

# LOK SABHA DEBATES (English Version)

**Fourteenth Session  
(Eighth Lok Sabha)**



सत्यमेव जयते

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# LOK SABHA DEBATES

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## LOK SABHA

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Wednesday, August 16, 1989/Sravana 25,  
1911 (Saka)

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The Lok Sabha met at two minutes past  
Eleven of the Clock

[MR. DEPUTY SPEAKER *in the Chair*]

[English]

WELCOME TO THE SPEAKER OF THE  
HOUSE OF COMMONS OF UNITED  
KINGDOM

[English]

MR. DEPUTY-SPEAKER: Hon. Mem-  
bers, I have to make an announcement.

On my own behalf and on behalf of the  
hon. Members of the House, I have great  
pleasure in extending our warm welcome to  
Rt. Honourable Bernard Weatherill, Speaker  
of the House of commons of the United  
Kingdom who is on a visit to India as our  
honoured guest.

He arrived in Delhi on Monday, 14th  
August, 1989. He is now seated in the Spe-  
cial Box. We wish him a happy and fruitful  
stay in our country. We also convey our  
warm greetings and very best wishes through  
him to Her Majesty the Queen, the Parlia-  
ment, the Government and the friendly people  
of the United Kingdom.

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{*Interruptions*}

SHRI SHANTARAM NAIK (Panaji): Sir,  
here is a copy of the letter which Shri V.P.  
Singh had written to Shri Haji Mastan and it  
clearly.... (*Interruptions*)

MR. DEPUTY-SPEAKER: Please sit  
down. I would call you.

SHRI SHANTARAM NAIK: Are you  
allowing each one of us?

MR. DEPUTY-SPEAKER: You take  
your seats. I would call each one of you.

SHRI P. KOLANDAIVELU (Gobichehti-  
palayam): Sir, the hon. Speaker had already  
promised us that we would have a discus-  
sion here with regard to the Sri Lanka prob-  
lem and the Government had also promised  
that they would come forward with a state-  
ment. So far they have not come forward  
with a statement and in the business for the  
House this week, we do not find the discus-  
sion regarding Sri Lanka. When will the  
discussion be taken up? Hardly we are having  
one day on Friday. Even Friday is a Private  
Members' day. Are we going to have a  
discussion or not?

THE MINISTER OF STATE IN THE  
MINISTRY OF PARLIAMENTARY AFFAIRS  
AND MINISTER OF STATE IN THE PRIME  
MINISTER'S OFFICE (SHRIMATI SHEILA  
DIKSHIT): There would be no Private  
Member's day.

SHRI P. KOLANDAIVELU: Are we going  
to take up this discussion or not?

SHRIMATI SHEILA DIKSHIT: I will find out and tell you.

MR. DEPUTY-SPEAKER: She will find out and tell us.

SHRI G.M. BANATWALLA (Ponnani): We were under the impression that a discussion on Sri Lanka will be held. They are now backing out from the assurance given to the House.

*(Interruptions)*

MR. DEPUTY-SPEAKER: Your concern has already been noted by the Minister. She will find out and tell us.

*(Interruptions)*

SHRIMATI SHEILA DIKSHIT: I will find out and let you know.

*(Interruptions)*

SHRIMATI SHEILA DIKSHIT: Sir, if the hon. Members are willing to sit late in the evening, then we will be able to finish all the items that we have decided. If the Members are willing to forego the Lunch hour and sit late, we don't have any problem.

SHRI T. BASHEER (Chirayinkil): Sir, here is a report which says that Shri V.P. Singh, who talks about the value based politics, morals and other things, thanked Haji Mastan for his financial contribution for the Allahabad election... *(Interruptions)*

SHRI SHANTARAM NAIK: Sir, it amounts to a very serious corrupt practice.

SHRI T. BASHEER: Shri V.P. Singh is a man who talks about value-base politics against corruption, against black money, hoardings, etc. You know what is the reputation of Haji Mastan in this country. The report says that Haji Mastan has received a letter from Shri V.P. Singh confirming both the financial contribution and other help in the Allahabad election. This is a very serious matter... *(Interruptions)*

MR. DEPUTY SPEAKER: If there is any truth in this, let the Election Commission take note of it. They will look into it.

SHRI SHANTARAM NAIK: Sir, you also take note of it. The election law has been passed by this House. *(Interruptions)*

MR. DEPUTY SPEAKER: Don't waste the time of the House. I have given my ruling, don't insist on this now. The Election Commission will take note of it.

*(Interruptions)*

SHRI SHANTARAM NAIK: Are you allowing me, Sir?

MR. DEPUTY SPEAKER: Mr. Naik, whatever has been said, if it is a correct thing, let the Election Commission take note of it. The Election Commission will take care of it.

*(Interruptions)*

SHRI SHANTARAM NAIK: Election law has been passed by this House. At our request, are you going to refer the matter to the Election Commission?

MR. DEPUTY SPEAKER: I cannot do anything.

SHRI SHANTARAM NAIK: Ours is the highest representative body in this country. You are no less than the Chief Election Commissioner. You are presiding over the highest legislative body in the country. *(Interruptions)*

SHRI TARUNKANTIGHOSH (Barasat): In West Bengal there are four municipalities which are under the control of Congress. Berhampore, one of the municipalities under the Congress control, was superseded by the Government of West Bengal without any rhyme or reason. To protest against this undemocratic act when the Congress workers in my constituency were demonstrating at Habra, the police made mass lathi charge on the peaceful demonstrators. There was



also firing and a lot of people have been injured. I want to bring this to the notice of the Prime Minister and the Home Minister. (*Interruptions*)

MR. DEPUTY SPEAKER: You write to the Home Minister. It is a State subject. We cannot take it up here.

SHRI BRAJAMOHAN MOHANTY (Puri): Mr. Deputy Speaker, Sir, you must have seen the press report that Pakistan's Independence Day Celebration has taken place widely in Jammu and Kashmir. This is a very serious situation affecting the integrity and unity of this great country. May I request the hon. Home Minister to make a statement? This is a very important thing.

MR. DEPUTY SPEAKER: Government, I think, is aware of all these things. If there is any anti-national activity, they will take care of it. The State Government is also there and they will also take care of it.

(*Interruptions*)

SHRI KADAMBUR JANARTHANAN (Tirunelveli): Sir, the Tamil Nadu Chief Minister's speech on Independence Day was something like a threat to the Central Government. "Learn to respect the States" was the phrase used by the Chief Minister who refused to accept the invitation given by the Prime Minister to attend the Seminar on Panchayati Raj. A beautiful poem *Viduthalaiyum Keduthalai Aagume* sung by Poet Bharathi Dasan was wrongly quoted at a wrong place like a Naxalite slogan... (*Interruptions*)

MR. DEPUTY SPEAKER: This kind of threatening will not do.

SHRI P. KOLANDAIVELU: He is threatening the Central Government.

MR. DEPUTY SPEAKER: Nobody can threaten others. Even otherwise, we have to find out whether the report is correct or not. Nobody can threaten anybody.

SHRI SOMNATH RATH (Asha): The Pakistani flag was hoisted on Independence Day on top of some of the institutional buildings. This is a very serious matter. Will you ask the Hon. Home Minister to make a statement?

MR. DEPUTY SPEAKER: It has already been mentioned by Shri Mohanty. No please. Please sit down.

(*Interruptions*)

[*Translation*]

SHRI JAI PRAKASH AGARWAL (Chandni Chowk): Sir, five pilgrims lost their lives while going to Amarnath. I had already requested the hon. Minister to sanction funds for construction of a path there. Lakhs of people, who go to Amarnath, will be benefited. Therefore, I request the hon. Minister to accord his sanction because it does not involve huge amount. A sum not exceeding Rs. 40 to 50 lakhs will be required for the purpose.

(*Interruptions*)

[*English*]

SHRI CHINTAMANI JENA (Balasore): The Chief Minister of Andhra Pradesh while speaking on the auspicious Independence Day Govt function had given a slogan of his own regional party. This will create disunity and disintegration in this country. I request the hon. Home Minister to make a statement about the text of this speech. Otherwise it will demoralise our Defence Forces all over the country. Besides, as I said, this will create disintegration. The slogan is about his own regional party... (*Interruptions*)

MR. DEPUTY SPEAKER: Mr Jena, every one acts according to the constitutional guidelines. If anyone goes beyond them, the Central Government will definitely take care of that. It is upto the Centre to see whether the State Government is functioning within the constitutional framework or beyond it.

The President is also there. They will take care of the matter.

SHRI CHINTAMANI JENA: But only one day is left and the Session is coming to a close. I have given a Call Attention Motion. Let the Home Minister take up the matter. *(Interruptions)*

MR. DEPUTY SPEAKER: Please sit down.

SHRI DHARAM PAL SINGH MALIK (Sonepat): Sir, I have some documentary proof. The Government of Haryana and the Chief Minister of Haryana with the help of the Deputy Commissioner of Gurgaon... *(Interruptions)*

MR. DEPUTY SPEAKER: This is a State subject. How can you bring it here?

SHRI DHARAM PAL SINGH MALIK: About thousands of bighas of land in the Gurgaon district of Gawal Pahadi have been sold. This land is owned by the Gram Panchayat. But now, it has been given to some colonisers with the help of the Deputy Commissioner. I have got documentary proof also.

MR. DEPUTY SPEAKER: No please. This is a State subject and I cannot allow it.

*(Interruptions)\**

MR. DEPUTY SPEAKER: Let the Members raise it in the Haryana Assembly.

*[Translation]*

SHRI MOHD. AYUB KHAN (Udhampur): Mr. Deputy Speaker, Sir, I would like to draw the attention of the Central Government that Dogri language is spoken by lakhs of people. Though this language has a rich literature and is taught even upto university level yet it has not been included in the Schedule of the Constitution. I want that the

Central Government should pay attention towards it.

*[English]*

MR. DEPUTY-SPEAKER: You write to the Home Minister.

*[Translation]*

SHRIMOHD. AYUB KHAN: My second submission is that the helicopter service to Vaishno Devi was introduced last year but now it has been discontinued. Therefore, I would request the hon. Minister that the helicopter service should be resumed.

*[English]*

MR. DEPUTY-SPEAKER: You write to the concerned Minister.

*[Translation]*

SHRI JANAK RAJ GUPTA (Jammu): Mr. Deputy-Speaker, Sir, I agree with the hon. Member that Dogri Language is spoken not only in Jammu and Kashmir but all over the country and therefore, it should be included in the Eighth Schedule of the Constitution so that the rights of Dogri speaking people can be protected. I also agree that the helicopter service to Vaishno Devi, which has been discontinued should be resumed. It will greatly benefit the pilgrims. Thirdly, I would also like to say that maximum funds should be made available by the Government for the construction of roads to Amarnath so that the pilgrims can be provided more and more facilities.

*[English]*

MR. DEPUTY-SPEAKER: You write to the concerned Minister; he will take care of it.

11.16 hrs.

## PAPERS LAID ON THE TABLE

*[English]*

**Architects (Professional Conduct) Regulations, 1989, Audit Report on the Accounts of Board of Apprenticeship Training (Western Region), Bombay, for 1987-88, Annual Reports and Review on the working of North-Eastern Hill University for 1983-84, 1984-85, 1985-86 and 1986-87 and statement for delay in laying these papers.**

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETRO-CHEMICALS IN THE MINISTRY OF INDUSTRY (SHRI P. NAMGYAL): On behalf of Shri P. Shiv Shanker I beg to lay on the Table:-

- (1) A copy of the Architects (Professional Conduct) Regulations, 1989 (Hindi and English versions) published in Notification No. F. No. CA/1/89 in Gazette of India dated the 11th May, 1989, under sub-section (3) of section 45 of the Architects Act, 1972. [Placed in Library See No. LT-8268/89]
- (2) A copy of the Audit Report (Hindi and English versions) on the accounts of the Board of Apprenticeship Training (Western Region), Bombay, for the year 1987-89.
- (3) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (2) above. [Placed in Library See No. LT-8269/89]
- (4) (i) A copy of the Annual Report (Hindi and English versions) of the North-Eastern Hill Univer-

sity, Shillong, for the year 1983-84.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the North-Eastern Hill University, Shillong, for the year 1984-85.

(5) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (4) above. [Placed in Library See No. LT-8270/89]

(6) (i) A copy of the Annual Report (Hindi and English versions) of the North-Eastern Hill University, Shillong, for the year 1984-85.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the North-Eastern Hill University, Shillong, for the year 1985-86.

(7) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (6) above. [Placed in Library See No. LT-8271/89]

(8) (i) A copy of the Annual Report (Hindi and English versions) of the North-Eastern Hill University, Shillong, for the year 1985-86.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the North-Eastern Hill University, Shillong, for the year 1985-86.

(9) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (8) above. [Placed

in Library See No. LT-8272/89]

(10) (i) A copy of the Annual Report (Hindi and English versions) of the North-Eastern Hill University, Shillong, for the year 1986-87.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the North-Eastern Hill University, Shillong, for the year 1986-87.

(11) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (10) above. [Placed in Library See No. LT-8273/89]

**Notification under Air (Prevention and Control of Pollution) Act, 1981.**

THE MINISTER OF ENVIRONMENT (SHRI Z.R. ANSARI): I beg to lay on the Table a copy of the Notification No. G.S.R. 741 (E) (Hindi and English versions) Published in Gazette of India dated the 7th August, 1989 containing corrigendum to Notification No. G.S.R. 350 (E) published in Gazette of India dated the 9th March, 1989, under sub-section (2) of section 53 of the Air (Prevention and Control of Pollution) Act, 1981. [Placed in Library See No. LT-8274/89]

**Statement showing reasons for delay in laying the Annual Report and Audited Accounts of Shipping Corporation of India Ltd. for 1987-88**

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): I beg to lay on the Table a statement (Hindi and English versions) explaining reasons for not laying the Annual Report and Audited Accounts of the Shipping Corporation of India Limited, for the year 1987-88. [Placed in Library See No. LT-8275/89]

**Punjab Agricultural Produce Markets (Amendment) Act, 1988 and Tamil Nadu Agricultural Produce Markets (Amendment and Special Provisions) Amendment, Act, 1988**

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION IN THE MINISTRY OF AGRICULTURE (SHRI SHYAM LAL YADAV): On behalf of Shri Janardhana Poojari I beg to lay on the Table:-

(1) A copy of the Punjab Agricultural Produce Markets (Amendment) Act, 1988 (President's Act No. 10 of 1988) (Hindi and English versions) published in Gazette of India dated the 16th November, 1988, under sub-section (3) of section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1987. [Placed in Library See No. LT-8276/89]

(2) A copy of the Tamil Nadu Agricultural Produce Markets (Amendment and Special Provisions) Amendment Act, 1988 (President's Act No. 11 of 1988) (Hindi and English versions) published in Gazette of India dated the 5th December, 1988, under sub-section (3) of section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1988. [Placed in Library See No. LT-8277/89]

**Annual Report, Annual Accounts and Review on the working of Asiatic Society, Calcutta for 1986-87 and statement for delay in laying these papers**

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETROCHEMICALS IN THE MINISTRY OF INDUSTRY (SHRI P. NAMGYAL): On behalf of Shrimati Krishna Sahi I beg to lay on the Table—

(1) (i) A copy of the Annual Report (Hindi and English versions) of the Asiatic Society, Calcutta, for the year 1986-87.

(ii) A copy of the Annual Accounts (Hindi and English versions) of the Asiatic Society, Calcutta, for the year 1986-87 together with Audit Report thereon.

(iii) A copy of the Review (Hindi and English versions) by the Government of the working of the Asiatic Society, Calcutta, for the year 1986-87.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above. [Placed in Library See No. LT-8278/89]

#### Fertilizer (Control) (Second Amendment) order, 1989

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION IN THE MINISTRY OF AGRICULTURE (SHRI SHYAM LAL YADAV): I beg to lay on the Table—

A copy of the Fertiliser (Control) (Second Amendment) Order, 1989 (Hindi and English versions) published in Notification No. S.O. 581 (E) in Gazette of India dated the 27th July, 1989 under sub-section (6) of section 3 of the Essential Commodities Act 1955. [Placed in Library See No. LT-8279/89]

11.17 hrs.

#### MESSAGES FROM RAJYA SABHA

[English]

**SECRETARY-GENERAL:** Sir, I have to report the following two message received from the Secretary-General of Rajya Sabha:

(i) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Karnataka Appropriation Bill, 1989, which was passed by the Lok Sabha at its sitting held on the 7th August, 1989, and transmitted to the Rajya Sabha for its recommendations and to state that this House has on recommendations to make to the Lok Sabha in regard to the said Bill"

(ii) 'I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held today, the 11th August, 1989, adopted the following motion in regard to the appointment of Members of the Lok Sabha to the Joint Committee of the House on the Shipping Agents (Licensing) Bill, 1987:—

"That this House recommends to the Lok Sabha that the Lok Sabha do appoint eight Members of Lok Sabha to the Joint Committee of the Houses on the Shipping Agents (Licensing) Bill, 1987, in the vacancies caused by the resignation from the membership of the Lok Sabha of Prof. Parag Chaliha, Dr. Sudhir Roy, Shri H.A. Dora, Shri H.N. Nanje Gowda, Shri Satyagopal Misra, Shri H.M. Patel, Shri B.B. Ramaiah and Shri Indrajit Gupta, who were Members of the said Joint Committee and communicate to this House the names of the Members so appointed by the Lok Sabha to the said Joint Committee."

11.18 hrs.

[Translation]

**MATTERS UNDER RULE 377**

[English]

- (I) **Need to appoint a High Power Committee to investigate into the cause of frustration among young Scientists**

DR. PHULRENU GUHA (Contai): A huge amount of money is spent to train scientists but it is found that many of the scientists, particularly, the young scientists, suffer from frustration.

So, I urge upon the Government of India to appoint a high power Committee to investigate into the matter and make necessary action thereon.

- (II) **Need to establish a research oriented organisation at Puri (Orissa) to promote export and development of marine products and to nominate representative from Orissa on Marine Advisory Body**

SHRI BRAJAMOHAN MOHANTY (Puri): Orissa has a long coast and having potentiality of marine development including fishing. Orissa's export potentiality of fishing and marine products is not negligible. But unfortunately the Government of India have taken no notice of the developmental potentiality of marine products of Orissa and no research oriented organisation for developing marine products and fishery has been established there like the one in Cochin. Even in Marine Advisory Committee, Orissa has no representation. I, therefore, request the Union Government to establish a research oriented organisation at Puri to promote the export and development of marine products including fishery. It is also urged upon the Government to nominate representatives from Orissa on Marine Advisory Body.

- (III) **Need to link various rivers in the country for maximum utilisation of the water resources**

SHRI M.L. JHIKRAM (Mandla): Mr. Deputy-Speaker, Sir, under Rule 377 I would like to inform that excess rainfall in our country causes floods which destroy crops in thousands of acres of land, causes soil erosion and renders thousands of people homeless. Most of the water flows down into the sea without being utilised. On the other hand some states fall into the grip of drought in the absence of pushing lakhs of people and livestock into the jaws of death due to the scarcity of fodder, grass and water. Thus, excess rainfall and scanty rainfall both adversely affect the country. The water, which is called elixir of life, flows down into the sea without being utilised. This problem can be solved if a network of canals linking various rivers of the country is built. For this purpose, a time bound programme should be chalked out to spread a network of canals through out the country on the pattern of railway network. In this way we can make good use of water which goes down into the sea unutilised and these canals also be utilised for transportation purposes. Hence the Central Government should take over this project in its own hand on priority basis.

[English]

- (IV) **Need to set up monitoring cells at State-level to ensure availability of essential commodities to consumers through the public distribution system**

SHRI RAM PYARE PANIKA (Robertsganj): It is a matter of great concern that inspite of the directives from the Union Government, no shops are being opened under public distribution system in different parts of the country, according to the norms prescribed by the Government of India.

The late Prime Minister Shrimati Indira Gandhi had directed the States to implement the 14-point programme so far as public distribution system is concerned. It is surprising that many families, especially in industrial belts and industrial towns are being denied by the district authorities, even the ration cards, resulting in great discontentment among the consumers.

Keeping in view the consecutive two year's drought in some parts in U.P. and elsewhere in the country, it has become imperative that a directive should be given by the Union Government to see that public distribution system works according to guidelines given by the Union Government; and, if there is need, a monitoring cell should be set up at every State level, to see that essential commodities are made available to the consumers.

I request the Minister of Food and Civil Supplies to implement these suggestions.

[*Translation*]

**(v) Need to connect Kandla Port and Delhi by rail**

SHRIMATI USHA THAKKAR (Kutch): Mr. Deputy-Speaker, Sir, I would like to raise the following matter under Rule 377:

Sir, through you. I am raising an important matter in the House. I represent the Kutch Parliamentary Constituency in which Kandla is a major port. It is the only major port of Northern India and a free trade zone of IFFCO plant is located here. Since it is situated at Pakistan border, there is frequent military movement in that area.

All the major ports in India have been connected with Delhi by rail but I regret to say that Kandla port has not yet been connected with Delhi by rail.

Therefore, I request the Government that Kandla port and Delhi should be immediately connected by rail and a super fast

train should be immediately introduced on this line.

[*English*]

**(vi) Need to set up a subsidiary Coal Company under the Coal India Ltd in Orissa**

SHRI SRIBALLAV PANIGRAHI (Deograh): One-third of the total coal reserves of our country is found in Orissa alone. But it is a matter of regret that there is no coal company established, as yet, in Orissa. In fact, it is the only major coal-producing State today in the country, without such a company in it.

In the larger national interest, for proper exploitation of the huge coal reserves which economically compare very favourably with other coal-producing States, and also for satisfactory handling of various local and regional problems involving workers' and peoples' interest, a subsidiary coal company under the Coal India Ltd. should be set up at a suitable place in the coal belt of Orissa, as early as possible. Further, the reported decision to open a Director's office in the State as a first positive step in that direction, needs to be implemented forthwith.

**(vii) Need to drop the move for setting Military Firing Range adjoining villages of Tehsil Rajgarh district Alwar, Rajasthan**

SHRI RAM SINGH YADAV (Alwar): A Military Firing Range is proposed within the revenue boundary area of villages Neemala, Motiwada, Rajpur, Sakat, Ratanpura, Barla and other adjoining villages of Tehsil Rajgarh, district Alwar, Rajasthan. \*

The notices for acquisition of agricultural lands of more than a dozen villages had been issued by the district revenue authorities. The majority of cultivators whose agricultural lands and residential properties are being acquired, belong to tribal community. Cultivators other than tribals, whose agricultural lands and residential properties are

[Sh. Ram Singh Yadav]

being acquired, are marginal and small farmers. They have no other means of income, nor any place for shelter. These people would be displaced, if their agricultural land and residential houses are acquired.

I, therefore, urge upon the Minister of Defence, Government of India, that the Military Firing Range may not be set up within the revenue boundaries of these villages, and the notices issued by the district revenue authorities for acquisition of agricultural lands and residential houses, may be withdrawn.

11.25 hrs.

SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) BILL—CONTD.

[English]

MR. DEPUTY SPEAKER: The House shall now take up further consideration of the following motion moved by Dr. Rajendra Kumari Bajapi, on the 14th August, 1989, namely:-

"That the Bill to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for the matters connected therewith or incidental thereto, be taken into consideration".

Shri Janak Raj Gupta to continue his speech. You take only three minutes.

[Translation]

SHRI JANAK RAJ GUPTA (Jammu): Mr. Deputy Speaker, Sir, I would like to congratulate the hon. Minister for bringing forward this Scheduled Castes and Scheduled Tribes Bill in the House. I would also like to congratulate our beloved leader and Hon.

Prime Minister who introduced this Bill in the House at an appropriate time for the betterment, welfare and protection of those poor and helpless people who are being subjected to various atrocities since long. In the connection I had raised a point the other day. I quite appreciate the proposal that hence forward nobody will harass the persons belonging to Scheduled Castes and Scheduled Tribes. Even then, I am apprehensive of the fact that there is no provision to take remedial measures if somebody harassed them. My suggestion pertains to sections 3 and 4 which *inter alia* read as follows.

[English]

"Whoever, being a public servant but not being a member of Scheduled Caste or a Scheduled Tribe, willfully neglects his duties required to be performed by him under this Act shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year."

[Translation]

I am afraid that the Bill is silent about the punitive measures to be taken in case if an officer harassed somebody belonging to Scheduled Castes and Scheduled Tribes. I feel that the Bill should have a provision to give punishment to every offender who harasses the members of Scheduled Castes and Scheduled Tribes irrespective of whether he is an individual or an officer. You are aware that before and after the achievement of independence our beloved Congress leader, Mahatma Gandhi made this effort and he was successful to a great extent. He endeavored to see that untouchability is done away with and nobody harassed the people belonging to Scheduled Castes and Scheduled Tribes. He preferred to stay in the houses belonging to Scheduled Castes only whenever he visited the villages. Thereafter, organisations like the Gandhi Smarak Nidhi were set up with a view to maintaining this environment and shedding the feeling that some one is touchable and the other is untouchable. Thereafter, Pandit Jawaharlal



Nehru, who always strived his best for the welfare of these people, took several steps to improve their economic condition and also to ensure that nobody committed any atrocity on them or harassed them.

Shrimati Indira Gandhi launched the 20 point programme with a view to improving the lot of these people and bringing them at par with other people. This programme proved highly beneficial to these people and improved their economic condition. She had a soft corner for them in her heart. That is why she nationalised the banks despite stiff opposition from opposition parties. She nationalised the Banks with a view to helping the poor and the downtrodden. She abolished the privy purse and developed the Harijan colonies so that they could progress economically. She ignored her personal comforts and came to their rescue. During the Janata regime, 20 Harijan were burnt alive in Belchchi. She reached Belchchi, after covering some distance on foot and the remaining on elephant back since there was no road communication to that place and the path was full of water. She enquired about their welfare, consoled them, and fought for them.

The spirit behind the Bill is very good. If we implement the Bill in the interest of the people I would say that the steps taken by our Hon. Prime Minister, are worth appreciation and in the right direction. The Prime Minister took these steps under the Jawahar Rozgar Yojana, and in the light of the provisions contained in the Panchayati Raj and Nagarpalika Bills. He visited colonies of these poor people and enquired from them as to what were their difficulties, what could bring them prosperity. He held discussions with the officials of the administration and thereafter took these measures. This scheme will improve their economic condition. When somebody's economic status improves, nobody can harass him nor he will himself tolerate the harassment. I congratulate the Hon. Prime Minister for this. I do not hesitate to say that this is the reason for opposition Members resigning their seats in the Parliament. They cannot face the challenge thrown

by the Hon. Prime Minister. I am sure that now the people will take care of them.

The word "atrocities" has been defined in this Bill. I want that something more should be done for the benefit of these poor Harijans and Adivasis and for protecting them from atrocities being committed on them by the big people. I would like to make a suggestion to the hon. Minister in this regard. When atrocities are committed on Harijans and they come to register a complaint, nobody comes forward to give evidence against the culprit. Nobody comes to the rescue of these poor fellows. I, therefore, want that atrocities committed on poor Harijans should be enquired into by a secret agency of the Government and the evidence produced by them should be treated as final. If necessary, the law may be amended suitably. Besides, the burden of proof should be left to the accused.

Secondly, there should be summary trial of these cases so that decision is taken quickly. There should be a time limit for this. I am sure that the proposed measures will improve the economic condition of the poor people in the light of the way the Bill has been drafted and assistance is being provided to them by the Hon. Prime Minister.

Often booth capturing takes place at the time of elections. Poor Harijans and people belonging to Scheduled Castes are not allowed to cast their votes. Recently, incidents of this nature took place in Haryana. It is, therefore, essential that these poor people should be provided fire arms and imparted training to operate them so that they could defend themselves. Not only that, poor Harijan's land is being encroached upon and they are being forced to eat inedible things. Stern action should be taken against this type of elements.

Finally, I would like to congratulate the Hon. Prime Minister and the hon. Minister, Shrimati Bajpai for bringing forward this Bill. I am sure that the poor people will be greatly benefited by it and the people who commit atrocities on them will come to understand

[Sh. Janak Raj Gupta]

their follies. Gone are the times when they used to escape after harassing the Harijans. I am very thankful to you for providing me time to speak.

DR. G.S. RAJHANS (Jhanjharpur): Mr. Deputy Speaker, Sir, this Bill has been brought forward in the interest of the Scheduled Castes and Scheduled Tribes. Earlier also there were provisions for the welfare of the members of Scheduled Castes and Scheduled Tribes, but these provisions were not implemented strictly. It is indeed praiseworthy that the word 'atrocities' has been well defined in this Bill. It reads:

[English]

"Whoever, not being a member of a Scheduled Caste or Scheduled Tribe— forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law."

[Translation]

But who will look into it?

At the time of general elections a booth is guarded by only a home-guard personnel with a small stick in his hand. The goonda elements do not allow the members of Scheduled Castes and Scheduled Tribes to cast their votes. The implementation agency is with the State Government. You have formulated the Bill, but how can you ensure that these people can cast their votes. It is in itself a big problem. The law is not automatically implemented when it is enacted. It will be a big achievement if you could ensure that 1/10th of the law has been implemented. The Bill further reads that:

[English]

"Institutes false, malicious or vexatious suit or criminal or other legal proceeding

against a member of a Scheduled Caste or a Scheduled Tribe."

[Translation]

It happens everyday? It has further been stated that:-

[English]

"Intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view."

[Translation]

The Bill further reads that:-

[English]

"Corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used."

[Translation]

People, who have a commercial background, can understand this point. Hand pumps are installed for Scheduled Castes and Scheduled Tribes. We write time and again and the Government forwards our applications to the Executive Engineer with the instruction to install hand pumps in Scheduled Caste and Scheduled Tribes colonies. The Executive Engineer says without any hesitation that he has no funds and how to install the hand pumps? Everybody knows what a high standard of life the Executive Engineer lives. There are instances in which water being used by these people is being fouled and they are not allowed to drink. You leave aside all the provisions and do the only thing of providing drinking water to the Scheduled Castes and Scheduled Tribes colonies in this Nehru Centenary year. It will solve half of their problems. I very often go around the villages. I found that people are clamouring for water. They take water for

drinking purposes from the very pond in which cattle are bathed, which people use as toilet and which is filled with large quantity of dirt. They take water from the very pond which causes Kalaazar, malaria, cholera and 50 similar other diseases. The Harijans take water from this pond. Hand pumps are not installed at the places they are supposed to be installed. It is my personal experience and I say with authority that hand pumps are being installed in caste Hindu colonies in the name of Harijans and the officials report that they have installed hand pumps in Harijan colonies. The only request that I would like to make is that you ensure installation of hand pumps and provision of drinking water to Harijans and also ensure that when the hand pumps go out of order drinking water is provided to these people.

