

LOK SABHA DEBATES

(English Version)

Fourteenth Session
(Fifteenth Lok Sabha)



सत्यमेव जयते

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LOK SABHA

Saturday, August 24, 2013/Bhadrapada 02, 1935 (Saka)

The Lok Sabha met at Eleven of the Clock

[MADAM SPEAKER in the Chair]

PAPERS LAID ON THE TABLE

[English]

MADAM SPEAKER: Papers to be laid on the Table.
Shri Paban Singh Ghatowar.

...(Interruptions)...

THE MINISTER OF State OF THE MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION AND MINISTER OF State IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI PABAN SINGH GHATOWAR): On behalf of Shri E. Ahamed, I beg to lay on the Table:—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Council of World Affairs, New Delhi, for the year 2012-2013.
- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Indian Council of World Affairs, New Delhi, for the year 2012-2013, together with Audit Report thereon.
- (iii) Statement regarding Review (Hindi and English versions) by the Government of the working of the Indian Council of World Affairs, New Delhi, for the year 2012-2013.

[Placed in Library. See No. LT 9560/15/13]

- (2) A copy of the Indian Council of World Affairs; Director-General and other Officers and Employees (Salaries and Allowance) Rules, 2011 (Hindi and English versions) published in Notification No. G.S.R. 79(E) in Gazette of India dated 9th February, 2012 under Section 27 of the Indian Council of World Affairs Act, 2001

together with a corrigendum thereto published in Notification No. G.S.R. 284(E) dated 3rd May, 2013.

[Placed in Library. See No. LT 9561/15/13]

11.01 hrs.

MESSAGE FROM RAJYA SABHA
AND
BILL AS PASSED BY RAJYA SABHA*

[English]

SECRETARY-GENERAL: Madam Speaker, I have to report following message received from the Secretary-General of Rajya Sabha:—

“In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Parliament (Prevention of Disqualification) Amendment Bill, 2013 which has been passed by the Rajya Sabha at its sitting held on the 22nd August, 2013.”

2. Madam Speaker, I lay on the Table the Parliament (Prevention of Disqualification) Amendment Bill, 2013, as passed by Rajya Sabha on the 22nd August, 2013.

11.01¼ hrs

COMMITTEE ON SUBORDINATE LEGISLATION
34th and 35th Action Taken Reports

[English]

SHRI P. KARUNAKARAN (Kasargod): I beg to present the Thirty-fourth and Thirty-fifth Action Taken Reports (English and Hindi versions) of the Committee on Subordinate Legislation.

* Laid on the Table.

11.01½ hrs.

COMMITTEE ON PAPERS LAID ON THE TABLE

13th Report*[Translation]*

SHRI HARIN PATHAK (Ahmedabad East): Madam Speaker, I beg to present the 13th Report (Hindi and English Versions) of the Committee on Papers laid on the Table.

11.01¾ hrs.

STANDING COMMITTEE ON EXTERNAL AFFAIRS

22nd Report*[English]*

SHRI ANANTH KUMAR (Bangalore South): I beg to present the 22nd Report (Hindi and English versions) of the Standing Committee on External Affairs on Action Taken by the Government on the recommendations contained in the 20th Report (15th Lok Sabha) on Demands for Grants of the Ministry of External Affairs for the year 2013-14.

11.02 hrs

BUSINESS OF THE HOUSE

[English]

THE MINISTER OF STATE OF THE MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI PABAN SINGH GHATOWAR): Madam, with your permission, I rise to announce that Government Business during the week commencing Monday, the 26th of August, 2013, will consist of:—

1. Consideration of any item of Government Business carried over from today's Order paper.
2. Further discussion on the Statutory Resolution seeking disapproval of the National Food Security Ordinance, 2013 and further consideration and passing of the National Food Security Bill, 2013;

3. Discussion on the Statutory Resolutions seeking disapproval of the following Ordinances and consideration and passing of the Bills related to these Ordinances:—
 - (a) The Securities Laws (Amendment) Ordinance, 2013;
 - (b) The Securities and Exchange Board of India (Amendment) Ordinance, 2013;
4. Consideration and passing of the following Bills:—
 - a. The Pension Fund Regulatory and Development Authority Bill, 2011;
 - b. The Land Acquisition, Rehabilitation and Resettlement Bill, 2011;
 - c. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012;
 - d. The Nuclear Safety Regulatory Authority Bill, 2011;
 - e. The Regional Centre for Biotechnology Bill, 2011;
 - f. The Rajiv Gandhi National Aviation University Bill, 2013;
 - g. The Right to Information (Amendment) Bill, 2013; and
 - h. The Piracy Bill, 2012.
5. Consideration and passing of the following Bills, as passed by Rajya Sabha:—
 - a. The Citizenship (Amendment) Bill, 2013;
 - b. The National Waterway (Lakhipur Banga Stretch of Barak River) Bill, 2013;
 - c. The Registration of Births and Deaths (Amendment) Bill, 2013; and
 - d. The Parliament (Prevention of Disqualification) Amendment Bill, 2013.
6. Consideration of amendments made by Rajya Sabha in the Wakf (Amendment) Bill, 2010, as passed by Lok Sabha and as reported by Select Committee of Rajya Sabha.

[Translation]

MADAM SPEAKER: Dr. Virendra Kumar- Not Present.

Shri Mahendrasinh P. Chauhan. Are you on your seat?

ONE HON. MEMBER: Today, you please allow him to speak from here only.

MADAM SPEAKER: Let the Hon. Member speak. All the Members are saying this, but he is not saying that he should be allowed to speak from there.

SHRI MAHENDRASINH P. CHAUHAN (Sabarkantha): Madam Speaker, allow me to speak from here.

Madam, the following issues related to my parliamentary constituency may be permitted to be included in the next week's business of the House.

1. Young generation is getting ruined because of alcohol. The poor are becoming poorer and women are facing atrocities. Therefore, prohibition in the whole country should be taken up strictly in view of the future of the coming generations of the country.
2. Not even a single public sector industry has been set up in my parliamentary constituency, Sabarkaatha due to which the youth is facing unemployment. Thus, a public sector industry should be set up there for providing employment to the youth.

SHRI GOPAL SINGH SHEKHAWAT (Rajsamand): Madam, the following issue related to my parliamentary constituency may be permitted to be included in the next week's business of the House:—

1. There is no Kendriya Vidyalaya in the military dominated area Jaitaran under my parliamentary constituency, Rajsamand due to which children are not getting proper education. I would like to request the Government to set up a Kendriya Vidyalaya there.

SHRI DINESH CHANDRA YADAV (Khagaria): Madam Speaker, following issues may be added in the business of Lok Sabha to be taken up next week.

1. Only five per cent villages have been electrified in Khagaria district of the State of Bihar under Rajiv Gandhi Vidyutikaran Yojna.. All the villages should be electrified at the earliest.
2. The construction of a dozen roads have been completed only 20-25% by the Central agency, NBCC in Khagaria district of the State of Bihar. Common people are facing a lot of difficulty. The construction work should be carried out at the earliest.

MADAM SPEAKER: Shrimati Susmita Bauri- Not Present.

Shri Ravindra Kumar Pandey- Not Present.

[ENGLISH]

SHRI JAI PRAKASH AGARWAL (NORTH EAST DELHI): The following two subjects may be included in the Government Business for the week commencing on 26.08.2013:—

- (a) Need to remove the shortage of land in Delhi by altering the land use under the Master Plan; ...*(Interruptions)*...
- (b) Need to make Yamuna River flowing through Delhi pollution-free.

PROF. SAUGATA ROY (Dum Dum): Madam, I want to suggest the following subjects for discussion in the House. Hence, the following two subjects may be included in the Government Business for the week starting on 26.08.2013:

- (a) In the face of a stern stand taken by the Government of West Bengal that there can be no Gorkhaland and division of West Bengal, the agitating Gorkha Janmukti Morcha (GJM) has called for an indefinite strike in the hills. ...*(Interruptions)*...

