

**15.04 hrs.****SIXTH SCHEDULE TO THE CONSTITUTION****(AMENDMENT) BILL – contd.**

Title: Further discussion on the Sixth Schedule to the Constitution (Amendment) Bill, 2003 moved by Shri I.D. Swami on 1 August, 2003. (Not concluded)

MR. DEPUTY-SPEAKER: The House shall now take up Item No.9. Shri Anadi Sahu was on his legs.

SHRI ANADI SAHU (BERHAMPUR, ORISSA): Mr. Deputy-Speaker Sir, I reiterate that I stand in support of the Amendment to the Sixth Schedule of the Constitution of India. I would recapitulate my portion of the speech, which I had made the other day.

Mr. Deputy-Speaker Sir, marginalisation and alienation of the people of the North-East has been the pain of this country for the last 50-55 years. In order to bring them to the mainstream and to ameliorate the conditions of the people living in those areas, the NDA Government has been trying very hard and has been successful for that matter to ensure that marginalisation is stopped and the people come to the mainstream.

You will kindly agree with me that an attempt was made in 1993 by the Bodo Accord to bring the people to the mainstream of administration. We must thank those people – Shri Hiteshwar Saikia and Shri Rajesh Pilot – who had started the Bodo Accord in 1993. They deserve to be congratulated. They are no more in this world. But this Bodo Accord of 1993 had certain fundamental defects. The edifice crumbled because of the defects in the foundation itself. I am not criticising anybody. It is only history which has to criticise. And the edifice crumbled because of four basic reasons. The four basic reasons are in the Accord itself that no elections could be held to the Central Council of the Bodo Autonomous Council. That was named in the Bodo Accord. But the first and the foremost defect was that the geographical area was not defined in that Accord itself. There is a passing reference in the Bodo Accord wherein it has been indicated that the contiguous areas, geographical areas between Sonkos and Pasnai rivers – he is looking at me, I am not able to pronounce it properly – are to be made a part of the Bodo Autonomous Council. That was a vague sort of a definition of the geographical area in the Bodo Accord. So, from the very beginning itself, it had inherent defects.

The third one was that the Bodo Autonomous Council did not have any legislative powers. Since it did not have any legislative powers, it followed therein that there would be no elections, and no elections were held.

And last but not least was the allocation of funds. In what manner funds should be given from the Assam Government and in what manner funds should come from the Central Government had not been properly indicated nor quantified, as a result of which, the Bodo Accord failed and militancy still gained ground in those areas where the Bodos were predominant in the State.

Now, you will kindly agree with me, Sir, that in that area itself, one Bodo group was declared as an unlawful association. That was the Bodo Democratic Group. The National Democratic Front of Bodoland is still standing as an unlawful association. An attempt is being made now also to bring them to the mainstream and the attempt has to continue also. Now, in view of all these things, in 1999, the NDA Government, under the leadership of Shri Atal Bihari Vajpayee, made it a point that the entire North-East should be normalised and a dialogue should start with the people living in those areas to ensure that peace and prosperity comes to those areas. You will kindly see, from the Annual Report for 1999-2000 itself, the commitment of the NDA Government to ensure that everything is decided on a peaceful manner. It is known to everybody that in Nagaland also, a successful dialogue has been started with the NSCN (I-M) – Isaac Muivah Group – and it is bearing fruit. It requires lots of patience. So far as the Bodo people are concerned, it required lots of patience and there were 21 talks among the people of the Bodos, the Bodo Liberation Tigers, the Assam Government and the Central Government.

The patience has borne fruit. You would kindly agree that patience pays rich dividends. In statecraft, patience is absolutely required. It is a question of give and take. May I, with your permission, Mr. Deputy-Speaker, Sir, quote from the *Panchatantra* about statecraft itself. It says:

"ददाति प्रतिग्रहणाति,

विहं अक्षादि पृच्छति

भूंगते भूज्यते चयबो

शडविधिम् प्रतिलक्षणम्

देही में ददामि ते।"

What are the six principles of a lasting friendship? Some 1500 years ago, Vishnu Sharma had written the *Mitralabha*, in the *Panchatantra*, which is nothing but statecraft. He says, "You give and take. Not only do you give something but you make concessions and take concessions from him also. You share his difficulties. You share the difficulties that he has been facing in everyday life, in situations that are beyond his control and tell him what your difficulties are. You take from him and you also be munificent in giving to him." These are the six principles that have been very correctly and successfully adopted in the Memorandum of Settlement signed as a tripartite settlement in February, 2003. It is a landmark achievement not only for the Government of India but for the whole of the people of India. For the North-East, it would be a beacon light. In the entire North-East, wherever there is militancy, this would be seen as a beacon light and people would take to this saying, 'Here is a constructive approach coming to ensure that peace, prosperity and dignity come to the North-East.'

