

[Shri Haribhai Shankar Mahale]

entrusted with the task of maintaining the RADAR Centre should have stayed near the RADAR centre but they are staying 12 kilometers away. The Forest department has allotted a large area of land for their dwellings and other facilities. Nearby area is inhabited by tribals for the last 50-60 years. They are facing a serious problem because construction of new houses and residing has been prohibited within an area of 100 km. from this centre. Through you, sir, I request the Government of India, particularly the Ministry of Defence to pay special attention to this problem and the difficulties being faced by the people.

(xiv) Need to provide financial assistance to the Government of Maharashtra for early execution of Gosikhurd Irrigation Project in Vidarbha region of the State

[English]

SHRI VILAS MUTTEMWAR (Nagpur): Sir, there is a very important irrigation project which has been pending execution for over 15 years in Vidarbha region. The foundation for the Gosikhurd Irrigation project, known as Indira Sagar Dam, covered under the Accelerated Irrigation Benefits Programme, was laid on 22.4.1988 by our late Prime Minister, Shri Rajiv Gandhiji. Necessary provision for its implementation was made in the Sixth Five-Year Plan. The original cost of this project was estimated to be Rs. 461.19 crore, which is now estimated Rs. 2,344.23 crore though only 16 per cent work has been done. Looking to the present pace of its progress, there is every likelihood of further cost escalation.

It was conceived to provide irrigation facilities for over 10 lakh acres of land besides solving the drinking water problem of many villages and turning the East Vidarbha region to other developmental activities. The achievement of the potential upto the Ninth Plan is however quite insignificant. Even the land owners who became destitute consequent upon the acquisition of their land have not been paid proper compensation and rehabilitated and they are greatly agitated.

The immediate implementation of this irrigation project is the absolute necessity for this backward Vidarbha region and all assistance needs to be given to the Government of Maharashtra so as to ensure its prompt execution. I would urge upon the Government to treat this long pending project as a national project and to provide the required financial assistance to the State Government in the matter.

14.23 hrs.

**SIXTH SCHEDULE TO THE CONSTITUTION
(AMENDMENT) BILL, 2003—Contd.**

[English]

MR. DEPUTY SPEAKER: The House shall now take up Item No. 13. The time allotted for this Bill was two hours. We have already taken one hour and twenty-three minutes. Thirty-seven minutes are left. Dr. Jayant Rongpi was on his legs.

[Translation]

KUNWAR AKHILESH SINGH (Maharajanj, U.P.): You are requested to tell us when the another Bill will be taken up and how much time will be allowed for it.

MR. DEPUTY SPEAKER: Another Bill will be taken up after this Bill and two hour have been allotted for it.

[English]

DR. JAYANT RONGPI (Autonomous District Assam): Mr. Deputy Speaker Sir, I was saying that since last 17 years, the people of Karbi Anglong and North Cachar Hills, the hill districts of Assam, have been demanding the implementation of article 244-A, that is, the creation of an autonomous State. This particular article and this particular provision are exclusively and specifically applicable only to the hill districts of Assam. This demand is under the consideration of the Government of India and by virtue of the Sixth Schedule to the Constitution (Amendment) Bill, 2003, the entire Bodoland Territorial Area Council (BTC) has been now brought under the purview of article 244-A. That means for all practical purposes, the Government of India is creating two provisions of autonomous State within the State of Assam. I am not sure whether this was a part of the agreement with BLT or not, but by consequence of this Bill, you have created a provision. Previously there was provision of only one autonomous State comprising Karbi Anglong and North Cachar Hills. Now, you have brought the Bodoland Autonomous Council area also under the provision of autonomous State, that is, article 244-A.

I want a categorical commitment from the Government of India in this regard. This is a specific area inhabited by the hill tribals. There is no demographic problem; there is no problem of boundary, there is no problem of demarcation. While considering the demand of the hill

districts for autonomous States, you should consider these clear-cut defined areas and you should not say at that time "If we give you autonomous State, we will have to give autonomous State to Bodoland also, which has got a mixed demography". That argument should not be there. So, I want a clarification from the Government of India that by diluting the exclusive provision of 244-A they should not deny the indigenous hill tribal people the right of autonomous Statehood.

After seeking clarifications on these two accounts, I would now come to the merits of the Bill. I would like to say that this is a very half-hearted and halfway approach and a very tentative step towards solving the Bodo problem. You have failed to both counts. You have said that you want to fulfil the aspirations of the agitating Bodo people. You have failed on that account. On the other hand you have said that you are trying to protect the interests of the minorities, the non-tribals. You have failed on that account also. You have failed in both ways. Why is it so? It is because the Sixth Schedule is not a new thing in the Indian Constitution. The Sixth Schedule has been in practice since 1952. I have the experience of heading such Autonomous Hill Council for seven long years. I was the Chief of the Karbi Anglong Autonomous Council for seven years. With that experience I can say that the Sixth Schedule has failed in India since 1952. You have upgraded all the Sixth Schedule areas into States. Khasi Hills was in Sixth Schedule; Jaintia Hills was in Sixth Schedule; Garo Hills was in Sixth Schedule; Mizoram was in the Sixth Schedule. You have upgraded all these Sixth Schedule hill areas to States. Why is it so? It is because there are inherent weaknesses in the Sixth Schedule. You have formed the Jharkhand Autonomous Council. But, you did not allow it to function even for one year and you have given a separate State to Jharkhand.

Now, you want to give the same Sixth Schedule in a rather more diluted form to the Bodos. How can you expect that the aspirations of the Bodo people will be fulfilled? There are five inherent weaknesses. I want to briefly mention them. One is direct funding. One of the basic problems of the Sixth Schedule Autonomous Councils is that the funding from the Government of India is through the State Government. Most of the State Government are burdened with overdraft problem. So, the funds meant for the tribal areas do not reach the tribal Autonomous Councils. Here, you have not given the direct funding facilities to the Bodoland Autonomous Council. Unless you do away with this type of zig-zag channeling of funds the problems will not be solved.

The second issue is the personnel, the bureaucracy. There should be a separate cadre for the tribal Autonomous Councils. If you post the same cadre officers to the tribal areas, then nobody will go to there. This is the experience of Karbi Anglong and North Cachar Hill districts. They treat the tribal areas, the interior areas, the hill areas as a dumping ground, as a punishment to the officers. No good officer will go there. Take for example the Karbi Anglong Autonomous Council. The Principal Secretary there should be an officer of the rank of Commissioner. It is almost 45 years that it is in existence and not a single officer of the rank of Commissioner has been posted to the Autonomous Council of Karbi Anglong. Unless and until you have a separate cadre for the Autonomous Councils of the Sixth Schedule areas, like you have a cadre for the Union Territories, no good officer will go there, rather, the State Government will treat those tribal and backward areas as a punishment posting for the officers and this will jeopardise the entire development efforts of the Tribal Autonomous Councils. This is the experience of the last five decades of practice of Autonomous Councils under the Sixth Schedule. What have you done now? You are repeating the same mistake.

That next is the elections. It is my experience. As Chief Executive of the Karbi Anglong Autonomous Council I had to come to the Supreme Court because the Sixth Schedule provision says that elections will be conducted by the State Government, Government of Assam. It is at the whims of the State Government whether they will hold the election or not. If the Council is ruled by an Opposition Party, then they will not hold election. So, after five years it will go directly under the Governor's rule.

That means it will indirectly be ruled by the Ruling Party in the State. While I was the Chief Executive, the State Government, on this or that plea, said that election could not be held then. They wanted this Council to lapse so that it could come directly under the Governor's rule and that it might be ruled by the ruling State Government. That is why, if you want to correct this inherent problem, the elections to the Autonomous Councils should be brought under the purview of the Election Commission of India or the State Election Commission. You have not done that. You have not rectified that mistake.

Regarding nominated members, I would say that you have said that you are giving grass-root level democracy, an Autonomous Councils, to the tribals. Out of 46

[Dr. Jayant Rongpi]

members, six are nominated. It comes to 15 per cent. Can you call it democracy? We have a House of 545 Members, but we have only two nominated Members. That is the legacy of our Constitution that two Members from the Anglo-Indian community are nominated. Here, in the Bodoland Autonomous Territorial Council, out of 46 members, six are nominated by the Government. That means 15 per cent seats go to the non-elected members. So, it is a mockery of democracy.

We have the experience of Karbi Anglong. There are four nominated members and these four nominated members become instruments at the hands of the State Government to destabilise the Opposition-ruled Autonomous Council. Here, the nominated members are not four but six, which comes to 15 per cent of the total members. It was the reasons that in the 1950s and 1960s, repeatedly Garo Hills Autonomous Councils, Khasi Hills Autonomous Councils and Jaintia Hills Autonomous Councils were destabilised by the then Government of Assam, with the help of these nominated members. Ultimately, they had to revolt against the State Government and seven new tribal States in the North-Eastern region. These problems are not addressed.

Regarding Bodoland Territorial Council, I would submit that if you want to fulfil the aspirations of the Bodos, the main thing is cultural and customary heritage. In the Sixth Schedule, the basic power is that the tribal community will be allowed to live as per their customs and heritage, but here in the Bodoland Autonomous Council, you have not given them their customary rights. They have been curtailed so far as Bodoland Territorial Council is concerned.

Mr. Deputy Speaker, Sir, the very purpose of Sixth Schedule is to give protection to the tribals from exploitation by non-tribals and outsiders, the moneylenders and the traders who exploit the common tribal people. That is why, in the Sixth Schedule, the power to control money lending business and to control unscrupulous businessmen was vested in the Autonomous Council, but this power has not been given to the Bodoland Territorial Council.

Similarly, the basic instruments, by which the Bodo people or the tribal people can express their democratic will and can also develop themselves in their own way, have been denied by this very Bill. That is why, I am saying that this Bill will not fulfil the aspirations of the Bodo people. On the other hand, this will also not protect the non-tribals. On that count also, the Bill has failed

because there is gross imbalance. Out of 46 seats, 30 seats are reserved for tribals while the non-tribals are more in that Council area. So, from the very beginning, you have created an imbalance and that imbalance will create social and political imbalances and the entire region will always be in turmoil. The very purpose and intention of the Bill that peace should prevail and that development should take place will be defeated by the very weaknesses of this Bill. So, without taking care of the inherent deficiency in the Sixth Schedule, the same mistake has been repeated. Even after that, if the Bodo leaders say that they are happy and if the Government of India says that they are happy, I have nothing to say. I can only say, 'Good luck to you.'

With my experience of seven years, I can vouch that Sixth Schedule has failed in India. All the Scheduled areas have been upgraded to separate autonomous States. I would urge that the Government of India should take a comprehensive view in this regard.

Mr. Deputy-Speaker, Sir, with full responsibility and with heavy heart, I want to say that the Government of India has failed to address the problems of the tribal and ethnic problem of the North-East in a comprehensive way.

They have allowed the situation to drift in such a way that the people became desperate; took up arms; formed their outfits and then came to the negotiating table. So, instead of waiting for situations to develop to that extent, the Government of India should rather take a proactive policy to serve the tribal problem of Assam. In this regard, the Bill has failed miserably. This is not a comprehensive Bill at all, even in respect to the North-East Region and in respect to Assam.

