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Title: Discussion on the motion for consideration of the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2008 (Bill Passed).

MR. DEPUTY-SPEAKER: The House will now take up the second supplementary list of business slated for Wednesday, March 19, 2008.

THE MINISTER OF TRIBAL AFFAIRS (SHRI P.R. KYNDIAH): Sir, I beg to move:

"That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Arunachal Pradesh, as passed by Rajya Sabha, be taken into consideration."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Arunachal Pradesh, as passed by Rajya Sabha, be taken into consideration."

श्री कीरेन रिजीजू (अरुणाचल पश्चिम): उपाध्यक्ष महोदय, आपने मुझे इस संविधान संशोधन (अनुसूचित जनजाति) विधेयक, 2008 पर बोलने का मौका दिया, उसके लिए मैं आपको धन्यवाद देता हूँ। मैं इस बिल का समर्थन करता हूँ। मैं इस बिल पर कुछ कहूँ, उससे पहले मैं सरकार को, खासकर मंत्री किंडिया जी को, दासमुंशी जी को और हांडिक जी को धन्यवाद देना चाहूँगा कि इस बिल को यहां उन्होंने रखा है, उसके लिए वे बधाई के पात्र हैं। इसके लिए मैं अपनी ओर से, अपनी पार्टी की ओर से और अरुणाचल प्रदेश की जनता की तरफ से, खास तौर से यहां के निशि समुदाय की ओर से भी उन्हें बधाई देता हूँ।

मैं सबसे पहले इससे सम्बन्धित जो बैकग्राउंड है, वह बताना चाहता हूँ। अरुणाचल प्रदेश के बारे में जो संवेदनशीलता सरकार ने दिखाई है, उसे देखते हुए मैं दो-चार बातों का उल्लेख करना चाहूँगा। Arunachal Pradesh is a jewel in the Crown of India. अरुणाचल प्रदेश के इतिहास को आप देखें तो यहां पर जितनी भी जनजातियां हैं, उनके मन में देश के प्रति बड़ा मान और प्रेम हमेशा से रहा है। यही बात सरकार की ओर भी बार-बार दर्शाई जाती है। इस बात से हमें और भी गर्व होता है कि भारत का हिस्सा हैं और हमेशा भारत में ही रहेंगे। निशि समाज यहां की सबसे बड़ी जनजाति है। निशि शब्द वर्षों से उनकी पहचान रही है। लेकिन अंग्रेजों ने इस निशि शब्द को तोड़कर दफला शब्द में बदल दिया था। यह दफला शब्द बहुत ही घटिया है और बड़ा डेरेगेटिव भी है।

श्री तथागत सत्पथी (ढेंकानाल): इसका क्या अर्थ होता है?

श्री कीरेन रिजीजू : इस शब्द की मान्यता आज तक यहां नहीं है। इसका अर्थ यह है कि लोगों को मारने वाला, जबरदस्ती करने वाला और पहाड़ों-जंगलों में रहने वाला। लोग इस शब्द को भूल जाना चाहते हैं। इसीलिए इस ऐतिहासिक मौके पर मैं इस बात को कह रहा हूँ कि इस बिल के द्वारा यहां की जनजाति के लोगों को एक नया जीवन और एक नया अध्याय मिलेगा। निशि समुदाय के लोग अंग्रेजों के खिलाफ लड़े थे। इसलिए उन्हें जो रिकॉग्निशन मिलनी चाहिए थी, वह नहीं मिली है। वे भी एक प्रकार से स्वतंत्रता सेनानी थे।

सन् 1956 में इस क्षेत्र को नेफा नाम दिया गया था। उसके बाद इंदिरा जी द्वारा 1972 में इसे अरुणाचल प्रदेश और यूनियन टैरीटरी का स्टेटस मिला और फिर 1987 में इसे राज्य का दर्जा प्राप्त हुआ। लेकिन अब भी जो लिस्ट है, संविधान के आर्डर 18 में आप देखेंगे कि उसमें यहां की बहुत सारी जनजातियों के नाम नहीं हैं, यह बहुत दुख की बात है। मैं आज इसलिए भी खुश हूँ कि मैं न केवल निशि समुदाय का प्रतिनिधित्व करता हूँ, बल्कि उस समुदाय का दामाद भी हूँ। इसलिए मेरी खुशी दोगुनी है। मैं सरकार से कहना चाहता हूँ कि इस सूची में यहां की और भी जनजातियों का नाम जोड़ना चाहिए। मैंने जैसा कहा कि आज मैं काफी खुश हूँ, इसलिए ज्यादा बात नहीं कहूँगा। मैं कुछ ट्राइब्स का नाम आपको बताना चाहूँगा जो इस लिस्ट में नहीं हैं। इन जनजातियों में गालो है, जिसे गालोन कहना चाहिए। इसी तरह खबा है, जिसे बूगोन कहना चाहिए। इसके अलावा सजलोन, मोनपा और अन्य जनजातियों का नाम भी इस सूची में नहीं है। यह बहुत ही महत्वपूर्ण है इसलिए सरकार आने वाले समय में इसे भी कार्यान्वित करेगी, ऐसा मैं मानता हूँ।[\[R27\]](#)

