any kind of the autonomous district and secondly, that the mouza of Dimapur in Naga Hills which is inhabited by non-tribal people should be outside the jurisdiction of the District Council of Naga Hills.

Mr. President: Mr. Chaliha will move his amendments and make it clear.

Shri Kuladhar Chaliha: Sir, I beg to move:

"That in amendment No. 331 List V (Seventh Week) in item 3 of part I after the words "Naga Hills District', the words 'except the mouza of Dimapur be added."

Sir, I also move:

"That in amendment No. 331 of List V (Seventh week) the words but including so much of the area comprised within the municipality of Shillong as formed part of the Khasi State of Myllem' be omitted."

Sir, firstly I shall take up the mouza of Dimapur. In telling you the history, I shall be a little long and I shall ask the patience of the House to hear me, it is <sup>P</sup>aid that this country otherwise called the Brahmaputra Valley was conquered b<sup>y</sup> the Kacharis as early as 3000 B.C. and it continued under them till lately. You Trill find a reference to this history in pages 247 to 249 of Gait's History of Assam.

"In the thirteenth century it would seem that the Kachari kingdom extended along the south bank of the Brahmaputra, from the Dikhu to the Kallang or beyond and included also the valley of the Dhansiri and the tract which now forms the North Cachar Sub-division Towards the end of this century, it is narrated that the outlying Kachari settlements east of the Dikhu river withdrew before the advance of the Ahoms. For a hundred years this river appears to have formed the boundary between the two nations and no hostilities between them are recorded until 1490, when a battle was fought on its banks. The Ahoms were defeated and were forced to sue for peace. But their power was rapidly growing, and during the next thirty years, in spite of this defeat, they gradually thrust the Kachari boundary back to the Dhansiri river."

When war again broke out in 1526, the neighbourhood of this river was the scene of two battles: the Kacharis were victorious in the first but suffered a crushing defeat in the second. Hostilities were renewed in 1531 and a collision occurred in the south of what is now the Golaghat sub-division in which the Kacharis were defeated and Detcha, the brother of their king, was slain. The Ahoms followed up their victory and, ascending the Dhansiri, penetrated as far as the Kachari capital at Dimapur on the Dhansiri, forty-five miles south of Golaghat. Khunkhara, the Kachari king, became fugitive and a relative named, Detsung was set up by the victors in his stead.

"The ruins of Dimapur, which are still in existence, show that, at that period, the Kacharis had attained a state of civilization considerably in advance of that of the Ahoms. The use of brick for building purposes was then practically unknown to the Ahoms, and all their buildings were of timber or bamboo, with mud-plastered walls. Dimapur, on the other hand, was surrounded on three sides by a brick wall of the aggregate length of nearly two miles while the fourth or southern side was bounded by the Dhansiri river. On the eastern side was a fine solid brick gateway with a pointed arch and stones pierced to receive the hinges of double heavy doors. It was flanked by octagonal turrets of solid brick, and the intervening distance to the central archway was relieved by false windows of ornamental moulded brick-work."

"Inside the enclosure are some ruins of a temple or perhaps a market place, the most notable feature

of which is a double row of carved pillars of sandstone averaging about 12 feet in height and 5 in circumference. There are also some curious V-shaped pillars which are apparently memorial stones. There are several fine tanks at Dimapur, two of which are nearly 300 yards square."

From 1531 till World War No. 1 the Mouza of Dimapur was under the Ahoms kings and in the district of Sibsagar under the British but somehow or other the political Agent of Manipur or a D.C. at Kohima got annoyed with a Station Master who was not very polite to him, because his seats in the first class compartment were not reserved for him or that a telegram was not received duly and Dimapur Station was included in the Naga Hills and taken out from Golaghat sub-division of Sibsagar District which formed part of it for about hundred years even during British rule. In those days it was the object of the British to suppress the Assamese as much as possible as they became politically conscious and those were the worst days one would have passed there. Sir, in the beginning of my life I was a Magistrate of Golaghat and was in charge of the Sub-division for sometime and I know that place is inhabited by 20,000 people and there is not a single Naga anywhere in that part of the world.

Now, Sir, it is a prosperous state where you find Assamese, Bangalees, Sindhis, Punjabees, Sikhs, Marwaris doing business after having invested crores of rupees; but do you know their fate? They can be ejected in 24 hours bag and baggage. Their business can be ruined and they are still included in that area. It is rather an irony of fate why the Drafting Committee could not see to it. Sir, I happened to be the President of the Excluded area of Assam as well as All India Excluded Area Conference at Haripur and I know about the Excluded areas much better than any people. I was the President of Assam Excluded Areas Association for a long time and therefore, I say with all humility that the inclusion of the Dimapur Mouza in the Naga Hills is the negation of justice. It is nothing consigning a civilized people, a forward people, an advanced community to the mercy of the autonomous districts, which have rather primitive rules and primitive ways of criminal laws and Civil Procedure Code. I submit and request, if they care to hear, that they accept this humble suggestion of ours. They are talking, they hardly give attention to my speech in spite of my voice; I am sorry that Dr. Ambedkar is not attending at all to what I have said.

