

**THE CONSTITUTION (AMENDMENT) BILL, 2004 (AMENDMENT TO
ARTICLES 341 AND 342)**

SHRI SILVIUS CONDPAN (Assam): Mr. Vice-Chairman, Sir, I beg to move:

"That the Bill further to amend the Constitution of India be taken into consideration."

Sir, the purpose of bringing this Amendment Bill is very simple. This House will be astonished to hear that for how long the Constitutional discrimination has been meted out for the reason best known to those concerned people. This has been happening so far as Assam is concerned. Sir, about 150 years ago, when the British tea planters were planting tea in Assam, West Bengal and Tripura, they needed the tea workers and they picked up the people from Orissa, Jharkhand, Chhattisgarh, Madhya Pradesh, all these places, and they were taken there. Thereafter, fortunately, our country achieved independence in 1947. And, when the Constitution was framed and categorisation of communities as Scheduled Castes and Scheduled Tribes was made, at that time, these people, who went to work in the tea gardens of Assam, Tripura and Bengal, who were also categorised as Scheduled Castes and Scheduled Tribes in their original State of Orissa, part of Madhya Pradesh, part of Chhattisgarh, Jharkhand, Andhra Pradesh and the undivided South Bihar, they were categorised as Scheduled Castes/Tribes by West Bengal Government and Tripura Government and they are enjoying the status of Scheduled Castes and Scheduled Tribes since inception of Constitution. There is one river Sankosh between Assam and West Bengal. If the people belong to one side of the river, they were Scheduled Castes and Scheduled Tribes and not on Assam side. On the basis of popular demand, the Government of Assam has recommended to the Government of India to amend the Constitution and give these people the status of Scheduled Castes and Scheduled Tribes. This has not been done so far. Therefore, it has become necessary for me to bring forward this Bill to the notice of this august House and impress upon the Government to bring in an amendment to the Constitution and allow these people not to be deprived for another 50 years due to Constitutional discrimination.

Sir, with this observation, I request that this Bill be taken into consideration. Thank you.

The question was proposed.

DR. M.S. GILL (Punjab): Sir, I wish to support and second this motion moved by Shri Condpan in the strongest possible terms. Sir, as he has explained briefly, after we got independence, realising that there are great social injustices and imbalances in this country, very wisely, the Constituent Assembly composed of great men and women of this country, gave us a Constitution in which specific provisions were made to take care of the most deprived, the most depressed, I mean, the Scheduled Castes and the Scheduled Tribes, and, specific reservations were made in an attempt to give them some hope of a reasonable start to share the fruits of this country's independence and to take part in this country's development. Over the last 56 years, our Parliament and all Governments, I would say, have endeavoured to sustain this effort, and, from time to time, even elaborated those provisions, corrected them, modified them in order to focus on the requirements of justice to a greater measure. We have all seen this. We debate about these things, we argue about these things and we differ about these things also, as parties, as individuals. And, we all try to project what is the best possible way to enhance and expand this social justice and social necessity. Various commissions have given reports after great examination, great consideration, listening to everybody across the country or in a particular region, and, trying to give a fair suggestion, the best possible they can think out, and, then, Governments have also applied their minds, I believe, and, tried to take decisions which are in the larger interests of this country. And, I think, this Constitutional Amendment, which Silvius has proposed, is in this direction. We all know that in the economic working of this country, the British, among other things, introduced the great tea industry and the tea industry is in Bengal, North Bengal, Darjeeling and that entire region. I have myself extensively travelled and seen all that great industry. It is possibly in Tripura but it is also very much in Assam, and, Assam is perhaps, in terms of volume and variety, the greatest producer of tea in this country. It is known to the world, it is recognized in the world. It has a place in our exports and our earnings. Sir, one of the patterns followed by the British in all this, 150 years ago, was to pick up labour from the most backward areas of India, take advantage of the dire necessity of people and take them to various places not only in this country but out of this country. Fiji, the West Indies, British Guayana, I can go on naming places where our people have been taken from these States which have been mentioned here, whether it was Bihar or it was Madhya Pradesh, that whole region, Andhra Pradesh, the Santhal Parganas, Orissa. From all these

areas, people were taken and the necessity of wanting to earn a living and survive; they went far across the seas and you have these communities even today. Some of them have flourished after great struggle. And, in British Guayana, we had Indian-origin Prime Ministers. We have great writers like V.S. Naipaul, a Nobel Prize Winner, a world-recognised figure in literature.