So far as the Memorandum of Settlement is concerned, I would only deal with a few aspects. I would not go into the details because my friends from Bodo areas and other neighbouring areas would be speaking on them. There are eight basic matters dealt with in this Memorandum of Settlement. The first is the creation of an autonomous self-governing body to be known as 'Bodoland Territorial Council'. The Bodoland autonomous council is not there. It has to be an autonomous self-governing body. When there is a question of a self-governing body, naturally, there would be elections and elections would be held every five years and adult franchise would be there. All those details have been put in that settlement. You have the terms of reference, the objectives and all that.

There could be an apprehension that the non-tribals might be put to difficulty. The difficulties of the non-tribals have not been properly addressed in the Bodo Accord itself as a result of which apprehensions have come up.  
...(Interruptions)

SHRI MADHAB RAJBANGSHI (MANGALDOI): This has to be clarified to the people. ...(Interruptions)

SHRI ANADI SAHU : Shri Madhab Rajbangshi, as I said in the first instance, let us start on an optimistic note. You are looking at the glass as half empty and I am looking at the glass as half full. That is the difference between you and me. Let us start on an optimistic note. ...(Interruptions)

Let us look at the apprehensions of the non-tribals with a constructive, statesman-like approach, as Shri L.K. Advani has done it and for which Shri Tarun Gogoi also has to be congratulated. The non-tribal population has to be properly safeguarded and the number of people to be elected has to be properly assessed. Now, in the Bodo Council itself, 46 members have been provided for, with 30 of them from the Scheduled Tribes and the others from different categories. I would again say this clearly so that there would be no confusion about this. Out of 46 members, 30 seats have been reserved for the Scheduled Tribes. I would come to the definition of 'Scheduled Tribes' later on. Kindly bear with me; have patience.

I will come to that. I will come to the point raised by Shri Rajbangshi. Thirty will be reserved for scheduled tribes and five for non-tribal communities. So, it is not a question of marginalising one group for the advantage of the other. Very clearly and succinctly everything has been taken into account. Five will be reserved for non-tribal communities – open for all communities and women also will come in that category – and six to be nominated by the Governor of Assam. Everything has been taken into account when the Council is to be formed. The composition of the Council has been clearly indicated and the nominated members will have the same rights and privileges as others. You may think that nominated members should not have the same rights and privileges. Six members who would be nominated, would also have the same rights and privileges. Persons of standing in the social category, in the economic field and those who think of the tribals, the ecology and all other matters, will be taken into account.  
...(Interruptions) Six members would be nominated to this Council. ...(Interruptions)

SHRI ABDUL HAMID (DHUBRI): What about five from the non-tribal and five from others? Why has it happened? Why not all ten from the non-tribals?

SHRI ANADI SAHU : Sir, he can have patience. I will come to it. ...(Interruptions)

MR. DEPUTY-SPEAKER: Shri Abdul Hamid, you are a senior Member. If you want to ask any clarification, the hon. Member has to yield.

...(Interruptions)

SHRI ANADI SAHU : Sir, I am not yielding. Let me finish my speech. I think, the hon. Deputy-Speaker will be kind enough to allow you to ask anything you like. Let me go ahead. ...(Interruptions)

MR. DEPUTY-SPEAKER: Shri Hamid, you are asking something from a Member. If you need any clarification, the hon. Ministers are sitting here. At the time of reply you can ask clarifications. You cannot seek clarifications from another Member.