Sir, apart from the hilly regions, there are four Autonomous Councils in the Brahmaputra valley. One is the Bodo Autonomous Council, and the other three are Rabha Autonomous Council; Tiwa Autonomous Council; and Mishing Autonomous Council. You have adopted a pick and choose policy. It has suited you, so you have given the Bodos the 6th Schedule status. But, what crime did the Mishing, Tiwa and Rabha Councils committed that they are not given the 6th Schedule status? So, you must give that answer as to why you have given it only to one tribe, and why you have not upgraded it for other Autonomous Councils of the Brahmaputra valley namely Mishing, Tiwa and Rabha Autonomous Councils. Why have you denied them the 6th Schedule status? You should give an answer to this, otherwise everybody will say that you have succumbed to the pressure of gun; everybody will say that you have succumbed to the greed

of vote, etc. You cannot deny that you have been partial. You are partial—and that will be proved—until and unless you say as to why you have denied the other three Autonomous Councils this status. So, it is high time that the Government of India takes up a comprehensive view.

In 1971, the Government of India, under the leadership of Shrimati Indira Gandhi, took a comprehensive view, and North-East was reorganised. Mizoram, Meghalaya, Nagaland, Arunachal Pradesh and Tripura were created, and we have seen that this was one step by which, at least in certain areas in North-East, there is peace.

Mizoram is peaceful. Now, it has become the highest literate State in the country. But, prior to that there was turmoil and insurgency. Now, the Government of India has announced peace bonus to Mizoram. Peace bonus of Rs. 365 crore was also given to Nagaland because of peace.

MR. DEPUTY SPEAKER: Please wind up now.

DR. JAYANT RONGPI: In 1971, the political will created these new States. Now, it is high time to give it to others also. In these Bodo areas, demands of the people are going on. In Karbi Anglong and North Cachar hills people are demanding autonomous States in Mishing areas; in Tiwa areas; in Rabha areas; and vast tribal areas. The people there, are demanding safe rule there. So, that is why it is high time that you go in for second reorganisation of the State of Assam. You must create autonomous State for hilly areas of Assam under article 244(a). You must give effective autonomy to the Bodo people, Rabha people, Tiwa people and Mishing people. At the same time you should also take care of the non-tribal population of these areas. Until and unless you bring a comprehensive Bill, peace will not come. That is why the NDFB, the major group of Bodo are still continuing their arms struggle. The Government of India should take steps so that the NDFB also comes to the negotiating table. For UPDS, the armed outfit of the Karbi Anglong the Government must take a positive step so that they also come to the negotiating table.

MR. DEPUTY SPEAKER: Now, please conclude.

DR. JAYANT RONGPI: Till this type of comprehensive Bill is brought in, a piecemeal approach out of political compulsion; out of pressure from the gun trotting people, this will not solve the problem. It will create further complications.

SHRI AJOY CHAKRABORTY (Basirhat): Sir, we are not opposing this Bill, rather, we are supporting this Bill. This Bill has been brought before this House in order to develop the Bodo people. They are downtrodden people. In order to bring them in the mainstream of the country, this Bill is brought forward. The tribal people, ethnic people of our country are very poor, and they belong to the poorer section of the society, and no development work as yet is being done in their areas. It is our paramount task to bring those people into the mainstream of our country. Some power has been given to the Territorial Autonomous Council, including finance, education and others. I hope, that will fulfil the aspirations of the tribal people and develop the lot of the tribal people.

I could not find time to give an amendment and, therefore, I have a suggestion to make. In that area, 28 per cent to 30 per cent Bodo people are living, and more than 70 per cent non-Bodo people are living there. However, only five seats have been allotted for the non-Bodo people. It is not a wise decision taken by the Ministry, that is, to allot only five seats for the non-Bodo people, who constitute 70 per cent of the total population in that area...*(Interruptions)*

SHRI SANSUMA KHUNGGUR BWISMUTHIARY (Kokrajhar): What my friend is speaking is not factually correct.

MR. DEPUTY SPEAKER: Shri Bwismuthiary, please resume your seat.

SHRI AJOY CHAKRABORTY: It would be wise to allot more number of seats for the non-Bodo people of that area.

I hope, this will fulfil the aspirations of the tribal people, the Bodo people. I also hope that the Bodo Territorial Autonomous Council will act properly so that the development work could be done and the aspirations of the Bodo people will be fulfilled through this legislation.

SHRI RAJEN GOHAIN (Nagaon): Mr. Deputy Speaker, Sir, I support this Amendment of Sixth Schedule to the Constitution. I must thank the Home Ministry for the steps taken for solution of long-pending problem of Bodo people.

The first Bodo Accord was signed on 28th February, 1993 with the All Bodo Students Union and the Bodo People's Action Committee by the then Chief Minister Shri Hiteshwar Saikia, to give maximum autonomy to the Bodo people. In pursuance of the Bodo Accord, an interim

[Shri Rajen Gohain]

Autonomous Council was constituted by the Government of Assam by enacting a State legislation. Later, the Bodo groups realised that the Bodo accord was not workable and feasible for the Bodo people's upliftment and, as a result, peace could not be restored permanently in the Bodoland. An insurgent group became more active and created disturbance. Later on, at the initiative of the Central Government, the extremist group, BLT, agreed to come to the negotiating table and, after a series of talks with the Central and State Government, this Bodo Accord was signed on 10th February, 2003 with BLT for a durable solution of the Bodo problem.

In this Bodo Accord, the Home Ministry carefully protects the rights and privileges of the non-Bodos living in the proposed BTC area. That way, no doubt, this is a very balanced Accord signed by the Home Ministry, but at the same time, I appeal to the Home Ministry not to create any differences among the different ethnic tribal groups of Assam as a whole. All the ethnic groups of Assam should be allowed to enjoy their rights and privileges throughout the State, irrespective of their boundary and territory. If we do not do that, that means we are dividing them from each other and that way, in future, it may create a serious problem, and also affect the unity and integrity of the Assamese community as a whole. For example, the Bodo people are treated as tribals in the plain districts of Assam, whereas they are not treated as tribals in the Karbi Anglong Hill Districts of Assam. In the same way, Karbi people are treated as tribals in the Karbi Anglong Hill Districts of Assam, but they are not treated as tribals in other plain Districts of Assam.

