

20 CIP
ARCHIVES



WGIP 93 GOU/SAS . IND/1

PERMANENT MISSION OF
INDIA
TO THE UNITED NATIONS OFFICE
GENEVA

STATEMENT BY MR. DEBASHISH CHAKRAVARTI ON BEHALF OF
THE INDIAN DELEGATION TO THE WORKING GROUP ON
INDIGENOUS POPULATIONS - AGENDA ITEM NO. 5

GENEVA, 29 JULY 1993

My delegation takes the floor to address some of the issues raised during the deliberations of the Working Group on Indigenous Populations. The Working Group has completed the second reading of the draft declaration. My delegation has made both general and specific comments on relevant aspects of the draft declaration. It will continue to pay due attention to the future work on the declaration.

2. The problem of indigenous people have been aired at length during the proceedings of the Working Group. The term "Indigenous People" is not one of sweeping generalisation. It applies rather to specific populations and communities in certain parts of the world. India has been a melting pot of races and ethnic groups from the earliest periods of recorded history. The application of the term "Indigenous People" to the situation in India would be inaccurate because the entire population of India has been living on its lands for the past several millennia. All these people are indigenous to the country and any attempt to make a distinction between indigenous and non-indigenous would be artificial and spurious, where India is concerned. There have been several statements in the Working Group dealing with the subject of Scheduled Castes and Scheduled Tribes. There has been an attempt to equate these terms with the term "Indigenous People". For the reasons cited above, this is incorrect.

3. The caste system originated in the division of labour in ancient times. Owing to historical factors, a large section of India's population remained underprivileged and without access to meaningful social opportunity. Independent India was acutely conscious of this problem left over from the past. It is not often recalled that it was the Constitution of Independent India which first abolished the practice of untouchability in any form and made its practice a punishable offence. The sections of Indian society which were disadvantaged were constitutionally recognised as the Scheduled Castes and Scheduled Tribes and special provisions, perhaps unequalled elsewhere in the world, were made to promote their rights and interests. The assertion that the term 'Scheduled Castes and Scheduled Tribes' is discriminatory is absurd because it refers merely to the Schedule of the Constitution wherein special provisions are made for persons belonging to these communities. There was a deliberate intent in making protective legislation for the Scheduled Castes and Scheduled Tribes: it was not merely a question of welfare of the underprivileged; it was a question of their empowerment. Seats are reserved in the elected Lower House of Parliament for the Scheduled Castes and Scheduled Tribes. The number of such seats in any state or Union Territory is required to be proportionate to the population of Scheduled Castes and Scheduled Tribes in those areas. No one except a member of these groups may contest for a seat in Parliament or in the State Legislature from such constituencies.

4. Apart from reserved constituencies, in some of the states of the Union where Scheduled Tribes are in a majority, the State Legislatures are entirely composed of persons belonging to the Scheduled Tribes; no person who is not a member of a Scheduled Tribe is eligible for election. Apart from

representation in Parliament, there is reservation of appointments for Scheduled Castes and Scheduled Tribes in Civil Services both of the Central Government and the State Governments. These are direct means for empowerment of the underprivileged and these were implemented far earlier than anywhere else in the world.

5. The National Commission for Scheduled Castes and Scheduled Tribes has also been constituted under Article 333 of the Constitution and given statutory powers to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes. The National Commission has been given the powers of a Civil Court in matters pertaining to enquiries into complaints. A host of poverty alleviation and development programmes have been formulated and are being implemented with a view to strengthen the economic and social status of the most vulnerable sections of society. Special legislation to monitor offences committed against Scheduled Castes and Scheduled Tribes was enacted in 1989. Offences under this act carry more severe penalties than similar offences under the Indian Penal Code and are non-bailable. A public servant who willfully neglects his duties under this act faces imprisonment of one year. Victims of offences are provided legal aid by the state governments including assistance for travel and maintenance during court proceedings.

6. The National Development Plan contains a Tribal Sub-Plan and a Special Component Plan for Scheduled Castes with separate targets under the key economic and social sectors. The schemes include literacy programmes, scholarships for underprivileged students and employment generation programmes. Therefore, to make the assertion that underprivileged groups are threatened is to deviate from the truth. Allegations of genocide are so unbelievable that it is not my intention to even consider refutation. References have been made to the Sardar Sarovar project in Western India. The rehabilitation package for those affected by the project is one of the best made available by any developing country. Furthermore, the Government has been engaged in free and frank consultations with those involved including voluntary organisations and the state governments concerned.

7. Disparaging references to the Government's sincere attempt to resolve amicably the issues involved in the Bodoland and Jharkhand matters, within the constitutional framework and territorial integrity of India, are something which my delegation regrets. These are matters entirely within the national competence of India.

8. This brings me to a matter of grave concern: the appearance in this forum of persons heading armed groups that spread terror. We are astonished that the so-called National Socialist Council of Nagaland (NSCN) has spoken at this forum. This illegal armed group is openly secessionist. It has killed 531 persons in the North Eastern states of India in the past 9 years. It is xenophobic in nature and has not hesitated to kill even members of other Naga tribes for which it is regarded with repugnance. As recently as 29 June 1993, it slaughtered 26 persons in Chandel district in Manipur. The

Indian State of Nagaland was created constitutionally in 1963. Successive governments of Nagaland have been elected by the Nagas from among themselves. 44 out of 66 seats in the State Legislature are reserved for Naga tribes alone. The voter turnout in the 1993 Assembly elections was 90.34%. The claims of the NSCN to speak for the Nagas are easily refuted by these unshakeable facts and by the NSCN's bloody and xenophobic record. Their presence in the Working Group raises issues worth pondering about on the future direction of its work.

As far as my delegation is concerned, we reiterate our interest in following the deliberations of the Working Group and assisting it where necessary.