**CH. SUNDER SINGH (Phillaur):** Please let us know as to where drinking water is not available.

**DR. G.S. RAJHANS:** It is not available in Bihar. One thing more that I would like to submit is that the Bill provides that stringent punishment will be awarded to the offenders. But how punishment will be awarded? Who will give witness? I have said it earlier also in the House that the goondaism has extremely terrified the people. Criminals are now found in every field viz. politics, business and legal profession. Under such circumstances who will come forward to give evidence in support of oppression of a Harijan, how the oppressor will be prosecuted and how he will be punished. In the current session itself, I asked a question in the House on this. My experience is that people rarely come forward in the fight which is in fact more between the haves and have-nots than between the higher caste and Harijans. Rich trample the poor and we watch as mute spectators. So, if 2-4 offenders are punished and their photographs are flashed on the Television and are also punished in the newspapers then the whole country will come to know as to who the offenders are and the nature of punishment being meted out to them. And then the people may socially boycott them. If this is done then it will be a

great achievement on our part to give them justice in real sense. Yesterday the Hon. Prime Minister rightly emphasised upon the need to deliver cheap justice to them. We should take initiative in this direction so that we may provide justice to the scheduled castes and the scheduled tribes. As far as atrocities are concerned, in Bihar, Jharkhand movement is going on as a result of lack of employment opportunities for the tribals. The casual jobs which are reserved for them are given to the people of other districts as a result of which the tribals are forced to resort to agitation. Therefore, only the tribals and the Harijans should be absorbed in the jobs reserved for them. All this is being done quite meticulously. Initially a person is engaged on casual basis and when he completes 5-7 years, no other person is recruited on that post saying that the main working on this post has nowhere to go. What I mean to say is that though our intention is good and we want to help the Scheduled Castes and the Scheduled Tribes, yet we should ensure that this facility is made available for them in the States also. If justice is not being done to them, the attention of the concerned State Government must be drawn towards this. No State Government should take it casually. In the event of extreme oppression, they join the ranks of naxalites. They do not have adequate job opportunities and also do not get humanly treatment. When they fail to bring about changes in the social system they do this as a last resort. Therefore, our social system is defective and there is a need to set it right.

Some time ago, a study on slavery existing in various parts of the world was conducted. The study reveals that slavery in the form of bonded labour still exists in India. Bonded labourers are mainly scheduled castes and scheduled tribes who are being forcibly kept as such from generation to generation. Despite all efforts, they cannot be freed. Other regions where slavery still exist are in Africa. Our intention is good and we have made the right beginning by taking initiative to provide quick justice to the oppressed and bringing culprits to book and punish them. Our intention is good and we

[Dr. G.S. Rajhans]

want to provide justice to the scheduled caste and scheduled tribes by giving them their due position and we shall translate it into reality. This is my only submission.

**SHRI RAM PYARE PANIKA** (Robertsganj): Mr. Deputy Speaker, Sir, I rise to support the Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Bill, 1989. Sir, in the last five years, the Government has taken many steps for Scheduled Caste, Scheduled Tribes and other weaker sections and in my view, this Bill is both historical and revolutionary in spirit. Sir, the existing laws to check atrocities have been discussed frequently in the House from time to time and consensus has emerged that they are not so much effective to solve the problems. I would like to thank the Government, the Hon. Prime Minister and the hon. Minister of Social Welfare for bringing forward this Bill.

Sir, it is true that Government have been making continuous efforts for the last many years for the upliftment of the weaker sections. Ours is a democratic system and we also have opposition in our country. Two-three months ago a leader of the opposition threatened to launch an agitation if proper representation in services is not given to scheduled castes and scheduled tribes. I am happy to inform that the process of clearing the backlog was started by the Government two to two and half years ago. The decision in accordance to the wishes of the Hon. Prime Minister to clear the backlog was taken by the hon. Minister after several meetings and conferences on various occasions not only with scheduled castes and scheduled tribes, but also with MLAs and MLCs. The impact of all this has been very good and the people who are talking of the agitation have now realised that the Government does not merely make promises but also keeps them. Such is the character of the opposition in our country. In the hope of delay in this process, they want to launch an agitation. I want to thank the Government for its timely action which has made good im-

pact on the people. I would like to thank the Ministry for the present Bill which mentions all the points in objects and reasons.

There are many reasons for atrocities committed on Harijans and tribals. Due to the improvement in the social set up during 42 years of independence, the Harijans and tribal people have awakened and now they have started resisting oppression. People lacking humanity are still committing atrocities on them. I would like to thank the Government for the present Bill which covers all the aspects whether it be a dispute over land, untouchability, dignity of women or any other atrocity committed by the upper castes and the powerful people on Harijans and tribals. While introducing the Bill, the Government has admitted the ineffectiveness of the present laws to check atrocities.

I would like to say one thing that our ideology is clear and the intention of our Government is also good, but the implementation of these laws is the responsibility of the State Governments and they do not fulfil it. We enact the laws, but they are rarely implemented effectively. The fact was also corroborated by the hon. Member that the laws for the weaker sections are not properly implemented. The upliftment of harijans and tribals is the responsibility of the Central Government. So the monitoring cells should be set up at the district level instead of State level to keep a close watch on the atrocities in various areas on different sections, for the continuous flow of information. The Commissioner of Scheduled Castes and Scheduled Tribes provides all the details to the Government. Often the reports about the number of cases of atrocities on Harijans and tribals are embarrassing. The main reasons for these atrocities is often the refusal of S.Os of respective Police Stations to register F.I.R. perhaps adverse entries are made in the personal record of the concerned S.O. where more cases of atrocities are found as a result of which they refuse to register the complaints lodged by the Scheduled Castes and Scheduled Tribes. My submission is that there should be a provision to consider the application of Sched-

uled Castes and Scheduled Tribes as FIR and action should be taken thereon. It should be obligatory for concerned S.O. to take action on the application. The application forwarded by any public representative or submitted to the SP or any other officer should also be considered as FIR, so that Police Officers may not shirk their responsibilities.

I would like to give one more important suggestion as also pointed out by many other hon. Members that no one dares to give evidence in favour of Harijans or Adivasi at the cost of enmity with the powerful person. The need of the hour is to fix the responsibility of owns of proof on the offender as is in the case of crime again women. If this is not done then the purpose of the Bill will be defeated. In the case of report of atrocity, the guilty should be asked to prove his innocence. Even after 42 years of independence Harijans and Adivasis are still weak and are not strong enough to earn goodwill of the people and persuade them to give evidence. Therefore, a clause to prove innocence should be included in the Bill. I was first elected to the Uttar Pradesh Assembly in 1962, the year in which the hon. Minister also got elected. She is a kind hearted lady, I remember at that time how she formulated various schemes at her personal level for the welfare of the people of her constituency including tribals. We have been demanding for the last 10-15 years that those who have been left out should be included in the list of scheduled castes and scheduled tribes because atrocities are committed on them and they do not get any legal aid also. I would like to thank the hon. Minister for good work done by her during the last 3 to 4 years. It is also learnt that the said list has been cleared by the Cabinet. Anomalies should also be removed. Shri Motilal is present in the House. In his constituency, Biyar tribe is included in the list of scheduled tribes whereas in my constituency they are not treated as scheduled tribe. Tribal population is scattered over eight districts of Madhya Pradesh. Similarly the population of Panika tribe is 20 lakh of Bihar, Orissa and Madhya Pradesh are taken to-

gether. Today, to oblige an M.P., a particular tribe can be included in the list but that does not mean that injustice can be done with 20 lakh strong Panika tribe. This tribe should have been included when the Area Registration Bill was passed.

Shri Arvind Netam and other colleagues have demanded that Panika tribe in the entire State should be included in the list of scheduled tribes. If it is not done by the State Government, the Parliament which is the Supreme body has to decided as to which tribe has to be declared as scheduled tribe and which caste as scheduled caste. The State Government may agree to it or not but it is wrong that at one place a particular tribe is treated as scheduled tribe and at other places it is not. A pressure has been exerted on the Government and we have also taken several deputations to the Government in this regard. The list prepared by the Government can be amended if necessary. If it is not done in the current session, it can be done in the next session. The Government is capable to do so and can get it passed even in one day in the next session. There is no controversy over it. Several crores of poor people will come under the list of scheduled tribes. The hon. Minister is a tender-hearted lady and with the feeling, an implementing machinery may also be set up through this Bill. I am grateful to you for giving me time to speak.

12.00 hrs.

[English]

MR. DEPUTY-SPEAKER: I want to know the sense of the House. There is a long list of Members who want to speak. I want to know whether we can skip the Lunch Hour. If you all accept, we can skip the Lunch Hour and continue the debate.

MANY HON. MEMBERS: Yes, Sir.

MR. DEPUTY-SPEAKER: At the same time, I request you all to be very brief and take only 5 to 6 minutes each.

Shri Sunder Singh.

[Translation]

CH. SUNDER SINGH (Phillaur): The hon. Minister has presented a very good Bill in the House. The ideas of our Prime Minister in this regard are very clear. If the welfare of people could not be done during his Prime Ministership, then it can never be done. Several laws have been enacted by the Government for the welfare of the scheduled castes and scheduled tribes but they are not implemented properly. The Members of Legislative Assemblies and Members of Parliament should ensure the proper implementation of these laws and they should fight for this cause. We become Members of Parliament and say that Central Government should do this thing or that thing, but it is our responsibility, particularly of those Members who belong to scheduled castes and scheduled tribe communities. It is pointed out by the Members that scheduled castes and scheduled tribes are not recruited in the Police forces but they should themselves see as to why these people are not recruited in the police forces. Today in Punjab, D.S.P. and D.I.G. of the Police are Harijans. If Harijans are not recruited in police forces in any part of the country, it is fault on the part of the Member concerned. The Members indulge in boasting only and ask the Central Government to do this thing and that thing.

[English]

No man can get his right through request. Rights are wrested from unwilling hands.

Mahatma Gandhi said:

"I do not want to be re-born. If I were to be re-born, I should be born as untouchable so that I may share sorrows and sufferings inflicted upon them. I, therefore, pray, if I have to be born again, I should not do so as a Brahmin, Kshatriya, Vysya or Sudra but Adi-Sudra."

[Translation]

I am very much astonished to listen that such and such atrocities have been committed on Harijans. What do you do at that time? Such incidents occurred in Punjab also. I tell you that people of the neighbouring village kidnapped a girl of our village. I offered drink to some persons of our village and asked them to kidnap their girls too. Hearing upon this, they immediately returned the girl of our village. Therefore, it is your responsibility and not of the Central Government. If an M.P. or M.L.A. belonging to Harijan community, cannot protect his people, he should be forced to quit his seat. We should take precautionary measures in the Harijan constituencies and should provide protection to them, I have asked the Prime Minister also that after thorough consideration some concrete steps should be taken in this regard. There should be no objection about it. If Harijans have their hold in any area, everything goes well there. When I was member of the State Assembly, I always advised those people who complained to me about the atrocities on Harijans and Adivasis that no one could help them unless they themselves raised their voice against it. All members agreed with me. Therefore, one must have the quality of leadership and similarly Harijans should also have their good leaders. People just stroll here and here and say that atrocities are committed on Harijans. I would like to say that whatever laws may be enacted by the Government, atrocities cannot be checked unless Harijans themselves come forward, raise their voice against it. The laws were enacted earlier also, but the real question is of their implementation. Whether it be a State Government or the Central Government, the implementation of laws is not possible without active cooperation of the people.

[English]

No man can get his right by request. Rights are wrested from unwilling hands.

[Translation]

One has to fight for his right and so long

as he does not come forward, this process of exploitation will continue. People say that injustice is being done but I would say that one should be so strong that no one could dare to do injustice to him. Merely blaming others will not serve any purposes, we have to boldly stand against injustice. I am surprised to listen that this law or that law should be enacted to check atrocities on Harijans, but so long as Harijans themselves do not stand against atrocities, no law can be effectively implemented. Harijans have to protect themselves and no one will come to protect them. Punjab is the worst terrorist affected State. I also suggest there that all Akalies, communists and other people should unite against the terrorism, only then this problem can be solved. Simply enacting laws will not serve any purpose. I am very much distressed to listen about the new laws. One should make suggestions about it only after thorough consideration. A number of laws are already there but the basic question is of their implementation and for this purpose the M.L.As and other representatives of Harijans should come forward. They themselves have to get these laws implemented and none else will come to help them. Harijans themselves have to fight for this. Without taking much time of the House, I support this Bill.

SHRI KALI PRASAD PANDEY (Gopalganj): Mr. Deputy Speaker, Sir, I support the Scheduled Castes and Scheduled Tribes (Prevention for atrocities) Bill brought by the hon. Minister in this House. Before expressing my views on this Bill, I would like to draw the attention of the House towards the existing laws. There are several provisions in the existing laws to prevent atrocities on Harijans. I think that the cases of atrocities on Harijan have shown downward trend due to the effective implementation of these laws. Even then judging the factual position of the prevailing situation, the hon. Minister has brought this historic Bill in the House for which both, the Prime Minister and Dr Rajendra Kumari Bajpai deserve congratulations. As has been said by Dr. Rajhans in the House, several laws have been enacted and forwarded to the States for implementation

but before reaching the district level these laws become handicapped. The provisions to prevent atrocities have been made in the Bill and they are good too but if we look at the already existing provisions made in the constitution or in the Indian Penal Code, we shall find that in a case of atrocities on Harijans, chargesheet has to be produced in the court within a maximum period of 90 days. But we have seen that Police Officers take one year or one and a half year's time to produce chargesheet in the courts, as a result of which the cases are dismissed in the absence of proof or final report. I would like that provision dealing with the production of chargesheet within 90 days should strictly be implemented. Besides, the Bill should also ensure that chargesheets relating to incidents of atrocities committed on the harijans should be produced in the courts within a maximum period of 90 days. If this is done the cases of atrocities will definitely come down. Secondly, I would like that more courts should be set up at places where the incidence of atrocities are more and only then justice will be rendered in the real sense and the provisions of this Bill be implemented properly.

Sir, despite the existence of laws, more atrocities are committed on these helpless people because of delay in the settlement of cases and they are once again at the mercy of the very people against whom they had filed cases.

The incidence of atrocities are maximum in Bihar. The area, between Jahana-bad and Ranchi is the worst affected. The main problem is regarding land disputes. Land disputes are the major cause of atrocities and every day in situation is becoming more serious. In order to evade the land Ceiling Act, the big landlords get a few acres of land registered in the names of their harijan servants. Similarly, they register some more acres of land in the names of other backward classes. As these people are illiterate, they are not aware as to how much land is registered in their names.

Mr. Deputy Speaker, Sir, I have submit-

[Sh Kali Prasad Pandey]

ted many times earlier in this House and I have also given it in writing to the hon Minister that unless all these backward communities, which are at present deprived of the facilities, are included in the list of the Scheduled Castes and Scheduled Tribes, this problem will not be solved. For example, the State Government has recommended to the Central Government that the 'Tharu' tribe in Champaran should be included in the Scheduled Castes and Scheduled Tribes list. We have been waiting for the inclusion of that community but in vain. Similarly, if you look into the Scheduled Tribes list, you will find many disparities. There is disparity in the criteria adopted for including communities in the list of Scheduled Tribes. For example, the 'Gond' have been included in the list of Scheduled Tribes but the 'Goud' community has been left out. Just for the difference in pronunciation, this community of Bihar and Uttar Pradesh has been deprived of the benefits available to the Scheduled Castes and Scheduled Tribes. Just for the nasal sound, they have been so deprived. Madam Minister, you will be surprised to know that when the hon Member, Shri Krishna Pratap Singh wrote to the district magistrates of Sewan, Gopalganj and Chapra to know about the strength of the Goud community in these districts, the reply was that this community has not been included in the list of the Scheduled Tribes. This means that there are no Scheduled Tribes in my district. But the most surprising fact is that the petrol pumps in these districts are sanctioned in the names of the people of this community. If there is no adivasi population in any of these three districts, how could these petrol pumps be sanctioned in their names? When we ask about the number of adivasis living in these areas, we are told that this community is not included in the list of the Scheduled Tribes. How is it then that petrol pumps are sanctioned in their names? As per the policy of the Government, petrol pump agencies are sanctioned to the Scheduled Castes and Scheduled Tribes so that their standard of living improves. But in reality organised groups of influential people are

getting petrol pumps sanctioned in the names of Scheduled Castes and Scheduled Tribes. Therefore, despite the aforementioned policy of the Government, the Scheduled Castes and Scheduled Tribes do not have even a single petrol pump in their name today. Agencies are sanctioned in the names of these people without their knowledge. Land is registered and money is deposited in the banks in their names but these poor people are completely unaware of it. They are ignorant of the fact the petrol pumps are functioning in their names. But when one wants to know about the strength of the Scheduled Castes and Scheduled Tribes in these districts, the district collector replies that no one belonging to these categories in his district. This kind of fraud has been going on there earlier also.

SHRI KRISHNA PRATAP SINGH (Maharajanj) Kindly give an example in support of your contention.

SHRI KALI PRASAD PANDEY There is no need to give examples because I have already written to the vigilance Department and I hope that the Ministry of Petroleum is carrying out necessary investigations. I am not referring to any particular individual. You go to Saran district and even Patna and see for yourself. In fact, I can challenge that petrol pump licences been issued in the names of Scheduled Castes and Scheduled Tribes without their knowledge throughout Bihar. These petrol pumps are operating in their names but they know nothing about them. So far as the setting up of special courts is concerned, a special court at Hazipur was set up in which cases relating to Harijans and weaker sections living in the district were registered and dealt with. However, the harijans residing at Gopalganj and East Champaran, who have to cover 150 miles to take advantage of this court, suffer lot of hardships. I would like to request that a cell headed by an officer of the rank of an Inspector or SHO should be set up at every district headquarter which should look into the cases of atrocities and take action accordingly. Shri Rajhans has rightly pointed out that the adivasis residing in Ranchi and elsewhere



are not getting wages as per the minimum wage Act. When a law is made, it should be first ensured that its benefits reach the people. The illiterate should also be familiar with the different provisions of laws enacted for their welfare. Provisions should be made to ensure that local M.L.As and M.Ps are associated with the committees set up in the district headquarters. The Hon. Prime Minister has taken a very good step by initiating the Jawahar Rozgar Yojana. Panchayats should be made responsible for any atrocities against the Harijans and the Sarpanch should be asked to improve the position. In this way we shall be able to check oppression of Harijans to some extent. I congratulate the Hon. Prime Minister for introducing such a historic Bill whereby it will be possible to prevent atrocities on Harijans and Adivasis.

[English]

DR. PHULRENU GUHA (Contai): Mr. Deputy Speaker Sir, I thank Dr. Rajendra Kumari Bajpai for bringing forward this Bill. I extend my full support to this Bill.

I feel extremely sorry that this type of Bill is necessary at the end of the 20th century—it is very regrettable. The so called high-caste people and the land owners are the main culprits for atrocities on Scheduled Caste and Scheduled Tribe people. This is a good Bill in so far as prevention of atrocities are concerned. But there is no mention of the action on police officers. There must be some provision by which the guilty police officers are dealt with proper punishments.

It is really a very sad situation that inspite of the constitutional protection of SC and ST people, the country has been unable to curb the atrocities on SC and ST people. Here I would like to say that women are the most sufferers amongst the SC and ST people in these atrocities.

It is very welcome that a provision has been made to rehabilitate the victims of atrocities. The quantum of rehabilitation and compensation must be decided by the Union

Government; otherwise it will differ from State to State. Unfortunately untouchability still exists in many places. Vigorous work for the removal of untouchability is very much needed. Unless the attitude of people of all categories is changed, only a Bill will not solve this type of problem. It must be admitted that socio-economic condition and illiteracy among SC and ST people are responsible for these atrocities to a great extent.

Land is another main cause for atrocities. It is also the fight between the 'haves' and the 'have-nots'. Nobody dares to commit any atrocities on the Scheduled Castes and Scheduled Tribes who are educated and who are quite well to do. It must be admitted that the Scheduled Castes and the Scheduled Tribes are becoming conscious and they want to establish their rights. But whenever they want to establish their rights, the powerful section becomes active and they take advantage of their position and this is also one of the causes for atrocities. The Bill is very much welcomed. But socio-economic condition and education among the Scheduled Castes and the Scheduled Tribes must be improved. The improvement is necessary not only for men, but also for women because, as I have said already, no doubt, the women are the most sufferers. When the whole Scheduled Castes and Scheduled Tribes are economically and educationally on par with the other communities, then they are equal to the mainstream and then the land-owners or the high-caste people will not be able to do injustice to the Scheduled Castes and the Scheduled Tribes. I look forward to a society in India where all people will be treated equally; there will be no difference between the Scheduled Castes and the other castes at all; and there will be no have-not in the country.

I sincerely hope that the implementation of this Bill will be done properly. I am sorry to bring to the notice of the House that many Bills are passed in this House, but because of the lack of proper implementation, proper relief could not be given to the people

With these words I support the Bill wholeheartedly.

[Translation]

SHRI RAMSWAROOP RAM (Gaya): Mr. Deputy Speaker, Sir, while supporting the Bill presented in the House to check atrocities on Harijans, I consider it a historic Bill. This Bill should have been brought very early. Lot of discussion has been done in this House on this subject and the Central Government has suggested many steps to the State Governments in this regard, be it any State Government. It is sad that none of the State Governments have implemented those measures and day-by-day the incidents of atrocities have increased.

I would like to submit to the hon. Minister that in my view, there are five major causes for atrocities on Harijans. First is land dispute, second is social exploitation, third is economic exploitation, fourth is tension arising out of untouchability, and fifth is social and political awareness generated among the poor people recently.

60 per cent of the cases are related to land disputes. Land has been allotted to the landless people by the Government under 20-Point Programme. Lease Orders have also been issued to them but they are not told which plot belongs to them. If you see the figures, you will find that there is no land dispute in Bihar, and land reforms have been fully implemented but actually not even 25 per cent people have got possession of land. The land reform campaign was started in the year 1975 and since then the poor people are running from pillar to post with those lease orders. When these poor people demand their right, they are threatened by the police. I come from Central Bihar. No other part of our country has witnessed as many incidents of atrocities as Jahanabad, Gaya, Aurangabad, Navada or Palamau in Central Bihar. Thousands of graduate and post-graduate youths of these areas, are detained in the jails of Gaya, Navada and Aurangabad in Bihar.

Just now, Shri Panika said that F.I.R. is not registered by the police even in genuine cases. Police is meant for the protection of

poor people, but if the police works in connivance with the land owners, how can it protect the poor people. The Government had said that the matter of atrocities on Harijans and Adivasis will be dealt by the Centre. I have no hope from the State Government. The reason is that the State Government has not been able to protect the poor people. The intention of the Central Government is good and it wants to set up a society which is free of exploitation and where everybody gets equal opportunities. But it is not possible to do it while sitting in Delhi because the Government cannot judge what is happening in Gaya, Jahanabad and other parts of Bihar.

The issue of summary trial and special courts has also been discussed here. As such it is a very historic and radical Bill, but when it would be enforced, it would be ineffective. Then an amendment Bill will have to be brought. Therefore, my suggestion is that the places where atrocities on Harijans are committed should first be identified and they should be declared as disturbed areas. They should be given protection from the Central administration, otherwise the purpose of this Bill will be defeated. The State Governments will not be able to ensure proper implementation of this Act, therefore the Central Government should take the responsibility of its implementation. We have full faith in the Central Government and in Shri Rajiv Gandhi and so do the Harijans throughout the country. The Hon. Prime Minister has said this, time and again that middlemen will be eliminated. He has admitted that the funds meant for Harijans, do not reach them. Earlier, Harijans, and Adivasis were uneducated but today there are at least some graduates and post-graduates in every Harijan village. The Central Government has educated and enlightened them and asked them to fight for their rights, fight against untouchability, fight for land, and social upliftment. When the educated youths of the village fight for their rights, they are branded as naxalites. I would like to submit that there are no naxalites or persons belonging to R.P.F. in the Central Bihar. Every youngman wants to come into the national mainstream and live peacefully but he is sandwiched between feudalism

and police. I would like to narrate an incident that happened in Aurangabad. About 125 persons gathered in the house of one Birju Mistry and held a meeting. The matter that was being discussed was of minimum wages. Some one who was either part of the feudalistic system or habitual of committing atrocities on Harijans informed the police that a very big meeting was being held in the house of Birju Mistry. The police went there and without any verification, opened fire in which 6 persons were killed. This is the situation. How do you ask us to unite? The Government has assured that special courts would be set up. But if we go to those special courts, we will be way laid and if we unite, we would be branded as naxalites. The poor people of the area are now ready to oppose the atrocities and they have united socially. They are not against the Congress. Had it been so the Congress would not have won so many seats in Central Bihar. They have always voted for the Congress. In Gaya district, only one seat is with the Lok Dal and the rest of the seats are with the Congress party. In our country, 90 percent population is of poor people and 43 percent is of labourers. Had these people been against the Government how could so many candidates win and be elected? People vote for the party but they are not being recognised. Today, one thousand educated youths are detained in jails in Gaya because of naxalite movement. Therefore, I would like to request the hon. Minister that a special team of the Central Government may be sent to the various jails of Bihar and a survey report prepared on the number of innocent persons that have been imprisoned in these jails. These persons should be released on the birthdays of Mahatma Gandhi, Pandit Jawaharlal Nehru, Shrimati Indira Gandhi and on Shri Rajiv Gandhi's birthday which falls on the 20th of this month. I will not make a request for those who are guilty. But directions should be issued immediately to release these innocent youths from the jails, after the verification of character.

My third point is regarding drinking water. Shri Rajhans has rightly said if you see the figures regarding drinking water, you will no

find any Harijan village without drinking water. But I would like to inform you that when I went to my constituency, alongwith an M.L.A. of the area—I do not want to mention his name—the position was entirely different. The Government of Bihar has authorized the MLAs to install 10 hand pumps in every panchayat. One Harijan came there and requested by installation of a hand pump. I want to explain the situation so that you may understand that assistance is not being provided to the needy persons. When I asked the M.L.A. to install a hand pump in his house, he said that the quota had already been exhausted. In the meantime, another person came there and said that a hand pump has been installed in his compound but the lady of the house wants a hand pump to be installed inside the house, so this is the situation. The funds of the Government of India, and Bihar Government are not being utilised properly. There is lot of contradiction. Therefore, I would like that instructions should be issued to the District Magistrate for making arrangements of drinking water so that things improve in the villages.

I hail from the Jahanabad constituency. Lot of atrocities are committed on Harijans in that area. I have found that mostly atrocities on Harijans are committed in predominantly to Hindu villages. Not even a single case of atrocity on Harijans has been reported from any village in Bihar inhabited by muslims. If the Government is not able to check atrocities on Harijans, they should be rehabilitated around the Muslim villages or in large groups so that they could feel safe and secure in Jahanabad. This type of atmosphere will have to be created, otherwise they will be left at the mercy of killers.

With these words, I would like to demand that clear decision should be taken after going through the facts in this regard. This is my suggestion.

With these words, I support this revolutionary Bill.

SHRI JAGANNATH PATTNAIK (Kalahandi): While welcoming the Bill, I

[Sh. Jagannath Pattnaik]

would like to say that it is a matter of shame for the country that this Bill had to be brought after 42 years of Independence.

Sir, atrocities committed on the harijans can be checked only by ensuring their economic development and we should think over it. Ours is an ancient and prosperous country. Though the people belonging to different castes and speaking different languages enjoy equal rights here, yet our original culture is vanishing in this feudalistic and imperialistic system. During the freedom struggle, Gandhiji started a social revolution to abolish practice of untouchability. Theoretically and practically he gave them the status of God. But what is their condition today. On the one hand, the Government is endeavouring to bring political awareness and economic development among them and on the other hand, feudal elements continue to hold them as bonded labourers. Now these feudal elements have realised that they cannot suppress this revolution, but even then they hatch conspiracy against it. They know that the feudal system will not last long if the economic condition of Harijans is improved and if they start demanding their rights. So they deliberately commit atrocities on Harijans.

It is a matter of regret that the custodians of constitutional machinery legal system, the police, the judiciary and the bureaucracy do not perform their duties in the right spirit. Whenever a Harijan or adivasi complains to them about the atrocities committed on him, he does not get justice from them. So far as their security is concerned, police does not take it seriously and no other person of the society comes to their help. This is what is happening today. Keeping this situation in view, Shri Rajiv Gandhi has launched Jawahar Rozgar Yojana for the economic and social development of the Scheduled Castes and Scheduled Tribes and provision has been made to provide them constitutional protection so that they may become full partner in the national development. For this purpose Special Fund

has been created and Tribal Sub Plan and Special Component Plan have been set up. To ensure social and constitutional protection in the present social set up apart from their representation in the Assemblies and Parliament, arrangements have been made for their representation in Panchayati Raj institutions and in Nagarpalikas also, which is a revolutionary step.

Besides, it has to be seen as to how it will be implemented. Many laws had been enacted earlier also, but they are not being implemented properly. Therefore, I would like to give some suggestions. Besides, setting up special courts, summary trials should also be held. Social security of Harijans should be the responsibility of all the citizens. If atrocities are committed on Harijans, those people, who do not protest against it, should be held socially and morally responsible. Full compensation should be paid to the victims. Every Panchayat or the revenue unit should be asked to impose collective being on the people a portion of which should be paid to the victims. Similarly, a person who has been convicted in a case of atrocities on Harijans, should be disqualified for contesting elections.

In the end, I would like to submit that today it is a challenge to our politicians, the educated and the youth of our society. If we could not generate a feeling of brotherhood in the society and enforce these laws, we would not be able to provide economic, social and legal protection to the Harijans and Adivasis. Many new schemes being launched, Nehru Birth Centenary is being celebrated this year and 42nd Anniversary of national independence is also being celebrated in the country and on such occasions, incidents of atrocities are a matter of shame for all the citizens of the country. Therefore, a call should be given to all the countrymen to take this task as a challenge and accomplish it.

SHRI RAMSINGH YADAV (Alwar): Mr. Deputy Speaker, Sir, I support the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Bill, presented by Dr. Ra-

jendra Kumari Bajpai. Our Hon. Prime Minister Shri Rajiv Gandhi who is taking keen interest in preventing atrocities on Harijans and Adivasis has brought this Bill. It is a new record in itself. It has been brought to bring about social equality among the people.

Sir, as you know the year 1989 is being celebrated as the Birth Centenary Year of our first Prime Minister Pt. Jawaharlal Nehru. Efforts were made by Pt. Nehru to provide social, economic and constitutional justice to the Scheduled Castes and Scheduled Tribes. It has been mentioned in the Preamble of the Constitution of India that it will secure social, economic and political justice to all its citizens. The word social has been given the foremost place because first of all social equality is essential for the citizens of the country. The discrimination being done with the poor, the Scheduled Castes and Scheduled Tribes or the social evil like untouchability can be removed from the society only when there is social equality. Dr. Rajendra Kumari Bajpai, who presented this Bill in compliance of the wishes of our Hon. Prime Minister Shri Rajiv Gandhi, deserves to be congratulated. The hon. Members of this House and the entire country knows that Dr. Bajpai is in true sense a goddess incarnate. Her efforts for the welfare of the poor will always be remembered in history. The credit of presenting this Bill in the House to prevent atrocities on Harijans also goes to her and the Hon. Prime Minister Mr. Deputy Speaker, Sir, it is also commendable that you have allowed a discussion on this Bill in the House on behalf of the Speaker. The Opposition Members claim that they are the supporters of the poor and want to provide justice to them by enacting such laws. They were aware of it that the Hon. Prime Minister and his Cabinet colleagues have decided to bring these Bills in the House, but their absence and resignations from the House clearly indicate that they do not want to cooperate with the Parliament in fulfilling its duty towards the poor, the Scheduled Castes and the Scheduled Tribes. It is known to the entire nation that there is a great difference between the profession and practice of the Opposition. The period of reservation made

in the Constitution for the Scheduled Castes and Scheduled Tribes was about to end during the Janata regime when Morarji Desai and Charan Singh were heading the Government from 1977 to 1980, but they deliberately did not extend the period of reservation on that occasion. I was elected to the Lok Sabha for the first time. Keeping up that tradition, our Hon. Prime Minister Shri Rajiv Gandhi stated in his speech yesterday from the Red Fort that he had learnt only one lesson from his mother, i.e. to make sacrifice for the sake of the country and to work for the welfare of the poor. He has proved through this Bill that he really wants to do a lot for the welfare of the Scheduled Castes and Scheduled Tribes. I would like to thank Dr. Bajpai for making provision in this Bill for punishment to the offenders who commit atrocities. Now they will not be able to get probation under Probation of Offenders Act 1958 and Criminal Procedure Act 1960. Now they will not go scot free any more. I would like to thank the hon. Minister, particularly for making this provision in the Bill. The services rendered by the hon. Minister for the people of this section of society are really commendable. There are still many castes which have not been included in the category scheduled castes and scheduled Tribes. There is a community known as 'Jogi' in Rajasthan which should be included in the Scheduled Castes and Scheduled Tribes list. This list should therefore, be reviewed and the communities which have been left out should be included in it. Till 1968, there existed a scheme under which Central Government scholarships were awarded to the children of the Scheduled Castes, Scheduled Tribes and other backward classes. The Government should examine that scheme and revive it so that scholarship facility and the assistance in the form of books etc. may be available to the weaker sections also. These people are also facing housing problem. They are allotted houses in the dirtiest and the most unhygienic parts of the city. In this connection, the Government should take steps under the National Housing policy to provide housing facilities to the Scheduled Castes and Scheduled Tribes. Under the Crown Act, people of these communities residing on cities should

[Sh. Ram Singh Yadav]

be granted lease to confer ownership rights of the land and at least 25 per cent of the plots and houses in the new colonies should be reserved for these categories and allotted to them. In the rural areas also these people have to face considerable hardships in regard to housing. In order to deal with this problem land should be acquired and handed over to the Gram Sabhas so that they may build houses for these people

SHRI MAHABIR PRASAD (Madhepura): Mr. Deputy Speaker, Sir, I heartily welcome the Bill brought for the prevention of atrocities on Harijans and Advasis. I would even say that if the quantum of punishment to check the atrocities on the weaker sections is required to be increased, there should be no hesitation in making such a provision in the Bill. If we look at the history of Indian culture and civilization we shall find that there is no need to make this kind of a legislation. Our ancient sages like Ved Vyas, Valmiki, Vashishta, Parashar were all Harijans but they earned reverence because of the penance they had performed.

'Tapso brahmana pat ah, jatir nama neh karaneh'.

In the present century, there were people like Dr. Ambedkar and Babu Jagjivan Ram. The latter was fondly addressed as Babuji by the masses of India. Dr. Ambedkar is known as the 'Manu' of Indian legislature and he was the Chairman of the Committee which prepared the draft of the constitution. Unfortunately, this country is being forced to face a situation under which it has become essential to bring such an exhaustive Bill. It is a fact that in the 'Dwapar' era Dronacharya demanded the thumb of Eklavya as 'Guru Dakshina' but it is also true that Shri Ram ate the pre-tasted berries offered by Shabari. This struggle for maintaining disparity and to establish equality has for long been a part of our history and culture. I, therefore, support the Bill brought into this House and while welcoming it wholeheartedly, I would like to urge upon Shrimati Bajpai, and I would also

like to bring it on record, that I have no ill-feelings towards my Harijan brothers. But, I would like to relate my own experience in regard to misuse of law. Disputes often take place in the rural areas. In one such case, in January, a group of people bribed a Harijan to file a case of atrocity against a particular non-Harijan. Thereafter, the person against whom the case was filed was arrested by the DSP and the sub-inspector. The arrested man was a retired Head Master and an old friend of mine. After his arrest, his son approached me and told me that a case had been instituted against his father and that he was in police lock-up. I went to the S.P. directly and requested him to get an enquiry conducted into the case if there was any substance in the charges and that I was prepared to stand surety for his bail. I told him that man concerned would be present himself as and when required and that no one should be detained without due investigations. On hearing my appeal, the S.P. called the sub-inspector and enquired about the sections under which the case was instituted against that person. The sub-inspector replied that the said case was instituted under sections 379, 436 and 352. Sections 379 is connected with theft. When was asked about the details of the theft, the sub-inspector replied that an old box containing a torn saree was stolen. The second section related to arson and when the details were asked in this regard, the sub-inspector replied that a small hut was set on fire. When he asked if other houses adjoining this hut were also affected, the reply was that only the small hut was gutted by the fire. Thereafter, when the S.P. asked as to how section 307 which deals with attempt to murder was invoked, the sub-inspector replied that this section was attracted because the Harijan was hit by an arrow which tore his shirt. In this way, section 307, 436 and 352 were invoked. The case was finally confirmed by the S.P. and filed in the court. As the case was connected with atrocities on Harijans, it was revived by the court. Therefore, I want to submit that efforts should be made to prevent the incidence of atrocities. It is a fact that as Shri Ram Ratan Ram was saying yesterday that cases relating to atrocities commit-

ted on Harijans are not registered in the Police Stations. On the other hand position today is that a man going to the temple prays to God to be born next time in a Harijan family or as a female. I know that all the S.Ps., S.H. Os and D.Ms are not non-Harijans. There are 7 blocks in my area out of which 4 blocks have Harijan sub-inspectors. It is not correct to say that all sub-inspectors, S.Ps, D.Ms are non-Harijans. Now this contradiction is very intriguing. On one hand, the Harijans are lamenting that atrocities are being committed on them and on the other, the non-Harijans are praying to God to be born in a Harijan family or as a woman. I have asked several times as to why do they aspire to become Harijans and they replied that they did so because these categories got preferential treatment in regard to promotions, employment etc. When I asked as to why do they want to become women in their next birth they replied that it was so because the women wielded all the power on the domestic front. Therefore, I said that in order to effect social development these points have to be kept in mind. There is inherent conflict between environment and organism. Every country has its own individual history and geography. Under such circumstances mere passing of legislation will not help as much as the existence of harmonious relations in the society. Harmonious relations between different castes and communities would bring about all round development in the society.

13.00 hrs.

I was pointing out that the clash and conflict in the society can be done away with by ushering change in the social environment. Statutes cannot help to the extent that social changes can.

Mr. Deputy Speaker, Sir, I would like to draw the attention of Madam Bajpai to another point. There is a provision of punishment for the person who forcibly occupy land of Harijans but what about the provision of punishment for those Harijans who occupy land of non-Harijans? This is a vital question. Legal action can be taken against those who occupy the land belonging to Harijans but

are there similar provisions in cases where the Harijans are the culprits? I am not making this point without any basis. I have information about the occupation of 700 bighas of land belonging to non-Harijans by Harijans and Adivasis. This is a clear case and that is why I would like to know as to what provisions exist to solve a case of such a reverse situation. There exists 'equality before law' which means that law does not discriminate between a Harijans, Girijan and a non-Harijan. I would like to suggest that attention should be paid to these points. If the gap between Harijans and non-Harijans is not bridged, such laws would further widen the gap and the problem cannot be solved. Social and cultural reforms have to be brought for this purpose.

Mr. Deputy Speaker, Sir, with those words I would like to conclude and thank you.

KUMARIKAMALA KUMARI (Palamau):  
Mr. Deputy Speaker, Sir, first of all I thank you for giving me an opportunity to express my views on the Bill introduced by the hon. Minister Shrimati Bajpai which relates to atrocities being committed on scheduled castes and scheduled tribes.

13.03 hrs.

[SHRI VAKKOM PURUSHOTHAMAN *in the Chair*]

Mr. Chairman, Sir, I have listened to the views of all the hon'ble Members of the House quite attentively and I would like to say a few words on the basis of my experience for the last twenty years in this House. There is no doubt that our Government have always been following a policy for the upliftment of scheduled castes and scheduled tribes, strict laws have been framed and every possible effort has been made to improve their lot. But after the laws are enacted by central Government, they are to be implemented at the state level and finally at block level. We have ourselves observed that they are not implemented effectively at the block level. On the basis of my 20 years

[Kumari Kamla Kumari]

experience I would like to submit that I belong to the area where majority of the population constitute scheduled castes and scheduled tribes. We have observed that there is no improvement in the economic, social and political conditions of these people. I belong to Palamau where a large section of the population belongs to Harijans and Adivasis. I visit once or twice a month those rural areas where 80 per cent people are living below the poverty line and most of them belong to scheduled castes and scheduled tribes I observed that even water facilities are not available to them while the Government of Bihar have given assistance for the installation of ten tubewells to each legislator. At several places tubewells have been sunk but at other places where the total inhabitation does not exceed ten houses, tubewells have not been sunk properly and at such places there is no provision of drinking water. So far as dealers are concerned, our Government always try to provide foodgrains at cheaper rates to them, but the people belonging to higher strata purchase the foodgrains and consequently the people of scheduled castes and scheduled tribes, who actually deserve, are deprived of cheaper foodgrains. The dealers with the connivance of certain officials also indulge in bungling. In this manner the benefit of policy of our Government does not reach the deserving people. Secondly, as has been pointed out by some hon. Members that although land has been allotted, and slips have been issued in the names of Harijans yet most of them do not know the exact location of their land. In some cases the land is still in occupation of other persons. The land acquired because of excess of ceiling has not been given to them. They cannot do anything on their own because they do not possess any evidence as such and cannot effort to approach the court of law because of lack of resources.

Similarly there are a number of political and economic problems. Earlier there was an impression that the students in colleges

or schools receive their scholarships through cheques from banks or post-offices, but it has been revealed now that in most of the schools the teachers or staff get the signatures of the students and made part payment to them and keep major amount with themselves. In certain cases they took the entire amount. In this way, though the Government have been following a good policy yet the students have been deprived of the benefits. This thing should be looked into.

Mr. Deputy-Speaker, Sir, one thing is of utmost importance towards which I would like to draw the attention of Shrimati Bajpai. The Government should find out the causes of people becoming Naxalities in South Bihar. I have passed MA in psychology. As a result of psychological study I find that mostly those people are victimised who belong to scheduled castes and scheduled tribes. Most of the youth whose brain is full developed but who are deprived of employment and the women folk of their families are exploited by influential people, they are not paid their legitimate wages, they can neither make both ends meet or they get any land to construct a shelter.

[English]

MR. CHAIRMAN: Only three to four minutes are given to each Member. Please conclude.

[Translation]

KUMARI KAMLA KUMARI: With these words, I thank you.

\*SHRI K. KUNJAMBU (Adoor): Mr. Chairman, I wholeheartedly support this Bill. I believe that this Bill will enable the Govt. to stop atrocities against Scheduled Castes and Scheduled Tribes. This is a very bold step. I take this opportunity to congratulate the Hon'ble Prime Minister and the Hon'ble Minister for Welfare for bringing it. This Bill proves that the Govt. is very keen about solving the problem of Harijans.



In the statement of objects and reasons of this Bill, it has been stated that atrocities against Harijans are on the increase. There are historical as well as other reasons for this. In answer to a question in this House last week the Govt. had conceded that in all the States of India atrocities against Harijans are increasing of late. In some states these have increased three time or even four time. All this points to a very serious situation. The basic question is whether the harijans can live with honour and dignity. Even after 42 years of independence if the harijans in this country do not have a sense of security the responsibility for this lies with the Indian society. The fact is that the Indian society is not yet prepared to accept the harijans as its own part. It is highly regrettable. It is also a fact that the high cast people are opposed to the harijans getting educational facilities, reservation facilities and so on. They create an opinion in the society against the various facilities being given to the harijans and thus create a tendency to hate them. The Bill itself says that the new awakening among the harijans and the awarness about their rights have caused the caste Hindus to hate them. There are new methods of atrocities and humiliations. In the past the feudal lords used to thrash them with canes. But in the progressive age, in the democratic age it is the socalled progressive people who commit the maximum atrocities on Scheduled Castes and Scheduled Tribes. I will prove it by a few examples from my own state of Kerala. Kerala is under a Marxists dominated Government. It is the youth wing of the Marxists Party which is committing atrocities on the Harijans. During the past two years many cases of atrocities including rape of harijan women have been reported. In my own constituency, in a village called Pavitraswaram in the Naduvattur assembly segment a harijan boy was mercilessly beaten by the police and after that he was stripped naked and made to run in the street naked. In Trivandrum a harijan youth was beaten up and he was made to eat human excreta. Similarly, in Emakulam another harijan boy was taken to the police station where the police officials beat him up cruelly and when he became thirsty and asked for water, urine was put

into his mouth. These cases were brought to the notice of this House by Members of Parliament from Kerala last year. Many representations were made to the Govt. The harijan organisation in Kerala organised picketing and satyagarha but Shri Nayanar, the Chief Minister of Kerala, who belongs to the CPM did not take any action against the culprits. I would like to request the hon'ble Minister to tell us while replying to the debate what happened to the investigation done by her Ministry into these cases.

[English]

SHRI T. BASHEER (Chirayinkil): In my constituency, Chirayinkil Police Station the same thing has happened.

An officer from your Department came to Kerala and enquired into the charge that were made. I am told that a report has been prepared. We would like to know the findings and what action Government has taken.

MR. CHAIRMAN: You have only five minutes. Please conclude.

[Translation]

SHRI K. KUNJAMBU: Coming to the Bill I must say that the most important feature of the Bill is that it defines the word 'Atrocity'. It is a very wide definition. A wide span of offenses will come under this definition. I find that even insulting words under this definition constitute atrocity. This is quite welcome. With regard to penalty I have a suggestion to make. The Bill provides for a minimum punishment of six months and maximum of 5 years. This is a penal law and it has been brought to give protection to people who are oppressed. I would, therefore, suggest that the minimum punishment should be raised to atleast one year.

Another important provision is with regard to the setting up of special courts. This is a very welcome step. I have a suggestion to make in this regard too. The Govt. should appoint harijan judges to these special courts as far as possible. In our country

[Sh. K. Kunjambu]

the number of judges belonging to Scheduled Castes and Scheduled Tribes in the higher judiciary is negligible. According to the statistics there are 388 judges in the various high courts of India. Out of them only 8 judges belong to Scheduled Caste and 2 belongs to Scheduled Tribes. Therefore, there is a strong case for appointing more judges belonging to these categories to the special courts.

I do not want to prolong my speech. I once again extend my wholehearted support to this measure. Before I conclude I want to make one suggestion. Whenever a harijan woman is subjected to rape the culprit should be handcuffed while taking him to the court. That will be a lesson for others. With these words I conclude.

[English]

SHRI BIPIN PAL DAS (Tezpur): Sir, I am very glad that the Government has brought this Bill before this House. It has been a right step. The objective of this Bill is to end the atrocities committed on Harijans and Adiwasis. I congratulate Shrimati Bajpai Ji personally for bringing this Bill to the House, and support this Bill wholeheartedly.

I would like to take this opportunity to raise a very serious matter. A development has taken place in Assam, particularly in my constituency. Everybody knows in this House and in this country about the Bodo movement in Assam. I am not going into the history of that movement. The Bodos are a very important tribal community in my State. The Government of Assam, unfortunately, treated this movement of the Bodos as a law and order problem. As a consequence, police was let loose to commit atrocities on the tribal people, including women and children, and lot of things happened. I am not going into all those details. Perhaps the Chief Minister, Mr. Mohanta and the Home Minister, Mr. Phukan were jealous of Mr. Upen Brahma, who is the leader of this movement, because Upen Brahma happened to be their

erstwhile colleague during the Assam movement, functioning from the same university quarters at that time. They are perhaps a little jealous of him and therefore, they tried to apply the police method to suppress and control this movement. The consequence was disastrous. The situation was more aggravated and it was not confined only to Kokrajhar and Udaiguri but spread from that area to the neighbouring district also. Large-scale destruction has taken place. Large-scale violence has taken place from both sides. I must make it clear that I am totally opposed to violence committed by any side, whether by the Bodos or by the police. I am also totally opposed to any further division of Assam. That I must say very clearly. But this is not the way to treat a tribal problem. This is my point.

At last, due to public pressure and due to press pressure, everybody demanded some negotiations and ultimately the Home Minister kindly intervened in the matter. It has now been decided that the first round of tripartite talks will be held on the 28th of this month and I am very glad that Mrs. Bajpai will represent the Government of India in those talks. Since I know her very well, I am confident that through her mediation, some kind of a peaceful solution will be found to the Bodo problem.

While matters were moving in the right direction, a terrible development took place in Gohpur area of Sonitpur district in my constituency, far away from Kokrajhar and Udaiguri, which are the hot-beds of this agitation for some time. In this incident that took place a few days ago, large-scale massacre of Bodos and non-Bodos has created a very grave situation. According to my information, about two hundred men, women and children are reported to have been killed, hundreds of houses have been reduced to ashes, about thirty-three villages have been razed to the ground, and thousands of people have fled from their homes to take shelter either in Arunachal Pradesh on the north or on the National Highway and the railway track on the south. According to the latest information available to me, thirty

thousand people have crossed over to Arunachal Pradesh and are staying in the relief camps, and twenty-five thousand are on the southern side in the relief camps. For the first four days of these violent clashes, the administration totally collapsed. Senior officers ran away from the area and the local police behaved in a partisan manner. I would like Shrimati Bajpai to take note of this. The local administration was so paralysed that according to *Assam Tribune* of August 14, even Dispur, the capital of the State, could not give any information about the actual situation in Gohpur up to 13th of this month.

Sir, This particular area is a know trouble spot. In 1983, a serious clash took place between Bodos and non-Bodos. The immediate cause was the refusal of a black-smith to make sharp weapons for the militants of the Assam movement. But the basic issue was the election—the clash between the Bodos who wanted to participate in the election and those who gave a call for boycott of the election. Since then tension has continued. After the hotting up of the Bodo movement in Kokrajhar and Udalguri, the State Government should have taken extra precautionary measures in this know volatile area. Actually they were warned to take steps. But the Administration did nothing and the massacre took place. They did not take precautionary measures and the consequence was this disaster.

A new dimension has been added this time. There are two important tribes in Gohpur area—the Bodos and the Mishings. The local A.G.P. Minister belongs to the Mishing community. According to reliable reports, the Minister himself organised the Mishings and other supporters of A.G.P. against the Bodos and guided them in this clash. Sir, with a sense of responsibility, I wish to state that the Minister on the spot is responsible for this clash. After two days of clashes, A.G.P. supporters from far flung places at a distance of about 80 Kms. or 50 Kms. from Gohpur to the West rushed to Gohpur fully armed with spears, daos, guns and any other available weapons and took part in this most aggressive and violent attack on Bodo

villages. Bodos also retaliated giving rise to a very grave situation. This may therefore be rightly called a violent clash between Bodos on one side and the A.G.P. supporters on the other side engineered by the Minister of the locality himself.

In order to substantiate my allegation against the A.G.P., I would like to quote a few lines from the statement of Assam Home Minister as published in the '*Statesman*' on 14th August. I quote:

"The Assam Home Minister Mr. Bhriugu Phukhan, who left for Gohpur today, told *The Statesman*: "Mr. Apang has planned this violence by harbouring at least 90 Bodo militants who were aided by the Arunachal Pradesh Police. But this time I will teach Mr. Apang a lesson for the suffering caused to the innocent people of Assam."

Please note the sentence "I will teach Mr. Apang a lesson". Sir, Mr. Apang is a tribal. It further says:

"Mr. Phukan, who was visibly agitated, said: "If it needs I will resign from the Ministry and organise the people as the AGP general secretary against the Congress-I leaders who are master-minding the violence".

Further, I would like to quote a few sentences from his statement:

"If the Arunachal Pradesh Government does not agree to this proposal I will myself lead the police party tomorrow and enter their States to apprehend the culprits".

This is the statement from the Home Minister of a State against another State. I again quote:

"He said, if he fails to do so as the Home Minister, he would resign from the Ministry and organise a counter movement against the Bodo militants throughout Assam."

[Sh. Bipin Pal Das]

The Home Minister is saying this publicly instead of trying to restrain the people. He should have tried to bring peace and order in that area, and he should not have said this. If this is the tone and tenor of a statement by the Home Minister himself, one can easily imagine what they must be doing actually on the ground.

Sir, the AGP Government has completely failed to maintain law and order in the State and failed to maintain law and order in the State and failed to apprehend even one culprit after 15 political murders. It continues to indulge in torture, harassment and intimidation of Congress workers, minorities and other weaker sections of the society. They have completely failed to give protection to the people in general, and to the Scheduled Castes and the Scheduled Tribes in particular. They have completely mishandled the Bodo movement and its administration nearly collapsed for four days continuously at Gohpur until curfew was imposed.

The AGP Government has completely failed to discharge the responsibilities functions in accordance with the provisions of the Constitution. I therefore demand that the AGP Government be dismissed and President's rule be promulgated immediately in the State of Assam so that the era of blackrule may be brought to an end and the people may be rescued from the hands of a corrupt, incompetent, chauvinist, anti-minority, anti-SC and anti-ST Government now ruling in Assam. This is my prayer and appeal to the Government. I also appeal to the Government to send adequate funds for relief of those who are affected in this massacre, for the families of those who have been killed and those who have been rendered homeless. I also appeal to all sections of the people of Gohpur area to bring back peace and order in that area and lead their further life as brothers and sisters as they had been doing for hundreds of years.

[Translation]

SHRI VIR SEN (Khurja): Mr. Chairman,

Sir, I thank you for giving me an opportunity to speak, but I would also like to make one submission that as I have to speak for the first time in the current session, I request that time-limit should not be applied in my case.

[English]

MR. CHAIRMAN: I have no objection, but the instructions are otherwise.

SHRI VIR SEN: The Chair is independent. It is never subjected to any instructions.

MR. CHAIRMAN: I know my independence. Do not waste time. Carry on.

[Translation]

SHRI VIR SEN: You are independent and not subordinate to any one. This Bill is very important and it has been introduced to check the atrocities committed on scheduled castes and scheduled tribes. But I am sorry to say that it appears from the attendance in the House that people are not interested in it. At least I feel so.

This Bill is very important. Earlier for the protection of civil rights and for the removal of untouchability, Protection of Civil Rights Act was passed. And now again for the achievement of almost similar objectives, the present Bill has been introduced. The main objective is to check atrocities. First of all, I fail to understand as to why the previous Bills, have not proved effective and I have my own fears as to whether this Bill would also meet the same fate. The main reason is that the persons who are supposed to implement provisions of the Bill effectively, oppose it. They are prejudiced. They do not want to protect the rights. There is an old saying 'Choti Kutiya—Jalabion ki Rakhwali'. The people from whom we expect that they will protect our rights, intentionally neglect them. In such circumstances, how it would be possible to implement the provisions effectively. When a person belonging to scheduled caste is victimised and he goes to the police station to lodge an FIR, he is rebuked and asked to go away. If at all, FIR is lodged,

then some lacuna is left so that the culprits may not get any punishment. Unless, the Government checks such corrupt practices of giving shelter to the culprits and giving them protection in one way or the other, then Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Bill can never prove to be effective. Hence, provision should be made to penalise the officials who indulge in such activities. The Bill would not be useful if it provides protection to such people in any way. The officials make it a point to exploit the person if he happens to belong to scheduled caste. Therefore, the Government should pay attention to it. At some places, the State Governments follow the policy of suppressing the incidents of atrocities committed on the people, belonging to scheduled castes and scheduled tribes, for example, Haryana State. It is the dubious distinction of Haryana that maximum rape incidents take place in that State and no action is taken against the culprits. All the cases are suppressed. The State Government of that State have adopted the attitude of treating the People of scheduled castes and scheduled tribes as slaves so that they may not raise their voice. The Government will have to give a serious thought as to how the rights of these people could be protected. A definition has been given in Section III of the Bill. The Government have defined 15 offences. It is just counting them and I do not term it a definition. No counting can be complete. Man is so intelligent that he finds out one way or the other. There should be a comprehensive definition which may include these points and many other aspects should also be covered in it. I have given an amendment which includes the definition. But it may not be moved because it was introduced at 3 p.m. yesterday. If the discussion continues for a longer period, a comprehensive definition should be drafted. I feel that there are certain things which need to be paid due attention. The definition of atrocities includes things like intimidation, killing, beating and rendering people handicapped-or setting them on fire. I think there is no mention about the death caused by fire. In one of such incidents in my constituency, a girl and an ox died in fire. As regards their involvement in

such incidents. I would like to say that there are incidents when the members of scheduled castes and tribes are intimidated and enticed to associate themselves criminal acts like arson under the allurements that they will be given land in return. In these cases, the punishment awarding authorities should not spare people who act on the dictates of others as well as the people who intimidate and entice the people belonging to these communities to commit such acts. The Bill also provides for forfeiture of the moveable and immovable property as well as seizure of the weapons used in the crime. It is something strange. For example, you may seize a lathi or a tamancha costing Rs. 200 or so used in committing the crime. It is not going to serve any purpose. Similarly, it does not carry much weight and should be deleted from the Bill. Provision for attachment of property must be there. There is a mention that the culprit should be humiliated in public. But I feel that this is also not enough. Because at times, humiliation cannot be made in public. As such this provision should also be deleted. As regards, externment of culprits from the areas, I am of the view that a gentleman will obey such orders and leave but the goonda elements who use muscle power will not comply. It is, therefore, not possible to implement this provision. Suppose you externed somebody and he left the place instantly and then came back. Instead of doing this, it will in the fitness of things if he is arrested and put behind the bars. The next thing that I would like to point out is that during the elections people resort to intimidation. They threaten the people to cast their votes in favour of a particular candidate. If the voters do not agree to their dictates, they do not allow them to exercise their franchise. In these circumstances, it is not possible for you to stop booth capturing. In order to avert such a situation, there should be a provision in the Bill that if any report or information is received against such people, they should be detained one month or 15 days before the elections and released when the elections are over. I feel that the Government should pay attention to it. There should also be a provision that officers who do not discharge their duties properly, indulge in

[Sh. Vir Sen]

favouritism, do not show sympathy to the sufferers, spoil the C.R. of an employees just to deprive him of his rights or try to prevent him from discharging his duties, should be given stringent punishment which should not be less than dismissal. Otherwise, there will be recurrence of such cases frequently and these will not stop. Finally, I would like to point out that the Bill provides for social rehabilitation. But what is to be done in the case of an unmarried girl who is raped. How to wash off the stigma one her in the society. We have no way out and it cannot be washed either. It is neither possible to relieve the mental agony she suffers nor to remove the deep scars left by the incident. The society also cannot be changed. If such an incident takes place in our society, as it is today, how can you rehabilitate her. Since she cannot be rehabilitated in a scientific way. It is a big question before us as how to change the social norms and values. I, therefore, request you to find a way by which such a girl is accepted by the society.

So far as the question of legal aid is concerned, it has been confined to papers only. Practically, no aid is given. Nothing of the sort is being implemented. In this connection, I have a suggestion to make that committees comprising of members of scheduled castes may be constituted in each district—which will enquire into all the cases of atrocities and help the victims immediately. With these words, I thank you for giving me time to speak and I support this Bill.

SHRI K.D. SULTANPURI (Simla): Mr. Chairman, Sir, I rise to support the Bill that has been introduced in the House by Dr. Rajendra Kumari Bajpai and would like to congratulate her for bringing forward such an important legislation. I am of the view that with the passing of this Bill, incidence of atrocities on Harijans and Adivasis will be reduced. I also thank the Hon. Prime Minister who permitted the introduction of the Bill in the House. The members of Scheduled Castes and Scheduled Tribes will be benefited and they could be assured of acceler-

ated pace of development. This bill will prove helpful in checking atrocities being committed on the people belonging to scheduled castes and scheduled tribes. I find that most of the atrocities committed on Harijans related to land. There are other reasons also which include depriving them of their right to get employment and efforts made to stall their promotions. The capitalist and imperialist forces have tried to usurp the rights of these people. They have created obstructions in their development and tried to create an atmosphere of hatred against them. Today, we are grateful to the Government and the Congress Party which made various efforts to uplift the members of Scheduled Castes, introduced a number of Bills and enacted a number of laws which provided opportunities to Harijans and Adivasis to make progress. Since time is short, I would not like to go into details. But I would like to point out that though separate colonies have been set up for the Harijans and poor people, yet proper reservation has not been made for the members of scheduled castes and Adivasis in proportion to their population in the allotment of the houses constructed by the D.D.A. or any other authority in the urban areas and housing colonies raised by the States Housing Authorities. In this way, they have been discriminated against. When the Government fixed a definite quota for the members of Scheduled Castes and Scheduled Tribes, they should have been allotted houses in accordance with that quota. But that has not been done. Today, we find that all the officers and officials belonging to scheduled castes and scheduled tribes are being posted in villages and remote areas. They are being looked down upon and are being discriminated. I want that the Government should conduct a survey in this regard. Reports submitted by the legal cell set up by the Government to look into the difficulties of these people indicate that injustice is being done to Harijan officials at every place, whether in banks, railways, Air India, Government Departments or States. Atrocities viz. non-allotment of houses to them, posting them in remote areas and treating them as untouchables are not a good sign. Hon. Members from Bihar have given a number of

such instances in the House. The cases in courts are not decided for a long time, say not even in 10 years' time, and thus the number of cases pending in courts is increasing everyday. The Government has made provision for setting up special courts for disposal of such cases. The more the number of courts, better it will be. I request you to set up such courts at the earliest so that these people could get justice early. Yesterday, the Hon. Prime Minister said that justice will be done to poor people. The only way to achieve this goal is to set up maximum number of special courts so that hearing in maximum number of pending cases could be taken up.

Sir, the former Prime Minister, Shrimati Indira Gandhi had given 'Patas' of land in favour of Harijans, Adivasis and people belonging to weaker sections. But the implementation has been faulty. These 'patas' are merely piece of paper. Practically no possession of land has been given to them. Wherever possession of land was given, people went to courts and obtained stay orders against the allotment. In certain cases, where a small piece of land was given, it is rocky or in desert areas where no water is available. The land cannot be dug. It is not suitable for cultivation. I want that a survey in this regard may be conducted to find out as to which of the States did not implement this law. I request you to implement the law properly so that poor people could be provided land.

Sir, while making yet another submission, I would like to submit that there are certain voluntary organisations which receive funds from the Central Government through the State Governments. These institutions have been set up for the welfare of Harijans and Adivasis, but fraud is being committed there in the name of welfare of the Harijans. Therefore, it is my suggestion in this connection that Members of Parliament and Members of Legislative Assemblies should be involved with these institutions so that they may get an opportunity to see whether these poor people are being helped or some fraud is being committed, but it has

not been done so far and these people get their bodies registered in the name of these poor people and do not work for their welfare at all. You should pay attention to it so that the upliftment of the poor people could be done in a proper way and the funds advanced by the Central Government to the states for these bodies are utilized properly.

Mr. Chairman, sir, I would like to point out that recently when a new Government was installed in Haryana, they had promised to the poor people that loans up to Rs. 10,000 in respect of the people living below the poverty line would be waived. In respect of other categories, this limit is Rs. 7,000 but they have made a provision for waiving loans only upto Rs. 10,000. I would also like to point out that atrocities are being committed on the Harijans in Karnal and at other places in Haryana in a way, which cannot be compared to that in any other part of the country. I would like to urge upon the Government of India that they should pay attention towards the poor people rules are being victimised there at present

Mr. Chairman, Sir, just now the situation in Kerala was being discussed here. It was also pointed out that have a Harijan was tortured in a Police Station in Kerala. I would say that it is a blot on the country. Had Mahatma Gandhi, Pandit Jawahar Lal Nehru and Indira Gandhi been alive today, I can realise the intensity of agony, it would have caused to them. They had made a provision for the upliftment of the Harijans and scheduled castes, and now it is our Prime Minister, Shri Rajiv Gandhi who has taken a pledge to fulfil that mission.

Mr. Chairman, Sir, it is my submission that poor people should be provided the opportunities to raise their standard of living with the provision of basic amenities for them like the provision of drinking water and electricity so that the poor people can make progress.

Mr. Chairman, Sir, if you go through the reports submitted by the Scheduled Tribes and Scheduled Castes Commission, parlia-

[Sh. K.D. Sultanpuri]

mentary committees and committees of the State Legislatures constituted to take care of the welfare of the scheduled castes and scheduled tribes, you will find that a number of atrocities are committed on these people and in case remedial measures prove effective to check this problem, it will be a great achievement on our part. I would like to congratulate you for moving this piece of legislation and I would also like to congratulate the Hon. Prime Minister for it. But I would also like to point out that unless and until back log in respect of the vacancies reserved for scheduled castes and tribes is cleared with the implementation of this law, it will be of no use. The people do raise a point that jobs are not being provided to the educated people, it is an injustice to them. I feel that since orders have been given by the Prime Minister to fill up the reserve quota for Adivasis and Harijans, it should be implemented at all levels right from class four to other higher ranks in all the undertakings so that the provision of reservation meant for the poor does not go waste and Harijans and Scheduled Castes and Scheduled Tribes may also lead a happy life. You have cited a number of cases of atrocities and all of them relate to Harijans and Adivasis. I feel that you will deal with in a time bound programme. I hope that the Government will also bring about an improvement in the existing system under which atrocities are being committed on the women and youth in Kerala and in other States including Himachal Pradesh. With these words, I support this Bill and I hope that the Government will pay full attention towards it.

SHRIKEYURBHUSHAN (Raipur): Hon. Chairman, Sir, I am constrained to observe with agony that even after a long period of our independence, we cannot claim that we have become independent in the real sense of the term. We could not free ourselves from the blot of atrocities being committed on scheduled castes and scheduled tribes and in order to combat this evil, we have to enact laws. The Government have made the pro-

vision for a separate court for such cases, it is a right step and only those who comprehend it, can do justice. Only those persons who realise the agony of this section of the people who rebuild this nation and takes her ahead on the path of progress with its skill and performance, can take steps to ensure that atrocities are not committed on them and they are given full protection. Even today, atrocities are committed on our women folk. It is easier to commit atrocities on the women of scheduled tribes and scheduled castes because they work in the fields, barns and factories where they toil hard under the care of their rich masters. They are treated like insects and they are not given due regard. The Government has realised that they should be given due respect and resolved to restore to them their legitimate rights.

13.59 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

Therefore, we are thankful to the Government owing to certain basic reasons. I would like to submit that the Government should provide them special facilities. Firstly, Adivasis and Harijans should have adequate means to enable them to stand on their own feet. The majority of them do not have them at present. The people who live in the forests have neither the agricultural land nor the forest land. But they are falsely blamed for the felling of forest trees which are rather protected by them and they are evicted from the land they have been tilling for agricultural purposes on the plea that they have occupied the land by force. Moreover, they are prosecuted and sent to jail for it. As per the existing provisions of law, they have no claim on the forest land. Kindly amend such provisions of law to enable them to plant trees for their use and to allow them to make use of the forest produce. Then nobody would be able to commit atrocities on these people. The Government should make them strong enough so that nobody could dare commit atrocities on them.



14.00 hrs.

All the schemes meant for our area are meant for the tribal areas. There are deposits of coal, mica, iron etc. in these areas only but when these people are displaced from these areas, they are left with no other means of livelihood except going in for physical labour and to bear atrocities on their mothers and sisters. The plots of land allotted to them under 20-point programme for their rehabilitation, are found nowhere, hence they do not know what to do or where to go under such circumstances.

As I have already said that when new industries are set up at some particular places, the people from outside are provided employment in these industries, but they should not be allowed to do so. Opening up of new industries is no doubt very good for the entire country but care should be taken to ensure that the local people are employed in them. If the people of these areas cannot be rehabilitated then all of them would suffer. An industry should be allowed to operate only when all these people are rehabilitated. They should have the first claim of employment in such plants under the project because they have given land which was the source of their income. Nobody can dare commit atrocities on these people, if they are given employment in such plants. Who can do injustice to them if they get the land for shelter and agricultural land to earn their livelihood. Injustice has no place in such a situation. The entire society will stand by them in this way. Their victimisation should also be treated as misconduct and atrocities on them.

Educated people belonging to these sections of society do have the opportunities of becoming doctors, teachers and engineers but they are forbidden to draw water from the well in their own native place. I say it with a sense of responsibility and in all sincerity that they are not attended even by the barbers of their area. Is it not a sort of misconduct or atrocity? All these things should be considered as misbehaviour and atrocities and a punishable offence under

the provisions of law. The Government should try to change this slave mentality.

The village where the Harijans are not allowed to draw water from the village wells, where they are not given equal status even by the barbers and washermen, where they have no house of their own to live in, where they have no temples and mosques for prayers, is nothing but a hell. We will have to bring a change in all these things. Under the Panchayati Raj System, if some particular panchayats are not able to provide civic amenities for them, these should be dissolved. For this purpose, the Government shall have to incorporate some changes in the Bill. Laws enacted in this regard can be implemented only when appropriate changes are made in them. Those who come forward should be given protection by the Government. The Government should start a campaign to remove this disparity. It is essentially the responsibility of your department to launch a campaign to bring about this change in the society. There is no public place except hotels or cinema houses where discrimination is not practised. The Government should make efforts to deal with this problem at other places. If it is so required, group penalty should be imposed and discrimination should also be treated as an atrocity. It is perfectly justified to make changes in the provisions of law and the Government should pay special attention towards this.

My third point relates to initiate a move in this regard. The youth of this country should go in for inter-caste marriages if they want to do away with the caste-system. Mahatma Gandhi had clearly observed that he would seek the blessings of such couples where one of the partners would be a Harijan and the other one a non-Harijan. But today if a person marries a Harijan girl, he incurs the wrath of his family as he is deserted by his family and does not get protection from any corner. I would request the hon. Minister to introduce a system where top priority will be given to those who have gone in for inter-caste marriages. Two days back, I met a woman from my constituency. She had

[Sh. Keyur Bhushan]

married a man belonging to a 'Vaishnav' family which occupies a very high status. The couple was not allowed to stay in that village. Even in the city they did not find a place to live in. Both of them are jobless and without shelter. How can they go ahead in this situation? According to existing provisions of laws anyone of them can be provided employment. The Government should pay attention in this direction.

I support the suggestion of my hon. colleague who spoke earlier that after proper scrutiny, public institutions should be given all possible help to fulfil the resolution of removal of untouchability.

In the end, I would like to repeat the resolution of our ancestors which said that social evils like untouchability and atrocities on Harijans will be completely wiped out. On 24 September, 1932 after observing a fast-unto-death Mahatma Gandhi along with the Saviour of Harijans, Baba Saheb Ambedkar, Madan Mohan Malviya and several other leaders had resolved to make their all out efforts to wipe out untouchability from the country. Today 40 years have passed since then but the problem of untouchability has assumed larger proportions, so we should resolve here that discrimination will come to an end in this great country or ours.

SHRI NANDLAL CHOUDHARY (Sagar): Mr. Chairman, Sir, I whole-heartedly support the Bill introduced by hon. Shrimati Bajpai I thank hon. Shri Rajiv Gandhi and hon. Shrimati Bajpai for moving this important and historic Bill. The earlier laws for the removal of untouchability have been incorporated in it and their deficiencies have been taken care of. This Bill has been moved in the House because earlier laws proved ineffective in checking the incidence of atrocities on Harijans, instead such cases have increased. I whole-heartedly support the Bill. Our leaders such as Mahatma Gandhi, Jawaharlal Nehru, Dr. Ambedkar, Shrimati Indira Gandhi and the late Jagjivan Ram tried their best to prevent atrocities on Harijans. Yet we find

that the situation has not changed virtually with no decline in atrocities on Harijans. I would like to quote one particular case. At the Bahrol police station in Sagar district of my constituency, over a minor issue, Harijans were made to drink urine, their heads and moustaches were shaved off and after being mercilessly beaten locked up in jail. These Harijans belonged to village Neemon. For the last two years court proceedings have been going on for false cases registered against them. When I go to know that Harijans had been made to drink urine by the police and then locked up in jail I went there for a first-hand assessment of the situation. I personally saw the Harijans with their heads and moustaches shaved off. They also gave a statement before the jailor. From the jail I went to meet the S.P., whose name I do not want to mention. I asked him what action he is taking for the police atrocities on Harijans in village Neemon under Bahrol police station. The S.H.O. of Bahrol police station who had also come there was called by the S.P. and asked if such an incident had taken place. The S.H.O. replied in the negative. I told them that I had personally gone to the jail and have seen everything myself. Instead of believing me they gave a Press statement that the M.P. is telling lies and no such incident had taken place. Later on preparations for a movement were launched and the S.P. had to leave that place. When there was a lot of resentment among the local public and it gave rise to a wide unrest, a magisterial inquiry was ordered. This inquiry proved that the S.P. version was wrong. The Report clearly stated that atrocities committed on the Harijans included cutting off their hair and making them drink urine. Till now no action has been taken on the Report. The C.R. of the S.P. mentions his anti-Harijan attitude. What provisions have you made in respect of such officials in the Bill? Such officials should be brought under the purview of this Bill so that some action can be taken against them.

There are other types of injustices that the Harijans are subjected to by the bureaucracy. I am the national president of the Scheduled Caste and Scheduled Tribes

Employees Association in the railways. Hence I received a large number of letters from all over the country stating therein the type of injustice they are being subjected to. Recently, there was a case involving one Bapu Prasad of sagar area who has been an assistant driver in the railways with a total service of 26 years to his credit. He is said to have had an argument with an official who abused the driver in the course of argument. The latter may have retaliated in the same coin. But the driver denies that he abused the official. Anyway, the driver was charged with abusing a public servant and he was in a drunken state on duty and his services were terminated. I have seen his record of service for the last 26 years. He filed an appeal against the decision. Unfortunately, his appeal was rejected and his termination was confirmed. Nowhere does his record mention that he abuses others or consumes alcohol. Nothing was done to check the facts but his services were terminated. He also had an audience with, His Excellency the President of India. There are many such cases where high-level officials become indifferent just because Scheduled Castes are involved. The Appellate authority also does not give the case much importance. It is how these atrocities continue to take place.

Similarly, grants meant for the welfare of Harijans in Municipal Corporations or Municipal Boards are utilised for some other purposes. The Central Government had released funds for the construction of 600-7000 'Sulabh Shauchalyas' by the Sagar Corporation. Instead of spending the money on the Harijan wards for which it had been given, it was spend on non-Harijan wards. There are several such instances. There should be a provision to ensure that the Head against which the money has been sanctioned is not changed. If an official spends the money meant for Harijans under some other Head, he should be punished.

In the end, I once again extend my support for the Bill and thanks to hon. Shrimati Bajpai.

CH. LACHCHHI RAM (Jalaur): Hon.

Mr. Chairman Sir, I am grateful to you for giving me an opportunity to express my views on this important Bill. I also thank hon. Shrimati Bajpai for introducing a Bill in this House which seeks to prevent atrocities on Scheduled Castes and Scheduled Tribes. Hon Shrimati Bajpai is a person who firmly believes in Gandhian philosophy and always strives to put it into practice. This is a historic Bill. I have had the opportunity of working with hon. Shrimati Bajpai on the Consultative Committee of her Ministry. I have always seen her taking serious note of the problems concerning the poor raised here in this august House by our hon. Members.

When I see this Bill, I find that it takes care of all aspects that we have ever discussed. I thank her for presenting this very important Bill.

Mr. Chairman Sir, a number of measures have been taken since independence for the prevention of atrocities on Harijans. Even before independence, Pandit Jawaharlal Nehru also took some tough steps to provide relief to the weaker sections through the abolition of the 'Zamindari' and 'jagirdari' system and merger of 600 princely states. With an undaunted mind he successfully completed this task with the help of Sardar Patel. It is this step that influenced us most. Some persons among my brethren say that it did not give them any relief. But I would say that a lot of relief has been provided. I am one of those people who have experienced the frustration of the weaker sections of our society. Today, when I see people of backward classes holding their heads high and enjoying a better status in society, I can feel the changes that have come about. But there are places like Bihar and many other States where atrocities still continue. This needs to be dealt with. Several hon. Members have asked for a ban on punishment of Scheduled Caste officials. This is not a justifiable demand. Among the Government employees also we find persons belonging to Scheduled Castes and other castes. They really discriminate against the people of other castes. Similar punishments should be given to the Government employees indulging in

[Ch. Lachchi Ram]

corruption and discrimination, as is given to other categories of people. One of the hon. Members emphasised on the laxity shown by the officers in the implementation of the laws which have already been enacted. Though some of the educated persons of the weaker sections have come into the Government services, but at the time of promotions after 10-15 years of service, either adverse entries are made in their CRs or CRs are destroyed, thereby depriving them of the promotion. In some cases they are also compulsorily retired. Attention must also be paid towards this, because after the compulsory retirement of these persons, people of choice are inducted in their place. One of my colleagues has just stated that a particular quota has been fixed for the persons belonging to the Scheduled Castes in the matter of allotment of petrol pumps. On investigation the Government can find out the hold of the capitalists in 95 per cent cases where they are being operated in the names of their servants but entire profit is pocketed by the capitalists themselves. Persons of weaker sections do not get a share in this profit. As regards the framing of rules under the act, the hon. Minister has incorporated clause to make a provision for discussion on the rules in the House before their implementation. The officials entrusted with the task of framing of rules dilute the importance of the Bill, thereby depriving the weaker sections of its benefits which are supposed to accrue to them. I support the Bill and convey my thanks to Shri Rajiv Gandhi and Smt. Bajpai for introducing the Bill in the House.

SHRI RAM BHAGAT PASWAN (Rosaera): Mr. Chairman, Sir, the population of Harijans and tribals is 1/3 of the total population of the country and is also very important for the society. They are the pillars of development and work very hard, but still they do not have any respect in the society. Not only this they are also denied their rights. Even the educated Harijans are also maltreated. We are grateful to the Congress for improving the lot of harijans and tribals to

enable them to lead a respectable life. Shrimati Indira Gandhi worked zealously to fulfil the resolution adopted under the leadership of Mahatma Gandhi and Pt. Nehru to deliver justice to harijans and tribals and also to bring prosperity to them. I would like to thank Shri Rajiv Gandhi for bringing forward such a revolutionary Bill. For this I would also like to thank the hon. Minister for introducing the Bill in the House for the redressal of grievances of the harijans.

There are three or four reasons for atrocities on harijans and tribals. Greatest reason is the prevalence of casteism and fundamentalism in our society. Even the educated and the well placed persons of these communities are looked down upon by the people of the other communities. Second reason is their poverty due to which they remain weak. For ameliorating their economic condition, minimum wages laws are 'no doubt' there, but they are not implemented. I would like to request the hon. Minister to issue guidelines to the State Governments to implement them. People found negligent in implementation should be prosecuted. As soon as a poor person prepares a rocky land for the purpose of cultivation, the landlords forcibly grab the plot of land from the poor, who had been given the leased deed of the same and the Police also does not give him protection. It has been the history of Police that till to date they have never protected the harijans and have also never given reports in their favour, in case of conflicts between the poor and the landlords and in the cases of atrocities on Harijans and tribals. The Government can look into the Police reports on cases of land conflicts in Bihar. In all such cases Police reports have never gone in favour of harijans. Second channel of redressal is courts. But in these courts also, big zamindars have their say and they never deliver judgements in favour of harijans. That is the reason that there have been more atrocities on harijans in Bihar. Whenever these persons make a demand for minimum wages, atrocities are committed on them. During the Janata rule, spurt in atrocities on harijans was witnessed. At Belchhi, Pathra, Kena and Dharampura,

people were burnt alive. During the Janta rule, atrocities on harijans had increased 10 times. We are grateful to the Congress Government which is committed to give protection to the Harijans. However, the officers are creating problems in this regard and put up resistance to check the filing of F.I.Rs. Provision of special courts has been made, but there also lawyer is to be engaged for which both time and money are required. The Government is requested to provide justice at the doorsteps in case of atrocities on harijans and tribals instead of requiring them to knock at the doors of courts. It will bring down the number of cases of atrocities on them. I would like to request the Government to evolve a system of heavy punishment for the persons found involved in killing and burning of harijan and tribals, so as to prevent their escape from the clutches of law, because the kins of victims fail to arrange for the court fees and hence are unable to file cases. Therefore, in view of the poverty of these people, if Government wants to do justice with them then the courts should move to their doorsteps. I would like to thank the Hon. Prime Minister for recently issuing instructions to the Chief Ministers and the officials of the States, in whose cases lease deeds have been issued to extend financial assistance to the harijans because this has definitely boosted their morale. While harijans and tribals have been provided reservation in Government institutions, private institutions and educational institutions are blatantly flouting the provisions of the reservation policy of the Government. In the educational institutions receiving Government aid and assistance from University Grants Commission, there is no provision of reservation for harijans. I would like to request the Government to make the provision of adequate reservation for the Scheduled Castes and the Scheduled Tribes in these institutions also. In some cases it has been observed that whenever harijan Officers and employees are due for promotions, adverse remarks are deliberately made in their CRs. It is my submission that stringent action should be taken against the officials who have deliberately spoiled the CRs with their ulterior motives. All such entries should be

reviewed and if any such remarks are found to be incorrect, then services of the concerned official should be terminated immediately, so as to effectively implement the declared reservation policy of the Government.

Now, I would like to draw your attention towards the shelterless harijans. In many cases it has found that the harijans have settled on the lands owned by others. Government guidelines in this regard are quite clear as it has been provided under these guidelines that Harijans will be given the ownership of the land on which they have been settled, but still in many villages they have not been given these rights of the plots of land on which they have been living. Moreover, they are being exploited and kept as bonded labourers. Only those Harijans whose children are educated, get out of the clutches of the bonded labour system because they change over to the cities or some other place away from the village. But a helpless harijan has to continue as a bonded labour as the light of independence is still eluding him. Therefore, I would like to request the Government to arrange for the freedom of harijan bonded labourers, by giving them the full ownership rights of land on which they have been living. Persons forcibly taking work from them should also be severely punished. With these words I would like to thank from the core of my heart the hon. Minister of Social Welfare for moving this Bill to accord severe punishment to persons committing atrocities on harijans and constitute special courts for harijans and increase the period of punishment. I think that whenever this Bill is implemented at the grass-root level, the people of the country will Shri Rajiv Gandhi and Dr. Rajendra Kumari Bajpai from the case of their hearts. With these words I would also like to thank you for giving me an opportunity to speak.

SHRI KAMMODILAL JATAV (Morena):  
Mr. Chairman, Sir, I rise to extend my wholehearted support to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Bill introduced by the hon. Minister of State of the Ministry of Welfare. firstly, I

[Sh. Kammodilal Jatav]

would like to thank you for having provided me with an opportunity to express my point of view on this Bill. Even after 40 or 42 years of independence, it cannot be said that the Harijans have made progress. Their development has not taken place according to expectations. Even today atrocities are being committed on them. If a Harijan or an Adivasi owns two bighas of land and if it is adjacent to the fields of the non-Harijans, they will make it a point to occupy that piece of land no matter what method they may have to adopt for the purpose. They may even beat him up and resort to every other mean tactics to forcibly occupy his land. You can find such examples in plenty in Madhya Pradesh and many such disputes are still going on there. I would like to request that wherever such instances of atrocities committed on Harijans and Adivasis are in evidence, strict action should be taken against the culprits. Whenever a Harijan goes to the Police Station to register a complaint regarding atrocities, the Police Officers neither register the case nor do they take prompt action. Stern action should be taken against such officials. The Harijans and Social Welfare Officer in every district should be directed to visit the Police Station at least once a week to enquire about the cases of the atrocities on Harijans. This will ensure that the Police Officers do not shirk their work. Therefore, I would like that the Government should issue instructions to every Social Welfare Officer to visit every Police Station of his district once a week.

Sir, the second point which I would like to submit is that when a Harijan or Adivasi gets employment, the concerned officials send the appointment letters at the wrong address with the result that he does not get an appointment. For example, if the candidate belongs to Manwa, the call letter is sent to Bhondpa and similarly if the candidate belongs to Malekhpura, the call letters is sent to Morhpura and so on. In this way, call letters are sent at wrong addresses. I can produce the required evidence in this regard. This is a fact. When the appointment letters

does not reach the right address, the question of his joining the post does not arise and consequently the concerned officers recommend that the vacancy should be filled up by a non-harijan candidate. Therefore, in order to avoid such situations, the appointment letters of Harijans and Adivasi candidates should be submitted to the Collector and the Collector should inform the candidates about their appointment. In this connection, I would like to request that the Government should issue necessary instructions in this direction so that such arrangements could be made.

Mr. Chairman, Sir, you might have seen in Nagarpalikas including the Nagarpalika in Delhi that dirty water from other areas get collected in the slum areas. The same situation exists in my constituency, Morena. The same condition also exists in the Parliamentary Constituency of Sheopur. As Shri Chaudhary has just said that the amount allocated for the improvement of slums inhabited by the Harijans and Adivasis is spent for other purposes. The same situation exists in my State. It is on this account that these deprived people are compelled to spend their entire lives under such conditions. The people living here do not even get safe drinking water. That is why I would like to submit that the funds which are allocated for the upliftment and welfare the Scheduled Castes and Scheduled Tribes should not be diverted to other heads, so that the condition of the slums in which they live could be improved.

Mr. Chairman, Sir, besides, I would like to submit that licenses for keeping guns are issued only to the people belonging to the upper castes. A common man belonging to these castes is able to get licenses issued after spending some money but the weaker sections are not able to do so. In a small village of my constituency the people belonging to the general category possess a number of guns, but the Harijans and Adivasis do not possess even a single gun. They are constantly terrorised and intimidated. They are oppressed but they are afraid of raising their voice in protest. Therefore, I would request that the procedure of issuing

gun licences to the Harijans and Adivasis should be made easy. This will also help in improving the situation and they will not live under terror any more.

With these words I support the Bill.

**SHRI MANKURAM SODI (Bastar):** Mr. Chairman, Sir, I support the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Bill. The Hon. Prime Minister has toured the distant areas and met the Harijans and Adivasis personally so that he could know about their problems. He also consulted different voluntary organisations working in their midst and thereafter referred this matter to the Adivasi Cell of the AICC. A seminar was organised on this issue which was attended by all the hon. Members of Parliament. Subsequently, the Chief Ministers of the States were called and consulted in this matter. In this way, before bringing the Bill a lot of consultations were held at all levels and only after that the Bill was brought forward.

Sir, different forms of atrocities have been mentioned under sub-section (i) to (XV) of Section 3 of Chapter 2. The provision under sub-section (XV) will definitely help in preventing atrocities committed on the Scheduled Castes and Scheduled Tribes and it will act as a deterrent on the tendency of denigrating them. As you are aware that there are several types of atrocities. For example, sub-section (iii) of section 3 of chapter 2 makes it clear that it will be an offence to forcibly remove clothes from the persons of a member of a Scheduled Caste or a Scheduled Tribe or parade him naked or paint his face or body or commit any similar act which is derogatory to human dignity. This is the basest form of atrocity and a photograph of one such instance was published on the cover page of the fortnightly, 'India Today'. A ban was imposed on the entry of journalists in that area and on the press coverage of the incident by the district administrations but the journalists entered on the pretext that they would like to highlight the development taking place there in the area and in this way they took this photo-

graph. In this photograph, it is clearly visible as to how they were stripped naked. The clothes to be seen at the bottom are the ones which were forcibly removed. This sort of atrocity should be checked. The women were also similarly insulted and dishonoured. The Harijans and Adivasis also allow their woman folk to be molested because they are terrified. When such matters are referred to the Panchayat it is said that they have done so to avoid enmity. This should be checked. Similarly, these weaker section are made to flee villages by levelling false allegations of theft and other crimes. This should also be checked. At the same time, non-advasis enter the adivasi areas and forcibly try to occupy their land. This should also be stopped. They wrongfully dispossess them of their land and in doing so they adopt every possible means from enticing them with trap-pings to intimidating them. The Special Courts to be set up to deal with such offences would function properly if as the hon. Members have suggested that the judicial system should provide cheap justice and the procedure should be simplified. If proper justice is ensured to these oppressed people, it will definitely benefit them. The justice being rendered by the State Courts should be inexpensive and easily available. So far they are not getting justice that is due to them. The Government should make arrangements to find a way out under the existing circumstances so that they could get maximum benefits. Until this happens, it will not be possible to improve their lot. However, there will be definite improvement in their conditions in the near future. Our Hon. Prime Minister has brought forward this Bill after touring the whole country, discussing this problem with the affected people and after holding a lot of consultations at all levels. The future generations will make all out efforts to implement this Bill and for securing their rights. Today many schools and colleges are functioning in areas where these facilities did not exist before. Thus the children of the Scheduled Castes and Scheduled Tribes are getting an opportunity to receive education. This Bill will go a long way in benefiting the society as a whole. This new generation will work in the direction of check-

[Sh. Mankuram Sodi]

ing the exploitation of the weaker sections and for their upliftment and progress. Shri Rajiv Gandhi will always be remembered by them for having brought this Bill and they will constantly make efforts for the improvement of their own lot. With this hope, I conclude.

[English]

SHRIK. PRADHANI (Nowrangpur): Mr. Chairman, Sir, I rise to support this Bill moved by the hon. Minister of State of the Ministry of Welfare to prevent atrocities on Scheduled Castes and Scheduled Tribes.

Sir, I am grateful to the hon. Minister because she has been kind enough to bring this Bill under the direction of our Prime Minister, who is young and dynamic and who has studied all the problems of Adivasis and Harijans in our country within a short period of four to five years.

Sir, the aims and objects of this Bill are to give deterrent punishment to the accused persons, who are involved in cases of atrocities on Scheduled Castes and Scheduled Tribes. There are general Acts like I.P.C. Civil Rights Act, but they have not been properly implemented. And that is why this Bill has been brought. Here the word 'atrocities' has not been defined exactly and fully and only certain offences have been quoted here like taking possession of land from Adivasi forcibly, removing clothes of Scheduled Castes and Scheduled Tribes etc. Also enhanced punishment has been provided here in this Bill, i.e. more punishment to those who are habitual offenders and who committed offences more than once. This is a very good suggestion and a very good proposal. I think it is necessary to define the word 'atrocities' here, fully if not today at least after some time. I would like to seek some clarifications from the hon. Minister. She has mentioned that this Bill applies to all the areas including Scheduled Areas and the Tribal Areas of this country. Last week we passed the 64th Constitution Amendment Bill and this particular Constitution Amend-

ment Bill did not apply to Scheduled Areas and Tribal Areas. There is a provision in the Fifth Schedule of the Constitution. I quote Para 5 of the Sixth Schedule:

"Notwithstanding anything in this Constitution, the Governor may by public notification direct that any particular act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or a part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modifications as he may specify in the notifications and any direction given under this sub paragraph may be given so as to have retrospective effect."

I think this is an overriding principle and I doubt whether this particular Bill shall apply to Scheduled Areas and Tribal Areas without the notification of the Governor. There is a special provision in the 64th Constitution Amendment Bill which we have passed last week that the Governor shall make a special notification to apply that Bill to Scheduled Areas and Tribal Areas.

I draw the attention of the hon. Minister through the Chairman to examine whether this Bill will apply directly to the Scheduled Areas and the Tribal areas without the Notification of the Governor or whether Governor will notify it.

Now I come to the fifth and the Sixth Schedules. Last week there was a question about Jharkhand movement—fortunately or unfortunately it was recorded in my name—that extremists are involved in that movement and they are creating problems in this country. Sir, the Jharkhand activities and other activities are coming into the picture only because of socio-economic problems. The hon. Home Minister on that day was kind enough to inform the House that he would examine these facts by appointing a Committee and see what can be done about that. I would like to suggest that we could have Autonomous Councils like GNLF. In the Eastern States we have got such Councils



and we have got Zilla Parishad and Development Councils in other areas. Our young Prime Minister is very much concerned about the tribal areas and about decentralisation of power to the people in general. About 90 to 95 per cent of our Tribal people are living in concentration with a few others and the other people control the tribals. If we give them some autonomy—I am not talking about Jharkhand State but say Council type—they can themselves control their own affairs because other people are not interested in solving the problems of the tribals. I have seen throughout the country that the civil Right Act is not implemented properly because more than 60 to 70 per cent of the cases are acquitted as none of the people are interested to go into the background of atrocities against Scheduled Castes and Scheduled Tribes. Even some of the officers are also supporting them. They should be given autonomy under the Sixth Schedule to have a grip over administration. The Sixth Schedule is operating in some Eastern States whereas the other tribal areas are governed by the Governor under V Schedule. Why should there be two types of administration? Why not make one type of administration under the Sixth Schedule so that the tribal people can look after their own interests properly and see that the culprits are punished properly?

SHRI UTTAM RATHOD (Hingoli): While speaking on this Bill, let me congratulate the Government for bringing a Bill of this type. As a social workers and also a political workers I have seen that the cases of atrocities on Scheduled Castes and Scheduled tribes especially after independence, are on the increase. We can attribute the reasons to the resistance that has been shown by the Scheduled Castes and Scheduled tribes against the existing society. Under this Act, we have provided special courts and also punishment to those who neglect their duties. Generally we have seen that whenever there are atrocities by them on Scheduled Castes and Scheduled tribes or even on women, the police or the other people who are responsible for law and order, keep away and after the completion of the act, they

generally go there. I am happy that the Government has provided some protection against the atrocities that the indirectly committed by the Government officials or public servants. I once again thank the Government for having brought this Bill. I hope the Government will also have the determination to implement this.

[Translation]

SHRI R.S. KHIRHAR (Sitamarhi): Mr. Chairman, Sir, this Bill has been introduced in the House with a view to preventing atrocities on Scheduled Castes and Scheduled Tribes and it provides for setting up of special courts and taking some punitive measures. I welcome this Bill. Atrocities on Harijans is not a new phenomenon. Earlier also these things used to happen and laws were enacted. We must ponder over as to why these atrocities are committed in the first place. A number of factors are responsible for this. If we conduct a survey on the way of their living, we shall find that even after 40 to 42 years of independence there has been no change in their standard of living. As compared to ours, their standard of living is far below. Economic and educational backwardness has been hunting them and this results in atrocities on them. It is all right that after independence the Government has been working for the economic and educational upliftment of the Harijans and Adivasis and for the improvement of their standard of living. But in my view, it is still inadequate.

I come from North Bihar. It was decided to distribute the surplus land that would be available among the Harijans and transfer the land ownership in their names after the implementation of the land Ceiling Act. But if you conduct a survey honestly you will come to know that even today ownership of 50 per cent of land so distributed has not been given to them. Though the land has been shown to have been transferred to them, but in practice it is still under the possession of capitalists and landlords. Even today " Harijans are being forced to work without remuneration. They still continue to be the bonded labourers. It is all right that progress

[Sh. R.S. Khirhar]

has been made in the right sense of the term but their economic and educational condition is still very deplorable. Hon. Members, particularly those from Bihar, sitting in this august House know that hundreds of bighas of benami land is still under the possession of landlords and capitalists. They have been showing this land in the names of their pet animals, munshis and sepoy. As such if the Government sincerely wants to protect the Harijans and Adivasis from these atrocities, it should strictly enforce the Land Ceiling Act if not everywhere, at least in the plains and take out the surplus land from the landlords and distribute the same among the Harijans and Adivasis. This will help the Harijans acquire ownership of the surplus land and atrocities being committed on them will stop. They will be in a position to complete with the rest of the society.

With these words I support this Bill.

[English]

SHRI CHINTAMANI JENA (Balasore):  
Mr. Chairman, Sir, I rise to support this Amendment Bill brought by our hon. Minister for Welfare, for the welfare of the SCs. and STs. in our country,

Sir, as you know well, the atrocities and the backwardness of the SCs. and STs. depend not on one factor alone; there are several factors, such as, illiteracy, socio-economic condition, acute poverty, etc. which I have no time to elaborate. I am grateful to our hon. Prime Minister that he is very seriously thinking about the welfare and upliftment of SC/ST people in our country. For this he has taken several measures, of which this is one of the major welfare measures taken by him as well as by our hon. Minister for Welfare who is present here.

15.00 hrs.

It is the Congress Government at the Centre as also in many other States which have done something for the welfare of the

SC and ST people. But unfortunately those people who are shedding crocodile tears—the Opposition Party Members are not here—have no solution to this problem. They don't want to implement anything for them. They want to deliver big lectures and preach things but they never implement any good schemes for the welfare of the SC and ST. We have noticed their attitude in the year 1977 to 1980 when the reservation for seats for SC and ST community people was to be extended after its expiry in 1980, they did not want to extend the same. But Shrimati Indira Gandhi after coming to power at the Centre in 1980, had taken initiative and the reservation time was extended by amending the Constitution. So, whatever the action for the welfare and development of the SC and ST people was taken, it was taken only by the Congress Party and the Congress Government at the Centre and in the States. I would now like to give a few suggestions for the consideration of the Government.

Sir, about illiteracy, there are a large number of drop-outs of SC and ST students for which some measures like provision of hostel facilities should be made so that the drop-outs could be checked and literacy will spread. Sir, we have noticed that whatever atrocities are committed and the modesty of Harijan and Adivasi women is spoiled, it is mostly done by the Police officials and Forest Officials. My humble suggestion would be that the Government should take stringent measures so that when such type of allegations are brought to the notice of the Government, the concerned officials or the employees of the Government should be dismissed from the service and in no circumstances, he or they should be provided with any job in Government. Of course, the hon. Minister has noted the points. But while replying to the points raised during the debate, she will reply that these matters come under the State Government. I fully agree with her. But what is happening is that actually welfare measures which are considered and decided for implementation are being implemented by the concerned State Government and the officials there show their apathetic attitude towards this and that is

why they are not being implemented Therefore, some measures should be taken so that this kind of thing may not happen in future.

Sir, regarding special courts, I congratulate the hon. Minister that she has brought forward this Bill in which provision of special courts is included. The special courts, in my humble submission, should be in every block so that it could be easily approachable by the poor Adivasis and Harijans in time of need. Besides, I would also suggest that some social and cultural measures should be taken. On this issue, I would like to submit that the matrimonial alliances between the Harijans and caste Hindus should be encouraged. Of course, there are encouragements given and our Government at the Centre are taking such measures. But my humble suggestion is this.

MR. CHAIRMAN: Please conclude.

SHRI CHINTAMANI JENA: Sir, within a minute or two I will conclude.

It is heartening to note that our hon. Prime Minister recently has taken positive measures to fill up all the backlog vacancies of SC and ST candidates. If there are such candidates of caste Hindus who have married Adivasi or Harijan girls, they should be given priority in filling up these vacancies. Rules also should be framed so that this sort of vacancies can be filled up in future with utmost priority to those caste Hindus candidates who will have matrimonial alliances with Adivasis and Harijans.

Sir, regarding Panchayati Raj our Government has taken many correct measures and the Panchayati Raj system is being implemented very rapidly. I whole-heartedly congratulate our Prime Minister for this. I also request the hon. Minister to kindly see that the Panchayat Bills in the States have one such provision so that the panchayats would do such works for the welfare of Harijans and Adivasis. Those panchayats should be rewarded by the Government of India. One regrettable matter is that there is infight-

ing among the Scheduled Castes and the Scheduled Tribes and they have no coordination. So, measures should be taken to see that there is coordination among the Scheduled Castes and the Scheduled Tribes. With these words, I whole-heartedly support this Bill.

[Translation]

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): Mr. Chairman, Sir, I am very grateful to those hon. Members who participated in the discussion on this Bill, took interest in it and extended their full support. While expressing their views all these hon. Members extended their full support to the Bill. As many as 38 hon. Member participated in the discussion. The discussions that were held on Monday and today show that the House as a whole is fully sympathetic to these people who have been subjected to various atrocities from time to time. The Bill has been brought to stop these atrocities and this is the reason that it has received support from all. Some suggestions and amendments have also come. I shall take up these points later. As all of you are aware, the Congress Party has taken measures from time to time with a view to uplifting the people belonging to weaker sections, particularly the members of Scheduled Castes and Scheduled Tribes and the minorities who are socially and economically backward. It has been the policy of our party and the Government as well. After independence these measures have been taken from time to time. Our Hon. Prime Minister has also been paying maximum attention to it for last 4 years. He studied the economic and social conditions of these poor people by visiting their jhuggis himself in the nook and corner of the country and by talking to them personally. Thereafter, he reviewed the performances of the on going schemes and other programmes and took measures to make further improvements in the present system either by amending the prevailing Act or by introducing a new one. In pursuance of the above decisions, the Panchayati Raj Bill and the Municipalities Bills

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were introduced. A threadware discussion on these Bills took place in the House. During the course of the above discussion the question of providing reservation to the members of Scheduled Castes and Scheduled Tribes and protection to women was also raised. It was felt at that time that providing reservation and protection is not enough. It should also be ensured that atrocities being committed should be stopped and for that purpose the law should be made more stringent. On the one hand a sense of leadership and self-confidence is being infused in them by providing them reservation and representation in various fields. But the age old prejudices against them are not going to end so soon. This is the reason that even after enacting laws after laws from time to time, we find that atrocities continue to be committed on them. What could be a solution to this problem? This aspect was taken into account seriously and as a sequel to that this Bill was introduced after giving due thought to the matter. You are aware that the 20 point programme was also introduced in view of the above aspect. After going deep into the problem, it was revealed that their poor economic condition is the main reason behind these atrocities. It was, accordingly, felt that their economic condition should be improved and they should be lifted above the poverty line. The 20 point programme was specifically aimed at the people who were living below the poverty line, a majority of which were Harijans and Adivasis. All these programmes viz. the N.R.E.P., R.L.E.G.P. were merged into one programme and a new scheme named Jawahar Rozgar Yojana was launched. More funds have been provided to this scheme and sphere of its activities has been widened. Even then there is a need to instill confidence among the people involved in this scheme so that the works could be managed smoothly and its benefits made available to the poor. The Bill that is going to be passed by the House is a good step in this direction. I am hopeful that the Bill will be helpful in future also. I would like to draw the attention of the hon. Members to 3 to 4 points. We are incorporating a special provi-

sion in this Bill. The hon. Members have expressed their concern on this point and a lot has been spoken in this regard. The point is that the police officers refuse to register the E.I.R. There are also instances in which atrocities were committed by the police or through the police and villagers were harassed in the police stations. We have made clear provisions in this regard in the Bill. Responsibilities of these people have been fixed and I am of the view that it is a very strong measure which will definitely reduce atrocities. When the Act will be circulated to all concerned all the officials, whether they are in the police force or in the general administrations, will come to understand their responsibilities. Clause 4 of the Bill very categorically states "punishment for neglect of duty" and it is a very strict provision. The hon. Members have suggested only dismissal, but we have gone a step further and provided that:-

[English]

"Whoever being a public servant but not being a member of Scheduled Caste or Scheduled Tribe wilfully neglects his duties require to be performed by him under the Act shall be punishable with imprisonment".

[Translation]

That is why we did not think that punishment or suspension would be enough. We did not think that their dismissal from service would be enough. Rather we have provided to imprison them:-

[English]

"for a term which shall not be less than six months which may extended to one year."

[Translation]

Government servants who will deliberately commit atrocities on Harijans and Adivasis and wilfully neglect their duties will be put behind the bars. In this connection hon. Member, Shri Syed Shahabuddin has made

a suggestion in the following words:

[English]

"Whoever being a public servant but not being a member of Scheduled Caste or Scheduled Tribe".

[Translation]

In this connection I would like to advise him not to use the words "not being a member of Scheduled Castes and Scheduled Tribes". The sentiments behind the objectives of this Bill is to check effectively the evil customs prevailing in our society for centuries, especially in the Hindu society which has not yet got out of the feelings of untouchability and caste considerations and the upper caste still oppress the lower castes. That is why we have categorically stated in the Bill the term other than the officers belonging to Scheduled Castes and scheduled tribes. The point which needs to be noted here is that we have fixed the responsibility on the officers other than those who belongs Scheduled Castes and Scheduled Tribes irrespective of whether belonging to the State or the Central Government. If he deliberately misbehave with the members of Scheduled Castes and Scheduled Tribes, he will be liable to action. Now maintenance of law and order comes under the State Government. Suppose that a Harijan colony is set on fire, any Harijan is killed, incidents of this nature happens, any atrocity is committed on him or some Harijan women is raped, the affected person can report the matter to the police station. If the station House Officers does not register the report, he cannot escape action, once this Bill comes into force. The effective implementation of this Bill depends on the co-operation of all hon. Members and the society in general. A number of provisions have been made in Chapter 5, Miscellaneous of the Bill. Page 9 of the Bill says:-

[English]

"The Central Government shall take such steps as may be necessary to coordinate the measures taken by the State

Governments under sub-section (1)"

"The Central Government shall every year place on the Table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this Section."

[Translation]

Along with this, we shall also see that the Central Government monitors it because we do not want to treat this matter causally. This is a provision for stringent punishment and also for its monitoring.

SHRI RAM RATAN RAM (Hajipur): Mr. Chairman Sir, with your permission I want to seek a clarification.

MR. CHAIRMAN: Not now. Let the hon. Minister finish with her speech.

DR. RAJENDRAKUMARI BAJPAI: Hon. Shri Ram Ratan Ram had raised a question about atrocities by the police officers. My reply is in that context only. He also raised the point of externment proceedings. Section 10 of this Act clarifies this point. An hon. Member asked whether the concerned person will leave the area or not. This is a Special Court's order which must be obeyed. When he returns he would be arrested. It is not that he will just keep roaming around. The laws of the land have to be obeyed. One cannot violate the laws as he pleases. So these provisions have been given. You may please read Section 10 and 11. Anyone who does not comply with the externment order shall be arrested and put in police custody. This has also been clearly stated. Another thing that must be paid attention to is that for the first time some specific atrocities have been defined and enlisted. About offences and atrocities, hon. Shri Vir Sen said that 15 atrocities have been enlisted but there can be many more. But I would like to say that whenever a Bill is framed, it is based on facts that are obvious and most commonly known. The list of atrocities given in the Bill has been compiled from various sources such as

[Dr Rajendra Kumari Bajpai]

questions raised by hon Members in the last four years, meetings with hon Members of Parliament and Reports of the Consultative Committees Other important points that concern atrocities are that any atrocity against women, Harijan women in particular, and cases of Harijans being burnt alive are to be considered as heinous crimes Hon Members' attention is particularly drawn towards the provision seeking increase in punishment. As has been stated in 3 (2) (v)

[English]

"Commits any offence under the Indian Penal Code punishable with imprisonment for term of ten years or more against a person or property on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member shall be punishable with imprisonment for life and with fine "

[Translation]

So we have made it stringent Along with this, Clause 3 (2) (iv) says-

[English]

"Commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe shall be punishable with imprisonment for life and with fine."

[Translation]

This has been made so strict because the P C R Act provided for a mild punishment only ranging from a month and above The law was also partly implemented This new law will helpfully create an atmosphere that would discourage atrocities against Harijans

I know that hon Shri Ganga Ram and hon Shri Shahabuddin have spoken of a summary trial for the offenders. Special Courts have been set up so that a speedy trial can take place and this Act also provides for a Special Public Prosecutor for expediting the case Another thing mentioned by hon. Shri Shahabuddin is that Scheduled Castes and Scheduled Tribes

[English]

" should be given due representation in all branches of the law and order machinery "

[Translation]

As you know we are taking the necessary steps The Hon Prime Minister has discussed it in the M P's meeting that for general reservation for Scheduled Castes and Scheduled Tribes, the candidates who are not found up to the mark should be given a chance for 3 years After that the post should be dereserved and thrown open to candidates from the general category But dereservation has been done away with in the latest policy The hon Prime Minister has taken this special decision The Department of Personnel has directed the Central Government, States and all departments to fill up the backlog which comes to nearly 45,000 posts even after dereservation A recruitment drive has been launched from 1st June to 31st August For this purpose, I visited many places with hon Shri Chidambaram to see how this backlog could be filled up The Chairman of the Staff Selection Commission, public sector executives and employment exchanges are working towards this end For the convenience of candidates it has been decided to accept applications even if they merely give the registration numbers of employment exchanges If any names are sent in late by the employment exchanges, we shall accept them also Employment exchanges have been directed to deal with any problem in job reservations for Scheduled Castes and Scheduled Tribes Discontentment among them is quite justified because officials have deliberately done

little to fill the reserved quota. Hence the need for this special effort.

It is true that when people belonging to the Scheduled Castes and Scheduled Tribes go to the Police station they are browbeaten by the police. This is a wrong approach on the part of the police. But we have to see how the existing system can be changed and how we can do an approach re-orientation of the police services. The police comes in contact with the masses, many among whom are illiterate. In their dealings with such people, they have to be considerate. All this is necessary in the broader perspective of social change.

I am in total agreement with hon. Shri Shahabuddin that there should not be any scope for political considerations in this matter. All political parties should rise above political considerations and lend their support in our effort to root out his malaise from the society.

On reading this Bill, hon. Members will find that all specific suggestions given by them have been included in one or the other Clause. It is one of the suggestions of Shri Digvijaya Singh not to consider dumping of things like agricultural wastes in the neighbourhood of harijans as an offence. But it has been provided in Chapter 2, clause 3 (1) and (11) of the Bill that...

[English]

"acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood".

The idea is to prevent persons from throwing things like human excreta, carcasses, etc., in his premises.

[Translation]

It has been referred to those people who deliberately dump obnoxious substances

near the houses of Harijans to annoy them. Why does these substances are not dumped at other places in the villages and why only the neighbourhood of the jhuggi-jhonpries of the poor harijans, and not near the residences of influential persons? In view of the I do not agree with the suggestion of the hon'ble Member.

Some other suggestions given by the hon. Members are beyond the scope of this Bill. As far as schedule 5 and 6 concerned, I would like to inform Shri Pradhani that every law enacted in the country is applicable to the entire country whether any State falls under schedule 5 or 6 of the Constitution. We need not ask the Governors to enforce any law passed by the centre in any State. Jurisdiction of law is entire length and breadth of the country.

Shri Rajhans pointed out that earlier Acts have not been enforced effectively which is true to some extent but that is why the necessity of introducing the present Bill has been felt. Had they been proved effective enough, then there was no need to introduce the present Bill.

As far as provision of water is concerned, the Government has recently decided to launch special programmes to provide drinking water to 10,000 villages, especially where there is acute shortage of water. The Government is aware of the difficulties faced by the public especially the harijans. It is the endeavour of the Government to develop harijan colonies and work has already been started in this direction.

Other issues raised by the hon'ble Members do not come under the purview of this Bill. Therefore I do not want to comment on them at present. The suggestion of Dr. Rajhans to flash the photographs of the guilty on TV has got to be examined as to what can be done in this respect.

With these words I thank the hon. Members for participating in the discussion on the Bill and move it for the clause by clause consideration.

[English]

MR. CHAIRMAN: The question is:

"That the Bill to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto, be taken into consideration."

*The motion was adopted*

MR. CHAIRMAN: The House will 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 3—Punishment for Offences of Atrocities**

SHRI SYED SHAHABUDDIN: I beg to move:

Page 2, lines 19 and 20,

*omit*, not being a member of a Scheduled Caste or a Scheduled Tribe"—(7)

Page 3, lines 32 and 33,—

*omit*, not being a member of a Scheduled Caste or a Scheduled Tribe"—(8)

Mr. Chairman, two of my amendments relate to this clause 3 (1) sub-clauses (i) and (ii). From a simple reading of this provision in the beginning, it appears that if the perpetrator of the atrocity happens to be a person, who is a member of the Scheduled Caste or Scheduled Tribe, he, of course, is to be forgiven. That is the plain meaning of this clause that doer has to be a person other than a member of the Scheduled Caste and

Scheduled Tribe. Conversely speaking, if he happens to be a member of the Scheduled Caste or Scheduled Tribe, then, of course, he is exempt from the preview of the law. He is free to commit any atrocity. He is free to commit any offence—everything that comes thereafter. I think, that surely is not the intention of the Government or of the hon. Minister. I think, it has to be that any person, whoever he might be, whether he is a member of a Scheduled Caste or a Scheduled Tribe or otherwise—who commits the offences, that have been described in the sub-clauses (1) and (2), is equally responsible. And by mere declaration that he is a member of the group against whom the atrocity has been committed, he cannot go outside the ambit of the law. Therefore, my humble submission to the hon. Minister is that at least from these two clauses, this qualifying sub-clause should be removed. It should simply say:

"Whoever forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance;" etc. So, my amendment is that this particular qualification should be dropped and omitted.

DR. RAJENDRA KUMARI BAJPAI: The whole purpose of the Bill is to focus on atrocities committed by persons other than the Scheduled Castes and Scheduled Tribes on members of Scheduled Castes and Scheduled Tribes. Such atrocities are perpetrated by a group against another. The amendment proposed would have the effect of bringing in its purview any such act committed by a member of Scheduled Caste or Scheduled Tribe upon another member of their group. Such cases can be dealt with under the ordinary law of the land and no special provision need be made. Ordinary law operates where any person commits any crime or any atrocity, i.e., from man to man the ordinary law of the land operates. But here in this Bill, we are considering one caste perpetrating atrocity on another, i.e. the general caste on the so-called upper caste of the society. We are bringing this Act against such ideals prevailing in the society. I am not accepting this amendment.



SHRI SYED SHAHABUDDIN: Sir, I am not convinced. It is a total misconception of the law and I think, in my view, it is also a violation of the Constitution.

MR. CHAIRMAN: I shall now put Amendments Nos. 7 and 8 to the vote of the House.

*Amendments Nos 7 and 8 were put and negatived.*

MR. CHAIRMAN: The question is:

"That Clause 3 stand part of the Bill."

*The motion was adopted*

*Clause 3 was added to the Bill*

*Clause 4—Punishment for neglect of duties*

SHRI SYED SHAHABUDDIN: I beg to move:

Page 4, lines 37 and 38,—

omit "but not being a member of a Scheduled Caste or a Scheduled Tribe," — (9)

Sir, regarding Amendment No. 9, I do not have to say anything in particular. It is exactly the same as what I have said before. I frankly press for my amendment. I am unable to understand the logic behind this provision at all. It is beyond my comprehension. The idea is to protect a certain set of people against the atrocities. Is it the conception of the Minister that the atrocities are not atrocities if they are committed by some member of the same group? It remains an atrocity. And there are cases in which members of the same group are used by the powers that be, by the vested interests, by the police officers, etc. to commit atrocities on their own people. And you are giving them a complete go-by and protection under this law. It is simply inconceivable to my mind.

DR. RAJENDRA KUMARI BAJPAI: Sir,

as I have explained, it is one caste committing atrocity on another.

MR. CHAIRMAN: I shall now put Amendment No. 9 to the vote of the House.

*Amendment No 9 was put and negatived*

MR. CHAIRMAN: The question is:

"That Clause 4 stand part of the Bill."

*The motion was adopted*

*Clause 4 was added to the Bill*

MR. CHAIRMAN: There is no amendment to clause 5 to 15.

The question is:

"That clause 5 to 15 stand part of the Bill"

*The motion was adopted*

*Clauses 5 to 15 were added to the Bill.*

*Clause 16—Power of State Government to impose collective fine*

SHRI SYED SHAHABUDDIN: I beg to move:

Page 7, line 38 and 39,—

for "and for all other matters connected therewith under this Act"

*substitute* "to the extent of the compensation payable to the victims of the atrocities to loss of life, limb or property under this Act or the rules framed thereunder" —(10)

I think, the whole House has welcomed the provision of the collective fine. My plea in moving this amendment is that the amount recovered as collective fine from that particular locality, where the atrocity has taken place, should be adequate to pay for the compensation payable to the victims of the

[Sh Syed Shahabuddin]

atrocities under the prescribed scale. The idea of the scale comes later where we speak of the compensation. But the basic idea is that the punitive fine should not be a token fine, a symbolic act. It should be adequately penal in its severity, so that even those elements of the society who have been looking the other way in that locality, but who are responsible morally for the atrocities for not having come forward to prevent them or for having allowed them to happen, they may not have taken part or committed atrocities, and yet they are morally and socially responsible, those persons must be penalised through this fine. Then only this idea of punitive fine would be effective; then only it would make sense and then only it will have effect on the evil-doers and the moral sense of the society as a whole shall be mobilized to combat such atrocities. That is why, I am pressing that we should be more forthright and say that the punitive fine shall go to the extent of total compensation payable for the atrocities under a prescribed scale.

DR RAJENDRA KUMARI BAJPAI  
Section 16 reads

"The provisions of section 10A of the Protection of Civil Rights Act, 1955 shall, so far as may be, apply for the purposes of imposition and realisation of collective fine and for all other matters connected therewith under this Act."

We have, therefore, made it more wider and it is not that the area is restricted. I do not agree with the hon. Member and do not accept the amendment.

MR CHAIRMAN: I shall now put amendment No. 10 to the vote of the House.

*Amendment No. 10 was put and negatived.*

MR CHAIRMAN: I shall now put Clause 16 to the vote of the House. The question is

"That Clause 16 stand part of the Bill."

*The motion was adopted.*

*Clause 16 was added to the Bill.*

MR CHAIRMAN: There is no amendment to Clauses 17 to 20. The question is

"That Clauses 17 to 20 stand part of the Bill."

*The motion was adopted.*

*Clauses 17 to 20 were added to the Bill.*

**Clause 21—Duty of Government to ensure effective implementation of the Act**

SHRI SYED SHAHABUDDIN: I beg to move

Page 9, line 7—

*add at the end—*

"to the extent of compensating them fully for the loss of or damage to their movable and immovable property, and for loss of life and physical injury in accordance with the prescribed scale,"  
—(11)

Page 9, line 20,—

*add at the end—*

"including due representation of the Scheduled Castes and the Scheduled Tribes in the administrative machinery so as to give the local administration a composite character." —(12)

Page 9,—

*after line 20, insert—*

"(viii) the prosecution of Government servants against whom there are *prima facie* charges of involvement in the commission and abetment of atrocities or of negligence in prevention of such atrocities." —(13)

Page 9 line 25,—

for "report on the" substitute—

"report on all cases of atrocities particularly those in which a human life was lost and on the remedial" —(14)

All these four amendments pertain to Clause 21. Sub-clause (3) speaks of a provision for the economic and social rehabilitation of the victims of atrocities. It is fine as far as it goes, but the general tendency is to give a grant-in-aid on an adhoc basis. Sometimes, the human life's value at Rs. 5000; sometimes, it is Rs. 10000 and sometimes it is Rs. 20000. I think, we have legal precedents in our country where the human life lost is valued in terms of the victims earning capacity, the age at which his life was cut short, the probability of life, the total earning that he could have, had he lived, all that should be available to the next of kin. That is why, just as in the case of either industrial accident or railway accident, some prescribed scale should be there. That is the burden of my amendment No. 11, where I say that it should compensate the victim fully for the loss of or damage to their movable and immovable property, and for loss of life and physical injury in accordance with the prescribed scale.

I did make a point earlier that as far as property is concerned, compensation should be adequate to substitute for the loss suffered. It should not merely be a token compensation.

With regard to the second amendment, the hon. Minister has also agreed that in some cases the local administration may not be fully sensitive to the situation of atrocities and that is why I have suggested in sub-Clause 7 that as far as the measures to be adopted to ensure the safety of the Scheduled Castes and Scheduled Tribes are concerned, they should include the provision that in the local administration, in the local administrative machinery, in that particular atrocity prone area, there shall be due representation of the likely victims.

Sir, it has happened in many instances that you fill up the cadre, you give them reservation and still that particular group is shunted away to non-essential duties. They are not put on the main line; they are not put in the 'thanas'. That is why it is essential that they they should be there in the locality, in the thana and they should be responsible for the administration of that area. Unless the administration of that atrocity prone area has got a composite character; has got due representation of the likely victims of the atrocities, that administration is not going to be just and fair. That is the burden of my amendment no. 12.

Amendment No. 13 relates to the Government servants. I have said that after (vii) this should be added. The hon. Minister has already emphasised that the Government servants who are found to be negligent and deficient in the performance of duty shall be punished. If that is there, then in that case there is no harm in adding this clause to reinforce that idea that the Government shall frame rules for the prosecution of Government servants against whom there are prima facie charges of involvement in the commission of atrocities and abetment of atrocities or of negligence in prevention of such atrocities.

Finally, Sir, I do welcome the idea that the Central Government proposes to place a Report before both the Houses of Parliament every year. But, Sir, the report is only about the measures taken by it. So, the report may be of a very general nature. I think the report must include as a matter of statutory obligation duty that wherever in a case of atrocity one or more human life have been lost, then in that case the number of those incidents and the action taken by the administration of the State Government shall be brought to light and shall be brought to the knowledge of the Parliament. That is the burden of my fourth amendment.

I do beg of the hon. Minister that she should accept these four amendments.

DR. RAJENDRA KUMARI BAJPAI: Sir, the amendments moved by the hon. Member are on Clause 21 and I would like to read them one by one. Then I would like to say that we are going to frame the rule. Broader guidelines are here. We are going to frame the rule and that will strengthen what we have stated here.

SHRI SYED SHAHABUDDIN: I shall be satisfied if she says that in the rules they will be taken care of.

DR. RAJENDRA KUMARI BAJPAI: Yes, we will take care of it and that will strengthen our intention. As we are going to make it a more successful law, I would request him to withdraw his amendments.

SHRI SYED SHAHABUDDIN: On the assurance of the hon. Minister, I withdraw all the amendments.

MR. CHAIRMAN: Has the hon. Member leave of the House to withdraw his amendments?

SEVERAL HON. MEMBERS: Yes.

*Amendment Nos 11 to 14 were, by leave, withdrawn*

MR. CHAIRMAN: The question is:

"That Clause 21 stand part of the Bill."

*The motion 21 was adopted*

*Clause 21 was added to the Bill*

MR. CHAIRMAN: There is no amendment to clauses 22 and 23. The question is:

"That clause 22 and 23 stand part of the Bill"

*The motion was adopted*

*Clause 22 and 23 were added to the Bill.*

MR. CHAIRMAN: The question is:

"That clause 1, Enacting Formula and the Long Title stand part of the Bill"

*The motion was adopted*

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

DR. RAJENDRA KUMARI BAJPAI: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

MR. CHAIRMAN: Now we will go to the next item.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENARY AFFAIRS AND MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETROCHEMICALS IN THE MINISTRY OF INDUSTRY (SHRI P. NAMGYAL): If the House agrees, we would like to take up item No. 10 first. Then it can be followed by item No. 9 and item No. 10A.

MR. CHAIRMAN: Instead of item No. 9, you want to take up item No. 10 first. Do the hon. Members agree?

SEVERAL HON. MEMBERS: We agree.

MR. CHAIRMAN: It is agreed to. We can take up item No. 10 first.

15.56 hrs.

**WORKING JOURNALISTS AND OTHER  
NEWSPAPER EMPLOYEES (CONDI-  
TIONS OF SERVICE) AND MISCELLA-  
NEOUS PROVISIONS (AMENDMENT)  
BILL**

[English]

**THE MINISTER OF LABOUR (SHRI  
BINDESWARI DUBEY):** Sir, I beg to move:

"That the Bill further to amend the Working Journalists and other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, be taken into consideration."

As hon. members are aware, the Government have, from time to time, appointed Wage Boards for looking into the wage structure of working journalists and other newspaper employees including those who work in the news agencies. These Wage Boards are appointed and function in accordance with the provisions contained in the Newspaper Employees (Conditions of Service) and Miscellaneous Provision Act, 1955. Keeping in mind the changes in economic conditions in the country and in the newspaper industry, the wage boards make recommendations in respect of changes which ought to be brought about in the wages and working conditions of these employees. Hon. members are aware how deeply this Government is concerned with the welfare of workers. It is in the pursuit of this concern that an effort is made that Wage Boards are appointed with reasonable frequency to ensure the continued availability of fair service conditions to workers in the newspaper industry. The last Wage Boards appointed to look into the wage structures and service conditions of journalists and non-journalists were constituted in July and August 1985.

Apart from trying to reduce any delays which may be occasioned after the receipt of the report of the Wage Boards, it is equally important to see whether it is possible to reduce the delays which could occur in the

working of the Wage Boards. This required a review of the law and procedures from the point of view of examining whether any changes or clarifications in these laws would be helpful.

Along with an examination of the substantive recommendations, which these Wage Boards have made with regard to the wages and service conditions of the employees, the Government, therefore, also undertook a study of various provisions of the Act with the above objective. During the course of this study, it has come to our notice that although no substantive changes may be required in the law, there are certain terms and concepts incorporated in the Act which have lent themselves to differing interpretations by different Wage Boards. A perusal of the reports of the past Wage Boards seems to indicate that such difficulties have become a feature of the functioning of these Wage Boards. It is, in the light of this experience, that it is considered appropriate to incorporate certain amendments in the Act in order to clarify doubts, misconceptions and controversies about these terms as these would make for smoother functioning of the Wage Boards, possibly to reduce the time taken by them and reduce the area of disagreement among the members of the Boards.

16.00 hrs.

The main points on which amendments are sought to be made in the Act are:—

- (1) The Act, at present adopts by reference, the definition of the term 'wages' from the detailed definition given in the Industrial Disputes Act, 1947. For the sake of clarity, it is now proposed that the definition of wages be incorporated in the Act itself.
- (2) Past experience indicate that there has been some measure of controversy as to whether the term "wages" used in this Act, includes allowances as also such

[Sh Bindeswari Dubey]

new allowances that the Wage Boards may feel inclined to recommend. Even though, the position in law is quite clear that this is in fact so in view of the past controversy it is proposed to incorporate an appropriate amendment to explicitly include allowances and new allowances along with the wages so as to enable Wage Boards, to fix and revise the rates of wages and various existing allowances and also to recommend new allowances.

(3) In the past there has also been controversy as to whether Wage Boards can fix wages on an all India basis or whether it is incumbent upon them to take up such fixation on a regional basis. In spite of the fact that the position in law is quite clear that the Wage Boards have the authority to either recommend wages on an all India basis or on a regional basis this controversy seems to have persisted. Therefore, with a view to clarifying matters and setting at rest this controversy it is proposed to incorporate an explanation under Section 10 (4) that Wage Boards are not prevented from fixing the wages on an all India basis.

(4) The definition of newspaper establishments under Section 2 (d) has also been a subject matter of some debate in the past. It is now proposed to amend Section 2 (d) of the Act to provide for clubbing of newspaper establishments under common control and also to elaborate the meaning of common control so as to make it crystal clear so that the Wage Boards do not experience any difficulty in this regard.

Hon'ble Members will notice that the amendments proposed in the Bill before the House are clarificatory in nature and the objective of the Government in bringing these amendments is to facilitate the working of the Wage Boards and to prevent unnecessary controversies and varying interpretation which impede their work. We are proposing these amendments keeping in view the larger interests of the working of the newspaper industry and for ensuring that the efforts of Government towards discharging its statutory responsibility of fixing and revising the wages of the working journalists and non-journalists employees, are not impeded as a result of unnecessary and fruitless quibbling over definitions which, in the absence of these clarifications had been lending themselves to varying interpretations.

Since these amendments are only clarificatory in nature and these have always been implied in the existing legislation, I intend to move an official amendment to this amending Bill to indicate that the proposed clarification has always been intended and deemed to be contained in the Act.

With these words, I commend the Bill for consideration and passing by this august House.