MADAM SPEAKER: Prof. Saugata Roy, [Translation] You please read the given topic. [ENGLISH] Do not go into the details.

PROF. SAUGATA ROY (Dum Dum): I am reading from the notice that I had given. ...*(Interruptions)*...

MADAM SPEAKER: You have to just read out the topic.

PROF. SAUGATA ROY: What I had given in the notice is only the topic.

MADAM SPEAKER: You have to only read out the subject. [Translation] Why are you going into the details?

PROF. SAUGATA ROY: I have given a notice under Bulletin Part II. I am only reading the contents of the notice which I had given, which has been approved and supplied to me. I am only reading from that, Madam.

MADAM SPEAKER: But the practice is you have to read out only the subject.

PROF. SAUGATA ROY: The following two subjects may be included in the Government Business for the week starting on 26.08.2013:

- (a) The assurance to be given by the Union Government to the State Government of West Bengal in maintaining law and order in the State following Gorkhaland agitation in the State;
- (b) Steps to be taken by the Government to check rupee devaluation.

[Translation]

MADAM SPEAKER: Shri Rakesh Singh—Not Present.

SHRI BHISMA SHANKAR ALIAS KUSHAL TIWARI: Madam Speaker, heavy destruction has taken place in eastern region due to heavy monsoon this year. Two villages of district Sant Kabir Nagar have been inundated in the Ghaghra river due to erosion by floods in the river. There is a great need for providing rehabilitation and financial assistance to the people of the villages. ...*(Interruptions)*...

MADAM SPEAKER: Why are you going into such a detail? Just read out the issue concerned. Just read out, that is written. Don't go into detail. Please read out the concerned issue only.

...*(Interruptions)*...

[English]

MADAM SPEAKER: Shri Rakesh Singh – not present.

[Translation]

SHRI BHISMA SHANKAR ALIAS KUSHAL TIWARI: Madam, I am reading out the same. Several villages have got eroded. Therefore, please include this issue in the discussion to be held next week. There is an apprehension that several people will die due to the outbreak of the diseases like encephalitis, dengue, malaria etc. after the floods. Thus, there is a dire need of medical assistance in the said region. The State Government has failed to provide medical and financial assistance. Therefore, please allow to include this issue in the next week's discussion in this regard.

SHRI VIRENDRA KUMAR (Tikamgarh): Madam Speaker, the following issue should be included in the next week's business of the House. The work regarding acquisition of land for the purpose of setting up thermal power projects by NTPC in Chhatarpur district of Madhya Pradesh has been carried out. NTPC service should immediately be started. The Government of Madhya Pradesh has given sanction for land acquisition for setting up a Central Agricultural University. Plenty of resources are available in Chhatarpur and Tikamgarh districts. Therefore, the Central Agricultural University should be set up at any place in Chhatarpur and Tikamgarh districts.

[ENGLISH]

11.12 hrs.

SUBMISSIONS BY THE MEMBERS

- (i) **Re: Need to extend assistance to family of Arjuna Award Winner Makhan Singh who are in pitiable condition**

MADAM SPEAKER: Now, we will take up 'Zero Hour'. Shrimati Sushma Swaraj.

[Translation]

SHRIMATI SUSHMA SWARAJ (Vidisha): Madam Speaker, with your permission I would like to raise a painful issue in the House. Strange things have happened in my life during the last two days. I watched the movie 'Bhag Milkha Bhag' on the evening of day before yesterday. The film is superbly in a lot of made and after watching the

movie, I realized that one has to put in a lot of hardwork and commitment to reach such a level in the world of sport. My heart was filled with high spirits. I wrote on twitter that this movie would inspire young generations. But within 24 hours, I watched a different story on T.V. Channel. The news was telecast on Zee News Channel yesterday wherein widow of Sardar Makhan Singh who was not only a Arjun Award Winner but also holds the record to beat the fastest runner of the country known as the flying sikh i.e. Milkha Singh, was in tears while narrating her story on television in Punjabi that "I don't have food to eat." She was showing the medals with the intention to sell them. She was waiting for a customer to sell all these medals in order to earn some money. Thereafter, she said "Sardar ji always used to say not to pursue a career in sports." He told his children about what he gained – nothing from sports and advised them not to expect anything from sports. Therefore, his children or grandchildren did not pursue career in sports.

Madam Speaker, all my spirits vanished. I felt disheartened and I decided at the very moment that I would raise the matter with your permission. Through you, I would like to urge upon the Government that the Ministry of Sports should immediately contact the family and make arrangements to ensure the livelihood of the family in a dignified manner. But, I would like to associate other matters with the said incident. It is not only the story of Makhan Singh alone. Stories of pitiable condition of such people are being published every day in the print or electronic media. *...(Interruptions)...* Even in Chandigarh *...(Interruptions)...* I am submitting in respect of the entire country. There are reports of an Archer from Jharkhand in media. I would like to submit that the Ministry of Sports should formulate a policy so as to categorize all the Award winners to decide what amount of pension and family pension and kind of employment to the family of these athletes should be provided. India is a big country and it is a shame for us if we failed to extend our support to these heroes of the country. It is shameful for all of us. They all are our heroes and inspiration for our young generations. Their life should be an inspiration for all of us. If such incidents or stories are reported then it not only disappoints us but also prevents other people to pursue career in sports.

Through you, I would urge upon the Government to contact these families immediately. In our country separate awards are conferred for different sports, Therefore, the Ministry of Sports should formulate a policy to categorize Arjuna Award or Khel Ratna Award winners in order to provide assistance to their families. This question is not related to any party. Therefore, I urge upon the entire House to associate with the matter and appeal to the Government in this regard.

MADAM SPEAKER: Shri M.B. Rajesh, Shri P.K. Biju, Shri Shivkumar Udasi, Shri Virender Kashyap, Rajendra Agrawal, Shri Pralhad Joshi, Shri Arjun Meghwal, Shri Balkrishna Khanderao Shukla, Shri Shivram Gonda, Shri Dhananjay Singh, Shri Anurag Singh Thakur, Shri Nishikant Dubey, Shri P.L. Punia, Shri Virendra Kumar, Shri Devji M. Patel, Shri Sohan Potai, Shri Mahendra Singh P. Chauhan have associated with the matter raised by Shrimati Sushma Swaraj.

...(Interruptions)...

[English]

MADAM SPEAKER: Nothing else will go on record.

*...(Interruptions)...**

[Translation]

SHRI HARIN PATHAK (Ahmedabad East): Hon'ble Madam Speaker, the manner in which the matter raised by Shrimati Sushma Swaraj has been supported by you and the entire House is quite inspiring. Through you, I urge upon the Government that the entire House agrees with the matter raised by the leader of opposition and even the same is applauded from your side, Therefore, the Government should respond to the issue as to what the intention of the Government is in this regard. Through you, I urge upon the Government that the Minister of Sports or the Minister of Parliamentary Affairs should respond in this regard.

[English]

THE MINISTER OF URBAN DEVELOPMENT AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI KAMAL NATH): Madam, of course, the Government is going to take

* Not recorded

steps in this to formulate a policy. But as Shrimati Sushmaji was speaking, the Petroleum Minister informed me that his Federation of Sports of the Petroleum Companies will immediately extend relief to Shri Makhan Singhji's family. The Government will formulate a policy so that not only the problems of those who are in distress will be resolved but also it gives an inspiration to youth to be able to come into the world of sports.