...(Interruptions)

SHRI ANADI SAHU : Sir, I had told on the first day itself. `Tell me not in mournful number, life is but an empty dream. I have said that thing. ...(Interruptions)

MR. DEPUTY-SPEAKER: Shri Hamid, I am telling you that he is not there talking as a Minister. He is not giving the reply. He is participating in the debate. Therefore, if you want any clarification, at the end, after giving the reply, you may seek clarifications from the hon. Minister.

...(Interruptions)

SHRI ANADI SAHU : Sir, it is because of my stay in Assam for two years that I know the people. I love them. That is why, I am speaking all these things. ...(Interruptions)

In this case, I will tell you about Ashoka. There was a great poem by an English writer. He has said:

"It is not that we are strong, it is the cause, the divine desire that is strong "

The divine desire is there to see that Bodo people live peacefully. As has been said, the Council has certain powers. Forty items have been reserved for them. You can see from this thing. But there is one rider, and the rider is absolutely necessary also. I fully agree with you and my friends from the Congress Party also will agree with me. So far as List I and List III are concerned – the State List and the Concurrent List – there should not be any confusion. I am not going into the details, as again you would stand up and say that you are not hitting the hammer in a proper manner. So, that is necessary to ensure that the homogeneity of the State is preserved and that there is no question of the Central List being diluted or Concurrent List being diluted in any manner. But there is a provision for flood control in a limited way. Now, you cannot control flood in the Brahmaputra by the Bodoland Tribal Council. For that, there is a Brahmaputra Board Act and all these things are there, like reserve forest, and there are different Acts. So, only a limited sphere of activity has to be taken into account. That is why, in the 40 items which have been indicated in this Memorandum of Settlement, a clear indication has been made as to what would be the demarcation for the Bodo Tribal Council, what would be the area of the Assam Government and what would be the area of the Central Government. In case of any dispute arising about these things, there will be a continuous process of dialogue.

Now, I want to say something about Paragraph 16 of this Memorandum of Settlement. I am reading it for your kind information. It is very beautifully written and that is why I repeat. It is a masterpiece of Memorandum of Settlement. It says:

"The implementations of the provisions of the Memorandum of Settlement shall be periodically reviewed by a Committee comprising of representatives of the Government of India, Government of Assam and Bodo Tribal Council. "

It is not a watertight compartment that has been made. It has got a plasticity of behaviour. Once we have plasticity of behaviour, we can mould it in a very beautiful manner to suit the requirements of a particular moment of time or of the people who are concerned with this thing.

As I said, I was only speaking about certain items which have been indicated in the Memorandum of Settlement. There is one good thing that the Bodo language will be indicated in the Devnagari script. That is a very good achievement. I think this is a good thing. It would bring about national integrity in a very beautiful manner. As I said : भूंगते भूज्यते चैवो ऽडविधि प्रतिलक्षणम्। It means – 'you give me munificently and I give you sufficiently'. You give and you partake of his food and dinner. That is right. An amount of Rs. 100 crore will be given to see that it stands on its own legs. Financially it is supported in a proper manner. That is required when we start anything.

There is another provision also. Some 3,082 villages, I think, have been included in the Bodo Tribal Council. It is not a rigid partition of the entire area. There is a provision in the Memorandum of Settlement wherein it has been indicated that there could be a dialogue about 95 villages in Dubri, Bongaigaon, Barpeta, Nalbari, Darang and

Dalgaon areas. That means, a way has been kept open to ensure that wherever there are 50 per cent or more of Bodo people in particular areas of these 95 villages, by a process of tripartite dialogue, some of the villages could come into the Bodo Tribal Council area or the Autonomous District area as it has been indicated in the proposed amendment itself. Everything has been taken into account.

Let us start with a clean slate of mind that this Memorandum of Settlement will give us a lasting peace in the Bodo area. There is some apprehension about Karbianglong and North Cachar Hill districts. That is being sorted out also. There is a provision here that about the Hill tribes and Plains tribes, things will be sorted out. It is to be by way of a dialogue that things have to be sorted out.

It is a vexed problem. North-East is a vexed problem and governance of Assam is also very complicated. For a complicated situation it requires a lot of patience and the patience has been paying rich dividends by way of this type of amendments which have been thought of now.