MR CHAIRMAN Motion moved

"That the Bill further to amend the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, be taken into consideration,"

Shri G M Banatwalla

SHRI G M BANATWALLA (Ponnani)  
Mr Chairman, Sir, the Bachawat Wage Board has submitted its recommendations to the Government. I understand that the recommendations are under consideration of the Government. It would have been better, if today, the hon. Ministry would have given us some idea of the Government's thinking on those various recommendations. Since the

recommendations of the Bachawat Wage Board, there have been a lot of criticisms. While newsmen characterize these recommendations as inadequate, totally inadequate, the newspaper establishments consider them as something that would cripple them altogether. As a result, there is a lot of tension, and this tension can not be allowed to continue. I thought that perhaps today, the Government would come forward and let us know of its thinking with respect to the recommendations of these Wage Boards, and whether the Government is also thinking of any modifications. However, I must urge upon the Government, emphasize upon the Government the need for an early decision, and an early notification in this respect, so that all this state of tension does not continue.

There are also recommendations made by the newsmen. We do not know, nor has the hon. Minister considered it fit and proper to take this House into confidence as to what those recommendations are, and what is the attitude that the Government has adopted towards those recommendations and suggestions of the newsmen. But, as I said, a lot of misgivings come up as a result of delay, as a result of the delay on the part of the Government to make its decision known, and to issue the required notification. If I am not wrong, it was assured to all of us that the necessary notification would be issued before the end of this Session. We have almost reached the end of the Session; there is now hardly one more working day left. May I urge upon the Government that before the House rises...

PROF. N.G. RANGA (Guntur): How is it possible?

SHRI G.M. BANATWALLA: It was one of their assurances; I am reminding them that there is hardly one more working day left; and before the House rises, let the decisions be known. Of course, Prof. Ranga says it is not possible. But, then, it is not possible because of the delay on the part of the Government, which the Government must

own; and I must urge upon the Government that the matter brooks no further delay. Let there be an early decision, let there be an early notification. Let us know what the decision of the Government is, at the earliest time.

We are now having this Bill for the amendment of the Act; and the hon. Minister was pleased to tell us that this Bill has been brought in accordance with the recommendations of the Bachawat Commission itself. The Bachawat Report has made several recommendations for the amendment of the Act. Only a few of them have been taken up. What has happened to the other suggestions made in the Bachawat Report? We have not been told about that. We have not even been told as to what is the Government's thinking on those particular amendments suggested by the Report of Bachawat Commission. I may, for example, refer to an important recommendation: The Board has suggested that the relevant pieces of legislation need to be given a consolidated form. The Report on the basis of which we are today having this Bill, that Report itself suggests that the Act should be complete in itself, and exhaustive of matters dealt with therein.

Therefore, the Bachawat Report wants a very comprehensive legislation in this particular field. I would, therefore, like to know from the hon. Minister why, in contradiction to the recommendations of the Report itself to have a comprehensive legislation and not to rely on separate pieces of legislation and amendments, a comprehensive Bill has not been brought before us? Let us hope that this recommendation contained in the Report will also be duly accepted by the hon. Minister and the Government at the earliest opportunity. Now, one does not know when that opportunity would come because important opportunities have already been lost by us. So, let us urge upon the Government that this recommendation be treated with all the respect that it deserves and let us have a comprehensive legislation that deals exhaustively with all matters concerning this particular field.

[Sh G M Banatwalla]

We also have the question of health hazard and risk to life. The Bachawat Board has suggested that an Expert Committee should be asked to go into this question. I do not know whether such an Expert Committee has been formed, if not, whether the Government intends to form such a Committee. However, it is necessary that this very important matter should receive due consideration from the Government. Let us have an Expert Committee that can suggest to us provisions for safety measures and provisions for insurance risk and health hazard. Also provisions for medical insurance of employees together with their dependents at the cost of the Newspapers Establishments should be made. I understand and we are told that such provisions do exist in the relevant Act in Pakistan. There is no reason why we should lag behind. I will urge upon the Government to see that separate measures are taken in this respect.

There is also a suggestion for a Committee to study the over-time practices and payments. Let such a Committee be constituted at the earliest and let us go into this particular question.

The main point however remains and that is an early action with respect to the recommendations of the Bachawat Report and the pension scheme. In view of the misgivings that are there in the industry and for the purposes of speedy implementation of the various recommendations, one may even suggest to the Government that this Act be placed in the Ninth Schedule of the Constitution. Let this suggestion also, which has come from the newsmen and from their societies, be seriously considered by the Government. Of course, there are Newspapers Establishments which are criticising that the recommendations would cripple the newspapers especially when such recommendations have come in the wake of staggering increase in the newsprint prices. One may disagree with the Government as far as this staggering increase in the price of newsprint is concerned.

PROF. N G RANGA: What about the price of the newspapers?

SHRIG M BANATWALLA: That again goes to the consumer. You and I will have to shell it out and the Government also should consider our plight also in this matter.

There is need to evolve new and modern concepts of wage determination and give recognition to both merit and experience. This should be specially true with respect to an industry like the newspapers and therefore the matter should receive due attention and let the experts go into this question of new and modern concepts of wage determination for the newspaper industry.

We have the large newspapers, the small newspapers, the medium newspapers and especially I must plead for the newspapers in regional languages, newspapers in languages other than English. They require proper help from the Government. Indeed for newspapers to stand on Government help is a matter that is unpalatable as far as democracy is concerned. But then there are several recommendations in this particular field also. Without going into all those recommendations, I must say, that the plight of the small newspapers in various regional languages—in various other languages—the Urdu newspapers and their problems must be duly considered by the Government. Yes, I just referred to the Urdu papers. Here, I must bring one matter to the attention of the Government, that is with respect to *katibs*. I believe that the Bachawat Commission Report has grievously erred in considering the *Katibs* as non-journalists. This—rather—an injustice. Those well-placed in calligraphy are taken as working journalists. These *Katibs* also are in the nature of those who are well-placed in calligraphy, they almost come in that category. It is a grievous error. The *Katibs* are an integral part—what should I say?—of the entire Urdu journalism. I must plead therefore that this error be removed. *Katibs*—what is their condition today? They are required and called upon to work on daily wages and no benefits accrue to them. On



the top of it, now the recommendation which does not consider *Katibs* as working journalists is a grave injustice. I must, therefore, say that the Government should also have considered them as working journalists and this error be removed.

Necessary arrangements should also be made for the training so that they may develop their skills further. I understand that there is a project for vocational training and that the World Bank has agreed to provide financial assistance of £ 280 million to pursue vocational training projects. In this particular scheme, Let some work be done for the training of the *Katibs* also. I would plead for the *Khatibs* that not only this error be corrected and they be considered as working journalists but also that due arrangements should also exist to provide training facilities and for the development of the skill to our *Khatibs*.

With these words, I once again urge upon the Government that early steps be taken, in order to see that due notification is issued. Please let us all know the decision of the Government with respect to the recommendations as also such modifications as the Government may be thinking in view of the various representations received from the newsmen.

SHRI P.R. KUMARAMANGALAM (Salem): Mr. Chairman, Sir, at the outset I would like to congratulate the hon. Minister for having taken this step of bringing this Bill in this House.

Mr. Banatwalla quite rightly said that assurances were given to the journalists that the issue of follow up on the Bachawat Report would be completed before the end of this Session. We were awaiting the Bill and when last week we found that the Bill had just appeared, we heaved a sign of relief. But then on going through the Bill, I noticed that it was a Bill that only applied prospectively with no retrospective effect and that is one of the reasons why I have given an Amendment giving a provision whereby it could be brought into force from

1st June 1985. It is obvious—why I did it, the hon. Minister I am sure would understand—that the Wage Board itself was constituted in 1985 and making its recommendations to take effect only from 1989 would be to say the least the joke on the journalists.

Mr. Chairman, Sir, through you I think it would be relevant to point out that all the organisations which represent journalists, whether it is National Union of Journalists or IFWJ, together have said that they are not satisfied with the Bachawat Commission Report. In fact when the Bachawat Report recommendations, the interim recommendations regarding the interim relief, came out, the hon. Minister would recollect that there was a hue and cry when many Members of Parliament joined their voices to those of the journalists to say that this is nothing but an eye-wash. Well, what I would like to state is that this has been slightly better than that, but has not met the aspiration and hopes of the journalists.

16.25 hrs.

[SHRI SOMNATH RATH *in the Chair*]

The Government is aware that the journalists have represented to the Prime Minister. They have represented to the Minister. They have held discussions with the Minister of State for Labour. And the stand on major issues like the dearness allowance which they have demanded, is quite justifiable that they be paid as per the lines of the Fourth Pay Commission. The naturalisation that has been recommended in the Board is at least one generation old. If one talks of 100 percent naturalisation at a level only upto 1250, then all I can say is that it is a generation old. It definitely does not even time with Dubeji's time. When he was our President of INTUC, even he would have said that 1250 level of 100 percent naturalisation is meaningless. Such a suggestion has been made and recommendations have been made. The journalists have represented that the Fourth Pay Commission's rate should be adopted as they are more scientific and equitable. If Government can deem the

[Sh P R Kumaramangalam]

Fourth Pay Commission to be fit for its employees, why can it not consider the journalists at least on par with Government servants? I am not demanding that they should be made superior, but at least on par

The other question is that there are many recommendations where the 40 per cent improvement in pay scales would still bring working journalists only very close to college lecturers. The status of journalists today is in question. One is not looking at it merely from the point of view of rupees, annas and pies. One also looks at it whether the journalists are to be treated as second class citizens or are they to be treated on par with other employees, other persons who belong to the working class?

In the name of freedom of press, one is aware how many press barons have been literally exploiting the working journalists. One would understand it is a small regional paper or a small paper here and there but papers which have been on the scene for many a decade and have been making profits hand over fist, pay a miserable amount to their journalists and dictate what is the policy that the paper shall adopt. Recently, the INS came out saying that they cannot afford. I would like to bring to notice of the Government not to fall-trap to these crocodile tears that they shed on the so-called increase in price of newsprint. If one looks at it from a comparative point of view the profitability of the newspaper industry on the hand vis-a-vis the other industry as a percentage of net worth, you will see that the famous TELCO whose shares are bid at a high levels, it has a percentage of 7.3 while the newspapers has a percentage of 13.57. If you take Associated Cements, it has, percentage of profit to the percentage of net worth, 9.7 while the newspapers still have 13.57. If you see the net worth versus the profit, the newspaper is one of the best industries that one can start with because you can under-pay your employees, you can exploit your employees, you can threaten your employees and say that you have the constitutional

guarantee to do so in the name of freedom of press. If one looks at the net profit or profit before tax as a percentage of turnover, while the Indian Oil Corporation has only 2.79 percent the 'Hindustan Times' has 13.22 percent and 'Indian Express' Bombay has 16.65 percent. I am just giving a few figures to show that there is no justification at all in the claim of employers that they do not have money and that if Bachawat Commission's report is implemented, it would drive them against the wall. That is the biggest untruth that could have been told at all. I would like to submit that the date of implementation would be critical and relevant. Equity and fair play demand that uniform application should be there to all class of newspapers. Of course, it may be justifiable in the case of very small newspapers to distinguish them and give them a little relief. But at least between all known Papers of the national level, there should be no discrimination. Similarly, there should be no discrimination between agencies also.

The technique that has been adopted till now has been to delay the implementation by legal proceedings and other tactics. It is my appeal to the Government, and specially to the hon. Minister for Labour who has himself been, apart from being a Chief Minister and a Cabinet Minister, a labour leader of standing—he himself, I know, at one time has stood in those places where we stand, and raised his voice in favour of the working journalists—that let not the Cabinet Minister's chair influence him. The virus may be strong but the working journalists' cause is very just.

I would like to submit that the amendment being brought in officially by the hon. Minister himself—the Government amendments—to ensure that this Amending Bill takes effect from the date of the act itself, is very welcome. However, notification under the Act has certain complications. It is because of this that one suggestion was put forward in this House by Mr. Banatwalla that it should be put in the Ninth Schedule. I had given another suggestion earlier and that was to make the terms and conditions of working

journalists as a Schedule to the Act. It looks as if the Government is not in a position to do so because of certain legal complications. But whatever it be, let not the notification procedure be delayed to such an extent that the whole five years' work that the Bachawat Commission has put in, becomes a nullity and a joke. What is required today is immediate action. At least those provisions on which there is no dispute between the Bachawat Commission and the Working Journalists Association be notified as of today. If not today, let them be notified tomorrow. But let the word that we will implement the recommendations be kept before the session ends, and let the other improvements, which I hope the Government will consider, be notified after the due process of giving notice to both sides. But let not this notice be used as a weapon by the employers to defeat the very purpose itself.

I do not wish to take too long but I wish to end by saying that it is for the first time that the Government is coming forward positively to help the working journalists and we welcome it. We only wish that this effort is not diluted by any protracted legal proceedings and the Government takes all steps to ensure that it does not happen and the working journalists' hopes and aspirations are met. Thank you, Sir.

[Translation]

SHRI AZIZ QURESHI (Sa'na): Mr. Chairman, Sir, I rise to support this Bill. Earlier hon. Members, Shri Banatwalla and Shri Kumaramangalam expressed their views quite intelligently and I agree with them. I would like to say something in this regard within the time limit.

A short while ago, Shri Banatwalla talked about urdu newspapers. He should have mentioned the conditions of urdu journalists in which they have to work and how they are exploited in the country. Such exploitation does not take place in any other language paper.

In case the Government take action

immediately on the views expressed by Shri Kumaramangalam, then the journalists may be in position to lead a respectable life.

Sir, unfortunately in the name of the freedom of the press many journalists have brought bad name to this profession which was once used to be considered as a noble profession. Many opportunists have entered into this profession. Yellow journalism is the sole reason of this degradation. I would like to request the hon. Minister to ensure that there is no intimidation or black-mailing in this profession and money-minded persons are discouraged while implementing the provisions of this Bill.

Sir, provision of this Bill will not be of much help to the journalists as big newspapers indulge in underpayment in the name of the freedom of the press. I would like to request the Government to take initiative and take strict action against the big newspapers and also give full protection to the journalists. The objective of the Bill, as envisaged therein, would not be achieved. Therefore I would like to request the hon. Minister to move another comprehensive Bill, if possible, in this session and if not issue an ordinance to provide protection to the journalists from the owners of newspapers.

In addition to many other points raised, this point was also raised that big papers are published with a bang all over the country, the complementary copies of which are supplied to all Members of Parliament. I feel that these things are done to save income tax, wealth tax and such other taxes. This has become a normal practice with the big business houses. I would like to draw the attention of the Government towards this and request them to take steps to check such practices.

With a view to extend full support to my journalists friend, I would like to request the Government to pay full attention towards the noble profession of journalism. It will be a great achievement if attention is paid towards the condition of those journalists in the country who treat journalism as a noble

[Sh Aziz Qureshi]

profession The Government should provide full protection to those journalists who spend their entire life in the service of the nation They are upright and dedicated for the sake of healthy journalism The Government must give full protection to them to enable them to continue serving the country

I take this opportunity to quote the lines of renowned urdu poet Faiz Ahmed Faiz, in support of the Bill and in favour of the journalist friends -

[English]

Let night's warm blood go on flowing  
This darkness is the powder of the face of dawn  
It is just about to be morning  
Oh restless heart wait

[Translation]

SHRI DAMODAR PANDEY (Hazaribagh)  
Mr Chairman, Sir I whole heartedly support the Bill moved in the House by the Hon Minister of Labour This Bill apparently appears to be not of much importance and one feels that the plight of journalists would improve with a little effort but it will have far reaching effects

Sir, you are aware that due to the stubbornness of industrialists the experience of wage boards has not shown the desired results Before 1970 also in many industries Wage Boards were set up under the Chairmanship of learned judges, who were acquainted with the facts The representatives of workers and management were also included in these Wage Boards Even the unanimous judgements of Wage Boards could not be implemented because of one reason or the other and because of arbitrary attitude of some persons Consequently the matters remained in courts both Supreme Court and High Courts for years for settlement In this manner every effort was made to see that the experiment of Wage Boards does not prove to be successful In the large

industries which are fully capable and the labourers unions powerful enough to force the industries to enter into agreements, the Government also encouraged settlement of wage and service conditions through mutual understanding and negotiations instead of going in for settlements through Wage Boards However the newspaper owners have never displayed such acumen, otherwise the settlements would have become easier Something peculiar haunts the the minds of the newspaper owners (*Interruptions*)

Many hon Members dwelt over the conditions prevailing in the newspaper industry Many big newspaper owners, who started this industry do not have attachment with their industry, but their attachment with newspaper has been increased Tata, Birla, Dalmia all of them started publishing their own newspapers Newspaper is no more a profitable business only but they also indulge in blackmailing the society and the Government through their newspapers Newspapers out as are result of hard labour of the journalists They work with complete devotion and enable their newspaper to compete with other newspapers but they are exploited to such an extent that they are asked to follow wrong directions and if they do not follow them even inadvertently they are victimised not only in terms of pay but in many other ways I want that Bill dealing with service conditions of the journalists and non-journalists should be brought forward which should be acceptable to all concerned and those provision should be binding on the industrialists group who publish newspapers, so that working class, which labours hard may get some relief But, unfortunately, this could not happen because there was no way out Therefore, a wage board was set up for the journalists and their recommendations are before us but in my view certainly there are some good recommendations The people who used to fix the pay scales earlier or formulated service conditions did not realise how owner of newspapers can interpret the recommendations to their advantage They used to constitute industrial groups of newspapers and devised some other ways

too. 'The Indian Express' which is published from separate centres like Madras, Hyderabad, Ahmedabad and from other parts of the India, separate companies were set up headed by their kith and kin. Entire capital is invested at one place and profit too is collected at one place but separate companies were set up to dodge the authorities as well as journalists. Similarly, Dalmia Nagar to Times of India is laying closed and thousands of workers have become jobless. Times of India is a very prestigious business House which could not run its basic industry and indulges in blackmailing through newspapers. We are observing what 'The Statesman' is also doing. All the big industrialist houses bring out magazines, weekly magazines and fortnightlies and express their views through them and they put pressure on the journalists and ask them to suggest improvements in their business. Bachawat Commission has done a great job, they have grouped all categories of workers. I agree that it is a great achievement for the Wage Board. Unless these suggestions are incorporated in some Bill, the newspapers owners will not implement them properly. In my view this amendment is, quite necessary and we shall be able guide the journalists and others working in the press and a line of decision would be set for future and we may feel more happiness on receipt of the recommendations of next Wage Board. The suggestions made with regard to implementation are commendable and I welcome them heartily. I wish that the Parliament should pass this Bill, unanimously. No Mill owner was ready to implement the Award of its Wage Board. It showed helplessness of the Government that wage board was set up but industrial group tries to sabotage. The sugar industry has been asked to implement it in different ways. The Newspaper owners are also behaving in the same manner, although the price of newsprint is uniform throughout India, and their functioning is same but they are earning maximum profit. They engage the people in separate ways. After implementation of provision of this amendment, they will not be able to do so. This amendment is quite essential and I welcome it and I hope that the whole House will pass it unanimously. With

these words I conclude.

[English]

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Chairman, Sir, I welcome the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Bill and rise to support the provisions as far as they go.

But at the very outset, I must express my concern as my hon. colleagues, Mr. G.M. Banatwalla and Mr. Kumaramangalam have done, at the delay on the part of the Government in the consideration of the recommendations of the Bachawat Wage Board. We are all looking forward to a comprehensive piece of legislation and not a piecemeal measure and, therefore, I would urge upon the Government to consider these recommendations that are before the Government for quite some time, now, as expeditiously as possible.

We have adequate experience of trade union transaction and the hon. Minister himself is a expert trade unionist. Every such situation creates a tension but it can be reconciled. It is natural to have such controversies between the management and the employees but I think once the recommendations have come before the Government and with all the representations that Government have received from various interests, it should be possible for the Government to come to definite conclusion at an early date.

I would like to take this opportunity, however, to speak of the national trend towards decentralisation.

I find that in this legislation Appendix which of course, essentially is not new in this aspect, somehow encourages the monopoly trend and the trend towards centralisation. I am aware of the fact that there are proprietors and proprietors. There are proprietors who take the place of the editors and there are proprietors who use it primarily as a money-making device, who are not con-

[Sh. Syed Shahabuddin]

cerned with what goes into the paper but they are concerned about if it brings them some profit at the end of the year. But whatever be their motive, in a free country like India, I think, this trend towards centralisation of the newspapers must be combated in a deliberate manner. There have been further extensions of this trend. Many more organisations are coming into the field and they are trying to capture there entire class of papers spread all over the country. I know, for example, one organisation which is virtually trying to extinguish the entire set of Urdu newspapers and replace them by a very elegantly and very beautifully produced newspaper while I admire but if all the newspapers coming from various Urdu-speaking centres in the country were to belong to one organisation, that will be the death of democracy.

SHRI AZIZ QURESHI: Is it there?

SHRI SYED SHAHABUDDIN: I am sure you are aware of it. I do not have to tell you. I am making a general point that this trend must be combated, that the extension of monopoly in the field of newspapers must be combated by the state. I would even go to the point of suggesting that there should be a law that a particular establishment in the manner that you have defined it here shall not be permitted to have control over more than a certain percentage of the total number of copies in any particular language. That must be brought into effect. No single newspaper can, whatever be the number of newspaper units at its command, be permitted to control and to brain-wash the people of India and act as a monopoly and, therefore, I plead with the Government for a comprehensive piece of legislation on the point.

PROF. N.G. RANGA: There is no Home Minister here?

SHRI SYED SHAHABUDDIN: There are small papers and I would like the Government to give special attention to the prob-

lem of small paper. They have to live. Small fish also must have the chance to swim in this ocean. They should not all be permitted to be eaten away by sharks. Therefore, I would suggest that perhaps there should be some law encouraging the journalist fraternity to form cooperative to run newspapers. I do not know whether that has been done or can be done. I am not an expert in cooperatives. But I have a feeling that perhaps it should be possible that a small newspaper in any particular place instead of being owned by a particular person can perhaps be owned by the people who work there including the staff about whom Shri G.M. Banatwalla spoke.

Now I come to the Bill. I fully agree with the definition of the term "Wages". I only hope that when the Government comes to the determination of a National Wage Policy, they will adopt an equally generous definition of the term "wages" to apply to all wages in the country and, perhaps, also in all Departments and Ministries.

But, I am rather doubtful about the term "establishment" for one reason. If you look at the Schedule to Section 2(d), the phrase "substantial number" has been used in four places, that I can see. I am wary of this term "substantial". The word "substantial" means anything and everything. It means exactly what the Government of the day want sit to mean at a particular point in time. Therefore I would like the hon. Minister to clarify what he means by this term "substantial". I personally feel that if the commonality in the proprietorship pattern or the share holding pattern of two or more companies goes to more than ten percent, that should be considered to be substantial. One should not wait to consider that it must exceed fifty percent or it must go up to ninety percent. They can be brought within the term "substantial". And of course, if there is an anti-monopoly law, as I have pleaded that would apply and that would put a limit to common ownership. Anywhere, if a single group or a single individual tries to control more than ten percent of the shares or the holding of another newspaper, of another establish-

ment, that should be put beyond its scope by law.

With these words, I would like to support the Bill and hope that soon we shall have a more comprehensive piece of legislation and also a clear ideological approach will be adopted by the Government so that the recent incident which left rather a bad taste in our mouth in which an eminent journalist was forced had to quit a newspaper after having contributed to building it up to occupy niche for itself—and such situations are not repeated in the newspaper industry.

[Translation]

SHRI GIRDHARI LAL VYAS (Bhilwara): Hon. Chairman, Sir, I support working Journalists and other Newspaper Employees (Condition of Service) and Miscellaneous Provisions (Amendment) Bill, 1989. First of all, I want to draw your attention towards the Part 'A' of "Statement of objects and reasons of this Bill" in which definitions of newspapers has been discussed:-

[English]

"amplify the definition of "newspaper establishment" contained in clause (d) of section 2 so as to provide for clubbing of various establishments under the common control of any person or body of persons".

[Translation]

New Schedule added in it and new provision contained in part "D" of section 2 are really welcome steps. Had this provision been not made, owners of these big newspapers would have continued to exploit not only the journalists under the law but all of us too. Therefore, I want to submit that a law should be framed to the effect that no newspaper will be owned by any capitalist. The Government should frame such a law that every journalist may work in the capacity of a shareholder, let there be a company and journalists may become its owners. After such arrangement only, newspaper can be brought out properly in this country. Such

arrangements do not exist and present rather all the newspapers are owned by big capitalists. This is the reason why many a time the Government has to face embarrassing situation. Many misleading and contradictory news are published in newspapers and journalists also have to work under pressure, journalists have to tow the line of the owners.

17.00 hrs.

Therefore, it is very essential to curb such tendencies and if it is not done, it will be a great set back for our democracy. It is realised at present and will also be realised in future. Therefore something definite should be done to improve the situation. Nothing has been said about this in the report submitted by Bachawat Commission but I urge the Hon. Minister that such arrangements should be made for the future. It may be taken up on priority basis, through organisation or through some other arrangement but arrangements should be made to make available price information.

Mr. Chairman, Sir, my second submission is with regard to wages, you have included in it:-

[English]

"wages' means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a newspaper employee in respect of his, employment or of work done in such employment, and includes—

- (i) such allowance (including dearness allowance) as the newspaper employee in for the time being entitled to;

[Translation]

Secondly you have mentioned in it.

[English]

- (ii) the value of any house accommo-

[Sh Girdhari Lal Vyas]

dition, or of supply of light, water, medical attendance or other amenity or of any service of any concessional supply of food-grains or other articles "

[Translation]

Now you have provided medical attendance in it That is not the only question At times journalists have together information at the risk of their lives, therefore the question of their safety also arises You have mentioned nothing about it in the Bill Nothing has been mentioned about insurance too Nothing has been stated explicitly about the compensation in the event of some injuries caused in an accident God forbid if some one dies what will be the compensation to be paid to him As in Government service, if someone dies, in harness, pension and other facilities are granted No provisions have been made to this effect that how journalists would be helped in such contingencies Therefore this provision must be incorporated in it

Mr Chairman, along with it you have mentioned in it that "But does not include any bonus" There are many provisions under the Industrial Disputes Act e.g bonus, provident fund, gratuity etc Similarly there is provision of granting pension also to Government servants You have taken into account both the things but mentioned that "but does not include any bonus" The man who works, and earns should get bonus according to his salary Shri Kumarmangalam has just not stated that these newspapers earn more than 13 percent profit and bonus is given out of this sum only It is granted from the sum earned by the journalists Therefore bonus should definitely be included in the wages It should not be excluded from it It is my suggestion that some provision should definitely be made in this connection, secondly you have stated -

[English]

"Any contribution and paid or payable by the

employer to any pension fund or provident fund or for the benefit of the newspaper employee under any law for the time being in force."

[Translation]

Now you have neither made any provision for pension nor for provident fund in it rather you have excluded them Therefore, I would suggest that provisions should be made both for the pension and provident fund as has been done in case of workers and Government servants

[English]

"The gratuity payable on the termination of Service "

[Translation]

In many cases, gratuity has been included in one's wages and is paid to the individual at the time of retirement This provision should also be included in it In the absence of these provisions journalists will face so many difficulties Some recommendations of the Bachawat Commission's report which is still under the consideration of the Government, have been included in the Bill whereas some other recommendations have been left out which has made the journalists unhappy and the news paper owners say that their financial burden has been increased Despite a lot of profit earned by the Newspaper owners, they talk like this Under such circumstances how the Government will implement report of Bachawat Commission in its entirety As has been pointed out by Shri Pandey that reports of various Commissions and Boards appointed by the Government are not fully implemented which causes discontentment among the people Some arrangement should also be made for the implementation of the recommendations of a Board or a Commission in their entirety and the hon Labour Minister has to ensure as to how such an arrangement can be made particularly in respect of wages I would also like to say that some provisions which have been excluded, are very important and should be included in it The Government should make



such an arrangement for the future, which may further strengthen our freedom.

[English]

SHRISHANTARAMNAIK (Panaji): Mr. Chairman, Sir, I stand here to support the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Amendment Bill, 1989.

The Bachawat Commission report, as has been referred to by our colleague Shri Banatwalla, speaks of an exhaustive legislation on the subject. As I go through, I find that there is one more legislation on the subject. I was wondering for a moment, as to why on this one subject, we have another legislation known as Working Journalists Fixation of Rates and Wages Act, 1958. I would like to know from the hon. Minister whether the legislation namely the Working Journalists Fixation of Rates and Wages Act, 1958 is still in force or it has been repealed or if it still exists, what is the scope of this second legislation of 1958 - vis-a-vis - the legislation of 1955. I speak this in terms of the need which is required with respect to unified legislation on the subject. It happens many times that whenever the Government thinks of bringing a legislation on a given subject even if there exists the main legislation, the Government, for the particular purpose, enacts a separate piece of legislation consisting of three or four sections. But after one year, if another eventuality occurs, then another legislation—another Act—independently, is enacted. As a result of that, we have specially in the field of labour three or four legislations on one single subject. So, I would like to suggest to the Government, provision apart, let us have one unified legislation on this matter with a request that you will clarify this aspect of the second legislation which is existing.

I concur fully with our colleague, Mr. Vyas, who has just now said about the newspaper which should be established by journalists. In fact, in certain fields like fishing—I know as far as my State is con-

cerned—sometimes there are restrictions that trawler can be purchased and operated only by a traditional fisherman.

17.11 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

Now, why should we not make or enact a legislation or a law to say that only a traditional journalist or a qualified journalist own and operate a newspaper? It may no doubt happen that Tata or Birla may send his son to complete a 2-3 year course in journalism. Well, it is possible. But nevertheless let the newspapers in this country be owned by professionals so that the injustice or the things that we see today in the field of journalism to do not happen in the fashion they taken place.

Newspapers are very relevant. I may say in all humility that they are more relevant and important to us politicians - because it is we, politicians, who convey our thoughts and views to our constituents through the newspapers and magazines. It is we—the politicians of today—who would like to see that newspapers flourish. It is never in the interest of a public man to curb the freedom of Press in any manner. But there is a need today for a code of conduct for journalists to be operated on a statutory basis. No doubt it is said that there exists a code which the industry is following. It may be existing in a voluntary form. When it exists in a voluntary form, it has different meaning for different people. Therefore, if there is a code of ethics for journalists, let that code be a statutory one so that we know that code is the law of that land. A voluntary code has no meaning. Therefore, if a code has to be enacted, it should be in the form of a statute.

In the present circumstances, the investigative journalism is flourishing and it has to flourish. Basically, our journalists in the rural areas need to be protected. In the cities, a journalist, who is doing investigative work, practically has no threat to his life. There may be some instances. Even if there is a threat, he can manage in a city area. But in

[Sh. Shantaram Naik]

rural areas, if problems of weaker sections are to be brought to light, then the rural journalists have to face the landlords, the industrialists, the capitalists and all those who are affected by these things. Therefore, it is in the rural areas specifically that our journalists need to be protected

The problem of inclusion in the Ninth Schedule is very much there. I fully support that because they may not challenge the Act. Any other notification or any other agreement can be challenged in the State. It may be kept pending for years together. The demand for the inclusion in the Ninth Schedule is there and it need not be challenged. Even if it is included in the Ninth Schedule, one has to see the reality as to whether the employees will challenge the inclusion or not. Even if they do, it will easily take two or three years for them to challenge the inclusion of the Act in the Ninth Schedule. But this period time will be a little less than what the notification may suffer under normal circumstances

I would like to mention that much hue and cry was made about the like in newsprint price in the last few months. I would not like to get into the economics of the newsprint price since I do not know the details of it. But I would certainly say that the value of the news should also be scrutinised by the journalists and others when the question of newsprint price comes. In the last five years, a Member of this House, I have seen that many times irresponsible coverage is given to times against the interest of the integrity and security of our country. We do not discourage investigative journalism. In fact, issues which are raised in this House are based on newspaper reports. And there is nothing wrong in it also. Some people say that we should not refer to newspapers. But I do not say this because newspaper is a medium. We as Member of Parliament or representatives of people, cannot go to every nook and corner to find facts. It is very difficult to do so. This is the machinery which does this job through a network of journalists

and reporters. We further carry the messages published in journals and newspapers to this House as representatives of people. And I think it is our duty to do so. Since the messages are carried further, the newspapers should be more responsible and see that the news is true. Therefore, we politicians of today, value the existence of newspapers in the society much more than anything else because our views are carried by them to the people. Our journalists friends are workers toiling day and night to gather news not only for us but for the society at large and for the people who would like to know the pulse of our country. So, let us give some benefits for them; let us not waste time; let us come forward to help this working class in the best way possible.