वर्ष 2005 में मैं प्राइवेट मेंबर बिल लाया था, लेकिन यह अमेंडमेंट बिल सरकार की तरफ से आया है, इसलिए मेरे बिल का अब काम नहीं है। इसके अलावा, मैंने जीरो-आवर में इसे मेशन किया था, स्पेशल-मेशन और कॉलिंग-अटेंशन भी इस पर दिया था, लेकिन आज मैं बहुत खुश हूँ और अरुणाचल के मुख्यमंत्री श्री दोरजी खंडू, निशि समाज के इलेक्ट्रेड मेंबर्स, निशि स्टूडेंट यूनियन, निशि-एलाइड सोसाइटी, यूथ-ऑर्गेनाइजेशन और वहां के तमाम लोगों को धन्यवाद देना चाहूंगा, जिन्होंने इस महत्वपूर्ण काम में योगदान दिया है। साथ ही साथ कांग्रेस, बीजेपी और जिन अन्य दलों ने इसमें साथ दिया और ज्यादा चर्चा न करते हुए इसे पास करने के लिए कहा है, उन्हें भी धन्यवाद देना चाहता हूँ। एक महत्वपूर्ण बात मैं और कहना चाहूंगा कि संविधान में "ऑल नागा ट्राइब्स" शब्द दिया है, वह गलत है। अरुणाचल में कोई नागा ट्राइब्स नहीं है लेकिन संविधान में अभी भी लिखा हुआ है कि "ऑल द नागा ट्राइब्स इन अरुणाचल प्रदेश"। आप जो आर्डर है उसके 18 क्रमांक पर देखेंगे तो ऑल नागा ट्राइब्स आपको मिलेंगे। मैं एक चीज की तरफ सरकार का ध्यान आकर्षित करना चाहूंगा कि एंट्री में पहला शब्द "ऑल द ट्राइब्स इन्वॉल्विंग फोटोकिंग" यानी कि फोटोकिंग में 16 जनजातियों का नाम है। यानी कि जो जनजातीय नाम नहीं हैं वे भी अरुणाचल में ट्राइब्स हैं, एससी सर्टिफिकेट उनको भी देते हैं। लेकिन बीच में राज्य सरकार ने कहा कि जिसका नाम नहीं है, उसको एसटी सर्टिफिकेट नहीं मिलेंगे - ऐसा एक आर्डर निकला था। मैंने माननीय मंत्री जी से भी बात की थी, राज्य सरकार से भी बात की थी और उसके लिए मैं जनजातीय कल्याण मंत्री श्री किनिडया जी से अनुरोध करना चाहूंगा कि आप अपनी तरफ से एक वलेंटिफिकेशन इश्यु कर दीजिए क्योंकि संविधान का पालन करना हम सभी का कर्तव्य है। ऐसे ट्राइब्स हैं जिनकी जनसंख्या 400 है और ऐसे भी ट्राइब्स हैं जिनकी जनसंख्या 500-600 है, उनको संरक्षण देना भी हमारा दायित्व है। आखिर में मैं आपको, सरकार को और पूरे हाउस को धन्यवाद देते हुए अपनी बात समाप्त करता हूँ।

SHRI KHARABELA SWAIN (BALASORE): Sir, Shri Kyndiah is piloting this Bill. Shri Murli Deora presented something. Shri Sankarsinh Vaghela has presented something. We do not know what those things are!

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYA RANJAN DASMUNSI): Sir, I wish to clarify this. The Chief Whip of the Party was not present. We did discuss this in the BAC. We sought permission for inclusion in Special Supplementary List of Business, some of the demands which could not be laid in the morning.

MR. DEPUTY-SPEAKER: It was decided in the BAC meeting.

SHRI KHARABELA SWAIN : I am not objecting to that. I am only saying that the paper should have been circulated.