[Translation]

DR. RAGHUVANSH PRASAD SINGH (Vaishali): Hon. Madam Speaker, certain parts of Bihar, Uttar Pradesh and nearby States are reeling under drought and farmers are in a State of ruin. Certain parts have been destroyed by floods, some by drought. Not only this, the farmers have been destroyed even by the Government. There is no support, no remedy, no cure. Through you, I would request the Government to be more alert. It should send a Central team to the States to take stock of the situation, if the destruction is owing to floods or drought how relief can be provided, how they can be rescued? Some remedial measures should be taken, else there would be havoc. The farmers were plunged into destruction by natural calamities like floods and drought simultaneously. The people have been ruined, rendered unemployed. There is no one to attend to their needs, no one to espouse their cause. The plight of farmers is such in the rural areas. There is no preparation for the natural calamity and there is great resentment in the public as a result thereof. There is no one to enquire about their whereabouts, no team is being sent to take any action. No arrangement is being made.

Through you, I would draw the attention of the Government and the House that the Ganga river in North Bihar has been flooded while the remaining areas have been affected by drought. There have been no rains, or rain has been negligible and paddy has also not been cultivated. Some farmers have somehow managed with the pumping set. There has largely been drought in the area. Rainy season was followed by autumn and there have been no rains. The Government should pay some attention to it. Through you, I demand a Statement from the Government containing a satisfactory reply.

MADAM SPEAKER: Dr. Sanjay Jaiswal, Shri Deoji M. Patel, Shri Hukmadeo Narayan Yadav associate themselves with the issue raised by Dr. Raghuvansh Prasad Singh.

SHRI SATPAL MAHARAJ (Garhwal): Hon. Speaker, I express my gratitude to you for providing me an opportunity to speak during the Zero Hour. I belong to Devbhumi Uttarakhand which was recently struck by a grave natural calamity ...*(Interruptions)*...

MADAM SPEAKER: Please sit down a minute and allow him to speak.

SHRI SATPAL MAHARAJ: There was a high casualty. Five districts of Uttarakhand were struck by grave calamity in which Kedarnath, Rambara, Gaurikund, Sonprayag, Kalimath, Jaal Chaumasi, Baksir Bangar, Rasi, Gondar in Rudraprayag district; Gobindghat, Pandukeshwar, Tharali Ghaat, Narain Bagad, Urgam, Lohaganj in Chamoli district; Uttarkashi, Gangori, Bhatwari, Harshil in Chamoli district; and Dharchula, Jauljeevi, Madkot, Baluvakot, Tavaghat in Pitthoragarh district; and Kapkot, etc. areas in district Bageshwar have been seriously affected. Approximately 1700 villages have been ruined owing to the calamity and four thousand villages have been seriously affected.

Through you, the Government is requested to identify land for the rehabilitation of the people of Uttarakhand. Today, the people there are living under the open sky and their suffering gets doubled by heavy downpour. Soon, there would be snowfall. The Government is requested to provide relief in terms of foodgrain, kerosene, etc. to the remote affected villages to save the people from starvation and the land should be identified with the help of Geological Survey of India so that their houses could be reconstructed. Towards the end, I wish to submit that—

"Mere watan ki bahaar jawan hone do,
Mahan hai mera Bharat mahan hone do,
Kisi ko seench rahe ho, kisi ka pani band,
Tamam Kheton ki fasalein saman hone do,
Gubar dil ka, gardon se khyal door karo,
Nai zameen naya aasman hone do,
Subhash, Gandhi, Jawahar ki ruh bhi yahi kehti hai,
Tamam desh ko ek khandan hone do."

MADAM SPEAKER: It has been decided that there would be discussion on this issue under Rule 193.

SHRIMATI SUSHMA SWARAJ (Vidisha): Would be there threadbare discussion? ...*(Interruptions)*...

MADAM SPEAKER: Yes, would there be threadbare discussion?

...*(Interruptions)*...

MADAM SPEAKER: Shri P.L. Punia associates himself with the issue raised by Shri Satpal Maharaj. Shri Gopinath Munde may please speak.

...*(Interruptions)*...

[ENGLISH]

SHRIMATI JAYAPRADA (Rampur): Madam, please allow me to speak.

[Translation]

MADAM SPEAKER: Jayaprada ji, I do not have your notice. [ENGLISH] I do not know what do you want to speak on.

SHRIMATI JAYAPRADA: I gave notice in the morning *(Interruptions)*....

[English]

MADAM SPEAKER: Then you should have told me. Your notice is not there. Submitting notice is not enough, it should come here.

[Translation]

SHRIMATI JAYAPRADA: I have given a notice.

MADAM SPEAKER: What is the topic of your notice, what is the subject?

SHRIMATI JAYAPRADA: Madam, I want to speak on the gangrape that occurred in Mumbai.

MADAM SPEAKER: Yes, he is speaking. Mundeji has also stood up to speak on this issue. I will call you too.

...*(Interruptions)*...

MADAM SPEAKER: Mundeji is speaking on the same issue.

[English]

MADAM SPEAKER: I have given time for this very subject. Mundeji is raising it.

[Translation]

SHRI DINESH CHANDRA YADAV (Khagaria): Madam, I want to speak about Bihar.

MADAM SPEAKER: Please sit down, you have been standing for a long time.

11.25 hrs

SUBMISSIONS BY THE MEMBERS — *Contd.*

(ii) **Re: Gangrape of a photo journalist in Mumbai**

SHRI GOPINATH MUNDE (Beed): Madam Speaker, I am obliged to you. On the 22nd, a woman journalist had gone to cover an assignment with a colleague. She was raped by four persons and is being treated in Jaslok hospital ...*(Interruptions)*... One or two persons out of the four have been apprehended. ...*(Interruptions)*... I demand that the Government should issue a Statement in this regard. These persons have been caught, but in another incident in Daund in Pune district a small girl was walking down to school. She was raped and killed but her killer has not been caught yet. A girl who had got appointment in the Navy had acid thrown on her face at SV the railway station the day after getting the appointment. She died. Last year, lo daughter of an IAS officer was attacked and killed in her highrise apartment. How many incidents should I quote? You say that apprehending one person will make everything alright. ...*(Interruptions)*... The law and order situation has deteriorated in Mumbai and across Maharashtra after the Nirbhaya case. Last month four such incidents occurred. ...*(Interruptions)*... I would appeal to the Union Government to call for a report on the deteriorating law and order situation in Maharashtra and the Union Minister should give a report in this regard in the House.

Madam, a Nirbhaya fund was created. The entire House had risen up against the injustice and torment of women. The entire country had awakened and a resolution was adopted to ensure that the torment Nirbhaya had to endure would not be endured by anyone else. But what

is happening? The injustice and torment is not decreasing rather such cases are on the rise. The Government had announced a grant of one thousand crore rupees for the Nirbhaya fund but did not fulfil its promise. What is the truth in this regard? The House wants to know this too. I expect from you, not from them. I expect you to give a Statement on behalf of the Union Government regarding the Nirbhaya fund, the rising incidence of injustice and molestation of women in Maharashtra and there should be a discussion in the House on this topic. This is my demand. I hope you will give instructions in this regard.

MADAM SPEAKER: Shri Shivkumar Udasi, Shri Virendra Kashyap, Shri Mahendrasinh P. Chauhan, Shri P. K. Viju, Shri M. B. Rajesh, Shri Prahlad Joshi, Shri Shivram Godda and Shrimati Harsimrat Kaur Badal associate themselves with the subject raised by Shri Gopinath Munde ji.

...(Interruptions)...

[English]

MADAM SPEAKER: Prof. Roy, you may associate yourself with this issue.

...(Interruptions)...

MADAM SPEAKER: Do not disturb. It is going on so well, do not disturb.

...(Interruptions)...

MADAM SPEAKER: Nothing else will go on record.

...(Interruptions)*

[Translation]

MADAM SPEAKER: Do not act like this. Will each of you now ask about your notices separately? [ENGLISH] I am coming to the notices given by every hon. Member

...(Interruptions)...

[Translation]

MADAM SPEAKER: Prof. Saugata Roy ji, please associate yourself with this issue.

[English]

PROF. SAUGATA ROY (Dum Dum): On this issue?

MADAM SPEAKER: Yes, you have given a notice on this issue, is not it?