I suggest that to ensure peace and harmony in the region, these imbalances should be abolished through this accord. My opinion in this regard is that all the ethnic tribals groups of Assam should be treated as tribals in the entire State of Assam.

The last point I would like to draw the attention of the House and the Home Ministry relates to the Koch Rajbongshi community, an adivasi community residing in the proposed BTC area. There is no doubt that *Koch Rajbongshi* community is a major community residing in the proposed BTC area. This community by Ordinance has been given the Scheduled Tribe status three times earlier. Even after the *Koch Rajbongshi* community has completed all the formalities required to be declared a Scheduled Tribe, they are not yet recognised as a Scheduled Tribe. Now it has become a sentimental and

emotional issue for the Koch Rajbongshi community that even after completion of all the formalities they are not being recognised as a Scheduled Tribe and they could not be a part of the proposed BTC area. Lest the matter take a serious turn, to avoid any unwanted situation, I appeal to the Home Ministry to give an assurance to the *Koch Rajbongshi* community that their demand will also be fulfilled within a short time.

Regarding *adivasi* community I would like to say that they are also a major community residing in the proposed BTC area. They are also claiming the status of a Scheduled Tribe but their demand is in infancy stage. They have not yet completed any of the formalities required to be declared a Scheduled Tribe. Three months back, the Adivasi Students Union staged a huge rally at Guwahati. The present Chief Minister Shri Tarun Gogoi and the present PCC President Shri Pawan Singh Ghatowar attended that meeting and committed to the Adivasi Students Union that their demand would be fulfilled within ten day's time.

SHRI MADHAB RAJBANGSHI (Mangaldoi): They said that it will be recommended within ten days. The State Government cannot fulfil the demand of the Adivasi Students Union. It is the Central Government which can fulfil the demands of the *adivasi* within ten days' time.

SHRI RAJEN GOHAIN: It came in the newspapers also that Congress is going to fulfil the demand within ten days' time.

MR. DEPUTY SPEAKER: Shri Gohain, please address the Chair.

SHRI RAJEN GOHAIN: Sir, that statement caused tensions and confusion among different communities. My request to these leaders is that they should abstain from making such kind of false and baseless statements.

[Translation]

DR. RAGHUVANSH PRASAD SINGH (Vaishali): Mr. Deputy Speaker, Sir, constitution Sixth schedule (Amendment) Bill, 2003 has been moved in the House. In this Bill, Bodoland Territorial Council is written in English—what would be its Hindi translation? In the Bill its Hindi has been written as Bodoland Pradeshik Parishad. It should have been Kshetriya Parishad. Pradeshik Parishad creates a lot of confusion. People are already demanding for a statehood, they are dying for the creation of Bodoland state. There is much

bloodshed for this. Non-tribal, tribal and Santhals are living there. About two to twenty persons are being killed in the acts of violence every month. Before this, an agreement was signed between Bodo Students Union and State Government. It was decided to constitute a Bodoland Autonomous Council. This agreement took place in 1993. Today, ten years have gone by but there is no fall in the acts of violence, peace has not been restored. The Government have adopted a hay-way approach about it. But it is a sensitive issue of North-East. If a well-thought decision is not taken for this and work is not done as per the aspirations of the people violence will continue, killings will go on and it will always remain a problem and danger for the country. The agreement signed ten years ago did not yield good results. Whether the Government have conducted any study in this regard and if so, whether they have reached to any conclusion? It was said ten years back that a historic act has been done, a comprehensive agreement has been made, there will be no violence anymore, the tribals and other people will live happily there. Ten years have gone by, the Government should tell what impact this agreement has made. Killings and violence are going on as usual. It is again being said that a historic act has been done and they have achieved a very landmark.

Recently they have signed an agreement with Bodoland Liberation Tiger. But they have not signed any agreement with Bodoland Democratic Front. This front is not recognising this agreement and they have not taken common people in confidence. How will this go on? 'ULFA' is also adamant to make this agreement a failure. The insurgents do not want peace there. At what conclusion this agreement was reached and what was the cause of failure of this agreement signed ten years back by them and they claimed of achieving a historic landmark? They have signed on agreement with a group. According to the agreement signed by that group it is Bodoland Kshetriya Parishad, how you have written it incorrectly, you have written Pradeshik they will demand for it. They will not leave their claim. How do you make changes in Hindi and English—Bodoland Kshetriya Parishad is territorial Council. It is a Kshetriya Parishad consisting of 46 members and you have moved the Bill of Bodoland Pradeshik Parishad. They read the Bill and their officers give the Bill to the hon. Minister and he brings it in the House. It is a constitution amendment Bill...*(Interruptions)* People write in lighter vein, they do not visualise its adverse impact. Regarding this, we want reply from the Government. There is a proposal to include 3082 villages. Earlier these was a dispute over 2515 villages. Thereafter it was about 515 villages and now it

is about 95 villages as to whether they will be included in Kshetriya Parishad or not. On the record, in the voters list the names of Bodos Constitute. More than fifty percent of the total voters but in reality Bodos have fled away, they are not there. They are demanding that they should be included. But the Government says that it will not include them. A three member committee has been constituted. The Government should tell what this three member committee is and when will it give its decision? There is dispute over 95 villages. Villagers demand that their names should be included in the list. What would happen to those villages?

They have brought Bodos in the Eighth Schedule. We do accept that they are heading towards peace, trying to fulfill the aspirations of people and also respecting the sentiments of tribals people. The population of Bodos is 38 percent...*(Interruptions)*

[English]

MR. DEPUTY SPEAKER: Shri Bwiswmuthiary, please do not interrupt him. You have already had your say yesterday. We do not have much time. Let him continue.

[Translation]

DR. RAGHUVANSH PRASAD SINGH: Hon. Baishimuthiaryji. I am speaking in your favour but you are supporting him yet...*(Interruptions)* I am telling you the real secret...*(Interruptions)*

MR. DEPUTY SPEAKER: Please do not address him, address to the Chair.