[Translation]

SHRI HAFIZ MOHD SIDDIQ (Moradabad): Mr. Chairman, Sir, I am grateful to you for giving me an opportunity to speak of this Bill.

I support the views expressed by the hon. Members, who spoke prior to me. I would like to say that various Amendment Bills have been passed by the Parliament in the past also but they have not been implemented properly due to some loopholes. Therefore, I would like to say to the hon. Minister that though it is a matter of happiness that the Government wants to provide more facilities to the journalists working in cities and districts but the Newspaper Owners devise such methods to see that they do not get any benefit. As has been said by Shri Banatwalla and other Members that Bachawat Commission has not recommended anything in addition to the Palekar Award to journalists. They work day and night but even then the Newspaper Owners adopt some measures so that benefits do not reach them. They are also not taken into confidence so that they can have their say. Therefore, through you, I would like to say to the hon. Minister that the facilities Government intends to provide to the journalists who work at the risk of their lives and serve the society, should be strictly implemented so that they may get full benefit.

With these words I support the Bill.

**SHRI MOHD. AYUB KHAN** (Udhampur): Mr. Chairman, Sir, I rise to support the Working Journalists and other Newspaper Employees (conditions of service) and Miscellaneous Provisions Amendment Bill 1989.

I want that our Government should have a definite policy on press. The Press is called as fourth Estate. Therefore, Government should have a definite policy to give it a proper shape. The working journalists have a major role to play in it. To preserve its independent character and for its future safeguard I would request the hon. Minister that instead on piece meal legislation, a comprehensive legislation, which may include the recommendations of the Bachawat Commission, should be introduced and the Parliament should have a full fledged discussion on it. I would also like to say that the error of not excluding Katibs working in Urdu press should also be rectified because they are the integral part of the urdu journalism and no Urdu Newspaper can be published without them. Hence they should be treated at par with the working journalists.

No doubt, the present Bill is for the betterment of the journalists but it would be more beneficial if a comprehensive Bill is brought forward. Even then I thank the Government for whatever has been done for the welfare of journalism and congratulate the hon. Minister. With these words I support the Bill.

**THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY)**: Mr. Chairman, Sir, I am very happy that I have moved this Bill for the consideration of this House. While taking part in the discussion on the Bill, all of the hon. Members have supported and welcomed this Bill.

In the course of their speeches, many hon. Members have put forward very good suggestions. I am thankful and grateful to them for valuable suggestions. I thank them while supporting this Bill.

As I already stated in my speech while movings. The motion, the object of this Bill is limited. There have been some controversies misconceptions and wrong interpretation of certain provisions of the principal Act relating to wages and newspaper establishments. Though these provisions are very clear. After studying the reports of different Wage Boards it appeared that the reason for delay in submitting the report of wage board is attributable to varied interpretations of some provisions of the main Act.

Before bringing this Bill in the House, and indepth study of all the reports submitted by various Wage Boards and Tribunals such as Devena Wage Board, Bhandarkar Wage Board, Shinde Wage Board, Palekar Tribunal, Bachawat Wage Board were made by the Government. Necessity of special study arose because Bachawat Wage Board took a lot of time in submitting its report. The delay invited criticism from all quarters. Government was also much concerned about it. In view of the feelings expressed by the people, the Government enquired into the causes of delay in submission of the report of the Wage Board. Upon this, we found that delay occurred due to certain provisions of the principal Act. In order to remove doubts and varying interpretations, this Bill has been brought in the House.

One of the causes for delay has been the varying interpretation of the classification of newspaper establishments. Although definition of Newspaper Establishment is very clear and the classification was first made by the Diveria Wage Board. Some guidelines were laid down by him. But inspite of all those guidelines, the owners of newspapers establishments distorted the criteria of classification to their advantage through all conceivable means. They tried their best to find a way to lower the classification of their establishment. It is known to many Hon. Members as well as the Government. As such Government felt the necessity to remove doubts for ever so that no one can lower the classification in future. Thus the owners of newspaper establishments will not more deprive journalists and non-jour-

[Sh Bindeshwari Dubey]

nalists of their legitimate remunerations and wages through lowering of classification of their establishments. Diveria Wage Board classified newspaper establishments into units, groups and multiple units and newspaper agencies were also classified. Big newspaper chains managed to change the classification in their favour. In view of our past experience, newspaper establishments have been classified and with a view to bringing more clarity, in addition to explanatory clause, a schedule has also been appended to the Bill. This has been done to treat two or more newspaper establishment owned by an individual and his or her spouse as one newspaper establishment. Similarly, two or more newspaper establishments publishing newspapers bearing the same or similar name and in the same language in any place in India or bearing the same or similar name but in different languages shall be deemed to be one newspaper establishment.

Sir, journalism is an important and honourable profession and the Government has high regard for the journalists. We want that they should be given adequate wages and provided facilities befitting their status so that they could lead a decent life. But it is also true that the owners of newspaper establishments frustrated all our efforts to bring improvement in their condition. Shri Damodar Pandeyji has said that the journalists have lost faith in the very concept of Wage Board. Thereafter Tribunals were set up and cases were referred to labour courts. As those measures were time consuming, the Government encouraged settlement of disputes about wages and other fringe benefits through bilateral negotiations. There have been good results of it. Wages are fixed in our core sector, basic industries and also in other industries through bilateral negotiations. Decisions taken about amenities, etc at the negotiating table are faithfully implemented by the employers. The assurances given to the labour class are also implemented faithfully. Many hon Members have pointed out some other disparities which need to be removed. Shri Banatwalla and

other Members have raised the issue of certain other categories also. After submission of report of Bachawat Wage Board, different Newspaper Employees Associations have also given representations. A mention was made about the delay in submission of report by the Bachawat Wage Board and in taking action thereon by the Government. There was a consolidated report containing 720 pages of both the Wage Boards. Both the Wage Boards had 11 members each including justice Bachawat as their Chairman. Except one Member, remaining 9 members appended their signature on the report with their notes of dissent. Their notes of dissent were not identical. There were different notes of dissent on different recommendations. In view of so many notes of dissent, it became imperative for the Government to undertake indepth study of recommendations and the notes of dissent given by the different members. Their justification had to be examined. It took a lot of time. It is known to the hon Members that the Government and for that matter the Hon Prime Minister were very much concerned over the delay in submitting the report and we tried our best to get the report as early as possible. Whenever extension of time was demanded by the Board, it was given for a very short period. Even then work could not be completed in time. Had we resorted to other methods, it would have taken more time. That is why we kept giving some extensions. When I was informed that the Chairman wanted to submit the report a day before the expiry of the term of the Board, my joy knew no bounds. At that time, I was hospitalised for treatment of a serious ailment. Even then, I took leave from the hospital and attended my office so that justice Bachawat could formally submit the report to me. This report was incomplete as it had not been signed by some of the members. They appended their signatures later on. One of the Members appended his signature after one week. Thereafter I again fell sick and went to London for Bye-pass Surgery and returned after one month. During that period the Department studied the report very seriously and processed it. Immediately on my return, I went through the

full report. I can only say that the Government has fully scrutinised the report and it is in the final stage. We do not want to delay the matter. We are careful because if notification is not issued at the appropriate time it may have some adverse results. While giving note dissent, the representative Members have gone to the extent of complete rejection of the report and they have threatened to go to court. Many hon. Members have said that even after the issue of the notification regarding the recommendations of the wage Board, they want to go to court to delay the implementation of the recommendations. Therefore, we are taken steps very cautiously and we do not want to leave any loophole which could help them in delaying the matter through distorted interpretation of the provisions. As I already said that the matter is in the final stage of taking a decision. The Government is taking action and final notification will be issued by the Government very shortly. As regards the purpose for bringing this amending Bill is concerned it has been brought forward with a view to removing doubts and varying interpretations of the recommendations of the Wage Boards. The recommendations of the earlier wage Boards have been twisted to the advantage of owners of newspapers. This Bill has been brought to prevent owners of the Newspaper establishments from depriving journalists and non journalists of their legitimate wages and perks by twisting the recommendations to their advantage which they used to do in the past. This Bill has been drafted after careful consideration of the recommendations of all the previous Wage Boards including the Bachawat Wage Board. Through an amendment, Shri Kumarmangalam has made a suggestion that it should be made effective from 1985. I think that the question of specifying the date of its implementation does not arise as it is not an amending Bill. Nor have we added any new clause to the main Act. This Bill is only clarificatory in nature. Hence, clarifications made in the Bill would come into force with retrospective effect. Therefore, it is not necessary to specify any date for its implementation. I have already cleared it in the amendment made by me. As the time is going to be

over, I would like to request the hon. Members to approve this amendment unanimously. While taking final action in the matter, suggestions made by the hon'ble Members on this Bill will be considered. I would like to assure that their suggestions would be taken into account. I would also like to request Shri Kumarmangalam to withdraw his amendment keeping in view the reply given by me.

[English]

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, be taken into Consideration."

*The motion was adopted.*

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

**Clause-2 - Amendment of Section 2**

*Amendments made:*

Page 1, line 9, -

for "inserted" *substitute* -  
"inserted and shall be deemed always to have been inserted"; (1)

Page 2, line 4, -

for "inserted" *substitute* -  
"inserted and shall be deemed always to have been inserted"; (2)

(SHRI BINDESHWARI DUBEY)

MR. CHAIRMAN: The question is:

"That Clause 2, as amended, stand part of the Bill."

*The motion was adopted*

Clause 2, as amended, was added to the Bill.

Clause 3 - Amendment of Section 10

Amendment made:

Page 2, line 32. -

for "to make" substitute -  
"from making" (3)

(SHRI BINDESHWARI DUBEY)

MR CHAIRMAN: The question is:

"That Clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4—Insertion of the schedule

Amendment made:

Page 2, line 36,—

for "inserted" substitute

"inserted and shall be deemed always to have been inserted" (4)

(SHRI BINDESHWARI DUBEY)

MR. CHAIRMAN: The question is:

"That Clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

MR. CHAIRMAN: The question is:

"That clause 1, Enacting Formula and the Long Title Stand Part of the Bill".

The motion was adopted.

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

SHRI BINDESHWARI DUBEY: I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

17.52 hrs.

SALARY, ALLOWANCES AND PENSION  
OF MEMBERS OF PARLIAMENT  
(AMENDMENT) BILL

[English]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI H.K.L. BHAGAT): I beg to move:

"That the Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954, be taken into consideration."

At present under section 6A(1) and 6A(6) of the Act, the Members of Parliament representing the Union Territories of Andaman & Nicobar and Lakshadweep islands are entitled to air travel facility along with the spouse/ companion from the usual place of residence in the islands to the nearest airport in the mainland of India. For the return journey steamer facility is available to them. On the recommendation of the Joint Committee on Salaries and Allowances of Members of Parliament, it is proposed to allow air travel facility to them for return journey also from the nearest airport in the mainland of India to

the usual place of residence in the island.

The above provisions would involve a recurring expenditure from the Consolidated Fund of India to the tune of Rs. 32,300/- per annum approximately.

The Bill is very simple and non-controversial. I hope that it would receive unanimous support from all sides of the House and may be passed without much discussion. With these words, I commend the Bill for consideration by the House.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954, be taken into consideration."

Does any hon. Member want to speak?

SEVERAL HON. MEMBERS: No. Let us pass it unanimously.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: We will 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.*

MR. CHAIRMAN: The question is:

"That Clause 1 the Enacting Formula and the Long Title Stand Part of the Bill".

*The motion was adopted.*

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

SHRI H.K.L. BHAGAT: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

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17.55 hrs.

### DISCUSSION UNDER RULE 193

#### Demand for waiver of Agricultural Loans

[English]

MR. CHAIRMAN: Now we take up further discussion on the demand for waiver of agricultural loans raised by Shri Harish Rawat on 11th August, 1989.

Dr. G.S. Rajhans, you can continue your speech.

[Translation]

DR. G.S. RAJHANS (Jhanjharpur): Mr. Chairman, Sir, I was stating that the persons who mislead the masses by saying that they have written off loans of farmers in their State should be exposed and the people should be made aware of the actual position so that lies could be nailed out. Some leaders of Haryana State are making propganda in Bihar and other Hindi speaking States that they have waived loans of farmers in their State. It is a while lie. It is a false propganda and the Central Government should nail out the lies. Not only this, the Government should make aware the people through Radio and Television of the measure that could be possibly taken by it. They should also be informed of the things which could not be done by the Government, because a confu-

[Dr. G.S. Rajhans]

sion has been created about it, particularly in the Hindi speaking States. Government should tell the people that the money is deposited in the Banks by the depositors and that is their money, nobody could waive the loans given by banks. But I would like to submit that that Government should atleast waive the interest on loans in the States hit by natural calamities. For example, Bihar has been hit by floods and earthquake. The farmer of those areas had taken loans from Banks and now these loans are being recovered from them without any consideration. I would like to appeal to the Government that atleast recovery of those loans be postponed for 4-5 years or the interest be waived. If you go there, you will see their plight. They are not in a position to repay the loans. In 1987 floods, people suffered heavy losses. As a matter of fact, they lost everything. There has never been such a devastating flood in the last one hundred years. During the year 1988, they were ruined by the earthquake. If the farmers would be compelled to repay the loan, it would lead to serious consequences. I would like to request that the recovery of loans may be postponed for 4-5 years and interests on loans be waived. Last time, I asked the Government to look into the causes of rural indebtedness. Our conservative social order is largely responsible for rural indebtedness. Poor people in the villages are forced to spend a lot of money on social occasions such as marriage or other ceremonies etc. They take loans from the banks or sell their land for this purpose. You will be pained to know that even on death of a teenager, the villagers forced the grieved family to spend a lot of money on 'shradh' which is done for the peace of departed soul. Entire village population is invited for feast. Thus, the poor fellow is made to suffer double agonies at a time. But he helplessly abides by the social order. I would like to submit that Government should enact a law so that strict legal action could be taken against these persons who compel the poor fellow to do such things. It is a very serious problem. The Government has a powerful mass-media such as

radio and television which could be used to warn the people not to force others to after lavish feasts on such occasions. If they found doing so, they should be severely dealt with. I tell you how wasteful expenditure is incurred at marriages.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETRO-CHEMICALS IN THE MINISTRY OF INDUSTRY (SHRI P. NAMGYAL): I request that the House may be extended by one hour so that we can finish the discussion on Item No. 10 A.

MR. CHAIRMAN: Is it the pleasure of the House to extend the time by one hour?

SOME HON. MEMBERS: Yes.

MR. CHAIRMAN: Time is extended upto 7 o' clock.

SHRI P. NAMGYAL: I request the hon. Members to take only five minutes so that the hon. Minister can reply to this today itself.

[Translation]

DR. G.S. RAJHANS: I have been saying that the poor man has to give a feast for atleast two thousand people at the marriage ceremony of his daughter. These days, a feast for two thousand people means an expenditure of Rs. 20 thousand. The poor man has to take loan for this purpose. Lot of wastage is being done on these ceremonies. One who has attended these functions could only understand the wastage being done in these functions. The Government is supposed to take effective measures to check such things.

Japan has made a tremendous progress. The people who have read the history of Japan know this thing that how Japan modernised itself. In Japan also, Conservative social order was prevailing, but the people of



Japan have removed all the social evils, only then Japan could become a modern country and make progress.

As elected representatives of the masses, it is we who should take the initiative to break barriers. Only then will we see the end of rural indebtedness.

In the end, I want to say that a marketing system should be developed for agriculture produce. Otherwise farmers will remain in debt. In the Hindi-speaking States, co-operatives are in a very bad shape. In the next Session, I want a Bill to be introduced for strengthening co-operatives so that agriculturists could be really benefited.

We are grateful to the hon. Prime Minister for his declaration that agriculture would be given the status of an industry. The farmers of the country are happy about this but I suggest that a beginning be made by giving remunerative prices for the produce of farmers. These days farmers are reluctant to go in for sugarcane and other such crops because the output is not higher than the input. So I urge upon the Government to give remunerative prices to farmers for their produce.

SHRI BALASAHEB VIKHE PATIL (Kopargaon): Mr. Chairman, Sir, I am grateful to you for giving me an opportunity to speak. For several days we have been discussing whether we ought to waive the loans of farmers or not. My view is that waiving of loans will not solve the problem. There are many fundamental issues that are related to this issue. It is impossible to discuss all of them in five minutes but I shall try to accommodate whatever I can within the time limit.

Certain people are misleading the public that loans should be waived. But such a step would have its own repercussions. Previously there used to be money-lenders who were called 'Sahukars.' What they did was different. How can the income of the present-day farmer be increased? What percentage of the Budget should be allo-

cated for the development of the farmer. I shall not explain my point with the help of statistics as it will be time-consuming. But the total Budget allocations over the last 10-15 years show that there has been a decline in the aggregate percentage allocated for energy, irrigation and agriculture. We have to increase our Budget allocation for agriculture because in rural development we cannot ignore the farmer and his land. Such things can create doubts. When agriculture does not fulfill their needs, farmers migrate to the cities. The total Budget allocation in the Fifth, Sixth and Seventh Five Year Plans is made on the basis of percentage. This has been made on the basis of the 1970-71 price index. The way allocation has been made in the Seventh Five Year Plan and the method of fixing price index will not lead us anywhere. After research someone has said that Rs. 6,000 works out to Rs. 32,000. The Government will have to act carefully in this matter.

Farmers face other problems too. According to statistics for the period from 1950-51 to 1965-66, growth of supportive inputs such as oil engines has declined from 13.9% in 1965-66 to 11.8% in 1984-85. Similarly, for electricity pump-sets, it has come down from 23.7% to 12.9%. For electricity in agriculture it was 16.0% previously and later it became 13.3%. This shows a decrease in our inputs. There is a need for improvement in this. As I come from a family of farmers, I am well acquainted with the problems of farmers. As long as we do not give agriculture the status of an industry, we cannot hope for the welfare of farmers. The people who are misleading the people by raising false slogan of waiver of loans will not do any good to the farmers. Rather it will discourage people from depositing their money in banks. We have to see how can we utilize the money deposited by farmers in the best possible manner. Otherwise production will not increase because

[English]

declining growth rate of foodgrains matches with declining rate of farm prices.

[Sh. Balasheb Vikhe Patil]

[*Translation*]

According to the economic survey for 1985-86, the annual growth rate for foodgrains for 1970-75 was 3.44%, for 1975-80 was 3.11% and for 1980-85 it was 2.84%. The average price index for 1970-75 was 95.7%, for 1975-80 it 85.5% and for 1980-85 it was 78.9%. May I know the reason for this decline? We have to see it in the specific context otherwise all our efforts will be in vain. Today irrigation is increasing while productivity is decreasing. We are not self-sufficient to the extent we would like to be.

Farmers have now become a privileged class considering the facilities given to them by the Government. Farmer who takes loans works very hard. In fact his entire family works with him. Farmers should be provided facilities that help in raising productivity. The condition of small and marginal farmers is very bad. These farmers should be given inputs at subsidised rates. There should be a proper marketing link as the output increases. We will not be able to give the cost of production because

[*English*]

It varies from region to region, farm to farm and person to person.

[*Translation*]

But we should give them remunerative prices so that we can get an increased output. According to statistics in a 1981 bulletin of the R.B.I., apart from land and buildings and total assets durable of households,

[*English*]

percent of cultivators household in debt was 22.34 and average amount of debt was Rs. 3,595.

[*Translation*]

These figures are from a source no other

than the R.B.I. itself. Industry contributes 12% to the national income and we give 12% loan to farmers and 84% to industry. The income from agriculture is Rs. 60,000 crore whereas income from industry is much less, say around Rs. 25,000 crore. So this is a very basic question which requires a serious thought. Apart from this, there should be a comprehensive insurance scheme for drought and cyclone prone areas. There could also be a scheme for giving interest-free loans and charging interest at differential rates from small and big farmers. There should be liberalisation of credit. Farmers are facing difficulties at the hands of NABARD. I am against waiver of loans. Even today people approach money-lenders because all their financial needs are not met by the banks. The hon. Finance Minister is himself a farmer. He has done farming. Having tasted poverty himself, he knows how to provide maximum amount of loans in a capital-intensive system. Otherwise I feel that productivity of land will not increase and bad debt shall remain a persistent problem, which has been further complicated due to politicisation of this matter. Whose loans will be waived? Farmers, small scale industries and sick industry are asking for waiver of loans. The facility of interest remission given to industry should be extended to the farming community also because even today 78% of the farmers are of small and marginal status. The Government should pay attention in this direction.

The Government should create a separate fund to provide relief in case of natural calamities. Similarly, the Government should do more for the intensive agriculture system that we had launched. Otherwise we will see the return of the money-lender bringing back problems that have so often troubled us in the past. It is politics, more so the ensuing elections, that the things are being complicated. Nowhere in the world do we see a situation that has been created in Maharashtra, Haryana and throughout the country. Farmers have stopped making repayment of their loans. As a result of which the entire recovery process has come to a grinding. Next year farmers will not get loans which

will choke the credit line. This will lead to a decline in productivity thus adding to the debt burden of the farmer. The farmers should at least earn as much as class IV employees earn. The hon. Minister of Finance should look into this aspect. I know that there are difficulties but it is essential to see as to what can be done in this regard. Merely writing off their loans will not do. It will create complications and the farmers will be under heavy debt.

With this I thank you for giving me an opportunity to make my submission.

SHRIMATI USHA CHOUDHARI (Amravati): Mr. Speaker, Sir, I know that I have to be brief. Just now Shri Balasaheb Vikhe Patil who represents the farmers of Maharashtra has highlighted the problems of the farmers. I also know that the hon. Minister of Finance belongs to Maharashtra and to an agricultural family. He understands many things but still I would like to submit a few points about the condition of farmers. Unprecedented floods ravaged Maharashtra this year. Floods are a regular feature throughout the country but they have never been so severe as this year and the hon. Minister is aware of the loss that has been suffered. Therefore, I would like to request him to give it due thought.

The Government is making an attempt to overhaul the entire rural system through the Panchayat Raj Bill which will transfer power to the grassroots and bring in social, political and economic transformation of the whole country. In order to effect such a transformation, it is also essential to examine the rules of the Reserve Bank, NABARD and other agencies of the Central Government. There is a need to bring a change in these rules as well for the benefit of the farmers. It has been said that the Government would be burdened by writing off the loans or providing more facilities to the farmers. But I would like to know from the Government as to how much losses does it suffer and how much it is burdened when people take loans and settle abroad? How much loss does it suffer when the people defraud

the banks in this manner? A number of industrialists twist the laws, siphon the funds and make their industries sick and still the Government is unable to take any action against them. The banks are also helpless in this matter. Therefore, being the representatives of the farmers, I would like to demand that it is necessary to examine the position of the farmers as compared to other classes of society. A large number of people engaged in agricultural activities are living below the poverty line. They own very small land holdings. Their source of income is also very limited. You can get a survey of the whole country conducted in this regard. The quantum of loans extended to the farmers under the 20 Point Programme for sowing seeds etc. and the extent of increase in their income should be surveyed. When such a survey is conducted it will become evident as to what their condition is like. That is why we want that they should receive certain concessions.

I would like to express one or two points more. Loans have been given for land reclamation work in Maharashtra and for other purposes. There are a large number of small and marginal farmers in this State and the Konkan region is always affected by floods or drought conditions. Consequently, the condition of the farmers is very miserable in this region. Even if the Government wants to recover loans it cannot because they do not have the capacity to repay. It is not possible. Therefore, I would urge the Government to write off the loans.

Some hon. Members have raised the question whether this policy of writing off loans and providing assistance is right. But I think that the loans of the farmers who suffer considerable losses on account of natural calamities should be written off. It is not possible to make recovery from them when they are already so poor. Special attention should be paid towards such farmers. In regard to the farmers of my area, I want to submit that they own very small land holdings and have very meagre sources of income. If the Government intends to uplift them, it will have to think about giving them

[Smt Usha Choudhari]

loan again Today there is not a single farmer in the country who is not under debt Every farmer has taken loans under some or the other scheme Special attention should be paid with respect to such farmers Those farmers who have not repaid their loans for long should be allowed to repay it in weekly instalments and should be provided with the facility of drawing a second loan The second loan should be provided through the NABARD and the Reserve Bank

Finally I would like to submit that due to heavy rainfall in Maharashtra 12 districts were badly affected by floods and crops were destroyed Therefore arrangements will have to be made for providing seeds and other inputs to farmers and rehabilitate them on alternative sites In addition the Central Government should make arrangements for extending loans at low rate of interest to the affected farmers of Maharashtra and other parts of the country Last year loans were extended to the farmers at 6 per cent interest through the Maharashtra Cooperatives The rest of 6 per cent interest was borne by the State Government Similarly this year also wherever there is scope for providing them with assistance, it should be done But obstructions are created in this matter by the Reserve Bank and the NABARD I request the hon Minister and the Government that the rules of the Reserve Bank and NABARD should be relaxed for providing assistance to the affected farmers Thank you

SHRI RAMDEO RAI (Samastipur) Sir it is universally acknowledged that India is an agricultural country 80 per cent of its population is dependent on agriculture but even today their financial condition is a matter of concern and therefore it should be given due consideration The country has become self-reliant because of the farmers Today a world record has been created in agricultural production but it is sad that the condition of the farmers is miserable I think that the Government has not paid due attention to them and that is why our farmers are disappointed and indifferent The country has

made lot of progress because of them but they do not have enough to feed their family This is so because whatever they earn is spent in weddings, obsequies or last rites (SHRADH) education of their children and in facing natural calamities Moreover, the price at which they purchase foodgrains for their own consumption is more than what they are paid for their produce This double system should not exist Until there is harmony between the rate at which the farmers purchase food grains for his personal consumption and the rate at which he sells his produce in the market, his misery cannot be reduced If the farmers starve the country cannot make progress Therefore, I would like to urge that first of all the market rates should be controlled Similarly during natural calamities the middlemen purchase their entire produce and sell it in the black market at much higher prices This results in a steep price rise The farmers toil hard to produce foodgrains and feed the country whereas his own children starve Therefore, I would like to urge the hon Minister that a separate scheme should be formulated in this regard and separate allocations should be made in the Budget for this purpose But this is not done at present Sir, I would like to draw your attention towards Bihar in particular

Every year floods and rains destroy standing crops in Bihar Floods, rains, hail-storm and other natural calamities create lot of problems for them It is not only rains which destroy the standing crops but the absence of proper system to drain out water also destroys the crops The Government spends crores of rupees on flood relief However lethargy is shown to deal with the problems of increasing production and in exploitation of resources needed for the development of the country If there is proper system to drain out the rain and flood water, the farmers can cultivate their fields in time The hon Minister of Finance can enquire about the money spent in Bihar during the last 10 years on the drainage system Bihar has always been ahead of others in every field The crop insurance scheme launched by Dr Jagannath Mishra in Bihar is in doldrums Unless the crops of the farmers are

protected how can they toil hard. Farmers from Bihar are migrating to West Bengal and Punjab in search of work because they do not have resources to cultivate their fields. The condition of farmers is pitiable. They have to mortgage their land for arranging dowry, performing shradh of their forefathers and for education of their children. The hon. Members may be aware that the palms of the bank officials are to be greased by the farmers for obtaining loans. Otherwise loans are difficult to obtain. Only the wearer knows where the shoe pinches. I know that most of us belong to the farming community. The farmers have great expectations from us and they are anxious about the measures being taken for their upliftment. Mere passing of Bills will serve no purpose. Something must be done to make them self-reliant. Earlier, we used to go to America and Canada with a begging bowl but now the farmers have created world record in production of foodgrains. Despite this, the condition of farmers of our country is the poorest in the world. To know the difficulties of the farmers, the Government should appoint a Committee and should also take immediate action on its report various banks are giving loans to rich, medium and small farmers. Categorisation has been done on the basis of cultivation of land into small, medium and large holdings. Compensation to the tune of 60 to 80 per cent is given. But the criteria for compensation should be the yield and not acreage as big farmers definitely produce more. So more compensation should be given to them. However, one thing must be kept in mind that under no circumstances the farmers should be forced to dispose off their land.

What is happening in Bihar today? Banks are auctioning the lands of farmers. We had given them loans by way of assistance and not to dispossess them of whatever little they have got. Therefore, I would like to request the hon. Minister of Finance to intervene in the matter and arrange for the restoration of land to farmers. This will be a goodwill gesture signifying our democratic set up. The condition of labourers is better than that of the farmers in our country. They earn on an

average Rs. 40 to 50 but even then there is shortage of labour force in Bihar. However, it is difficult for the farmers to earn this much. Farmers do not also get remunerative prices for their produce. They have made valuable contribution in improving our position in the world. Therefore my submission is to change the pattern of bank loans. Banks have become dens of corruption and Government should also look into it. Though Zamindari has been abolished in Bihar, but these banks have emerged as new Zamindars and are exploiting the farmers. This has been a cause of worry to all of us. Electricity and water should be made available to the farmers for cultivation in accordance with the wishes of the Hon. Prime Minister, who considers them as an important constituent of national mainstream. If timely action is not taken things will deteriorate further. All of us are concerned with the problems of the rural masses. The hon. Minister is requested to change the pattern of bank loans. All hon. Members are ready to cooperate with the Government if a war is waged against corruption. So there should not be any difficulty in this task. The condition of the farmers should be improved immediately so that they feel a sense of belonging and become proud citizens of this country. I hail from Samastipur. I would like to request the Government to write off the loans of the farmers there in view of the heavy losses suffered by them last year.