[MR. DEPUTY CHAIRMAN in the Chair]

And, we have great cricketers from the West Indies; Kallicharan, I know these cricketers, Ramdin. Even today, Chanderpaul, the captain till the other day of the West Indies. And, there are others also within the team. There is a major number of these people out of that labour which was taken to grow sugarcane in those areas. And, they have survived; they have flourished; they have contributed to the world of sports, the world of literature and the world of politics, ending up as Prime Ministers. It is not easy to become a Prime Minister in this country. I can assure you it is much more difficult to go and become a Prime Minister in another country. When you are still a small group, you must be an exceptional person to win the endorsement of the majority in that country to be a Prime Minister. And, they visit us here now. We all are and we should be proud of them. You know the Prime Minister Choudhary from Fiji. He came a couple of years ago. He was from Haryana. There are others from Bihar. So, these are the kind of achievements. Now, the British certainly also took a large number of labour from these provinces to Assam, to Bengal for the tea industry. This is something historical which we all know. In our post-independence Constitutional attempt for social justice and fairness, as Mr. Condpan says, fortunately, justice was done, the fact was recognised that these were the people who were either Scheduled Tribes or Scheduled Castes from the poorest of the poor of these States, whether it was Bihar or Madhya Pradesh or Orissa or Andhra Pradesh and they were taken there and they went there because they had no choice. There were some earning, some wage to survive on and they were taken there. Subsequently, in Bengal, as he says, and in Tripura, they have been given the recognition of what they always work. They were either Scheduled Tribes or Scheduled Castes. And, if this country, in the new Constitution, felt that they should get certain considerations that are special to help them to take part in a reasonable, adequate way in the life of this country and survive, they were given those rights. But, omissions take place. And, I think, he is correct to point out that there has been a huge omission of exactly the same thing in Assam. These very people, one family was taken to West Bengal and one

family or another group is taken from the same tribe, the same caste to ...*(Interruptions)*... They were taken to Assam or perhaps another group was taken to British Guayana in the sugar industry. There he won't get it. There, they have to fight to become Prime Ministers and cricket captains. And, they have succeeded. I salute them. But, in India, if they are here, and we have done this for a part of the same people in West Bengal and Tripura, it obviously makes sense that we have to make constitutional provisions to do exactly the same in Assam, for exactly the same people, for exactly the same justification and legal requirement. Otherwise, we are amiss. We are doing something, we are missing something, which we, as a good Government and a good Parliament, have no right to do. And he has pointed to numerous Commissions which we have had.

India goes on worrying about who has left out. That is, I think, the strength and beauty of this country. That somebody has been left out, let us worry about him, and bring him in, and if we hear about it, we try to correct it. That also is something I can say for all the Governments and all Parliaments in my experience of life anywhere, and that is why we are a strong democracy. We still remain essentially a poor country. There are rich people, unfortunately extremely rich; but essentially, in totality, we are, in my eyes, a poor country, even a country with large parts in distress, and nothing less than that. But we are a caring country; this is a caring Parliament. I believe there are always caring Governments in this country which try to correct mistakes, if they understand that a mistake has been made or a shortcoming is there which they did not notice at a time in the past. That is why we always keep on appointing Commissions to have one more correction, one more improvement.

As he has referred to, there was a Dhevar Commission. I wonder if it was a Debar Commission. You know the Congress President. I think it must be Debar. But maybe there was a Dhevar Commission. ...*(Interruptions)*...Mr. U.N. Dhevar. It is obviously the old Congress President I remember from my college days. There was a Dhevar Commission; there was a Pataskar Commission; there was a Chanda Commission; and there was a Lokur Commission. All of them visited Assam and all of them gave reports about the socio-economic problems of these people and their pasts, their customs, etc. But somehow we also are such a vast country that to reach up to the great elephant of the Government of India and to be able to whisper into the elephant's ears sometimes होता नहीं या बेचारा एलीफेंट भी सुनता नहीं है। ऐसा हो जाता है। I think that might have

happened. I think it is time the elephant heard, the Parliament heard. We should correct this thing and simply make enabling provisions, and the Government, after great and thorough examination, satisfies itself. This is not a party matter. I don't see too many matters as party matters; I see them as India matters, as development matters, as improvement and running-the-country matters. I, therefore, think this is a matter which the Government of India, Parliament, and the President, as advised by the Government, must look into carefully, must study, and satisfy themselves. They should look into all these reports, at least now, and then if it is so, make legal corrections, constitutionally or otherwise, to empower the President to make these corrections in Assam. There may be some other little ones, because I have read the two clauses, which he has proposed. This will give power, which will enable the Government, to correct some other mistakes, which nobody has brought forward. All these things should be done. I think it is necessary to look at this thing seriously. I would appeal to the Minister to look into these things. I know the fate of these Bills/Resolutions. After hearing all of us, whatever views the House gives, the Minister will request him to say that, "Well, we have heard you. Don't worry, we will take care of it." I hope he will really take care of it and that too within a timeframe. They should not be made to wait for ever and ever; 50-60 years have already gone. The constitutional reservations were always there, but they were not heard. I am glad that my friend here has come up with a Bill. I don't know how he has managed to get it through. He must have, Sir, spoken to you sometimes, touched your feet or whatever he has done. But his matter has come up, and the Minister is here to hear it. I hope it will be dealt with in a positive manner as requested by these people of Assam who are still in the tea factories working hard as labourers there, and still not risen to these heights where you and I are sitting. I would request the Minister to take serious note of all this, and redress their grievances in Assam, and if necessary, anywhere else. Thank you.

MESSAGE FROM LOK SABHA

The Delhi laws (Special Provisions) Bill, 2006

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose