

**15.04 hrs.**

## **SIXTH SCHEDULE TO THE CONSTITUTION (AMENDMENT) BILL**

Title: Discussion on the Sixth Schedule to the Consitution (Amendment) Bill, 2003. (Discussion not concluded).

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI): Sir, I beg to move:

"That the Bill further to amend the Constitution of India in its application to the State of Assam, be taken into consideration."

In fact, the Bodo Accord was signed some time back in 1993 with the All Bodo Students Union and Bodo People Action Committee with the objective to provide maximum autonomy to the Bodos within the framework of the Constitution. But the Bodo Autonomous Council which took birth out of this Accord could not take proper shape as no elections were held and no powers were transferred. Ultimately, it became non-functional. It did not satisfy the aspirations of the people. It did not fulfil the desired objective of the Accord.

A Memorandum of Settlement, which was a tripartite accord, was entered into by the Assam Government, the Central Government, and the Bodo Liberation Tigers on 10.2.2003 for durable solution of the Bodo issues. To meet the aspirations of the Bodo people as also in pursuance of the Memorandum of Settlement, it has been proposed to create an autonomous district by the name Bodoland Territorial Council Areas District in the State of Assam under Sixth Schedule of the Constitution of India.

To constitute a self-governing body known as the Bodoland Territorial Council for administration of BTC area district we shall have legislative, administrative and financial powers in respect of specific subject as distinguished from the earlier arrangement in which there was no legislative power given to that Council and also to provide for adequate safeguards for the non-tribals. It is because this was one of the worries of certain non-tribal people of Assam of the BTC area and they wanted to ensure that they were not put to any disadvantage in relation to their pre-existing rights and privileges, including their land rights enjoyed by them at the commencement of the BTC. The Government of Assam has already repealed the Bodoland Autonomous Council Act, 1993 – earlier the arrangement was under the Assam Government Legislative Act – and also has dissolved the interim Executive Council which was, as I have already said, not functional at all. Now, the new Bill, the Sixth Schedule to the Constitution (Amendment) Bill, 2003 that I have proposed for consideration and passing, may kindly be taken up for consideration and passing so that the Sixth Schedule is further amended.

...(Interruptions)

SHRI ABDUL HAMID (DHUBRI): Sir, about one lakh adivasis and people of the minority community are staying in the refugee camps. Their future should be made clear before passing of this Bill. They should go back to their homeland. It is a very serious matter. Since 1966 so many people are living in the refugee camps. It would be a liability for the State Government. More than one lakh people are staying in the refugee camps. The Home Minister should make it clear as to what would be their future before this Bill is passed. It is a serious matter.

MR. DEPUTY-SPEAKER: Your party has given the name of Shri Madhab Rajbangshi to speak on this Bill. I have called his name. You cannot take the floor like this.

SHRI ABDUL HAMID : Sir, this matter should be looked into.

MR. DEPUTY-SPEAKER: Mr. Minister, while replying to the debate, you may kindly take note of this point.

Shri Hamid, the hon. Minister will take note of this point while replying to the debate.

SHRI I.D. SWAMI: Sir, I may assure the hon. Member that special rehabilitation programmes for the people affected by ethnic disturbances is already in view and under consideration of the Government.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY (KOKRAJHAR): Sir, I have given a notice to speak.

MR. DEPUTY-SPEAKER: You have given an amendment to this Bill. You will get your chance to speak.

Motion moved:

"That the Bill further to amend the Constitution of India in its application to the State of Assam, be taken into consideration."

SHRI MADHAB RAJBANGSHI (MANGALDOI): Mr. Deputy-Speaker, Sir, I, on behalf of the Congress party and also on behalf of the Government of Assam, stand here to support the Bill.

Sir, at the same time I would like to draw your attention to paragraph I where it has been said that, 'provided that nothing in the sub-paragraph shall apply to the Bodoland Areas Territorial Council District constituted under the provision of sub-paragraph (c) of paragraph (2) of this Schedule.

Sir, there is a provision for a Regional Council in the Sixth Schedule. But in this Bill there is no provision for a Regional Council. This is a grave injustice to the non-tribal people who are living in the State of Assam in the proposed BTC area but not recognised as a scheduled tribe.