There are many things which will be taken up at a later stage. The points which I have indicated are that the non-tribals' rights are to be incorporated in para 3 of the Sixth schedule. It is there itself. The non-tribals should not have any apprehension at all and the development functions are to be transferred to the Bodo Tribal Council.

Now, DRDA also will come up and the executive functions will be exercised through the Principal Secretary and there will be an Executive Council of 12 members. What I feel now is that this matter relating to the Tenth Schedule also should be made applicable here itself. The matter of anti-defection law also should be made applicable to the Sixth Schedule. That has not been indicated. It is my personal view and I think that it would be better. Since there will be 12 members in the Executive Council, defections should not be there because it would impede the progress of that particular area. The beginning will be creating a problem for us.

MR. DEPUTY-SPEAKER : Please conclude. You have already taken 20 minutes.

...(Interruptions)

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : बिल को पास कराना चाहते हैं या अटकाना चाहते हैं? (ब्यवधान)

श्री अनादि साहू : मुझे सुनाई नहीं दे रहा है।

डॉ. रघुवंश प्रसाद सिंह : आप बिल को पास कराना चाहते हैं या रोकना चाहते हैं? (ब्यवधान)

SHRI ANADI SAHU: Sir, I am sorry. I will conclude in two minutes.

डॉ. रघुवंश प्रसाद सिंह : क्या आप इस बिल को पास कराना चाहते हैं या लटकाना चाहते हैं ?

श्री अनादि साहू : मुझे आपकी बात सुनाई नहीं दी।

उपाध्यक्ष महोदय : कोई बात नहीं, आप हाउस को अपनी बात कहें।

SHRI ANADI SAHU : However, two matters have been kept out of the purview of Bodoland Territorial Council. First, the law and order shall not be within the domain of the Bodoland Territorial Council. That is the first and foremost. The second thing is that with respect to subjects mentioned in the Concurrent List in Seventh Schedule of the Constitution, the concurrence of the Governor and President has to be taken in an elaborate manner.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): If the decision of the Bodoland Territorial Council is referred to the President by the Assam Governor for appropriate action and the President, after due consideration, returns the decision with or without suggestion to the Council, then, what will happen? Would it be final if the Council refuses to accept the decision of the President? The Bill is silent in this respect.

SHRI ANADI SAHU : Shri Radhakrishnan, it looks like as if you are asking as a lawyer to a witness. I have not to answer that. It has been provided in the Bill.

SHRI VARKALA RADHAKRISHNAN : But there is no provision in the Bill.

SHRI ANADI SAHU : Sir, the provision is there in the Bill.

MR. DEPUTY-SPEAKER: I do not know what is going on. Shri Radhakrishnan, you are asking a wrong person. You should ask a clarification to the Minister who is here. If you have any doubt, he is here to clear it.

SHRI ANADI SAHU : Sir, kindly refer to page three of the Bill itself. There is a provision regarding the Governor and the President and how a Bill is to be assented to. It is there in the Amendment Bill also.

MR. DEPUTY-SPEAKER: Shri Sahu, you have to conclude also. A number of Members are there who want to

speak.

SHRI ANADI SAHU : Sir, I obey your command. Now, I conclude by supporting this Bill.

SHRI BAJU BAN RIYAN (TRIPURA EAST): Sir, thank you for allowing me to participate in the debate on this important Bill. This is the second amendment to the Constitution which is being made to introduce the provisions of the Sixth Schedule of the Constitution. Earlier, it was amended to introduce the provisions of Sixth Scheduled in the State of Tripura. This is the second case.

At present, there are five to six autonomous district councils in the State of Mizoram, Meghalaya and Assam as per the provision of the Constitution. The undivided Assam, that is, bigger Assam used to comprise of Mizoram, Meghalaya and like that. I would submit that the new Sixth Schedule, created by amending this Constitution of India, has not come in a simple way. The Union Government should think that the Sixth Schedule is their right and it is necessary to develop the Scheduled Areas, as stated in the Constitution, in all respects – economically and politically. So, our demand is that in the country's areas where there is concentration of tribal population, the Union Government should consider to introduce this type of a legislation, that is, to introduce Sixth Schedule.