SHRI PRIYA RANJAN DASMUNSI: It was agreed upon at the last minute. We submitted all lists. Circulation part is done by the Secretariat. Maybe the Secretariat could not immediately circulate that. Do not blame the Secretariat. We were cooperating every moment. The decision was taken just five minutes before the adjournment of the BAC. That is why, before you came, I did take the consent of the Chair and informed the House of this Supplementary List of Demands. Prabhunathji and everybody have accepted that. That is the position.

SHRI KHARABELA SWAIN : I am not opposing it. I am only saying that if they are circulated, we would have come to know about them.

SHRI MADHUSUDAN MISTRY (SABARKANTHA): Sir, I congratulate the Minister of Tribal Affairs for bringing this Constitution (Scheduled Tribes) Order (Amendment) Bill, 2008 for substituting the name of a community called Nishi. I am enlightened by what Shri Kiren Rijju has already submitted. Though I do not belong to a Scheduled Tribe, over the years I have worked for them and I can very well understand that certain communities now intend to be known with a different name. There are quite a few of them in Gujarat and I am pretty sure in the other parts of the country as well. So, I would request the Minister to take a comprehensive look of the entire situation in the country. If there are cases of this nature where communities wish to be known with a different name, perhaps the Minister can bring a comprehensive Bill later on.

I once again share the joy of both my friends from Arunachal Pradesh and I really join the Minister in congratulating them from our party.

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SHRI BASU DEB ACHARIA (BANKURA): Sir, this is an innocuous Bill. I rise to support the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2008. The main purpose of this Bill is to substitute the name of one community in the State of Arunachal Pradesh called Nishi.

We have been assured a number of times that the Government would bring a comprehensive Bill to include certain communities which are required to be included as Scheduled Tribes. One such community in the State of West Bengal is Deswali Majhi who predominantly live in the three Districts of Purulia, Bankura and West Midnapore. Prior to 1952 they belonged to Scheduled Tribe. Their culture, their food habits and everything is identical with Santhal community. Previously they demanded to be included in the Santhal community. Now, they are asking to be included in the list of Scheduled

Tribes. Their total number will be about 2.5 lakhs mainly in those three Districts. The Government of West Bengal had already recommended it. The Cultural Institute, under the Ministry of Backward Class Welfare of West Bengal, has also made research work and that also has recommended it. So, I urge upon the Minister to bring a comprehensive legislation in the next phase of Budget Session to include certain communities like Deswali Majhi of West Bengal which are required to be included in the list of Scheduled Tribes.

SHRI BRAJA KISHORE TRIPATHY (PURI): Mr. Deputy-Speaker, Sir, I rise to support the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2008. This Bill intends to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Arunachal Pradesh. This is meant to include the name of Nishi in place of Dafla. So, there is no objection to this.

However, the Minister has brought it in a piecemeal manner. There are recommendations made by other States for similar modifications. Recommendations of a similar nature made by the State of Orissa have not been accommodated. Other States of the country have also made similar recommendations which have not been covered.

I would like to cite an example of my State Orissa. In Orissa, 'Kandha' has already been included in the list of Scheduled Tribes. Oriya Kandhas' or 'Odia Kandhas' customs and habits are similar in nature with "Kandh" Tribe. Previously these people were enjoying the status of Scheduled Tribes. However, because of a decision of the Supreme Court, they have now been excluded, and they are not able to avail of this benefit. Their families are suffering because of this. They are not able to get benefits under Indira Awas Yojana and other tribal schemes. Students are facing a lot of difficulties because of this. In some parts of the State of Orissa these people are in great difficulties. The State Government has recommended this. The Advisory Committee attached to the Ministry and Union Tribal Commission has also made a recommendation for its inclusion.[\[KMR28\]](#)

I would like to know from the hon. Minister as to whether Government is also considering all these anomalies, rectify, change and enlist it so that these people would similarly get the benefit as they used to benefit earlier.

Regarding some Tribes in other States, which is a very important matter, we have discussed this in the House also. Some Tribes which were included in the List but unfortunately they had been migrated to other States and they are staying in other States and they are not availing the facilities. As such, they are not considered as Scheduled Tribes in those States. The Union Government is one and the nation is one. Some Schedule Tribes are staying in other parts of the State or other part of the country, they are not allowed to avail the facilities of Schedule Tribes. This aspect should also be considered. This is my personal request. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: This is concerning only Arunachal Pradesh.

SHRI BRAJA KISHORE TRIPATHY : Their tradition and customs are the same. Hence, they should also be included in the Scheduled Tribes. The Government should consider this and it should bring a comprehensive Bill so that all the Scheduled Tribes are covered in one Bill.

MR. DEPUTY-SPEAKER: Shri Tapir Gao, - if you have any suggestions, you can give.

