

Resolution

Mr. Speaker Sir, I seek your permission to move a Resolution under Rule 121 of the Rules of Procedure and Conduct of Business, and the text of the Resolution reads as follows – **“This House do resolve to impress upon the Union Government of India on the crucial need to further amend the Constitution (Scheduled Tribes) Order, 1950 so as to make necessary exclusions and substitutions to the list of tribes in Part XI of the Schedule pertaining to the state of Meghalaya, in keeping with the actual demographics of the state”**.

(Wait for Speaker to give permission)

Thank you Mr. Speaker for permitting me to move this Resolution.

It is with a sense of responsibility that I bring into discussion before this august House today, a subject that is much required to deliberate on and to take a considered decision, because it really affects all of us; not just us legislators, but the very people in the constituencies that we represent; it affects us all certainly in the realm of public policy, yet this matter has been left unattended all these years by the state Legislature, years after Meghalaya attained statehood.

Let me start at the very beginning. The Scheduled Tribes as we know derive their constitutional status and privileges by virtue of their respective tribe being duly listed in the Constitution (Scheduled Tribes) Order, 1950. As legislators we may have come across this important official document which is a Presidential Order made under Article 342 of the Constitution of India, and which declared the tribes listed in the Schedule appended to the Order as Scheduled Tribes in relation to the particular State that they are listed under, with each State arranged against a serialized Part number.

For instance, Khasi and Garo tribes were listed under Part II – Assam; although remember this was 1950, and the territories that Khasi and Garo tribes inhabited were then part of undivided Assam. And in that list in Part II, along with Khasi and Garo, the tribes of Chakma, Dimasa, Hajong, Hmar, Kuki, Lakher, Man, Mizo, Naga and Pawi were also specified.

The Constitution (Scheduled Tribes) Order, 1950 was amended by an Act of Parliament in 1976, wherein the list of tribes in Part II – Assam remained more or less the same, yet a new Part XI was added to the Schedule; and Part XI was for the then newly created state of Meghalaya. Interestingly the tribes listed in Part XI – Meghalaya was taken ditto from what was listed in Part II – Assam.

Whether that was the right thing or wrong thing to do, I cannot be standing here today in the year 2024 and make a moral judgment on something done in 1976. I would let it be as it happened as there may have been justified reasons and circumstances for doing so at that time.

However, over the years and decades that passed, post the formation of the states of Manipur and Tripura, which came about by the North Eastern Areas (Reorganization) Act passed by Parliament in 1971, and then the states of Mizoram and Arunachal Pradesh which were created similarly by Acts of Parliament passed in 1986, I personally feel that there should have been some expressed consciousness in our state Legislatures on the need to apprise the Union Government of India about the necessity to further amend the Schedule to the Constitution (Scheduled Tribes) Order, 1950 so as to correctly reflect the changing demographics of the region of North East India.

I say this with conviction and without prejudice because after Parliament passed the Constitution (Nagaland) Scheduled Tribes Order in 1970, we see that Naga tribes were listed under that Order. Then with the 1976 amendment to the Constitution (Scheduled Tribes) Order where Part X was added to the Schedule for the state of Manipur, we see that Kuki tribes were duly listed under that Part. Similarly we see that Chakma tribe were duly listed under Part XV – Tripura that was also added. In 1986, Hmar tribe were listed under Part XVII – Mizoram.

So the understanding that I have arrived at is this – if over the years and decades, the tribes of Chakma, Dimasa, Hmar, Kuki, Lakher, Man, Mizo, Naga and Pawi have found correct and rightful mention in their respective state-defined Part of the Schedule to the Constitution (Scheduled Tribes) Order, then wouldn't it be correct and right to make corresponding exclusions in the list under Part XI of the Schedule which is in relation to the territory of the state of Meghalaya.

And why I am saying this is because, as I have mentioned earlier at the start, that the status and privileges of Scheduled Tribes in relation to the States where they are recognised in, do have a definite bearing on how public policy of that particular state is affected. With due respect to tribes all over the North East, who are my esteemed friends and brothers in spirit, please don't mind me saying this, but by public policy I certainly do imply the legal operation of the Meghalaya (Transfer of Land) Regulation Act, 1971 as amended, as well as the applicability of the State Reservation Policy.

The one exception that I wish to point out here is with regard to the Kuki sub-tribe of Biate who are uniquely indigenous to the Jaintia Hills ... Similarly there could be a few other tribes or sub-tribes which I have failed to mention, and these too deserve an exception.

Other than that, I see no reason why it is inappropriate for me to bring to the attention of this august House that the list of tribes in Part XI of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 as amended really is no longer in keeping with actual demographics of the state of Meghalaya. And so Mr. Speaker Sir, I feel convinced to urge honourable Members of this state Legislature to have their separate say and invite them to share their valuable point of view on this Resolution moved by me. Yes it is sensitive no doubt, yet it is crucial at the same time, for the interest at large of the people of our state.

It is prudent for me to also mention here that the Part XI of the Schedule deserves necessary review as Entry number 6 of the List reads as, and I quote – “*Khasi, Jaintia, Syteng, Pnar, War, Bhoi, Lyngngam*”. Now I’m sure we are quick to question why “*Jaintia, Syteng, Pnar*” have been specified differently in the Entry. Therefore, this Entry in the List absolutely deserves correct substitution as a single sub-tribe, and that too with the correct spelling ... Further, we see that “*Synteng*” has been specified twice in the List, that is one more time at Entry number 14, and such double entry obviously requires deletion.

So to conclude, I wish to state that the Resolution that I am proposing before this august House today calls for a joint decision by honourable Members of the House to escalate our concerns to the Union Government of India, so that procedural steps are taken to effect a legislative initiative in Parliament, that will pave the way for specific necessary exclusions and substitutions to the list of tribes in Part XI of the Schedule pertaining to the state of Meghalaya in the Constitution (Scheduled Tribes) Order, 1950 as amended.

With these few words Mr. Speaker Sir, I once again thank you for allowing me to move this Resolution. I have a firm hope in humanity and in divine wisdom. I believe that with clear understanding and vision, we can expect a consciousness to course correct a constitutional anomaly, and that – **“This House will resolve to impress upon the Union Government of India on the crucial need to further amend the Constitution (Scheduled Tribes) Order, 1950 so as to make necessary exclusions and substitutions to the list of tribes in Part XI of the Schedule pertaining to the state of Meghalaya, in keeping with the actual demographics of the state”**.