DR. RAGHUVANSH PRASAD SINGH: He was interrupting that is why I have satisfied him.

The number of seats has been mentioned here. There will be 30 seats for tribals out of 46 and their percentage comes to 38 but they are saying that it is 28 only. In this way the percentage is low and the non-tribal people having more population will remain dissatisfied leading to anarchy and conflict. How the seats are decided by the Government?...*(Interruptions)* How the seats are divided that 30 seats were taken out of 46 and five seats were declared as general category and six seats were to be filled by nomination. The State Government and Government of India are accelerating sensitivity there and killings are going on there...*(Interruptions)* Democratic front insurgents are no less virulent. They too, have not come to term as yet. They are not satisfied with the agreement

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of the government. The Government should state the position of Democratic front there and what does it want. The insurgents of ULFA also do not want peace there and they want turbulence to prevail there. It has been written in our constitution that Autonomous Council should consist of 19 districts but they are doing it in a piecemeal way. Shri Rongpi said that their cultural heritage, life style and old traditions are existing for a long time. We address pradhan as Mukhiya, Adhyaksha, Gram Pradhan and there they call Gaon-budha...*(Interruptions)* The village Pradhan would be Gaon-budha there.

Koch Rajbangshi is a caste there. All its formalities were completed. A Joint Selected Committee of both the Houses was constituted which gave its recommendations and the State Government also gave its recommendation as well. I also took part in that debate and Jual Oram ji, the Minister of Tribal Affairs declared and assured as that he is bringing it to the Cabinet immediately for consideration but in Rajya Sabha while replying to a question he said that they will not consider it. Due to this, 8 people were killed there and mayhem started there. What does this Government want? I would like to know from the Government as to whether it wants mayhem or peace? All formalities have been completed for Koch Rajbangshi ji. In this House Koch Rajbangshi hails from the congress party. He also raised the question. That is why I would like to ask the Government in clear terms as to what it wants? Does it want to encourage mayhem? The hon'ble Minister has given a contradictory statements in this House and in Rajya Sabha. He misled the House and as a result of that fighting, disorder and violence started there. Ours is a border area where sunlight reaches most earliest but the light of development reaches at last. Such is our area. So far as development is concerned it was said that they will spend money on that area but I would like to know as to how much money was spent on its development. There is one and a half lakh megawatt hydel power capacity. Investing money in hydel power will benefit the people. The Government should clearly tell about its policy in this regard as it is its responsibility.

Advani ji sometimes speaks to extremists...*(Interruptions)* I would like to know as to how this country will be ruled like this? Hon'ble Home Minister agrees with the violent groups of extremists...*(Interruptions)*

MR. DEPUTY SPEAKER: Conclude now.

DR. RAGHUVANSH PRASAD SINGH: The hon'ble Minister should reply to all these queries. The

development of this area should be given priority. Sunlight reaches earlier there but the light of development reaches later. That is why our border region has not been developed. The Government should pay total attention to it and for the national integrity we should give priority to that region. I would like to submit that the hon'ble Minister should reply to the queries raised by me in this regard.

15.00 hrs.

[English]

SHRI ABDUL HAMID (Dhubri): Mr. Deputy Speaker, Sir, I thank you for giving me a chance to participate in this Sixth Schedule to the Constitution (Amendment) Bill. I rise to support the Bill.

With the joint initiative of our hon. Chief Minister, Shri Tarun Gogoi and the Central Government, the long-standing demands and the problems of the Bodo Territorial Autonomy are coming to an end.

But there is an unfortunate part in this Bill. We have heard many hon. Members mentioning about the population pattern. It is astonishing that—even though the problems are coming to an end and the Government has brought forward a Bill in the Parliament, there is an unfortunate part in this Bill—we, the Members from Assam, elected by the people of Assam were not consulted. We, the Members from Assam, irrespective of Parties, were not consulted by the Central Government. That is why, it is a very unfortunate thing...*(Interruptions)* Our Government took Office only two years ago. But prior to that, the Congress-AGP Government had 21 sittings among BLT, AABSU and the Central Government. But this Government had not called even Congress leaders for the meetings.

Fortunately, Shri Tarun Gogoi, in the interest of Assam and to bring peace and harmony in Assam, had discussed it in the Assembly and took up the responsibility to amend the Sixth Schedule so as to solve the problems of the Assam people. My senior colleagues Dr. Raghuvansh Prasad Singh and Shri Madhab Rajbangshi have rightly stated that there are 25 lakh people in the proposed Bodo Territorial Area, but only nine lakh people would be the tribal people. There are more than 3,000 villages which are to be inducted in the Bodo Territorial Area, but only 1000 villages have got Bodo Tribal people.

The Bodo Accord was signed in 1993. It is clearly mentioned there that the villages which have more than 50 per cent Bodo people will be inducted into the Bodo

Territorial Area, but we can see that not more than half of the villages are like that...*(Interruptions)* It is mentioned like that in the Bodo Accord. There are so many cases and there are so many litigations challenging that aspect in the High Court and the Supreme Court...*(Interruptions)*

MR. DEPUTY SPEAKER: Shri Bwiswmuthiary, if there is anything objectionable, I will take care of it. Please sit down.

...*(Interruptions)*

SHRI ABDUL HAMID: It was regarding fixation as to how to induct villages, what is the criteria, etc. It is clearly mentioned in the Bodo Accord that the villages which have more than 51 per cent of Bodo tribal people, they will be included in that Area. But what happened in reality? Sir, 3500 villages have been inducted in that Area, but there are villages where there is not even a single Bodo people...*(Interruptions)*

MR. DEPUTY SPEAKER: Nothing goes on record except what Shri Abdul Hamid says.

...*(Interruptions)**

SHRI ABDUL HAMID: That is why it is very unfortunate and the situation is that nine lakh people are dominating 25 lakh people. It is very unfortunate and it is democratic country!