Shri Brajeshwer Prasad: The honourable Member should be stopped till the gets attention of the Members of the Drafting Committee,

Mr. President: I know my duty.

Shri Kuladhar Chaliha: I wish to state to the Drafting committee again that the Mouza of Dimapur is inhabited by civilized people, men from Madras, Bombay, Assam, Bengal, Punjab and other provinces and crores of rupees have been invested and if this area is to be governed as a tribal area by a Deputy Commissioner, who can do what he likes, or by autonomous councils or regions where none but a tribal can be a member as it is going to be now, the people will be ruined and they can be eschewed in 24 hours. I therefore request the Drafting Committee to give us a little attention and exclude the Mouza of Dimapur. Up to the World War No. 1 it was included in the Golaghat sub-division of Sibsagar District. It was never in the Naga Hills. Here I should like to say that Mr. Guha was the Sub-Divisional Officer there and he knows the Mouza of Dimapur and that it was in Golaghat Sub-division. I was myself a Magistrate there and I know that part of the country very well. I submit that you may be pleased to accept that amendment and will not stand on dignity or ceremony.

As regards the cantonments and municipality of Shillong I should like to speak that the entire area is inhabited by the people of Assam, Bengal and of other areas. Men of the Khasi tribes have so much advanced that there are scholars, principals of colleges and ministers and if you call them "tribes", it is an injustice to them. Here we have the highest literacy in Assam and as such I should think that Myllem State which is within the municipality of Shillong should be excluded from part I of the table. I commend both these amendments for the acceptance of the House and I trust that the Drafting Committee will be pleased to accept them.

Shri Rohini Kumar Chaudhuri: Mr. President, Sir, I am not sure if I have followed

correctly the import of the amendment which was moved by my honourable Friend Dr. Ambedkar. But I would say that the amendment which he has moved this morning, is merely a camouflage.

The Honourable Dr. B.R. Ambedkar: Camouflage for what?

Shri Rohini Kumar Chaudhuri: Because Dr. Ambedkar seems to indicate by this amendment that he has altered his view in regard to the inclusion of any part of the Shillong Municipality in the autonomous district.

The Honourable Dr. B.R. Ambedkar: I have not altered my view.

Shri Rohini Kumar Chaudhuri: Paragraph (2) of the amendment as it stands includes .....

Shri T.T. Krishnamachari: May I point out<sup>r 1</sup>, Sir, that we here are completely disinterested in this matter and there is no need for any camouflage at all.

Mr. President: There is no question of camouflage because the paragraph is perfectly clear that he wants to exclude the Municipality of Shillong except that part of it which is comprised in the State of Myllem.

Shri Rohini Kumar Chaudhuri: But includes that part which forms part of the Myllem State; that is my difficulty. He excludes the Municipality and Cantonment of Shillong, but includes so much of the area as is comprised within the Municipality of Shillong and forms part of the Khasi State of Myllem.

Mr. President: There is no camouflage; it is stated in so many words there. You say it is a camouflage; I say it is not, because it is stated clearly in so many words.

Shri Rohini Kumar Chaudhuri: I stand correct. If Dr. Ambedkar does not practise camouflage, he would not be a good fighter. But, what I thought was that certain honourable Members may be misled as I was misled by what he had stated in his proviso.

The proviso seeks to exclude some paragraphs from operation in the Myllem portion of the Shillong Municipality. I will show presently that these exceptions do not go very far. My first proposal is that these words appearing in paragraph 2 of his amendment, namely, "but including so much of the area comprised within the municipality of Shillong as forms part of the Khasi States of Myllem" should be deleted, and consequently, in the table, Part 1, in (1) which says "The United Khasi-Jaintia Hills District," the words "excepting the Municipality and cantonment of Shillong" should be added. The original draft was "The Khasi and Jaintia Hills District excluding the town of Shillong." The words 'Town of Shillong' are comprehensive enough; it included the entire Municipality of Shillong as well as the Cantonment. I would have no objection if the original draft stood as it is. Now I want to omit these words and also that the table should be amended accordingly, and it should be stated. The United Khasi-Jaintia Hills District excepting the Cantonment and Municipality of Shillong."

Let us see what benefit we have got under the proviso. Under the proviso, Dr. Ambedkar has excluded the operation of clauses (a) and (f) of sub-paragraph (1) of paragraph (3).

The Honourable Dr. B.R. Ambedkar: You are studying now!

Shri Rohini Kumar Chaudhuri: Sub-paragraph (1), paragraph 3, clause (c) says "establishment of village or town committees or councils and their power." So far as good. By the omission of this clause, the question of establishing village or town committees in the Shillong Municipality so far as it is comprised in the Myllem State would not arise. But that is no much of a benefit; that would only remove a confusion which have otherwise taken place. Clause (f) says, "any other matter relating to village or town administration including village or town police and public health and sanitation." That is also good so far as it goes. Because, if

those clauses (e) and (f) remain, it would have meant that within the Municipality of Shillong, that is to say, in the capital town of Assam, there would have been another police besides the Assam Police. It will be a town police or village police, and there would be another management for public health and sanitation which of course, the autonomous district will have failed to carry out. But the other provisions in paragraph 3 will remain in force; that is to say, provisions regarding allotment, occupation or use of land, management of any forest use of any canal or watercourse, regulation of the practice of jhum, appointment or succession of Chiefs, etc. Let us see what further exemption this amendment makes.