The *adivasi* people who are Scheduled Tribes in Bihar, Orissa and other States are not Scheduled Tribes in Assam. They are demanding that they should be included in the list of Scheduled Tribes. On 25<sup>th</sup> July, eight persons have died in police firing. When they were demanding their inclusion in the list of the Scheduled Tribes, the police just fired on them and eight persons died. They are complaining that some of the police personnel fired on them without orders.

In the proposed BTC area, only 28 per cent tribal people are there whereas 72 per cent people are non-tribals, according to the State Government census report.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY : What he is saying is not the correct position.

MR. DEPUTY-SPEAKER: When you speak, you can rebut his point.

SHRI MADHAB RAJBANGSHI : Out of these 72 per cent people, a maximum number of people are Koch Rajbongshis, *adivasis* and religious minorities.

You know about Koch Rajbongshi people of Assam. They are demanding that they should be included in the list of Scheduled Tribes since 1967. In 199 they were included in the list of Scheduled Tribes by promulgating an Ordinance and it was followed up by a Bill. The Central Government introduced a Bill in the House and the Bill was forwarded to the Parliamentary Select Committee. That Committee, after visiting the State of Assam, had recommended on 14<sup>th</sup> August 1997 that Koch Rajbongshi be included in the list of Scheduled Tribes. After that, the State Government of Assam, the Tribal Research Institute of Assam, the Registrar General of India, the Chairman of the National Commission for Scheduled Castes and Scheduled Tribes and the Standing Committee of the Tribal Affairs Ministry have all made recommendations to the same effect.

On 18<sup>th</sup> December 2002, on the floor of this very House, Shri Jual Oram, hon. Minister for Tribal Affairs, declared while replying to the debate on a comprehensive Bill on Scheduled Tribes that only one community, that is, Koch Rajbongshi community, which has fulfilled all the conditions, would be included in the list of Scheduled Tribes. It was recommended eight days ago by the Standing Committee on Tribal Affairs and it would be decided in the Cabinet so that this community would be included in the list of Scheduled Tribes. But it is not yet done. It is an injustice to this community. Last week, he has replied in the Rajya Sabha to an Unstarred Question that no Koch Rajbongshi and *adivasi* will be included in the list of Scheduled Tribes. The same Minister, Shri Jual Oram, who spoke on the floor of the House and said that Koch Rajbongshi has fulfilled all conditions and they have been recommended by the Registrar General of India, by the National Commission for Scheduled Castes and Scheduled Tribes, by the State Government of Assam, by the Tribal Research Institute of Assam and by the Standing Committee of the Tribal Affairs Ministry and that they would include them in the list of the Scheduled Tribes, has now replied in Rajya Sabha that Koch Rajbongshi has not fulfilled the conditions for being included as a Scheduled Tribe.

After this announcement by the Minister, do you know what is the condition in Assam? An eighty-hour *bandh* has been called by the *adivasis* and Koch Rajbongshis in Assam. Today a serious resentment has developed in the State of Assam.

SHRI BIKRAM KESHARI DEO (KALAHANDI): I want a clarification from the hon. Member.

MR. DEPUTY-SPEAKER: Why do you not seek the clarification from the hon. Minister?

SHRI BIKRAM KESHARI DEO : No, Sir. I want to know from the hon. Member, since he belongs to the State, whether the Government of Assam or the Commission for Tribal Affairs, has recommended that this particular tribe be included as a Scheduled Tribe. If so, when was it sent?

SHRI MADHAB RAJBANGSHI: Koch Rajbongshi was not only recommended by the State Government of Assam but it was included in the list of Scheduled Tribes also. An MLA was elected as a candidate of Scheduled Tribes from Assam. Now, there is constitutional crisis in the State of Assam. Koch Rajbongshi is neither a Scheduled Tribe nor an OBC nor a general caste now. It is not only once but it was recommended thrice by the State Government of Assam....(*Interruptions*) I would request the hon. Minister of State to solve the problem. If you do not solve the problem of Koch Rajbongshi and *adivasis* in the proposed BTC areas, there will never be peace in those areas. I am telling you this seriously. There will never be peace in the proposed BTC areas if you do not include Koch Rajbongshi and *adivasis* in the list of Scheduled Tribes.

I would like to draw your kind attention to sub-Section (2) of Section 2. It says:

"In paragraph 2, after sub-paragraph (1), the following proviso shall be inserted, namely:--

"Provided that the Bodoland Territorial Council Areas District shall consist of not more than forty-six members of whom forty shall be elected on the basis of adult suffrage, of whom thirty shall be reserved for the Scheduled Tribes."