Minority people are getting this benefit. What has the Indian Parliament done? Always the majority people are getting all the benefits but here it has created a history in the Indian Parliament by neglecting the majority people. Minority people are forcibly dominating over the majority people. It is very unfortunate. There are a number of organisations like AAMSU, NSU, ASU, Koch Rajbangshi Students Union and so on. Nobody has been called for discussion...*(Interruptions)*

MR. DEPUTY SPEAKER: Shri Bwiswmuthiary, why are you interrupting him again?

...*(Interruptions)*

SHRI ABDUL HAMID: We are supporting it but we would like to remind the Government about the majority people. There are a number of such political and social organisation. A few days back about eight Adivasis were killed only because of 72 hours *bandh* regarding this

agitation. It is the reality. In 1994, they made minority people their target. A number of minority people were killed in Barpeta, Armtanga. A number of them are still living in the refugee camps. They have not taken shelter. Again, in 1996 more than one lakh people were killed...*(Interruptions)*

MR. DEPUTY SPEAKER: Shri Bwiswmuthiary, I have to name you. Please do not interrupt him like this.

...*(Interruptions)*

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY: He is trying to mislead the House...*(Interruptions)*

SHRI ABDUL HAMID: No, it is on record. ...*(Interruptions)*

MR. DEPUTY SPEAKER: The Minister is here. If he is misleading, the Minister will correct him while giving reply.

...*(Interruptions)*

SHRI ABDUL HAMID: They are very poor people. They live in jungles. The first target of the minority people are the people living in the camps. Again Adivasis, who are very-very poor people, are being targeted. That is why I welcome this Bill.

My only worry is, non-tribal people should be secure. Injustice is being done to the non-tribal people. There are 10-15 per cent Scheduled Caste people. What is their position in the Council? There are 40 per cent religious minority and 10 per cent linguistic minority. They become the targets. Initially, they victimised these people. Still, they are not brought into that area. There is a parallel Government running there...*(Interruptions)*

MR. DEPUTY SPEAKER: Nothing will go on record.

...*(Interruptions)**

MR. DEPUTY SPEAKER: Shri Bwiswmuthiary, please resume your seat. I am here. If he utters anything objectionable, I expunge it. You are not to control this House. Will you please resume your seat?

SHRI ABDUL HAMID: So, Sir, it is a very serious matter. The Government is neglecting 25 lakh people and just 9 lakh people are getting benefits...*(Interruptions)*

MR. DEPUTY SPEAKER: We have taken a lot of time on this Bill. Please conclude.

SHRI ABDUL HAMID: What will happen to the Scheduled Caste people? What will be the fate of non-tribal people with regard to land, property, education, social and economic development? I request the hon. Home Minister that it should be clearly mentioned that the religious minority will be protected. In the name of the foreigners they are taking the advantage. I request the hon. Home Minister to look into it and take serious steps in this regard. Non-tribal people should not be disturbed and their political, social and economic rights should be granted.

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINMAYANAND SWAMY): Mr. Deputy Speaker, Sir, this Bill was moved in the House on 9th May last and after that it was referred to the standing committee for consideration. The report of the standing committee was laid on the Table of the House, with recommendations, on 22nd July last and the consideration started in the House on 1st August. My friends have expressed their considered views on this Bill, in their own style. As has also been stated by other hon'ble members an agreement was signed in 1993 but there were some shortcomings in that agreement due to which it could not become effective. Shri Raghuvansh Prasad Singh ji has also mentioned that an agreement was signed in 1993 which did not become effective and it was only due to its ineffectiveness that a need for a dialogue for the second time was felt and on 10th February an agreement was signed by the representatives of BLT, Assam Government and the Central Government. This Bill has been brought only to implement that agreement. Through you, Sir, I would like to request that we have a limit and we can not go beyond the limit decided in the agreement. Shri Rongpi ji has told many things and we can agree with them but our problem is that the points which were not included in the agreement can not be included in the Bill. Even if something is worth inclusion then it could have been considered while the Bill was referred to the Standing committee. An hon'ble Member was saying that the opinion of the Members was not sought. I believe that the standing committee is a committee comprising of hon'ble Members and a lot of consideration has gone into that. Recommendations of the committee have only been included in this Bill. We are not venturing out of the committee's recommendations. There is a forum to express one's views and for consideration. It was also

said that the opinion of the people was not taken in regard to the Bill which is totally improper because the Government of Assam is the Government elected by the people there. The Assam Government has presented its points effectively and those very points have been included in the Bill. The only way to seek people's opinion was to seek the opinion of the Government there and the opinion of the Government has been included in the Bill.

Shri Rajbangshi and other friends should agree that the very Government elected by them participated in the debate and the thoughts which came up during the debate have been included in the Bill. Objections should have been raised when the agreement was being signed. Objections should have been raised when the Bill was with the standing committee. As far as the query raised by Rajbangshi ji is concerned, it is true that a thought also cropped up that it should be included in the scheduled tribes by bringing an ordinance.

Shri Raghuvansh Prasadji said that RGI had submitted its report. But I would like to tell him that RGI has taken back its report saying that they cannot give a decision in this regard now. We have not ruled out this possibility so far but we are serious on the question of including Rajbangshi in the list of scheduled tribes. We want to consider it and it should definitely be considered. But, before that we have to gather the necessary information and prepare the necessary base and then only it could be considered.

I have one more submission. Time and again it is said that non-tribals and non-Bodos have not been given any importance in this Bill. I would like to urge that they should think over it after looking at the position of other councils. They have not given representation on the basis of population. Representation has not been provided on the basis of population. There are 9 more councils and representation has never been given in those councils on the basis of population. In view of this, the question of population is not so rational. I would not like to go into the question of percentage etc. as the Census Report for the year 2001 has not arrived as yet. Therefore, I am not able to say anything about their population. Hon'ble Member might be knowing about it and saying according to his knowledge.