PROF. SAUGATA ROY: Yes, Madam. I have given notices on both Adjournment Motion and for the 'Zero Hour', regarding the rape of a helpless photojournalists in Mumbai, in the campus of Mahalakshmi Mills by five persons; though two persons have been arrested, what is needed is an early justice because we know that the accused in the Delhi gang rape case have not yet been punished. So, even after the Parliament passed such a severe law against sexual offences, it seems that the culprits are not being deterred from carrying on their nefarious activities and wherever it happens, we condemn the same. ...(Interruptions).... In West Bengal, we are more sensitive and you need not lecture us on that. We are more sensitive and everybody has been arrested in every incident in West Bengal.

Madam, again, I would bring it to the notice of the House that the situation is very terrible and everybody who has a girl child in the family is afraid of sending the girl out, especially after dark, if it can take place in the commercial Capital of the country, that too in the day-light hours, I do not know whether the law or the law enforcing agencies are being able to bring fear in the minds of the potential culprits. I also feel that there should be stricter control on illegal alcohol and drugs, because most of these crimes that are committed by people are under the influence of alcohol and drugs.

I again urge that strong action and quick justice be done in the case of the gang rape in Mumbai city.

MADAM SPEAKER; Dr. Ratna De, Shrimati Shatabdi Roy and Shrimati Harsimrat Kaur Badal are allowed to associate with this issue.

[Translation]

SHRIMATI JAYAPRADA (Rampur): Madam Speaker, thank you for giving me time to speak. Madam, I want to bring it to your knowledge and also want to tell the House that we have not yet forgotten the incident that happened with Nirbhaya. Once again, this type of incident has taken place in Mumbai in which a 22 year old photo journalist

has been victimized. Five people have committed gang rape with her. But no accused has been arrested so far ...*(Interruptions)*... Only one has been caught but the rest have not been caught ...*(Interruptions)*... One has been caught. ...*(Interruptions)*... OK, the rest three have not been caught ...*(Interruptions)*...

Madam, I want to tell you ...*(Interruptions)*... Let me speak for a minute ...*(Interruptions)*... It is a very serious matter. The crime has taken place whether it is one or two. I am standing here for justice. We have assured that the present Government has come up with strict laws and best efforts have been made to strengthen these laws. We have discussed it many times. We have assured the people of the country that no one will dare to do it with any women in future. But nobody knows as to what extent it will be checked. If we are not able to ensure a sense of security for a photo journalist, and are unable to secure her, we can't provide security to any girl in our country.

Today I want to ask the Government whether our children who go out of homes will come back to their homes safely. Why can they not come safely? If we are equal to males, we have all right to ask for our safety. We have seen - what atrocity that journalist has suffered today. She is struggling in the hospital. We are demanding that this type of incident should not occur with others. The accused have become fearless because there is no strict law to catch them timely and punish them. So, I seek the assurance of this House that all the children of our country should be safe. Today we are talking here, if we look outside, Delhi is not safe. We are residents of Mumbai. We felt that Mumbai is very safe, but today I can't live there with that feeling. Today I demand this through you that the accused should be punished strictly for the atrocity they have committed against that girl. I want to know from the Government as to what assurances the Government wants to give for the life of that girl. I want to tell this House that the accused of this kind of incidents are not being punished. As in Nirbhya case, the decision is still pending and the accused have not been punished yet. I appeal to you to provide justice to that girl and if she cannot get justice here then we cannot be able to show our face to anybody in the world. I want that the Government should provide job for that journalist and for her life, and also give whatever the Government wants to give her for her life.

The Government should deposit one crore rupees into her bank account fixed for her whole life so that a sense of security may come in her life.

MADAM SPEAKER: Shri Ajay Kumar and Shrimati Bhavana Pundalikrao Gawali associate themselves with the matter raised by Shrimati Jayaprada ji.

SHRI ANANT KUMAR (Bangalore South): Madam, what is the response of the Government on that gang rape? ...*(Interruptions)*... What does the Government want to say about it? ...*(Interruptions)*... [ENGLISH] Madam, the UPA Chairperson is present in the House ...*(Interruptions)*...

[Translation]

MADAM SPEAKER: Please sit down, the Minister is saying something.

...*(Interruptions)*...

THE MINISTER OF URBAN DEVELOPMENT AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI KAMAL NATH): Madam, this House had passed a strict law a few months ago and there is no doubt that this incident is serious. We have invited reports from State Governments and if you permit, the Minister of Home Affairs will give a Statement in this regard the day after tomorrow.

11.33 hrs

OBSERVATION BY THE SPEAKER

Notice of Question of Privilege

[English]

MADAM SPEAKER: I have received a notice from Shri Dinesh Chandra Yadav and 11 other MPs on the question of privilege dated 23rd August, 2013 against the Minister of State for Railways for making a Statement outside Parliament regarding the tragic accident involving the Railways resulting in the death of several pilgrims on the railway track at Dhamara Ghat Railway Station in Bihar, even though the House is in Session. The matter is under my consideration.

[*Translation*]

SHRI SHARAD YADAV: Madam Speaker, the economic State of the country calls for a long discussion. I am glad that you have extended the session of the Parliament by five days. ...(*Interruptions*)...

THE MINISTER OF URBAN DEVELOPMENT AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI KAMAL NATH): Madam Speaker, the session has not been extended so far ...(*Interruptions*)...

SHRI SHARAD YADAV: Has it been extended?

SHRI KAMAL NATH: There is no formal proposal so far. The House shall be informed when it is done.

SHRI SHARAD YADAV: Shri Sharad Pawar ji is saying that it has been extended and he is denying it ...(*Interruptions*)... Sharad Pawar ji is a friend, that's why he told me that the session has been extended ...(*Interruptions*)...

I wish to submit that a very serious matter relating to price rise called commodity exchange has been raised in the House several times. I had said that even in the Upper House that I was instrumental in bringing it and I regret over it and it pains me. I agree that it was a gross mistake. The turnover of commodity exchange has risen from Rs. 2500 crore to Rs. 2 lakh 95 crore now. The spot exchange which came into effect on 01.07.2007 was not utilized. Now, one should understand the intricacies behind this spot exchange. The commodities kept under stock exchange need to be traded within a period of eleven days; otherwise at the end of that period it would switch over to future trading. I do not want to name anyone but a single person ...(*Interruptions*)*... did not allow the payment to be made. This future trade which now has a turnover of Rs. 2 lakh 95 crore did not have any benefits for farmers and consumers, both of them were robbed. The list of goods was sold in Kolkata, then in Mumbai followed by Ahmedabad. The list got sold everywhere on paper and the price went on increasing. I believe it is one of the factors contributing to price rise. Sharad Pawar ji may not agree with it but I am convinced. Sanjay Nirupam ji has gone there, he does not tell us, he is from Mumbai. This future trading in commodity exchange is one of the major factors

which will spell doom in the country. The devaluation of currency, the decline in industrial growth and exports, is visible everywhere. No one in the world is going to invest in this country. Those who were here are running away. If you wish to ameliorate the situation, through you I would make an appeal to the Government to convene an All Party meeting to discuss modalities to tide over this crisis. In the past, our country's import level was quite low. What has happened to our rich bounties of minerals, coal, reserves, iron? We have 81 types of minerals, but we have not explored them or tapped them. We have rich water resources, most fertile land and despite being blessed with so many resources which could generate rich economic wealth we face this predicament. Such issues need to be discussed. As far as the issue of commodity exchange is concerned, I will request you, the Government and hon. Sharad Pawar ji to discontinue it, withdraw it ...(*Interruptions*)... I would simply request you to stop it. The price will continue to rise if it is not checked. Why do we need speculation? It is benefitting neither the farmer nor the consumer. It is only spelling doom everywhere. What is the standing of the country? The hon. Prime Minister is not here, he should convene an All Party meeting and hold a discussion in Parliament. It is a very serious issue. Where the country is heading? All the people are worried. One who understands the affairs of the country, the economic affairs of the country questions us why the Parliament is not taking up the matter properly? Today, it has become also our concern and how we would address this problem? The hon. Prime Minister tells us not to worry, not to have any fear. The prices are increasing, we are going through a serious situation, the industries are on the verge of ruin and you tell us not to worry. How is it possible? That is why it is requested that if the session has been extended by five days in view of the economic affairs then there should be threadbare discussion on the economic situation of the country. We have representatives from across the country and we should also have their opinion.