We know that there is heavy concentration of tribals in the State of Madhya Pradesh. Now, it is there in some parts of Chhattisgarh and also some other parts of the country. But to achieve this provision, what is our experience? The people of that area had to suffer heavy loss of their blood. To achieve this Sixth Schedule, there was bloodshed in Tripura. The slogan of the ruling party at that time, that is, Congress was : No Sixth Schedule for tribals.

This was their slogan. Of course, at that time, the situation was different and now there is a change. Though Congress is now participating in the elected body under this Sixth Schedule, the attitude of the Congress is not towards the poorer sections or towards the economically poorer sections of the country. Congress has ruled the country for more than 46 years. If they were sincere to develop the condition of the tribal people, they could have amended the Constitution, and they could have made this Sixth Schedule applicable to other parts of the country, but they did not do this.

Why did this NDA Government bring this Constitution Amendment? It is because they have reached an accord with the extremists. Just to subside the extremists, they have brought forward this legislation. This is not a comprehensive Bill. There is no Financial Memorandum, and I do not know where the money to develop this area will be provided from. Nothing has been mentioned here. The area and the population are also not specified here. What is the percentage of the tribals and others in this area?

Another point is that out of the 40 members to be elected to the Council, you have stated that 30 seats will be reserved for tribals, five will be reserved for other communities, but what about the remaining five seats? For whom the rest of these five seats have been reserved? Which are those other communities? There is no mention of 'other communities' in our Indian Constitution. Therefore, those 'other communities' should be mentioned in a specific way. There is only a mention of 'tribals' and 'non-tribals' in our Constitution. As Shri Madhab Rajbangshi stated here during his speech, the non-tribal population in this area is about 72 per cent, and the tribal population, for whom you are going to constitute this Council, is only 28 per cent. How will this work? There will be some problem there. We have no instance in the country where the minority people ruled over the majority people. It cannot work in this way.

I have a doubt whether this NDA Government is bringing forward this piece of legislation with sincerity or not. According to my Party and myself, they are bringing forward this piece of legislation just to create more problems over there. They should have taken the time to specify the area, the communities, the percentage of the population etc., and they should have mentioned all these things in this piece of legislation, but it is not there. I am sorry to say that. I hope, the Minister in his reply will clarify all these points. The people of India want that the poorer sections of this country should also develop, and their economic status should be advanced. The Government should be sincere in their efforts. During the last 55 years, after our Independence, those who were in power at the Centre were not sincere to this section of people, who constitute eight per cent of our total population.

So, they should be sincere in their efforts. Otherwise, the people there will take to arms. What have we seen in Tripura? The Indian National Congress there has signed an accord with Tripura National Volunteers, a banned extremist group. After they signed the accord with the TNV, Congress people have joined hands with that group. TNV is still with Congress. What have we seen during the last election? In the Assembly elections held on 26<sup>th</sup> of February, 2003, Congress had joined hands with this extremist group. What is this? I am in doubt now whether the Congress or the NDA Government are sincere towards the tribal people, the poorer sections in the country.

If the Government is sincere, why should the tribal people take to arms? Why can they not find out as to which area, in which State, in which part of the country the tribals and weaker sections' plight should be developed, and how to develop and introduce these tribals into the mainstream of the country. Of course, we have the Fifth Schedule also

for tribal areas. There is a provision for holding meetings of the General Council, but that is not being implemented. There are about nine States which have this provision of General Councils. But it is not working. There is a provision that these meetings would be held twice a year. That also is not working. It is neglected. This Constitutional provision under Sixth Schedule is now being preferred by the tribal people. They think it will help in their development.

Our demand is that in the country where tribal population is more, the Indian Government should find out where this provision of Sixth Schedule can be introduced. We have now a Commission. Under the 94<sup>th</sup> Amendment to our Constitution, they are going to constitute a separate Commission for Tribals. Earlier there was only one Commission, the Commission of Scheduled Castes and Scheduled Tribes. We can entrust this job to that Commission. Or else, we can form another Commission to do that job. If we are sincere in the task of developing the tribal people of the country, we can do it. I hope this NDA Government is sincere and will take positive steps in this regard.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY (KOKRAJHAR): Hon. Deputy-Speaker, Sir, first of all I thank you for having given me this opportunity to participate in the discussion on the Sixth Schedule to the Constitution (Amendment) Bill, 2003.