Mr. Deputy Speaker, Sir, there were some objections. There was a special objection. There was a word "All others". Our hon'ble Member Bwiswmuthiary ji and other friends had also objected to this. It has been amended. In place of "other" it is "all". "All" has been used because

the word "all" is there in the original agreement and it has been used as it is.

Raghuvansh Babu has objected to the translation of the word territory as *pradeshik* in Hindi. I would like to say that he has good knowledge of Hindi. According to the Official Language Department the translation of the word territory is *pradeshik*.

DR. RAGHUVANSH PRASAD SINGH: All the newspapers have translated it as *kshetriya* while in the Bill, it is *pradeshik*.

SHRI CHINMAYANAND SWAMI: I am not talking of newspapers. Raghuvansh Babu, you can trust me. I will not provide you any wrong information. I would urge upon all the friends that the initiative taken with a view to establishing peace for solving the Bodo problem should be welcomed. I do not think and nor do I say firmly that any effort will be final or any effort will definitely reach its goal. Many Councils were constituted earlier also but that does mean that peace was established after their formation. I do not claim that peace will be established through this. But this is an effort in the direction of establishing peace. This effort is not being made by the State Government or hon'ble Prime Minister alone, but the Government is also making this effort by taking the Assam Government and the organisations there into confidence. We can not do anything about an organisation named NDSC, which Raghuvansh Babu had mentioned because it did not participate in the discussion even after being invited. We had invited them for talks and we cannot do anything if they do not come.

Some fiscal matters were raised. It has been provided in the agreement that in future the Government of India will provide them rupees 100 crore annually as additional aid for 5 years so that there is no financial crisis and they are able to carry out their development works properly. With these words, I urge upon the House to let the Bodos have their own right by passing it so that peace is established in Assam.

[English]

DR. JAYANT RONGPI: Sir, I sought two clarifications from the hon. Minister. I wanted to know two things specifically. One is that in the Standing Committee it was specifically assured by the Government that there will be an amendment so that the Hill List of Assam will not be changed and that amendment will come as a miscellaneous in the Bill. The 102nd Report of the Standing Committee was placed in the Parliament. The

Government has not brought this amendment in the Bill. So, a clarification should be given by the Government as to why this amendment has not been brought in the Bill.

Sir, again article 244A was exclusively applicable to the hill districts and now it has been extended to the Bodo areas. This should not dilute the rights of the hill tribals. I sought a clarification in that regard also. The hon. Minister has remained totally silent on these two points. I would now like to know about these from the hon. Minister.

SHRI ABDUL HAMID: Sir, now there are five seats for the non-tribals. But here it has been mentioned 'all others'. Who are meant by 'all others'?

[Translation]

SHRI CHINMAYANAND SWAMI: Mr. Deputy Speaker, Sir, had the hon'ble member listened or read the amendment, the word "all others" would have been understood. I agree with Rongpi Saheb. We have included in the Bill as many recommendations of the Parliamentary Committee as we could. But as far as 244A is concerned, it does not fall within the purview of the agreement and therefore, we are not able to include it.

[English]

SHRI MADHAB RAJBANGSHI: The hon. Minister had said in this House that Koch Rajbangshi had fulfilled all the conditions to be included in the list of the Scheduled Tribes. I would like to know from the hon. Minister as to when he will introduced in this House the amendment to include Koch Rajbangshi in the list of Scheduled Tribes.

[Translation]

SHRI CHINMAYANAND SWAMI: Mr. Deputy Speaker, Sir, it is 9.5.2003.

[English]

DR. JAYANT RONGPI: My first question has not been answered. In the Standing Committee on Home Affairs, which scrutinised the Bill, the Government had assured that some amendments would be brought so that the Scheduled Tribes list of Assam will not be disturbed as a consequential effect of this Bill. They said that those amendments will be brought as a miscellaneous clause of this Bill. That Report was placed in this House and at Paras 8, 9, 10 and 11 of the Report this has been stated. But those amendments are not found in this Bill.

[Dr. Jayant Rongpi]

The Standing Committee cleared this Bill with those amendments promised by the Government. What happened to them?

[Translation]

SHRI CHINMAYANAND SWAMI: Mr. Deputy Speaker, Sir, I have submitted that we have included in the Bill as many recommendations of the standing committee as well could and we are sorry for those which could not be included.

DR. JAYANT RONGPI: Mr. Deputy Speaker, Sir, but the Government had assured in the standing committee and the committee had accepted them.

[English]

MR. DEPUTY SPEAKER: Dr. Rongpi, what the Minister has said is that whatever the Government has considered possible, they have brought in this Bill.

SHRI MADHAB RAJBANGSHI: Sir, the Minister said that on 9th May 2003 he will introduce the amending Bill. But that date has gone. I would again ask when will the Scheduled Tribes Amendment Bill to include Koch Rajbangshi community be introduced in this House.

[Translation]

SHRI CHINMAYANAND SWAMI: Instead of bringing the recommended amendments within miscellaneous provisions, I have introduced them in Lok Sabha on 5 August, 2003 through Constitution (Scheduled Tribes) Order (Amendment) Bill, 2003 to make them more effective.

[English]

MR. DEPUTY SPEAKER: The question is:

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

The motion was adopted.

MR. DEPUTY SPEAKER: The House shall now take up clause by clause consideration of the Bill.

Clause 2 Amendment of Sixth Schedule to the Constitution

DR. JAYANT RONGPI (Autonomous District Assam): I beg to move Page 4,—

for lines 19 to 21,

substitute— "(11) In paragraph 20, after Part I of the Table, a new Part IA shall be inserted,—

Part IA

1. 'The Bodoland Territorial Areas District'.

Explanation: The district under Part 1A shall be constructed as 'in the State of Assam (excluding the autonomous districts)' for the purpose of application of 'The Constitution (Scheduled Tribe) Order, 1950'. (1)

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY (Kokrajhar): I would like to move all my amendments, except amendment No. 4, which has been adopted by the Government for which I congratulate the concerned Minister.