MADAM SPEAKER: Prof Saugata Rai, Shri Anurag Singh Thakur, Shri Nishikant Dubey, Shri Rajendra Aggarwal, Shri Prem Das Rai, Shri P. K. Biju, Shri M.B. Rajesh, Shri Shivkumar Udasi and Shri Deoji M. Patel associate themselves with the issue raised by Shri Sharad Yadav.

* not recorded

Shri Prabhunath Singh, please go back to your seat. Please speak from your seat.

SHRI PRABHUNATH SINGH (Maharajganj): Madam, this seat is permanently vacant. My seat has been placed on the other side of the wall.

MADAM SPEAKER: Prabhunath Singh ji, please speak from your seat. This House has a rule. Please speak from your seat.

SHRI PRABHUNATH SINGH: Madam Speaker, Bishwa Hindu Parishad and Rashtriya Swayam Sevak Sangh had announced 84 Kosi Parikrama, which was banned by the Government of Uttar Pradesh. Even after that ban, repeated announcements and the announcement of political parties especially Bhartiya Janata Party, to extend its support has created a situation which may endanger communal harmony in the country. ...*(Interruptions)*... The entire country continues to be in uncertainty ...*(Interruptions)*... Madam Speaker, in such circumstances the Government of India should interfere in this matter and those who call themselves self-declared protector of Hindus, it appears to me that not even 1/99th part of Hindus like them in India. In such circumstances, the political parties, which involve in such activities, should be banned from playing politics, their registration should also be cancelled and the country should be saved from any such uncertainty and no one should damage the communal harmony of this country in future. This is my humble submission ...*(Interruptions)*...

SHRI SHAILENDRA KUMAR (Kaushambi): Madam Speaker, I am thankful to you for giving me an opportunity to speak. You had also given me certain instruction before speaking, I will put forward my views fully complying with these instructions. Today, the unity and integrity of the country is in danger. The armies of China and Pakistan are making incursions into our country. On the other hand, natural disasters have ravaged the country, there are floods and droughts and the disaster in Uttarakhand is well known to all. Despite that there are attempts to damage the peace and harmony in the country. Wait for a minute. Let me speak. ...*(Interruptions)*... There are certain institutions, certain political parties are involved in it. I would not like to name them ...*(Interruptions)*... One

MADAM SPEAKER: Let him speak. What happened.

...*(Interruptions)*...

SHRI SHAILENDRA KUMAR: The announcement of 84-Kosi Parikrama announced in Uttar Pradesh is fully unconstitutional. This should be banned. Such forces which have also done politics earlier in the name of Ram in the country, should be banned. Earlier also efforts have been made to damage the peace, harmony, unity and communal harmony in the country.

I, through you, would like that the Government should ban and cancel the recognition of such organizations which seek vote in the name of Ram and do politics. ...*(Interruptions)*...

SHRI HUKMADEO NARAYAN YADAV (Madhubani): The other side should also get the opportunity to speak.

...*(Interruptions)*...

MADAM SPEAKER: Right.

...*(Interruptions)*...

SHRI JAGDAMBIKA PAL (Dumariyaganj): Madam Speaker, I am thankful to you for giving me an opportunity to speak on such important and sensitive issue.

...*(Interruptions)*...

MADAM SPEAKER: Please sit down.

...*(Interruptions)*...

MADAM SPEAKER: Niraj ji, please sit down.

...*(Interruptions)*...

SHRI JAGDAMBIKA PAL: Madam Speaker, I would like to request our hon'ble Members..

...*(Interruptions)*...

MADAM SPEAKER: Please sit down.

...*(Interruptions)*...

SHRI JAGDAMBIKA PAL: Madam, this House is such a forum where all the issues should be discussed thoroughly with full sensitivity ...*(Interruptions)*... I also belong to the same area. Basti is my district, Ayodhya is adjacent to my constituency. I am familiar with the traditions

of that area. I am a Hindu. I participate in those yatras ...*(Interruptions)*... All should have this right. Whether it is Panchkosi Parikrama, 14-Kosi Parikrama or Chaurasi-Kosi Parikrama, Parikramas are allowed there ...*(Interruptions)*...

MADAM SPEAKER: You will be given time to speak.

...*(Interruptions)*...

MADAM SPEAKER: You will be given time to speak, please sit down.

...*(Interruptions)*...

MADAM SPEAKER: Please sit down.

...*(Interruptions)*...

SHRI JAGDAMBIKA PAL: That Ayodhya was the capital of Lord Ram which we know as Kaushalpur ...*(Interruptions)*...

MADAM SPEAKER: You will be given time to speak. Please sit down.

...*(Interruptions)*...

SHRI JAGDAMBIKA PAL: The area of the capital Kaushalpur of Lord Ram was 5 'kos'. Therefore, Panchkosi Parikrama used to take place ...*(Interruptions)*... Thereafter when Bharat ruled using 'Khadau', the area got extended and 14-kosi Parikrama took place because he had started this Parikrama staying in Bharatpur outside Ayodhya ...*(Interruptions)*...

Madam Speaker, I want to say that Panchkosi Parikrama is done on 9th day of 'Shukla Paksha' in Kartika month ...*(Interruptions)*... And 14-kosi Parikrama is done every year from Devothani Ekadashi ...*(Interruptions)*... It is believed that Lord Rama takes rest after Ekadashi. The water level of Saryu river remains very high in the rainy season, particularly in the month of Ashwin, Sawan, Bhado, Ashada and therefore, no saint (sadhu-sant) does parikrama at that time and it is believed that this is inauspicious lagna at that time ...*(Interruptions)*...

MADAM SPEAKER: Please complete it.

...*(Interruptions)*...

[ENGLISH]

MADAM SPEAKER: Shrimati Bijoya Chakravarty.

...*(Interruptions)*...

[Translation]

SHRI JAGDAMBIKA PAL: Whether 14-Kosi Parikrama or 84-Kosi Parikrama, Vishwa Hindu Parishad never took up such a yatra in the last several years. ...*(Interruptions)*...

MADAM SPEAKER: Your time is over now. Let her speak.

...*(Interruptions)*...

[ENGLISH]

SHRIMATI BIJOYA CHAKRAVARTY (Guwahati): Madam, I am grateful to you.

...*(Interruptions)*...

[Translation]

MADAM SPEAKER: Now, you sit down.

...*(Interruptions)*...

SHRI JAGDAMBIKA PAL: This is not a religious journey ...*(Interruptions)*... They are starting a political journey ...*(Interruptions)*...

MADAM SPEAKER: Now you conclude your speech.

...*(Interruptions)*...

SHRI JAGDAMBIKA PAL: If someone wants to spoil the communal harmony, they are irresponsible people of the country ...*(Interruptions)*... 84 Kosi Parikrama takes place from 20th April to May. Lord Rama is in a State of rest at that time ...*(Interruptions)*...

MADAM SPEAKER: Alright, now you sit down.

...*(Interruptions)*...

MADAM SPEAKER: Shrimati Bijoya Chakravarty.

...*(Interruptions)*...

MADAM SPEAKER: Now, only her speech will go on record.

...*(Interruptions)**...

MADAM SPEAKER: Shri P. L. Punia and Shri Kamal Kishore 'Commando' associate themselves with the issue raised by Shri Jagdambika Pal.