And at the same time, I also thank Shri Atal Bihari Vajpayee, the Prime Minister of India; Shri L.K. Advani, the Deputy Prime Minister of India, the NDA Government as a whole; the State Government of Assam and the leaders of the Bodo Liberation Tigers for their sincere efforts and initiative which have culminated in signing the Second Bodo Political Accord on the 10<sup>th</sup> February, 2003.

Sir, I rise to support the Bill but with mixed reactions. Mixed reaction in the sense that the Bill was not brought forward in the form it should have been brought forward. That is why I have given amendments to the Bill. I do strongly urge upon the Ministers connected with the Home Ministry, particularly Shri I.D. Swami who has piloted this Bill on the 1<sup>st</sup> August, 2003, to consider the amendments I proposed, in the best interest of implementation of this Bodo Accord in letter and spirit.

SHRI ABDUL HAMID : Are you opposing it?

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY : I am not opposing. I have stood here to strongly support this Bill. You should not disturb me.

MR. DEPUTY-SPEAKER: Shri Bwiswmuthiary, please address the Chair. Then, all these complications could be avoided.

Hon. Member, please do not interrupt. When you get a chance, you can also speak.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY : Sir, first of all, while coming to the different provisions of the Bill, I would like to move my proposed amendments to the Bill. On page 1, line 10 under clause 2, the words "Bodoland Territorial Council Areas District" may be substituted by "Bodoland Autonomous Territory".

Similarly, on page 2, line 3 under clause 2, the words "Bodoland Territorial Council Areas District" may be substituted by "Bodoland Territorial Council".

Then, on page 2, line 6 under clause 2, the words "five for other communities" may be substituted by "five open for all communities" because this provision was incorporated in the Memorandum of Settlement of Bodo Accord itself. In the Bill, this very clause has been put in a very different way, which has been very unfortunate. In addition to this, I have given amendemnts in repsect of some more provision of the Bill.

So, I would like to appeal to the Government of India and particularly, to Shri I.D. Swami to accept my amendments.

MR. DEPUTY-SPEAKER: Shri Bwiswmuthiary, you have already given a notice of amendments. So, at the appropriate time, you can move them. Now, you may please concentrate on the general debate on the Bill.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY : Thank you, Sir. I will move my amendments later on.

Now, I am coming to the most grim scenario and the most dangerous circumstances under which the Bodo people of Assam were compelled to start a vigorous incessant struggle and a mass movement with effect from the 2<sup>nd</sup> March, 1987, in pursuit of their demand for a seperate state of Bodoland. I would like to highlight the most crucial and grim scenario faced by them. It is only because of suppression, oppression and discriminatory policy, approach, adopted by all the successive State Governments of Assam, right from the beginning of Independence, that most of

the tribal people of the then undivided Assam were compelled to go out of Assam in the 1960s and 1970s. For example, the first ever tribal people who were compelled to go out of Assam were our beloved Hills- Naga Tribal brethren. They had been compelled to start a vigorous mass movement to attain a separate State of Nagaland, and subsequently in pursuance of some understanding arrived at between the Government of India under the leadership of the then Prime Minister, Pandit Jawaharlal Nehru and some leaders of the Naga People, in the year 1962, a new Nagaland State was created by passing a Bill in this very august House. That new State of Nagaland was inaugurated on the 1<sup>st</sup> December, 1962. I am telling all this from a report which I have gathered.

...(Interruptions)

Sir, this was the beginning of the separation of Assam territory. It was followed by the people of Meghalaya, and in the year 1969, the then Government of India was bound to create an Autonomous State for the people of Khasi Hills, for the people of Jaintia Hills and for the people of Garo Hills, in the name of a separate State of Meghalaya as per the provisions of article 244A.

When the people of Meghalaya were not satisfied with the Autonomous State, they again started launching their movement. Again the Government of India was compelled to upgrade that Autonomous State to a Union Territory. Likewise the Mizo people were also compelled to start a vigorous movement and subsequently, in the year 1971, Mizoram was created in the form of a Union Territory. Even then, the erstwhile North-Eastern Frontier Agency, (NEFA) was also created in the form of a Union Territory.