For 28 per cent, 30 seats are given and there will be five seats for non-tribals. For 72 per cent, only five seats are given. It is five seats for other communities and the remaining seats shall be nominated by the Governor having same rights and privileges as other Members with voting rights and so on. There are only 28 per cent seats for tribals and 72 per cent for non-tribals. You have given 30 seats for tribals and only 5 seats for non-tribals. How will the problem be solved? We, in the Congress Party, always welcome it. The Memorandum of Settlement regarding Bodo problems will be solved in the State of Assam. But how can we solve the problem giving seats like this?

There is a serious resentment among the non-tribals that you have given only five seats to the non-tribals and 28 per cent seats for tribals. There is no provision like this in other Autonomous Councils. You may go to Karbi Anglong District, you may go to North Cachar Hills or you may go to Mizoram. There is no provision of reservation of seats. Only in Assam North-Eastern Council, you have kept this provision that 30 seats will be given to Scheduled Tribes and five seats will be given to non-tribals and six members will be nominated from others. This is no justice to us. Please look into this aspect.

I would like to mention the main point now. The Sixth Schedule (Amendment) Bill will be passed after some time. But what will be the rights and privileges of the non-tribals in the proposed BTC area? There is no security to anybody. Already my senior colleague, Shri Abdul Hamid has spoken. Till today, more than one lakh *adivasis* and 50,000 religious minorities are in the relief camps. Till BTC is not formed, they cannot go to their homes, they cannot go to their lands. You may ask the hon. Member, Shri Bwiswmuthiary on this point....(*Interruptions*) Army is now deployed in the proposed BTC area. Kindly ask him whether he can go to the proposed BTC area without the Army.

Without Army, can he go to the BTC area and come back alive? No, he cannot. He cannot go to the proposed BTC area without the Army. More than one lakh *adivasis* are there. They are from Bihar and Orissa. They are Shri Jual Oram's and Shri Parsuram Majhi's people. They cannot go to their home and they cannot go to their land. How are you going to ensure the rights and privileges of the non-tribals? I would request you to please inform us as to what kind of rights and privileges will be given to the non-tribals in the proposed BTC area. You have to ensure the rights and privileges of the non-tribals. So many non-tribals, religious minorities, and linguistic minorities are living there. Nepali people are living there. *Adivasi* and Koch Rajbongshi people are living there. I have not seen a situation where 28 per cent of the people rule over 72 per cent of the people. You have imposed this Bill in order to let 28 per cent of the people rule over 72 per cent of the people. You know the situation that exists in the State of Assam.

I request you that at least sixty per cent of the seats should be given to the non-tribals and forty per cent of the seats should be given to the tribals so that peace and amity could be maintained in the proposed BTC area. Otherwise, I am telling you repeatedly that there will be no peace and amity in the proposed BTC area. It will never happen. Nobody can rule this area. Neither the State Government nor the Central Government can rule the proposed BTC area without satisfying the *adivasis* and Koch Rajbongshi people. You have to ensure the rights and privileges of non-tribals. What will be our land rights? What will be our political rights? What will be our social rights? What will be our language rights? What will be our educational rights? And what will be our employment rights? You have to ensure this and inform this on the floor of the House. We have no objection to pass this Bill. We always wanted peace in this proposed area in the State of Assam. But without ensuring the rights and privileges of the non-tribals, you should not impose this Bill, you should not impose this Autonomous Council over the non-tribals. Please ensure us the land rights, the political rights, social rights, employment rights, and educational rights. Then there will be no problem. Otherwise, nobody will be able to rule this area. Neither BLT nor Shri Sansuma Khunggur Bwiswmuthiary nor anybody else will be able to rule this area. Nobody can rule this area without finding a solution to the problems of the non-tribals, without satisfying the Koch Rajbongshi and *adivasis* in the State of Assam. I would again and again request the Central Government to please ensure us our rights and privileges. I do not want to take more time of the House.

MR. DEPUTY-SPEAKER: You have already taken twenty minutes.

SHRI MADHAB RAJBANGSHI : Sir, I am from that area.

MR. DEPUTY-SPEAKER: That is why I did not disturb you.