[English]

SHRIMATI BIJOYA CHAKRAVARTY: Madam, I would like to bring to the notice of the House a very important and a very dangerous fact, which is dangerous for the external and internal security of the country. It is Arunachal Pradesh. Arunachal Pradesh is divided into two parts as the Eastern Part and the Western Part. We all know about the Western Part. It is the Tawang side. The area on the Western Side is Tawang. In the Eastern Part, just near Tazo, from 150 kilometres from Tazo, there is an area called Palmpalm. There are four outposts. These four outposts had been occupied by the Chinese Army from 10th to 16th August. Till then, either the Defence Minister or the Government of India was not aware of the fact that these four outposts in the Palmpalm area in the Eastern side of Arunachal Pradesh had been occupied by the 200-strong Chinese Army. Only the Indo-Tibetan Border Police came to know of this incident after five days when the local people brought this fact to their notice.

I want to bring to your notice another very basic fact that for a distance of 105 kilometres from Changlang, there is no road at all. People have to walk to reach the border. The Army is occasionally stationed there. Out of the four outposts that have been there, very occasionally the Army is stationed there. That is why, the Chinese Army came inside the boundary of India, about 55 kilometres. They stayed there for many days. The Indian Army have to walk miles after miles, nearly 105 kilometres but, on the other side of the China, they have got air-strip, they have got good roads and they have got everything. On the Indian side, our Army has to walk miles with all the load. In the Palmpalm area where four border outposts have been situated, in 1962, during the Chinese aggression, the Kumaon Regiment shed a lot of blood there. They have been butchered like anything. The most unfortunate fact is that people do not know what to do, where to go, whether they should go to the Chinese side or to the Indian side. These things are happening there. So, the border should be properly protected. The Eastern Side is too much neglected.

Therefore, I want a Statement from the Minister and also a discussion on this subject

[Translation]

SHRI P. L. PUNIA (Barabanki): Madam Speaker, I am grateful to you for giving me the opportunity to speak on the important issue related to *Dalit* and Adivasi Community. SC/ST (Reservation in Post and Services) Bill was passed by Rajya Sabha in the year 2008 and it has still not been passed in the Lok Sabha. The said Bill was presented in Lok Sabha in the year 2008 itself, but it was felt that some amendments need to be carried out in this Bill. In this regard, a consensus was reached, discussions took place, consent of the Department of Personnel was taken; the Department of Law and Justice gave its consent but it could not be presented in the Lok Sabha for consideration so far in order to pass it. The Members of Lok Sabha and Rajya Sabha belonging to this community met the hon'ble Prime Minister and the Minister of State Shri Narayansami but no success has been achieved so far in this regard.

Various provisions have been made in the Constitution for *Dalit* and tribal community. Provision has been made under Article 17 of the Constitution for abolition of untouchability. The Protection of Civil Rights Act was enacted in the year 1955. Further, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was enacted in the year 1989. Now need is being felt to carry out amendment in the said Act. The Ministry has brought the proposal for the same.

The provision of reservation has been made under Article 15 in the field of education. There is a provision of reservation for jobs for scheduled castes and tribes under Article 16, but the first amendment in the Constitution was carried out in the year 1951 which was to provide reservation to these communities in the field of education and services. But the provision of reservation in jobs is being enforced through administrative orders not by law. It has been felt that there should be a law in this regard because there are various misconceptions due to absence of a law. The hon'ble court has given various orders in this regard due to which this Bill has been introduced *Dalit* community has made several demands a number of times to enact a law in this regard. There is need to enact a law to meet their demand wherein provisions will be clearly

mentioned alongwith the procedure for enforcement of reservation policy.

Madam Speaker, through you, I urge upon the Government to introduce SC/ST (Reservation in Posts and Services) Bill, which was passed by Rajya Sabha in the year 2008, should be introduced and passed by the Lok Sabha immediately. I would request the hon. Prime Minister and the Government for the same.

MADAM SPEAKER: Those who would like to associate themselves with the matter should send their names to the Table of the House.

...(Interruptions)...

MADAM SPEAKER: Shri Khiladi Lal Bairwa, Shri Sohan Potai, Shri Kamal Kishor, Shri P. K. Biju, Shri Virendra Kashyap, Ms. K. Shanta, Shri Arjun Meghwal, Shri Ponnambhakar, Shri P. Lingam, Shri Madhu Yashkhi Gaud, Shri Raghuvir Singh Meena, Shri Harish Choudhary, Shri K.P. Singh Mohinder, Shri Madhu Koda, Dr. Prabha Kishor Taviyad, Shrimati Rajesh Nandini Singh, Shri Gajendra Singh Rajukhedi, Shri Vincent H. Pala, Shrimati Sarika Davendra Singh Baghel, Shri Rajaram Pal, Shri Bharat Ram Meghwal, Shri Ratan Singh, Capt. Jai Narayan Prasad Nishad, Shri Bhudeo Choudhary, Shri Bhishma Shankar alias Kushal Tiwari, Shri R. Dhruvnarayan associate themselves with the matter raised by Shri P. L. Punia.

PROF. RANJAN PRASAD YADAV (Patliputra): Madam Speaker, this matter is related to my parliamentary constituency. I would like to draw the attention of the Government towards the loss of life of lakhs of cattles and of property besides loss of life of hundreds of people due to recent flood in Bihar. Policies were formulated to check occurrence of flood in Bihar in the year 1954, but concrete steps have not been taken to check the occurrence of flood even after lapse of around sixty years. Each year assurance is given but thousands of people and cattle lose their life due to flood.

Madam Speaker, through you, I would like to submit in the House that Danapur and Maner blocks in my parliamentary constituency are worst affected due to flood this year. As per Sub-Divisional Officer, there is soil erosion at Mahava Tola, Kita Chouhatar and Kita Chihatar etc.

places of Diyara region, Maner block under Danapurue due to flow of the Ganga river. I have drawn attention of the Government towards this report earlier also under Rule 377 but the Union Government has not taken any action in this regard.

Madam Speaker, through you, I once again urge upon the Minister of Water Resources to consider the said matter seriously and issue necessary directions to the officials of the department concerned to check soil erosion by the Ganga river in Maner block under Danapur. A long term policy should be formulated in this regard so as to ensure safety of the people residing in villages so that they could lead a peaceful and risk free life.

[English]

SHRI M.B. RAJESH (Palakkad): Madam Speaker, I would like to draw your attention of this august House to a grave injustice and serious discrimination done in the selection of Arjuna Award winners. Earlier, the legendary athlete Milkha Singh himself had refused Arjuna Award in protest against this discrimination. This practice is still continuing, Madam. This year, Tom Joseph, former Indian Volley Ball Captain, an outstanding player, who had represented India continuously for 15 years and who has won six international trophies has been denied Arjuna Award for the 10th continuous year. This is the 10th time he has been denied Arjuna Award.

Madam, justification given is that Volley Ball is not a popular game. Whether the Selection Committee is of the view that only Cricket is the popular game?

12.00 hrs.

Some cricketers, who are part of this Selection Committee, are responsible for this. The entire credibility of Arjuna Awards is now in question. This is like the Nobel Peace Prize which was never given to Mahatma Gandhi.

So, I urge upon the Government to look into the process of deciding Arjuna Awards and also to look into the process of selection of this Selection Committee itself and make this whole process transparent so that this will not happen in future. Cricket is not the only game being played in the country. Football, Volley-Ball and many other games are played in the country and it is the duty of the

Government to promote all those games, not just Cricket. Therefore, I request the Government to seriously intervene in the matter.

MADAM SPEAKER: Hon. Members Shri Dilipkumar Mansukhlal Gandhi, Shri P. K. Biju and Shri P. Karunakaran are allowed to associate themselves with the matter raised by Shri M. B. Rajesh.

[English]

12.01 hrs.

MATTERS UNDER RULE 377*

MADAM SPEAKER: Hon. Members, the Matters under Rule 377 shall be laid on the Table of the House. Members, who have been permitted to raise matters under Rule 377 today and are desirous of laying them, may personally hand over slips at the Table of the House within 20 minutes. Only those matters shall be treated as laid for which slips have been received at the Table within the stipulated time and the rest will be treated as lapsed.