श्री तापिर गाव (अरुणाचल पूर्व): आदरणीय उपाध्यक्ष महोदय, मैं इस बिल का समर्थन करने के लिए खड़ा हुआ हूँ। इसे निशि बनाने में मेरी जिंदगी का इतिहास जुड़ा है। मैं संसद सदस्य बनने से पहले नेशनल कमिशन फॉर शेड्यूल कॉस्ट एंड शेड्यूल ट्राइब में मेम्बर था। वहीं से आगे बढ़ते हुए, मैं आज इस सदन में किन्डिया साहब, मुंशी साहब और आपको भी अपने निशि भाई बहनों की तरफ से जो अरुणाचल प्रदेश के जंगलों में रहते हैं, धन्यवाद देता हूँ। मैं प्रार्थना करूंगा कि अरुणाचल प्रदेश असम स्टेट बिल से लिया गया है। जैसा खीरिन भाई ने बताया कि इसमें बहुत से ऐसी ट्राइब्स हैं, जो अरुणाचल प्रदेश में नहीं हैं। इस के कंफ़िर्मेशन बिल लाने की जरूरत है। मैं एक बात जरूर कहना चाहूंगा, किन्डिया साहब को मालूम है, सोनिया गांधी जी को भी मालूम है और मुंशी साहब को भी मालूम है कि अरुणाचल प्रदेश में दो-तीन ट्राइब्स हैं, जैसे देवरी, मिशिंग और तिसु। जब से अरुणाचल प्रदेश बना, नार्थ-ईस्ट फ्रंटियर एजेन्सी से ले कर 1992 तक अनुसूचित जनजाति का सर्टिफिकेट इन लोगों को दिया गया है। लेकिन कुछ राजनीतिक कारणों की वजह से देवरी, मिशिंग और तिसु अनुसूचित जनजातियों को सर्टिफिकेट देना बंद कर दिया। माँ-बाप के पास एसटी सर्टिफिकेट है, लेकिन उनके बच्चों को एस. टी. सर्टिफिकेट नहीं दिया जा रहा है। इन लोगों को लेन्ड पोजेशन राइट है, इनमें पंचायत लीडर भी हैं, लेकिन इन्हें एमएलए, एमपी के लिए कंटेस्ट करने का कोई दर्जा नहीं दिया जा रहा है। यह अरुणाचल प्रदेश का बिल है, इसलिए मैं किन्डिया साहब से और यूपीए सरकार से कहूंगा कि अगले सत्र में आप एक कंफ़िर्मेशन बिल लाइए, जिसमें अन्य राज्यों के एसटी लोगों को जोड़ें। इस अरुणाचल बिल में भी बहुत डिस्क्रिमिनेशन हैं, लेकिन फिर भी मैं इस बिल का समर्थन करता हूँ और किन्डिया जी को निमंत्रण देता हूँ कि वे अरुणाचल प्रदेश जरूर आएँ। **ॐ!** (*व्यवधान*)

उपाध्यक्ष महोदय : यह अरुणाचल प्रदेश से संबंधित बिल है, आपके राज्य से संबंधित नहीं है।

â€”(व्यवधान)

MR. DEPUTY-SPEAKER: The Bill is on Arunachal Pradesh.

Now, the hon. Minister.

Please sit down.

Nothing should be recorded.

(Interruptions) *â€”(

* Not recorded.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYA RANJAN DASMUNSI): Every Member has the right to explain whatever they like but it has been agreed upon by Business Advisory Committee meeting. We had brought this Bill with great efficiency from Rajya Sabha and get it passed without debate. Rajya Sabha did not debate. ...*(Interruptions)* Let the House continue up to 1 o' clock in the night. I do not mind. This is not the way. Then, why did you sit and agree in the BAC meeting? ...*(Interruptions)*

THE MINISTER OF TRIBAL AFFAIRS (SHRI P.R. KYNDIAH): Mr. Deputy-Speaker, Sir, I want to express my thanks to the Members who have participated in this discussion. Two Members from Arunachal Pradesh have taken part. This Bill, as the House is aware, has been passed by Rajya Sabha before it is brought as legislation. We have two Members from Arunachal Pradesh, Shri Tapir Gao and Shri Kiren Rijiju. They have spoken eloquently of the gestures and action that the Government of India has taken in this regard. I want to place on record my deep sense of admiration to the people of Arunachal Pradesh for the nationalistic fervour they have shown in all the attempts throughout these years to remove the stigma that has been imposed upon them by the colonial rulers. That is something great.