In this way, the whole of hills tribal people were pushed to go out of Assam and decide things on their own. This is the fall out of the inherent shortcomings in the provision of the Sixth Schedule, although it was introduced in all the hills Tribal areas of Assam with effect from 1952. This provision was incorporated in the new Constitution of India in pursuance of the report and recommendation submitted by the Gopinath Bordoloi Sub-Committee which was constituted by the then Constituent Assembly. But pushing aside the plains Tribal people the hills-tribal people have only been accorded the special provision of the Sixth Schedule by the Government of Assam. This has been very unfortunate on the part of the Government of India and also on the part of the plains-tribal people of Assam.

...(Interruptions) Please do not disturb me. When you get your chance, you can say whatever you want to say.

...(Interruptions)

MR. DEPUTY-SPEAKER: Kindly do not disturb him. When you get a chance, you may speak.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY : In this way, the Bodo tribal people, despite being the single largest and the most real autochthonous people in the State of Assam, have been deprived of this provision, all this long and this Bill is taken up only on the 1<sup>st</sup> August, 2003 for discussion.

In the year 1993, of course, under my leadership, the Bodo people have signed the first Bodo Political Accord between the Government of India, the Government of Assam and the Bodo people under the banner of All Bodo Students Union and Bodo Peoples Action Committee. But unfortunately, because of the betrayal of the then Government of India at the Centre and the Government of Assam, despite having been inducted as the first Chief of the Bodoland Council, I was compelled to quit the Council after five months. Then we started the Bodoland movement in a vigorous way. In that backdrop militancy emerged and a good number of people were killed – both tribals and non-tribals. Over the last ten years, in the course of the Bodoland movement, more than 3000 people were killed. Since 1993, after signing the first Bodoland Accord, more than 500 Bodos were killed by the security personnel and the Bodo extremists. We are the worst victims of militancy, and state terrorism which was because of negligence.

SHRI ABDUL HAMID : What about other communities?

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY : A few others were also killed. Now, please do not disturb me.

MR. DEPUTY-SPEAKER: You may please conclude; you have taken more than 12 minutes.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY : Now, the Government of India, headed by Shri Atal Bihari Vajpayee had taken some positive political approach to start a dialogue with the, that is, 'Bodo Liberation Tigers and the Government of Assam.' Subsequently, on 10<sup>th</sup> February, 2003, the second Bodo Political Accord was signed.

Consequent upon the signing of the aforementioned political accord the Government of India has agreed to concede to the creation of an Autonomous Territory of Bodoland along with a self-governing body called the 'Bodoland Territorial Council' under the provision of the Sixth Schedule to the Constitution.

Coming to some statements made by my friend, Shri Madhab Rajbangshi, I would like to clarify the position. The tribal population of Bodoland area is between 65-70 per cent and the rest 30 per cent population may be non-tribal.

What Shri Rajbangshi has stated, while speaking on this very Bill, is quite misleading. It is not factually correct. He has also mentioned that the *Adivasi* people, who are languishing in different relief camps within Bodoland regions, were brought from Bihar, Madhya Pradesh, Orissa and West Bengal by the British tea garden companies. This is the statement made by Shri Rajbangshi....(*Interruptions*)

MR. DEPUTY-SPEAKER: Please conclude now. Will you please conclude now? You have taken more than 15 minutes. A number of speakers are there to speak.

...(*Interruptions*)

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY : I am concluding. Sir, this Bill is related to us. So, I should be given enough time to speak on this. I need to highlight the problems and tragedies of the Bodos.

Coming to my proposed amendment, I would like to move them....(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Bwismuthiary, you will have to move these amendments later on and not now.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY : Last but not least, my humble appeal to the Government of India is that they should try to implement the Bodo Accord *in toto*. They shall have to see that this second political accord is not implemented in the way the previous accord was implemented. It should not suffer from a lack of sincerity or a lack of a holistic approach. A good number of accords have already been signed in this country but those accords have not been implemented in true letter and spirit. This is a very unfortunate phenomenon in our country. So, I would like to appeal to the Government of India to be sincere and honest in the implementation of this accord. Otherwise, the situation may take a different turn. So, the Govt. of India should take care of it.