- (i) **Need to provide stoppage of important trains at railway stations at Hinganghat, Chandur, Dhamangaon and Sindhi in Wardha Parliamentary Constituency, Maharashtra**

[Translation]

SHRI DATTA MEGHE (Wardha) I would like to draw attention of the Government towards the fact that I have been raising demand to introduce new trains for Vidarbha and provide stoppage of certain trains at Wardha, my parliamentary constituency for the last three years before the hon'ble Minister of Railways but not a single demand has been fulfilled.

There are three major cities in my parliamentary constituency, Wardha (Maharashtra) namely Hinganghat, Chandur and Dhamanagaon from where East-West and South-North bound trains pass through. But, train passengers are facing problems due to absence of stoppage of major trains at these cities. Local residents of these cities are unable to avail the services of trains passing through the area. Therefore, I urge upon the

hon'ble Minister that population of Hinganghat city is two lakh and thousands of people commute from here everyday, hence stoppage of Nagpur-Secunderabad Express 12771-12772, Jaipur Express, Madras-Jodhpur Express and Secunderabad-Bikaner Express trains should be provided there.

There is a long pending demand of people of Chandur and Dhamagaon cities to provide stoppage of Hazrat Nizamuddin - Gondwana Express, Amravati-Nagpur Intercity Express and Jabalpur Express etc. trains there.

Sindhi is a major railway station. Stoppage of Nagpur-Amravati Intercity Express and Amravati-Nagpur Express trains has not been provided at Sindhi station. Hundreds of people and students commute from here to Wardha and Nagpur everyday. Indian Railway would earn revenue to the tune of lakhs of rupees and it would be beneficial for passengers as well if the Ministry provide stoppage there.

I have raised the matter twice in the House but no action has been taken so far in this regard. I hope that you will instruct the concerned officials to fulfill my above mentioned demands at the earliest.

- (ii) **Need to provide full wages to the workers engaged in Mahatma Gandhi National Rural Employment Guarantee Scheme in Tiruvannamalai District, Tamil Nadu**

[English]

SHRI M. KRISHNASSWAMY (Arani): I would like to draw the attention of the Government regarding the need to ensure full payment of the minimum wages to the workers under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) in Tiruvannamalai District of Tamil Nadu.

In this regard, I would like to bring to your kind attention the fact that the payment under MGNREGS to the workers has been increased from Rs.134/- to Rs.148/- per day. But in reality, the workers under this scheme are getting very less amount. The Government officials in Tiruvannamalai District are not adhering to the prevailing rules. Workers were never paid the full amount i.e. Rs.148/- per day in Tiruvannamalai District. Such situation prevailing in Tiruvannamalai District is very sad and the workers are being exploited.

* Treated as laid on the Table.

I, therefore, request the Hon'ble Minister for Rural Development to kindly take remedial steps in this regard.

(iii) Need to provide job to one member of every family whose land has been acquired by Konkan Railways

SHRI NILESH NARAYAN RANE (Ratnagiri-Sindhudurg): I draw the attention of the Hon'ble Minister of Railways towards the plight of the families affected due to the land acquired for Konkan Railway project. This project which has become the pride of the Railways, has adversely affected the life of many villagers whose cultivable land has been acquired for this project.

The farmers were provided with a meager compensation in lieu of acquisition of their land. However, the money received in this regard has been spent and now they are without any source of income for their livelihood. It was presumed at the time of acquisition of their land that a member from each of the families affected would be given a job in the Konkan Railways but to their dismay nothing of this sort happened.

Hence, I request the Hon'ble Minister of Railways to look into this matter seriously and come up with solution that could save the livelihood of a lot of people in the region directly affected due to this project. I also request the Hon'ble Minister to consider if certain privileges could be provided to land oustees such as concessional fares in Konkan Railways.

(iv) Need to set up a hospital in Pratapgarh Parliamentary Constituency in Uttar Pradesh along with a separate hospital for T.B. patients.

[Translation]

RAJKUMARI RATNA SINGH (Pratapgarh): The number of beedi workers in my parliamentary constituency Pratapgarh is quite high in comparison to adjoining districts. These beedi workers are suffering from T.B. and other serious diseases due to their engagement in tobacco related works and each year hundreds of people die due to T.B. AIDS, which is a deadly disease, is fast spreading in my parliamentary constituency Pratapgarh and a number of people are suffering from the said disease. An incident has been reported from Jamua village in Sadar Tehsil under my

parliamentary constituency, Pratapgarh where two children after their parents died due to AIDS were thrown out of their home by their uncle who feared the children too might be infected with AIDS and these two children were forced to live in a cremation ground with a plastic sheet to protect them from rain. There is not a single big hospital in my parliamentary constituency, Pratapgarh for the treatment of these two diseases. People have to travel to Allahabad, Lucknow, Kanpur and Delhi for treatment.

I urge upon the Government to set up a big hospital in my parliamentary constituency, Pratapgarh along with a speciality hospital for T.B.

(v) Need to allocate adequate funds for infrastructural development in Special Economic Zone (SEZ) at Nanguneri, Tamil Nadu

[English]

SHRI S. S. RAMASUBBU (Tirunelveli): The Nanguneri Special Economic Zone (SEZ) has been set up in Nanguneri Town, Tirunelveli District, Tamil Nadu. This project is worth around Rs.14,000 crore and the land required for establishing it has been acquired. Various industries that would be established in Nanguneri SEZ are consumer goods, electronic durables, IT, Pharmaceuticals, light engineering, biotechnology, telecommunication, power plants, sewage and water treatment plants. Pharmacy Park also would be set up in the SEZ which is expected to provide employment to about 3,000 people and it is estimated that it would manufacture drugs worth around Rs. 500 crore. Nanguneri SEZ would have all the world-class standard facilities that are required by the units that function in a SEZ. It will be very attractive if investments are made in Southern districts of Tamil Nadu as it will decongest the crowded Chennai and its surrounding areas.

However, the progress of setting up of said SEZ is very slow. Though 2,520 acres had been acquired for the project, it is doubtful whether the first phase on 400 acres would be ready in the near future. Nanguneri is well connected with Tuticorin Airport/Port, railways and 4-lane NH. However, the infrastructure within the SEZ is bare minimum and the situation remains the same for the last 11 years. The promoters and entrepreneurs are not having adequate resources to invest for infrastructural

facilities within the SEZ. If the SEZ is merged with National Investment and Manufacturing Zone (NIMZ), there will be much potential for investment and full utilization of the SEZ.

Keeping in view the above, I humbly urge upon the Union Government to take necessary steps for allocation of adequate funds for the development of infrastructure at Nanguneri SEZ and to expedite the above project.

(vi) Need to increase the frequency of local trains from Pune to Lonavala and Shuttle Service from Pune to Daund in Maharashtra and to introduce a direct train on Lonavala-Pune-Daund route

SHRI SURESH KALMADI (Pune): On the Pune - Lonavala railway route, the number of daily passengers has gone down by 13 lakh since 2010. About 41.01 lakh commuters travelled on Pune-Daund route in 2010-11 which went down to 39 lakh in 2012-13.

The railway administration operates 42 trips of local trains every day on Pune-Lonavala-Pune route and four trips on the Shivajinagar-Talegaon-Shivajinagar route. On an average, a commuter finds a local train every hour during the day time. The Pune-Daund route has 10 daily passenger trains running up to Daund, Baramati and Manmad with a frequency of one train every two and a half hour. In the last three years, the railway administration has introduced 12-Coach rakes to increase carrying capacity of trains.

I urge upon the Railway Minister to increase the frequency of local trains from Pune to Lonavala and shuttle service from Pune to Daund and run these trains every half an hour. A direct train should also be introduced on Lonavala-Pune-Daund route. These steps will help the commuters and also increase the revenue of railways.