I personally had one of the longest association with Arunachal Pradesh. Way back in 1955, I had been there. They used to drop food there from Dakota aircrafts. Most of the time we walked on foot though there were jeeps also. And I know the people very well. I know that they have intense pride in their culture, in their arts, in their dancing, and in their beauty and today this land of Arunachal Pradesh is not just a land of Rising Sun. To me, I have a dream that one day with its rich resources, and bio-diversity, it would become a Rising Star, not only of the North-East but also of the entire country. It has rich potential that perhaps no one can imagine – be it its hydel power, bio-diversity and rich culture of the people themselves. There are 16 Tribes. They have different identities. But on this issue of substituting Dafla with Nyishi there have been a kind of tumultuous and spontaneous movement of people not only among themselves, cutting across party lines, cultural identities. I am happy to mention here that this Bill has been brought about after a lot of discussion. I have sent my own Secretary to go to Arunachal Pradesh, to go on foot if necessary in order to know the truth and the truth remains that it is a deserving case. We have got the recommendations of the Registrar General of India and the National Commission of Scheduled Tribes, of which Shri Tapir Gao was himself a Member earlier. All these are very important. For me personally I feel very proud today to be here and to do this. Only the other day the Chief Minister of Arunachal Pradesh has telephoned me to inform me about the importance of this Bill to the people of Arunachal Pradesh. I shared with him his anguish. All these years, we have been looking for this time. I think, this day is a great day for the country as a whole and in the case of Arunachal Pradesh as we have to deal matters on the region with sensitivity. We have to understand the deep ethos of the people and today here is a kind of bursting out of nationalistic character.

Insofar as other thing is concerned, Shri Acharia has made a suggestion; in fact, I was the member of the Committee and I know too well about it. Shri Mistry has spoken something; then, Shri Tripathy from Orissa spoke; I know that. I can tell you this – first and foremost - any tribal community which is recognized in one State need not necessarily be recognized in another State. The Constitution is clear about it. It is State-relevant; it is State-specific. Secondly, in 1999, the Government of India has made a very clear procedural way of how to get things done to include a community in the list of ST.[\[r29\]](#)

Firstly, the State Government must recommend that it is justified that the tribals have the tribal characteristics. This

criteria has been laid down by the Lokur Committee way back in 1965. This is number one. Secondly, it has got to get the clearance of the RGI, Registrar-General of India. Thirdly, the National Commission on Scheduled Castes and Scheduled Tribes looks into it. Then, it comes to us. After that, we take it to the Cabinet and then, it comes to the House. This is the way we will be doing it.

But I can only assure the hon. Members here that we have an open mind; we do not have a closed mind. You can give any suggestions, but remember that no one can say that one tribe is recognized in one State and so, it should be recognized in the other State of the country. It cannot be and the Constitution is very clear about it.

But at the same time, I have an open mind and whatever my friends have said – Shri Tripathy and others – I have heard. ...(*Interruptions*)

SHRI BRAJA KISHORE TRIPATHY : The State Government and the Tribal Commission have recommended that. You can consider. ...(*Interruptions*)

SHRI P.R. KYNDIAH: We will certainly; we keep an open mind. Any time, I am ready to listen. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: No. Nothing will be recorded.

*(Interruptions) *â€*

MR. DEPUTY-SPEAKER: Whosoever speaks without my permission, his speech should not be recorded.

(Interruptions) â€*

SHRI P.R. KYNDIAH: I can tell once more; let me clear the doubts. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Please sit down now.

... (Interruptions)

SHRI P.R. KYNDIAH: There are two currents today in the country. One current is that many communities want to be in the Scheduled Tribes list. The other current is this – tribals that are already there today, numbering about 8.2 crores, say that they are already. Let us not allow too many to come into the category the Scheduled Tribes. I am faced with these two currents. But at the same time, I keep

* Not recorded.

an open mind. Whatever I wanted to say, I said. I thank you very much.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Arunachal Pradesh, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

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

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

SHRI P.R. KYNDIAH: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

संसदीय कार्य मंत्री तथा सूचना और प्रसारण मंत्री (श्री प्रियरंजन दासमुंशी): उपाध्यक्ष महोदय, मैं सदन की तरफ से सब को होली की मुबारकवाद देना चाहता हूँ।

उपाध्यक्ष महोदय: स्पीकर साहब और चेयर की तरफ से आप सब को भी होली की मुबारकवाद।

The House stands adjourned to meet on Tuesday, the 15th April 2008 at 11 a.m.

17.19 hrs.

The Lok Sabha then adjourned till Eleven of the Clock

on Tuesday, April 15, 2008/Chaitra 26, 1930 (Saka).

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