SHRI MADHAB RAJBANGSHI : I have uttered many times on the floor of the House about the problems of Koch Rajbongshi in the BTC area. I will support Dr. Jayant Rongpi, but he is not supporting me. He has told me that he will support the demands of Koch Rajbongshi. Shri Rajen Gohain is present here. He is the President of the State

Unit of Assam. Today he will support me.

He is suffering. His people are suffering. The problem of Koch Rajbongshi is supported by the BJP of Assam, the Congress Party of Assam, the AI-Communist Party of Assam, the AGP of Assam, but the Central Government is not supporting it....(*Interruptions*) The Central Government is always misleading us through Shri Jual Oram. One day, he will speak that the Koch Rajbongshi community has fulfilled all the conditions to be included in the List of Scheduled Tribes, but in the Rajya Sabha, he will speak saying that no Koch Rajbongshi and the *adivasi* people will be included in the List of Scheduled Tribes in order to satisfy Shri Drupad Borgohain and Dr. Arun Sharma. What is the reason for this? In this connection, I am supporting all the political parties and all sections of the people. ...(*Interruptions*)

So, I would like to request the hon. Minister to include the Koch Rajbongshi and the Adivasi people in the List of Scheduled Tribes. I would request all the sections of the people, the Central Government, the State Government, the BLT as also the signatories to the Memorandum of Settlement that in the proposed BTC area, peace and amity should be maintained so that all sections of people can live together without any fear, without any interference in the proposed area.

With these words, I conclude my speech.

SHRI ANADI SAHU (BERHAMPUR, ORISSA): Sir, at the outset, I thank you for giving me this opportunity to speak. I stand here in support of the Sixth Scheduled to the Constitution (Amendment) Bill....(*Interruptions*)

Let us not start with a pessimistic note. Let us be optimistic in all aspects. For Dr. Raghuvansh Prasad Singh, I would like to quote an English proverb:

"Tell me not in mournful numbers

Life is but an empty dream. "

Let us not think that life is a dream. Let us think in a constructive manner to see as to how we are able to solve a vexed problem, a vexed problem not only in the Bodo areas but a vexed problem in the North-East. For that matter, before I go into the Bill itself, I must congratulate the late Shri Hiteswar Saikia and Shri Rajesh Pilot who had made a beginning by the Bodo Accord. It has not gone without any fruits although it had had so many other difficulties because of certain lacunae, certain inherent difficulties in the Bodo Accord. People who live in those areas could not come to an understanding; elections could not be held and proper representation was not there. I do not say that they had not started in right earnest. They had started in right earnest. But the problem of the people living in that area, whether they are tribals or non-tribals, had not been properly assessed as my friend has been telling just now. The apprehensions he has are genuine apprehensions. Whenever there are apprehensions, those apprehensions have to be sorted out in course of time. And, in course of time, we have to sort out all these problems by giving a patient hearing to different groups of people - ethnic groups, religious groups and linguistic groups. There is a problem for the linguistic groups. There is a problem for those people who are non-tribals. There is also the problem for the tribals. How did the Bodo problem come up? It is because of land alienation, influx of people from different places and the threat to their ethnic majority in that particular area. We have to take it into account. That is why, right from 1986, we have had a number of law and order problems in the sense that the National Democratic Front of Bodoland started creating problems. They wanted to secede from India. Then, in 1993, the Bodo Liberation Tigers was formed. They did not want to secede from India but they wanted a place of prominence in the Indian polity. This is the difference between the two. There were lots of bloodshed. There was a lot of acrimony and, for that matter, casualties of the worst order.

Now, in 2003 February a positive step has been taken. I have been to Assam. I have worked there for two years. I have seen how good the people are. We must see as to how we can bring about a permanent solution to the problems that Assam has been facing for the last fifty, sixty years. Now the Memorandum of Settlement which has been signed in February, 2003, is a landmark. For that, Shri L.K. Advani, the hon. Deputy Prime Minister has to be congratulated or for that matter the Chief Minister of Assam has also to be congratulated because both of them as elected representatives, as people who think of the good of this country, they came to an agreement and the Memorandum of Settlement was signed. You may find some loopholes here and there.

MR. DEPUTY-SPEAKER: Shri Anadi Sahu, you can continue your speech on Monday.

Now we shall take up item No.12 – further discussion on the Resolution moved by Shri Ramdas Athawale regarding Implementation of policies and programmes for SC/ST, etc.

-----