SHRI YOGESHWAR PRASAD YOGESH (Chatra): I support the demand made for waiving loans of the farmers. These farmers are not big farmers but are either small or marginal farmers. It is true that the foodgrain production has increased three times since independence in the country and this has been possible only because of the green revolution and the hard labour put in by the farmers. Another reason for this is the mass involvement of the farmers in the green revolution and the assistance given to them. The Hon. Members have discussed at length in the House the issue of assistance, the manner of disbursement of loans by the banks and the role of intermediaries and officials which is known to all. You may also be aware that because of these middlemen

[Sh. Yogeshwar Prasad Yogesh]

the actual amount sanctioned by the banks does not reach the farmers although he has to repay the entire amount. Now the question is that the farmers, who do not have adequate means of irrigation or have small holdings, do not have the repaying capacity and consequently they remain poor. Therefore, during floods and droughts in the country there is need to understand the difficulties of the poor farmers because floods wash away their crops, houses and cattle and even destroy seeds and fertilisers stored in the houses, leaving them to starve. Drought is even worse for the farmers, as their difficulties increase relatively during these days. Drought makes the condition of farmers pitiable and brings misery on them. We have not been able to get over these natural calamities so far. During the last few years there has been drought in one part of the country and floods the other. In both the cases the farmer is badly affected. He is under debt because he does not get any return from his fields. It is true that the Government have given assistance to the farmers on many occasions but even then I would like to quote an example of Palamau district of Bihar. It has a population of 22 lakhs. During the drought more than 3 lakh people migrated from there. Similar is the situation of farmers in the plateau areas which lack irrigation facilities. Merely providing loans or other assistance to the farmers will not alleviate their plight unless irrigation facilities are provided. I would like to tell the Finance Minister that Government can earn enough revenue by increasing production of foodgrains in the plateau stoney and barren areas provided irrigation facilities are made available in these areas and irrigation projects pending for a long time are completed expeditiously. For example, I would like to draw your attention towards two big projects of Bihar, one of which is Auranga Reservoir Project constructed at the cost of Rs. 150 crore over a period of 25 years. Almost all the work is complete, even then it has not been commissioned as yet. Similarly there is yet another project viz. Tilaiya Dhadhar Project. It is also situated in the plateau area and it

has been constructed to harness water of Tilaiya and Dhadhar rivers. This project will provide irrigation facilities in the area and thousands acres of land in the area will be brought under cultivation but it has not been completed. I would like that the Government should pay attention to such projects. Secondly, lift irrigation facilities should be augmented in plateau areas. It is known to you that aspirations of farmers cannot be realised without providing irrigation facilities. Provision of irrigation facilities is the only relief for them. The Motion with regard to waiver of agriculture loans moved in the House requires serious consideration on the part of the Government. I appreciate the justification given by the hon. Minister against the waiver of bank loans. There is much substance in his argument that waiver of agriculture loans would lead to crippling of banking system. Nor do we want to cripple the banks. I know that waiver of loans is not permissible under the law. However, I would like to submit that when the Government gives subsidy and other grants to the farmers on different items, why can't it write off loans of the farmers. Highly commendable efforts have been made in this direction in Bihar, where a large number of landless people were given land under 20 point-programme. This has brought in a new revolution in the lives of the farmers. The farmers, who possessed no land at all even for shelter, were given physical possession of land by the Government so that they could do farming work on it and become self-reliant. Not only this, they have been also given financial assistance at the rate of Rs. 1,000 per acre by the Government to develop their land. Land has been distributed at many places. Farmers have been provided financial help to improve their lot by the Government. On the same analogy, loans of farmers can also be repaid to banks by the Government. Therefore, it is my suggestion that if the Government cannot waive the bank loan and interest outstanding against farmers, it should provide them money to repay the loans and interest to the banks. I feel that the Government would face no difficulty in it and the problem of the farmers will also be solved.

Sir, the second point that I would like to make is about the role of middlemen. We should beware of them. A substantial amount of loans advanced to farmers is swallowed by the middlemen and corrupt bank employees. In this way, beneficiaries do not get full amount. How can banks ask them to repay full amount when they were not given the same in full? Therefore, it is my submission that it is your duty to protect the interest of the farmers.

With these words, I support this proposal and demand that bank loans of small and marginal farmers should be repaid by the Government.

[English]

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Chairman, Sir, I associate myself with the hon. Members who have earlier participated in the debate and I oppose the demand for the waiver of agricultural loan in general. Such a waiver of loan cannot be supported because that will have a very serious repercussion on our economy; it will ruin the economy. It will also create the problem of inflation to a level which will be beyond our control. So many things are there. But at the same time, a realistic approach and a realistic look should be given to the real problems of agriculture—the farmers and the agriculturists—in our country. A serious thought should be given to this aspect. There is a serious discontentment—a simmering discontentment—prevailing among the farmers' community, among the agriculturists' community. There is a serious attempt to exploit this discontentment of the farmers. There is a deliberate attempt by the opposition in general and by the present Haryana Chief Minister and his Party in particular. Those who do not see things beyond their nose, those who have a very ad hoc approach to politics, and those who are not statesmen neither today nor ever—can go in for such a very populist and cheap slogan like waiver of agricultural loan. Our tributes are to the agricultural community, the farming community. They have put in very hard labour throughout the last four

decades since independence. They have always cooperated with the Government; but for their cooperation, the green revolution which has been a tremendous success in this country, would not have been possible. But what is the gain that has accrued to them? I have discussed the problems with the agriculturists, with the farmers—small, big and middle. When there is a bumper crop, when they produce more they stand to lose. In the industrial sector, the more you produce, the more you gain. But in agriculture, more production becomes a distress for them; because in many places—not in all places, in the far off, interior places—when there is a bumper crop, there is bound to be distress sale. It is often associated with bumper crop in the rural areas, I do not say the road-side pockets. Where they are very vigilant or something like that. Our experience is that when there is no direct procurement by the FCI, they entrust the work to the black-marketeers or the millowners, etc. They exploit the situation. Here is the contradiction. The more you produce, the more you lose in agriculture. This trend has got to be reversed. How can we do that? As I said, for heaven's sake, don't waive loans. But certainly our concerted efforts should be there to improve the standard of living of the farmers. How can we do that? I will give my suggestions.

Agriculture, by and large, has to be made remunerative. It is not so today. We are no doubt modernising our agriculture. The more we modernise our agriculture, the greater is the cultivation cost. There is no bearing between the cultivation cost and the procurement price. There is no bearing between what he produces and what he sells and what he purchases for the use of his family. There should be some comparison. The Agricultural Prices Commission is required to go into all these aspects in detail. There should be adequate representation of the farming community and only the high-ranking people and economists in that Commission.

Wherever there is irrigation, there are two or three crops. The situation is better

[Sh. Sriballav Panigrahi]

there. Therefore, we should give top priority to irrigation.

We have also to simplify the procedures for getting loans from banks. A passbook should be given to each farmer. It should indicate his land-holding and other relevant details so that he could go to a bank and get the loan very easily. The loan terms should be very soft. I oppose the general waiver of agricultural loans. But when some areas are affected by natural calamities year after year and the economic situation in the locality is very bad and they are below the subsistence level, naturally the cases of the small farmers have got to be considered sympathetically even for waiver.

We may be having big farmers in Punjab or in some other States. But in a State like Orissa, we do not have very very big farmers. They have a grievance. Land ceiling has been introduced and is being implemented faithfully. But we do not have urban ceiling. There is no restriction on industrial income. We give power to the industries during day-time whenever there is a power-cut. But we allow power to the farmers only during night. So far as loans are concerned, we have different rules for the business community and for the farmers. All these give rise to discontentment among the farming community. Even if a postgraduate fellow having a good landholding is there, he is not willing to take up agriculture as his profession because he will not have the status by doing so. In our vast country, agriculture is the key sector. Even a peon, or clerk or naib tehsildar would not salute the farmer whereas it is only because of the farmer's contribution to the State exchequer that the bureaucracy is run. Bureaucracy is run and paid by the contribution of the farmers. When Class III or revenue officers go to the farmers, do they treat the farmers with courtesy and dignity? Farmers are our masters. This is the social condition prevailing today. Therefore, agriculture is in somewhat humiliating condition today in our country. Unless we bring revolutionary changes, things will not improve.

The credit system has to be streamlined and the gram panchayats should be made the base. I request the Government to give a serious thought to this complex problem. Of course, it cannot be solved overnight. Our Prime Minister has declared that agricultural problem will be looked into and agriculture will be treated at par with industry. This is a happy development and we welcome the announcement made by our Prime Minister which should be implemented as early as possible.

[*Translation*]

SHRI VIRDHI CHANDAR JAIN (Barmer): Mr. Chairman, Sir, the condition of farmers in drought prone areas is not good from all points of view, my parliamentary constituency has been affected by drought for the last 4-5 years. There is an urgent need to provide relief to the people in my area. Rajasthan Government has made some provision for relief in its Budget. Relief to the tune of Rs. 45 crores has been provided to the cooperative sector, small and marginal farmers. Relief can be provided to the farmers effected by drought only if the Central Government bears the expenses incurred by banks in providing help to the farmers. No penal interest should be charged from the farmers. Nor should compound interest be charged. This decision should be taken and implemented with immediate effect. Cooperative Banks charge penal and compound interest on loans. That is why farmers become defaulters. It is a very important question as to how such defaulters could be free from indebtedness. As large number of farmers have become defaulters after taking loans from the co-operative banks, they are no longer eligible for taking loans. So a decision will have to be taken to free those defaulters from their indebtedness.

Short-term loans were converted into mid-term loans and mid-term loans were converted into long-term loans. Even after re-scheduling of loans, they become defaulters. Relief can be provided to the farmers only if re-scheduling is done over a minimum period of seven years.



Wide publicity is being given in Haryana that the loans of farmers have been waived. But the fact is contrary to it. No bank loan has been waived in Haryana. But the Government should consider how relief has been given to the farmers by the Haryana Government so that the Central and other State Governments could provide relief to the farmers on the same pattern. We should also think as to how farmers can be got rid of their indebtedness.

In no circumstances, properties of farmers should be attached to recover loans. This should be provided in the law. The Central Government should issue instructions to the State Governments not to attach land of farmers. There is a need to take action in this regard.

Besides, some State Governments are not implementing Crop Insurance Scheme. Our Rajasthan Government is also not implementing it. This scheme should be implemented in all the states. Crop Insurance Scheme gives great relief to the farmers. Hon. Bhajan Lalji made a mention of constituting a committee in this regard. I would like to know the action taken on the matter and the directions issued to the State Governments with regard to Crop Insurance Scheme. At present the Central Government is providing only matching grant to backward States for introduction of crop insurance scheme. I would like to submit that the Central Government should bear three fourth expenditure so that backward states could implement Crop Insurance Schemes properly.

With these words, I want that the Government should provide relief to the farmers.

SHRI LAL VJAY PRATAP SINGH (Sarguja): Mr. Chairman, Sir, so far as the Indian farmers are concerned, they have certainly made much progress. The total foodgrain production at the time of attaining independence was 50 million tonnes whereas today it is 172 million tonnes. But inspite of this achievement a major section of the people directly engaged in agricultural activities falls in the category of unorganised

labour. This entire class of the unorganised agricultural labourers is completely dependent on the Government.

As regards, the position of agriculture in the foreign countries, whenever there are natural calamities, arrangements are made by the Government for providing large scale subsidies. Unfortunately, no such system exists in our country.

It is a separate matter that the Government has been providing all kinds of subsidies through different channels but the system existing abroad has not been made available here. Efforts should be made to make similar arrangements here also so that the farmers can be given due protection when such a situation arises.

The waiving of agricultural loans has been a subject of discussion every where. In different States different kind of systems are operating. So far as Madhya Pradesh is concerned, loans have been waived many times. Some years back loans worth Rs. 66 crores were written off and these loans were extended by the cooperative banks. Similarly, loans have been waived in other States as well. In my opinion, it is not possible to totally write off different kinds of loans and neither it is practicable. The hon. Minister may clarify this matter if it is possible for him to do so.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETROCHEMICALS IN THE MINISTRY OF INDUSTRY (SHRI P. NAMGYAL): Sir, I propose that the House may sit up to 7.30 p.m. to finish this item.

MR. CHAIRMAN: Is it the pleasure of the House that we may sit up to 7.30 p.m.?

SEVERAL HON. MEMBERS: Yes, Sir.

MR. CHAIRMAN: The sitting of the House is extended up to 7.30 p.m.

The hon. Member may please continue his speech.

[*Translation*]

SHRI LAL VIJAY PRATAP SINGH: I was submitting that there should be a uniform system in the whole country. You are aware that so far as Madhya Pradesh is concerned, only 2 per cent interest is taken on loans issued to the small and marginal farmers belonging to the Scheduled Castes and Scheduled Tribes and the remaining amount of interest is borne by the State Government. Similarly, in the case of marginal and small farmers belonging to general category, loans are extended at 6 per cent interest and the remaining amount of interest is borne by the Government. The amount of penalty is also borne by the Government. In this way, a uniform system should be evolved for the entire country. Presently a campaign has been launched by the Opposition with full force in connection with the waiver of loans and as you are aware, they are selling a form for Rs. 5 and giving an undertaking to the people assuring them that if they were to win the elections, the entire amount of their loan shall be written off. It is essential to take effective measures in this direction. So a legislation to check this type of confusion being created by the opposition, should be brought immediately. It is on account of different systems existing in different states that such a confusion is being created and I, therefore, think that it is essential to take meaningful initiative in this direction.

I would like to submit very humbly one or two points more. After the enactment of the land ceiling law, land holdings have been divided into small fragments of land with the result that a very disadvantageous situation has been created in many areas. The land holdings are very small and the farmers have to face many problems on this account, which they are not able to solve because of the fact that they are not able to produce

enough even to meet their own requirement. Therefore, under such circumstances, there is a need to see that the agricultural labourers who are engaged in agricultural activities and are solely dependent on land for their livelihood are provided with alternative means of employment and arrangements are made to absorb them suitably in other sectors. I think that the problems of these people, who constitute 70 per cent of the total population, cannot be solved until such a radical programme is undertaken.

Secondly, our Hon. Prime Minister has referred to equating agriculture with industry. This should be implemented at the earliest and some good system and programmes for the welfare of the farmers under implementation in certain parts of the country should be extended uniformly to all the States so that the unorganised agricultural labour may be benefited everywhere and they may be saved from being misled by the so called kisan leaders.

Irrigation has a vital role to play in agricultural production. In order to ensure progress in agriculture and increase the yield, it is most important to provide better irrigation facilities in every district. If we are successful in implementing all these things uniformly, there no need will arise to write off the agricultural loans.

With these words, I conclude.

[*English*]

SHRI ASUTOSH LAW (Dum Dum): Thank you, Sir, for giving me this opportunity to speak on this occasion. I have heard my colleagues views and I quite agree with them. It is neither judicious, nor prudent, to waive the entire loan of the farmers. The farmers definitely constitute the basic structure of the country; and particularly in a country like India, the farmers should be given all sorts of incentives; but when the question comes whether the loan given to the farmers has to be waived totally or not, the interest of the Indian economy comes first.

I find that the Scheduled commercial banks had made advances, upto June 1988, to the agricultural sector to the tune of Rs. 12,285 crores; the regional rural banks Rs. 1060 crores and the cooperative banks Rs. 8244 crores. These are the agricultural advances made by the three categories of financial institutions, to give incentives to the agricultural sector.

The question is whether the waiver from interest should be given to the farmers or not. That has to be considered first. Apart from small farmers and marginal farmers, there is another section of farmers, viz. those who are called tillers and landless farmers. It is expected that they should be given total coverage, by way of waiving of interest. They incur loans. Most of the small farmers, particularly marginal farmers and landless farmers incur loans due to various factors, mostly in times of natural calamities. Sometimes they are faced with social obligations like marriage ceremonies. So, they incur loans, and they cannot they back their loans. But the total waiver of loan is not anybody's case in this House to day. The total waiver would create a tremendous impact on the economy, and the total credit structure of the country.

But a long-pending grievance has been that compared to the incentives given to the industrial sector so far, an equal amount of incentives has not been given to the agricultural sector. We are grateful to the Prime Minister who has assured that in future, that the parity will be maintained. There has been no parity between the agricultural and industrial sectors so far. The Finance Minister is here; he can give the exact figures. We all know that a large amount is now being treated as bad debts, in the industrial sector. Now we have this proposal, viz. whether these agricultural loans should be totally waived or not. In the event it is waived it will be a large amount of bad debt on the agricultural sector also. But we have to consider one more point: we are giving certain amount of incentives to the industrial sector. Why? Because we are earning foreign exchange

through exports. Sometimes, the total loan is also being waived.

In exchange, we get foreign exchange. But the farmers who are producing crops, if they stop producing crops today, then we will have to import whatever they are producing; we will have to import foodgrains or other essential necessities from outside. That will also incur huge cost. So, my suggestion is that each and every case should be dealt with separately. But in the case of natural calamities like floods or drought or earthquake or any other natural calamity, in general, interest and loan should be waived in principle.

The outstanding advances of the public sector banks to agriculturists as on December 1986 stood at Rs. 10,138 crores; in 1987, they stood at Rs. 11712 crores and in 1988 they stood at Rs. 13,501 crores. Therefore, the RBI has rightly set out a principle that the writing of loan cannot be generalised; it has to be dealt with on case-to-case basis.

Further incentives should be given to the farmers so that they will not get loan, they will not face these difficulties, they will not have to come to the Government for waiver of interest on loan or waiver of total loan, some infrastructural facilities should be provided to them. Unless such infrastructural facilities are given to them, it will not be possible for small families to carry on their livelihood without getting incentive loans. Equal infrastructural facilities should be given to the farmers like the ones we are giving to the industrial sector like electricity, water, etc. The problems of the farmers differ from place to place and from State to State. The problems which the farmers of Maharashtra are facing today are quite different from the farmers of West Bengal. We are investing a lot of money on modernisation of industries. Crores and crores of rupees have been spent on modernisation of industries. We should also take a similar view here so that the farmers who are not in a position to cultivate their lands according to modern methods, they should be given financial assistance so that they can convert their

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system of cultivation into the modern system of cultivation.

Farmers are also faced with other difficulties like marriage of their children and education of their children. Now-a-days, most of the children of the farmers are receiving education. In order to give education to their children, sometimes they sell their land. Previously, we used to hear that they used to sell their land for the marriage of their children. Therefore, this aspect has to be looked into.

Regarding waiver of loan and its interest definitely a principle should be set out that at least total waiver of loan and interest should be there in the case of small farmers, marginal farmers and the tillers of the land, those who are called land-less farmers. In their case, at least, total interest should be waived. They should be also given protection by way of financial help in general at the time of natural calamities.

With these words, I do support the views of the RBI that the general waiver of loan is not possible in a country like India where it will create a tremendous impact on the financial system of the country or a tremendous impact on the economy of the country. But priority should be given to agricultural sector and the parity should be maintained between the industrial sector and the agricultural sector in equal terms.

THE MINISTER OF FINANCE (SHRI S.B. CHAVAN): Mr. Chairman, Sir, I propose to reply to this entire debate in a very short time. I must express my gratitude to all the hon. Members who have participated in the discussion and especially the Mover, Mr. Harish Rawat. Subsequently the debate was converted into a sort of Demand for agriculture wherein almost the entire gamut of agriculture—industry was involved. It is a very limited kind of debate wherein the indebtedness of the agriculture-sector is involved and the point of view which was put forth was that a regular propaganda is being

carried on by some of the interested parties by saying that if they were to come to power they will see that entire amount of the loan is written off.

I am really sorry to know all this. I can well understand that for the purpose of election people indulging in some kind of a platitude. But, if I am allowed to say so, this is nothing short of falsehood. I do not think that—for that matter whichever party comes into power—they can ever think in terms of writing off totally the loan which has been granted to the agriculture-sector. Why try to create conditions knowing full well that you are not going to do it?

I must also tell this Hon'ble House that the Kisan is a very rational person though he may be ignorant and ill equipped. He understands why people are saying all this, and because of that, whatever people might say, ultimately it is the economics of the entire country which will have to be taken into account before you propagate any kind of thing.

I know of a debate which once took place in England. I do not think that in any other democracy in the world people can get away with any kind of propaganda. Those who are listening to them, will ask them all kinds of questions, "How do you propose to do it?", Not that you can say that "I will write off every thing." They will ask them, "What is the basis on which you are saying all this?" And, if you cannot substantiate your argument people will say that merely for the sake of getting some kind of a support from one section or the other you are trying to say something which they are not prepared to believe.

I think we have become mature enough. The Indian democracy is mature enough and the electorate also understands the implication of every statement, that either one party or the other makes in the context of the election propaganda. But I believe that the people would be interested to know.

One particular Chief Minister—I do not

think that I should name him—it was stated, that it was on this slogan that he was returned to power. And ultimately could he fulfil his promise? I think that will be an eye-opener to all those who are talking in the same language. That was a very cheap kind of a slogan and he had promised that he was going to almost write off all the loans.

I must bring to the notice of this House that in the case of Haryana the total amount which was due was Rs. 227.51 crores. It included a number of things. Ultimately, what happened was that he could, with great difficulty, advance just Rs. 20 crores! I do not think that it was ever contemplated that the Cooperative Banks in Haryana are so strong that on their own they will be able to bear the burden which the Chief Minister seems to have promised to the people. They were not in a position to absorb this kind of a thing and that is why they were expecting some kind of a support from the Government. Out of Rs. 227.51 crores, what was the support the Haryana Government gave? They gave Rs. 10 crores interest free loan. So, waiving of the interest or writing off the entire loan was out of question. Even the support which was expected from the Government came out in two dribblets, Rs. 8 crores for short term loan and Rs. 2 crores for long term loan. This was the total amount given per year by the Haryana Government. Now, everybody knows that the kind of relief which was given to the agriculturists was in terms of five rupees, ten rupees, twelve rupees and now people are cursing by saying, "What you had promised us, you have not fulfilled that promise." Go to Haryana and try to find out what has really happened. Are they in a position to pay that amount of money? A little while ago, our friend Mr. Vyas and, I believe, my hon. friend from Balmer have said that Rajasthan Government was thinking in terms of giving Rs. 40 crores as interest subsidy to the agriculture sector. I know for a fact that a large number of State Governments have been approaching me for the last three months; they have made my life miserable; almost every day they approach me and say, 'make out a special case. Please see that we get about Rs. 50 crores more'. Rajasthan is not

an exception to it. Rajasthan was the first Government which approached me and asked me, "Sir, we do not have the resources, you have to help us, go out of your way, make a special case and see that some more money is given to Rajasthan." And for what? For Non-Plan purposes. Actually, Non Plan expenditure is the responsibility of the Finance Commission. Having appointed the Finance Commission, thereafter it is not open either to the Planning Commission or to the Finance Ministry to say that though the Finance Commission has given so much amount, we go out of the way and supplement the same in some other form. That is not going to happen and that is why I have been requesting them, kindly try to live within your resources. You are not only adding to my miseries but to the miseries of the country. If any State Government were to live beyond the resources which are available, then that will only mean that they will be having a greater deficit. And if you are having a greater deficit ultimately it will result into getting reflected in the higher prices. And if the higher prices are there, then the poor man, to whom we are trying to help is going to be the worst sufferer. Please try to understand the implication of what we are trying to say. Ultimately it is the poor man who is going to suffer; it is the small and marginal farmer who is going to be the hard-hit man. But we do not consider all things together. We have some kind of a compartmentalism. When we are discussing about waiving of loans, we will be the first to say, these are the people giving slogans and why not join them. They can give all kinds of slogans because they have nothing to implement. If we were to follow the same thing, then we are in a trap. Please for God's sake, try to understand why these people are trying to put us on the wrong path. Either we say, we do not do it, get a point against us, and go on telling that here is the Government which says 'no' to agriculture. That is one point. If we say 'yes', I can tell you, we cannot do it.

And knowing full well that we cannot do it and if I am saying this, I am uttering a falsehood which I will never do in my life. So, my request to all the hon. Members who are

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thinking in terms of either writing off the loans or giving some kind of interest subsidy, is to consider the entire question *de novo*. There is no doubt about it. In fact, there was a Credit Survey Committee appointed by the Reserve Bank of India long back. Thereafter another Committee has been appointed under the Chairmanship of Dr. A.M. Khurso. This is called the Senior Experts' Group. The members of this Group were Mr. Wali, Dr. Hate, who was Deputy Governor of Reserve Bank, Shri Kailon. There were three experts from outside India whom we have specially associated with this kind of a Group which is going into the entire question of agricultural sector and the credit policy that we have been following so far and to suggest to the Government the methods to improve the situation. Ultimately, we have to take pride in the fact that agriculturist is the main person who is mainly responsible for increasing our agricultural production. Right from 50 million tonnes they have gone to 170 million tonnes.

Maybe, this year we might touch the figure of 175 million tonnes. It is because of the efforts made by the agricultural scientists on the one hand and the new technology that they have been able to evolve. But the entire credit goes to the cultivators and agriculturists who have been able to pick up this new technology and implement the same. There is no doubt that having accepted the new type of technology it will mean greater investment in agriculture. I would like to first remove that impression which most of the State Governments seem to have and that impression is that we can dictate anything to the cooperative banks, and it is for the commercial banks that we cannot do anything. That is why they have been merciful towards the commercial banks. They have not spared any of the cooperative banks. If the hon. Members are interested in finding out as to what is the total outstanding, the outstanding is of the order of almost Rs. 1300 crores. That which is supposed to be overdue in the case of public sector banks is Rs. 2200 crores, almost 43 per cent and in the case of cooperatives it comes to Rs.

2000 crores. Overall recoveries with the commercial banks comes to 56 per cent and with the kind of incentives which are offered it comes to just 40 per cent. That means a stage has come when it is going to be extremely difficult for any of the cooperative banks to advance money which the cultivator is going to require. We have to find out as to how far we are interested in creating that kind of situation. Once you can do it. Now suppose we have taken the decision to write off everything. You can do that. But thereafter no banker will ever finance you even a pie because he will expect that if he has to write off, certainly you have to pull him out. If you cannot help him out, then, of course, he cannot possibly accede to your requirements. So, I was interested in giving these figures of the total interests subsidy which was promised by most of the State Governments and which was not carried out. The total amount comes to Rs. 205 crores. Now, all the cooperative banks are in doldrums. I do not know whether it is a deliberate attempt or inadvertently this kind of a situation is being created by people that people ultimately go into the clutches of these money-lenders and what we call black companies. These are the companies which are operating and charging exorbitant rates of interest. We reduced it from fourteen per cent to twelve per cent and from twelve per cent to ten per cent in case of Rs. 17,500...*(Interruptions)*

MR. CHAIRMAN: How long will you take, Mr. Minister?

SHRI S.B. CHAVAN: Just about six-seven minutes.

MR. CHAIRMAN: If the House agrees, we extend the time by about ten minutes.

SEVERAL HON. MEMBERS: Yes, yes.

MR. CHAIRMAN: So, the time of the House is extended by ten minutes. You can continue, Mr. Minister.

SHRI S.B. CHAVAN: So, Sir, if that kind of a situation were to prevail, then we will cut a very sorry figure. Already in some of the

States the cooperatives are not coming in a good shape and added to that if this is going to happen, then I am sure that they seem to be interested in just finishing off all the cooperative institutions in their areas and then it is only the money-lender who is going to operate., it is only these sharks in the black companies which, in fact, will be interested in giving any amount of money. They have the musclemen with them and they can recover the money. Cooperatives cannot recover that way. Commercial banks cannot recover that way. But ultimately it is the entire economy that we have to take into account. On a case to case basis, I can well understand but if everybody would tell me that no, in agriculture as a sector we have to write off everything, then, of course, it is going to be a very difficult proposition. I do not think that the Government can possibly take that kind of a position. I can well understand that there are people who meet with natural calamities. There are floods, there are droughts, there are desertification areas, there are DPAP areas. So, these are the areas where we can consider. We have some schemes for those areas also. In fact, there also the implementation part is the responsibility of the State Governments. I do not think that they have been able to take full advantage of the schemes which have been introduced for that purpose.

One thing we can possibly consider, without hurting the banks. There are two schemes that ultimately we have in view. One is the Crop Insurance Scheme which I propose to revise. The kind of scheme which has been introduced is not going to work and that is why the State Governments, the banks and the Central Government, all the three will have to participate and the premium will have to be on an actuarial basis. We have lost almost Rs. 570 crores in the Crop Insurance Scheme because of the two districts, one in Maharashtra and another in Gujarat, where fictitious claims were put forward and money was paid to them. But ultimately it brought a very bad name to the entire Scheme. There was a time when we were considering as to whether the Scheme should be scrapped. But ultimately we came to the

conclusion to make the scheme more workable, ask all those who are concerned to participate and thereafter collect from these people whatever be the premium which is on actuarial basis. I am sure that the scheme will then definitely work. So, that can be one way of ensuring that the banks are properly paid for. It is not going to help the cultivator but in an indirect manner he is also helped. Another scheme that we have in view is to have some kind of a credit fund to meet such a situation. Once in five years, once in six years or once in eight years, you come across unprecedented kind of drought. You cannot possibly ask the cultivator to pay such a huge amount. So, you have to re-schedule the amount sometimes till three years, sometimes till five years so that when the normal year comes and he has the money, he should be able to pay back. So, this is another scheme under the consideration of the Government. That is why the Prime Minister also went to the extent of saying that if necessary, certainly we are prepared to give the same concessions to the cultivators as we are trying to give to the industrial sector. I do not think that the hon. Members will only come across isolated instances wherein either because of the BIFR or some other agency, some kind of a concession has to be given. But that is on a case to case basis. I do not think the industry as a class is going to get anything. Do we realise that in the case of electricity, the cost of generation, without the cost of transmission, comes to 80 paise on an average, per unit? What is the charge that we recover from the cultivator as a whole in our country? It comes to 17 paise per unit. We are not getting even 1/4th of the cost of generation and the cost of transmission is to be added which will come to Re. 1 per unit or something more. But we are recovering just 17 paise or 18 paise from them. You have to calculate what is the subsidy that we are giving to them. As it is, we are giving about Rs. 16,000 crores from our budget to all sectors. I cannot possibly say about the subsidy for each sector. I have to give a specific instance. In the case of fertiliser, it will be almost Rs. 3000 crores per year and over a plan period we are spending Rs.

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15,000 crores on the fertiliser alone. Whatever was the price of urea and DAP in 1981, it is almost the same price at which the farmers are given. It was reduced to some extent but thereafter it had to be increased and now almost the same price is charged, as it was charged in 1981. We are suffering a loss of Rs. 15,000 crores in a Plan period. In the case of electricity also, if we calculate on this basis, it gives a staggering figure. There is another important input, that is, irrigation facilities. In the case of irrigation facility, not even the maintenance of canal can be undertaken, not to talk of taking up any new capital work. Even maintenance of the minor canal is a doubtful proposition and that is why the whole thing had to be given to the Expert Committee. Let them go into it. If there is a case for reconsideration, it is not a question of any prestige involved that we will not consider, but let them go into it and let them suggest to the Government what new factors should be taken into account and what new terms need to be given to the cultivators. The cultivators should not suffer. But at the same time even the bank should also not suffer. If the bank has to wipe out the total amount that is to be recovered from these people, then of course that is the end of everything. I don't think that any State Government can possibly think in terms of totally writing off either the loans or as a matter of course giving subsidy. I am sure that after the Banking Regulation Act was made applicable to cooperatives in 1966, it is not the business of any of the State Government to take decision and then tell the NABARD or the RBI that this is what they have decided ultimately. They can't take this kind of decision. After 1966, it is the Banking Regulation which has been in force and for that the guidelines of the R.B.I. and the NABARD are definitely compulsory and to be followed by everyone and I am happy to say that in the beginning most of the State Governments were trying to pick up this idea but the finance has been promised only after

they had given an undertaking to NABARD and the R.B.I. that they will follow all the guidelines which the NABARD and the R.B.I. had given and that is why the whole thing again started.

I am sure everybody would appreciate that there are very long term implications involved. We should understand the problem and thereafter if consciously we feel that something needs to be done, we will certainly look into it and we are not averse to it. That is why the Prime Minister has said that we propose to appoint a Committee which will go into all questions and thereafter suggest to Government as to what needs to be done. I cannot possibly claim that we have done everything. A number of things have got to be done. But those things have to be consciously done with a view to see that banks exist and also the cultivators' miseries are reduced to the extent that they can possibly do, so that they get a fixed incentive for producing more and thus save the country from the miseries which have been caused once in three or four years when there is a drought situation. But because of the good stock position, we could sustain the drought situation in the country last time and that is why the cultivators will have to be provided with incentives. But at the same time the banking structure needs to be maintained and protected. Both the things will have to be taken into account and we have to find a solution for this problem. I do not think I should say anything more. I must again express my gratitude to all the hon. Members who have participated in this discussion.

MR. CHAIRMAN: The House stands adjourned to re-assemble on Friday, the 18th August, 1989 at 11.00 a.m.

19.40 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Friday, August 18, 1989/ Sravana 27, 1911 (Saka)*



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**Published under Rules 379 and 382 of the Rules of Procedure and  
Conduct of Business in Lok Sabha (Sixth Edition) and printed by  
S. Narayan & Sons, Delhi-6**

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