DR. JAYANT RONGPI (AUTONOMOUS DISTRICT ASSAM): Thank you, Mr. Deputy-Speaker, Sir. We are for a political solution of all the ethnic issues prevailing not only in the North-East but also in the rest of the country. In that direction the problems raised by the Bodo organisation have been looked into by the Government of India and this piece of legislation has been brought in by the Government. Having said so, I would like to say that while solving a particular problem, more problems should not be created in other parts of the country. The social balance or the political equilibrium in the North-East is in such a delicate state that if certain actions are taken without seeing their consequential and subsequential effects, they may engineer a serious social disorder, which may be detrimental to the national interest.

So far as this Bill is concerned, while we support that there should be an Autonomous Territorial Council for the Bodos, which may not infringe upon the rights and privileges of indigenous Karbi-Anglong and North Cachar Hill tribals. This is exactly what is going to happen because of the consequential effect of certain provisions of this Bill.

You may be aware that in Assam there is a two-tier tribal system unlike the rest of the country. Some of the tribals are categorised as Scheduled Tribe Plains, which means those living in the districts of Brahmaputra valley.

They are called the Scheduled Tribe-Plains and the tribals living in the hills are called Scheduled Tribe Hills. Accordingly, there is a reservation system. There are two categories of reservation system. This system is not found in the rest of the country. This has got long historical, social, and economic background which I do not want to mention. It is connected with the Partially Excluded Area Act of 1885. Subsequently, there was a debate in the Constituent Assembly and it was categorised that way. Now, this Bill is going to dismantle the Schedule Tribe Plains and the Schedule Tribe Hill system. When I pointed it out to the Government as also to the other political parties, everybody agreed to it that the Scheduled Tribe Hills should not be disturbed. Everybody felt that the system of Scheduled Tribe Hills of the Karbi Anglong and North Cachar should not be disturbed.

Sir, this Bill was scrutinised by the Departmentally-related Standing Committee on Home Affairs. As per paragraphs 8 to 11 of the 102<sup>nd</sup> Report, which was submitted to this House, the Committee was assured categorically by the Government that these provisions would be amended in the Bill and that this amendment will come as a miscellaneous provision in the Bill. That was the promise to the Standing Committee. On that promise of amendment, the Standing Committee cleared it and a report was placed in Parliament.

**15.56 hrs.** (Mr. Speaker *in the Chair*)

But now I have seen that those amendments have not been brought. So, I seek a clarification from the hon. Minister as to why the commitment given to me as also to the Standing Committee in regard to bringing the amendment for the two-tier reservation system of Schedule Tribe Hills and Scheduled Tribe Plains has not been adhered to. I seek this clarification from the hon. Minister.

Sir, this Bill has got so many consequential effects. There is an exclusive provision in the Constitution. Article 244A of the Constitution – which is exclusively and specifically applicable only to the hill districts of Assam, i.e., Karbi



Anglong and North Cachar – is an enabling provision, enabling Parliament to create autonomous State within the State of Assam comprising only these two hill districts. All the political parties, student organisations, youth organisations, and all other people are demanding for the last 15 years that the promise of Article 244A – which has given as a solemn commitment to the hill districts that an autonomous State shall be created – should be fulfilled immediately. The Government of India has so far not responded to it. But now I have seen that this Bodo Territorial Area Council has been tagged with a part of the table appended to para 20 of the Sixth Schedule. So, this enabling provision will be applicable to the Bodo Land Area also which, as the hon. Member has said, has got a mixed demography. I am not saying that it is completely tribal or a completely non-tribal area. Everybody agrees that it is an area of mixed demography. Even for applying the Sixth Schedule, there are problems. That is why, the Sixth Schedule has to be amended and a special provision has to be added to it so that the non-tribal population is taken care of. Now you are tagging this new area with a mixed demography with a hill area which is inhabited by the hill tribe people for which a particular commitment is there by this august House that an autonomous State can be created. Now this mixed demography area and the Bodo Land Council are also brought under the same provision. So, I want a commitment because till now the Government of India is saying to the hill people of Assam that they have got this exclusive right.

MR. SPEAKER: Dr. Rongpi, you may resume your speech next time when the discussion on this subject starts again.

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