I beg to move:

Page 1, line 10,—

for "Bodoland Territorial Council Areas District"

substitute "Bodoland (Autonomous) Territory" (2)

Page 2, line 3,—

for "Bodoland Territorial Council Areas District"

substitute "Bodoland (Autonomous) Territory" (3)

Page 2, line 9,—

for "Bodoland Territorial Council Areas District"

substitute "Bodoland (Autonomous) Territory" (5)

Page 2, line 13 to 15,—

for "that the District Council constituted for the Bodoland areas shall be called as the Bodoland Territorial Council Areas District"

substitute "that the Territorial Council constituted for the Bodoland (Autonomous) Territory shall be called as the Bodoland Territorial Council" (6)

Page 2, line 24,—

for "3B. Additional powers of the Bodoland Territorial Council Areas District to make laws".

substitute "3B. Additional powers of the Bodoland (Autonomous) Territory to make laws" (7)

Page 2, line 34,—

for "(vii) Flood control for protection of village, paddy fields, markets and towns (not of technical nature)"

substitute "(vii) Flood control" (8)

Page 2, line 36,—

for "(ix) Forests (other than reserved forests)"

substitute "(ix) Forests (including reserved forests)" (9)

Page 3, line 28,—

for "Bodoland Territorial Council Areas District"

substitute "Bodoland (Autonomous) Territory" (10)

Page 3, lines 39 and 40,—

for "Bodoland Territorial Council Areas District"

substitute "Bodoland (Autonomous) Territory" (11)

Page 3, line 44 and 45,—

for "Bodoland Territorial Council Areas District"

substitute "Bodoland (Autonomous) Territory" (12)

Page 4, lines 3 and 4,—

for "Bodoland Territorial Council Areas District"

substitute "Bodoland (Autonomous) Territory" (13)

Page 4, line 9,—

for "Interim Executive Council for Bodoland Areas in Assam"

substitute "Interim Executive Council for Bodoland (Autonomous) Territory" (14)

Page 4, line 21,—

for "Bodoland Territorial Council Areas District"

substitute "Bodoland (Autonomous) Territory" (15)

MR. DEPUTY SPEAKER: I shall now put amendment No. 1 moved by Dr. Jayant Rongpi and amendment Nos.

2, 3 and 5 to 15 moved by Shri Sansuma Khunggur Bwisimuthiary to the vote of the House.

The amendments were put and negatived.

Amendments made:

Page 1, lines 10 and 11,—

for "Bodoland Territorial Council Areas District constituted under the proviso to sub-paragraph (3) of paragraph 2 of this Scheduled"

substitute "Bodoland Territorial Areas District" (16)

Page 2, line 3,—

for "Bodoland Territorial Council Areas District"

substitute "Bodoland (Autonomous) Territory" (17)

Page 2, line 6,—

for "five open for other communities"

substitute "five open for all communities" (18)

Page 2, lines 9 and 10,—

for "Bodoland Territorial Council Areas District"

substitute "Bodoland (Autonomous) Territory" (19)

Page, 2 lines 14 and 15,—

for "Bodoland Areas shall be called as the Bodoland Territorial Council Areas District."

substitute "Bodoland Territorial Areas District shall be called the Bodoland Territorial Council." (20)

Page 2, lines 24 and 25,—

for "Additional powers of the Bodoland Territorial Council Areas District"

substitute "Additional Powers of the Bodoland Territorial Council" (21)

Page 2, line 26,—

for "Bodoland Territorial Council Areas District within its Bodoland areas"

substitute "Bodoland Territorial Council within its areas" (22)

Page 3, line 19,—

for "the Bodoland Areas"

substitute "the Bodoland Territorial Areas District" (23)

15.27 hrs.

Page 3, line 28,—

omit "Areas District" (24)

Page 3, line 40,—

omit "Areas District" (25)

Page 3, line 45,—

omit "Areas District" (26)

Page 4, lines 4 and 5,—

for "Territorial Council Areas District constituted under the proviso to sub-paragraph (3) of paragraph 2 of this Schedule."

substitute "Territorial Areas District." (27)

Page 4, line 9,—

for "Bodoland Areas"

substitute "Bodoland Territorial Areas District" (28)

(Shri Chinmayanand Swami)

MR. DEPUTY SPEAKER: The question is:

"That clause 2, as amended stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRI CHINMAYANAND SWAMI: Sir, I beg to move:

"That the Bill, as mended, be passed."

MR. DEPUTY SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

OBSERVATION BY DEPUTY SPEAKER
RE: CONSTITUTION (SCHEDULED TRIBES)
ORDER (AMENDMENT) BILL

MR. DEPUTY SPEAKER: Now, we take up Item No. 14.

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINMAYANAND SWAMI): Mr. Deputy Speaker, Sir, certain amendments are required to be made in it, so I request the House to postpone it to some subsequent date so that the necessary amendments may be made.

[English]

MR. DEPUTY SPEAKER: Hon. Members, the House has just passed the Sixth Schedule to the Constitution (Amendment) Bill, 2003 with certain amendments. Shri Chinmayanand Swami, Minister-in-charge of the next Bill, that is, the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2003 has informed the hon. Speaker that certain amendments are also required to be made in the Constitution (Scheduled Tribes) Order (Amendment) Bill in view of the passing of the Sixth Schedule to the Constitution (Amendment) Bill, 2003 with certain amendments. He has, therefore, requested the hon. Speaker that the consideration and passing of this Bill may be postponed to some subsequent date. I hope the House agrees.

SEVERAL HON. MEMBERS: Yes.

15.28 hrs.

REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL, 2003*

[English]

MR. DEPUTY SPEAKER: Wee will now take up the next item, item No. 15. Shri Arun Jaitley has to move it. Since he is not here, Shri P.C. Thomas is to move.

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