The next exemption is made in respect of sub-paragraph (4) of paragraph 8. Sub-paragraph (4) of paragraph 8 says that a Regional Council or District Council as the case may be may make regulations to provide for the levy and collection of any of the taxes specified in sub-paragraphs (2) and (3). That only applied to the levy of any tax. These are the clauses which he had exempted from operation by the District Council, in that portion of the Shillong Municipality which lies in the State of Myllem.

Mr. President: Mr. Chaudhuri, probably you did not notice that Dr. Ambedkar added two more paragraphs 4 and 5.

Shri Rohini Kumar Chaudhuri: "Provided that for the purposes of clauses, (e) and (f) of sub-paragraph (1) of paragraph 3,

Mr. President After that, he has added paragraphs 4 and 5. Shri Rohini Kumar

Chaudhuri: That is not in the amendment.

Mr. President: While he was moving his amendment he added these paragraphs.

Shri Rohini Kumar Chaudhuri: I am glad that he has added paragraphs 4 and 5, which relate to the administration of justice in the autonomous districts. I am glad that these clauses are not in operation and that the *status quo* is maintained. The High Court of Assam has complete jurisdiction over the Municipality of Shillong. The Judiciary there is the ordinary judiciary as it obtains in other parts of the province. But, what he does not exempt is paragraph 10, which, in my opinion, is the most objectionable paragraph of all these paragraphs. Paragraph 10 says that the District Council of an autonomous district may make regulations for the regulation and control of money lending or trading within the district by persons other than scheduled tribes resident in the district. Now there are business concerns and even banks in the States and the District Council will be in a position to regulate their affairs and furthermore this regulation may prescribe that no one excepting the holder of a license shall carry on the business of money-lending. Ordinarily the Assam Money-Lenders' Act would apply to the Municipality of Shillong but by virtue of this para, the Assam Money-Lenders' Act will not be enforced and another money-lenders' Act may be introduced by the District Council. Clause (d) of para 10 reads:

"No person who is not a member of the Scheduled Tribes resident in the district shall carry on wholesale or retail business in any commodity except under a licence issued in that behalf by the District Council."

This will be in force even after this amendment.

In the Shillong Municipality two-thirds belong to Myllem State, and if two-thirds is taken out then very little remains of the town. There will be the Cantonment which is inhabited more or less by a floating population and there will be what was before as the British portion of Shillong comprising the Secretariat and other office buildings and a little space of Gohati Road with some shops. This is all that we shall have in the Shillong Municipality if we exclude the portion which belongs to the Myllem State. The large majority of the non-Khasi people who were working in the Government offices and private offices and who are carrying on business there are living in the Myllem State itself. All these people will reap the benefit enjoyed by others. Now, may I ask if this position would be acceptable to this

House, that in the town itself the major portion of the town in which is living the non-Khasi people who have been compelled to go there to make their living should be deprived of the advantages which is enjoyed by people living in other parts of the town? I am afraid the House is not taking that sympathetic interest which it ought to take in matters like this. Why should people who have been compelled to live here on account of their vocation, on account of the fact that Shillong is the Capital of Assam, be deprived of ordinary facilities. Even now there is a clamour for removing the Capital to its original place Gauhati. In Shillong they cannot acquire property without the permission of the Deputy Commissioner and they have to huddle themselves together in one-third part of that town and they cannot get any land to purchase outside by virtue of this provision. If anybody wants to purchase land it is dependent on the permission of Government and that permission may be refused. There is no remedy for it. Not to speak of purchasing from tribals, if Mr. Guha wants to purchase a plot from me he cannot purchase it without Government's permission. The position will be worse 'if the entire right of granting permission to sale of property is made over to the District Council.

So in order to avoid all difficulties I appeal to every Member of the House to consider our position, whether they like us to be subjected to such disabilities as regards our properties as has been envisaged by this Constitution. Such disabilities do not exist anywhere in India and it will be aggravated by this amendment of Dr. Ambedkar. If things remain as they are now viz., Khasi State will be without Shillong. I would have no objection. Why Dr. Ambedkar is anxious to introduce this provision in order to take away the rights of ordinary citizens it is incomprehensible. What mesmerism has been practised over him is more than what I can see. I cannot understand a man like him trying to circumscribe the rights of ordinary people like this. I am feeling very much disappointed in him. He has come to a position where he can ridicule an orphan, Oliver Twist or David Copperfield whatever he calls him. He has come to a position that he can ridicule a hungry orphan. But I hope he will forget Oliver Twist and David Copperfield but try to remember Barkis. Let Barkis be willing—I would ask Barkis Ambedkar to be willing to accept any reasonable proposition which is put before him irrespective of whatever mesmerism and witch-craft he has been subjected to.

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Sample Only (KHADGI)