(vii) Need to ensure speedy trial of persons apprehended on terrorist charges

[Translation]

SHRI P. L. Punia (Barabanki): Terrorism is a major challenge before the country. Almost every part of the country has been a target of terrorist attacks. And every time the terrorist attack takes a toll of hundreds of innocent lives and then the procedure of a detailed inquiry begins.

Often innocents are apprehended on grounds of suspicion, which tarnishes their image as a terrorist for life. After inquiry the case begins in the court and it takes years to decide if he was involved in the terrorist attack and his bail is not accepted, which means he has to serve for years together in prison till he is declared innocent. Even if he is acquitted, he can neither lead a normal life nor get a job.

I request the Ministry of Home Affairs that such cases should be inquired into only by N.I.A. and it should be mandated that special courts should settle such cases within three months else the persons involved in such cases shall be considered innocent.

(viii) Need to include floods due to heavy rains in the category of National Calamity and to provide all round assistance to the flood-affected people of Vidarbha region, Maharashtra

[English]

SHRI SANJAY DHOTRE (Akola): The Vidarbha region of Maharashtra comprising Akola, Washim, Chandrapur, Nagpur, Yeotmal and Buldhana Districts has suffered huge losses *i.e.* more than Rs. 5000 crore due to heavy rains triggering floods in the region in the recent past. Although the loss of several lives and livestock can not be compensated but the Central Government may provide immediate relief and assistance to the affected people of the region. Further, the people of the region have not got any relief and assistance from the Central Government despite such huge losses as the losses due to heavy rains do not come under the category of natural calamity. Therefore, it has now become imperative to include heavy rains in the category of natural calamity in order to provide immediate relief and help to the flood affected people not only in the Vidarbha region of Maharashtra but also across the nation.

(ix) Need to delegate power to Government of Gujarat to grant Indian citizenship to migrant Pakistani Hindus settled in Gujarat

SHRI HARIN PATHAK (Ahmedabad East): A decision regarding granting of nationality/citizenship to the Pakistani Hindu minority community members migrated from Pakistan and settled in Rajasthan and Gujarat was taken by the then NDA Government in the year 2003-04 & by UPA

Government in the year 2004-05. As per that decision, the State Governments of Rajasthan & Gujarat were empowered to scrutinize the applications and grant citizenship to the migrated Pakistani Hindu minority community members at the State level only. In this regard a notification giving power to the above mentioned States was published in the Gazette of India Extraordinary, Part II, Section 3, Sub Section (i) in the year 2004. The notification was valid for one year. Due to this notification a large number of Pakistani Hindu minority community members settled in Rajasthan and Gujarat were granted Indian citizenship as per the rules by the respective State Government. As one year is a very short time to scrutinize the applications and grant citizenship, so on my request the notification was extended for another one year and a large number of Pakistani Hindu minority community members were benefitted at that time. Now it has come to my notice that despite the time period of two years, a large number of Pakistani Hindu minority community members settled in Gujarat were not able to acquire Indian citizenship due to lack of knowledge and now they are running from pillar to post with documents to get Indian citizenship. Further, Government of India had granted same powers to the State of Maharashtra for granting Indian citizenship to Pakistani Hindu minority community members settled in Maharashtra. I, therefore, request the Hon'ble Minister of Home Affairs to again give powers to the State Government of Gujarat for one year to grant Indian citizenship to Pakistani Hindu minority community members so that the remaining persons can avail the benefit of getting Indian citizenship.

(x) Need to set up a University for minority community in Sambhal Parliamentary Constituency, Uttar Pradesh

[Translation]

DR. SHAFIQ-UR-REHMAN BURQ (Sambhal): I would like to draw the attention of the Government towards my parliamentary constituency 'Sambhal'. This historical and industrial city of Uttar Pradesh has now become a district. It is 80 per cent a minority dominated area and there is a dense population of minorities even in cities and districts in and around this area. But, a major shortcoming there is absence of a big university here due to which meritorious children are deprived of higher education which is a major

cause of concern and due to this 80 per cent minority dominated area, the Sambhal parliamentary constituency lags behind educationally. I have learnt that the Union Government proposes to set up a University in the minority dominated areas.

That is why it is my earnest demand to the Government to set up a University for minority community in my parliamentary constituency Sambhal at the earliest.

(xi) Need to open Import-Export Office on Indo-Nepal border at Valmiki Nagar in Bihar

SHRI BAIDYANATH PRASAD MAHATO (Valmikinagar): The demand to set up an Import-Export duty office in my parliamentary constituency, Valmiki Nagar in Bihar on the Indo-Nepal border (District West Champaran) on the lines of Raxaul (East Champaran) Bihar and Sonauli (Maharajganj), Uttar Pradesh *vide* letter No. 21/2013 dated 22.02.2013 was made to the hon. Minister of Finance, Government of India, New Delhi. Since Valmiki Nagar adjoining Indo-Nepal border is a tribal dominated area and has no heavy vehicle transportation to facilitate rural people on the lines of Raxaul and Sanauli (Maharajganj). Its permission was sought long back which has since not been granted.

Therefore, the Ministry of Finance is requested to open an Import-Export Office in Valmiki Nagar (Bihar) on Indo-Nepal border at the earliest, so that the tribal people could be benefitted.

(xii) Need to set up one of the proposed five Universities providing for admission of 50% students of minority community in Vellore Parliamentary Constituency, Tamil Nadu

[English]

SHRI ABDUL RAHMAN (Vellore): Vellore is the district in Tamil Nadu having more than five lakhs minority people out of whom sixty percent are backward in socio-economic terms. Their livelihood is mostly based on their employment in tannery industries and beedi works. As there are very few educational institutions for higher studies in this area, these people are facing challenges as they cannot afford fee-structure due to their poor economic condition. The drop-out rate among them is very high due to their economic condition.

The Government has recently announced that there is a plan to set up five universities in different States with as much as 50 percent reservation for the minorities. The Ministry of Minority Affairs had Stated that the socio-economic backwardness would be the key determinant for the reservation as per Article 15 and 16 of the Constitution. My constituency Vellore would fulfill eligibility criteria in this regard.

Since the above demand is very much legitimate and the same is the need of the hour, I strongly appeal to the Government of India to set up the said University in my constituency Vellore in Tamil Nadu.

(xiii) Need to provide adequate health care facilities in Attapady tribal area in Palakkad district, Kerala

SHRI M.B. RAJESH (Palakkad): I would like to draw the attention of this Government to an alarming situation prevailing in Attapady tribal area in Palakkad district, Kerala. According to an official report 53 tribal children have died in the last 18 months due to malnutrition. More than 500 children are suffering from various diseases related to malnutrition. Infant deaths, anemia in pregnant women, premature deliveries are common in the area. Proper ante-natal and post-natal care are not being given by the health workers and discontinuation of distribution of nutritious foods by the Social Welfare/ST Departments. There is lack of coordination among the different departments in implementing various programmes in the area. There are 172 Anganwadis in this area under Integrated Child Development Services Scheme and their functioning is not up to the mark. There are vacancies of supervisors. It is shocking that the distribution of eggs, milk, plantain etc., was stopped about one year back in these Aanganwadis. The Central programme to give Rs. 4000/- in installments to pregnant women under IGMS Scheme has also not been properly implemented. There is an utter lack of coordination among various Government Departments. No effective steps have been taken to ensure proper functioning of Tribal Speciality Hospitals and filling up of large number of vacancies of medical and paramedical staff. The situation requires urgent intervention from Central Government. Hence I urge upon the Government to take immediate steps to protect the interests of tribal population of Attapady.

(xiv) Need to lift ban on the use of mercury, lead and other contents in the manufacture of Ayurvedic medicines in the country

SHRI RUDRAMADHAB RAY (Kandhamal): The Government has recently banned use of mercury, lead and arsenic contents in all Ayurvedic medicines being supplied by CGHS but these medicines are openly available in the market. The Government has also not suggested/recommended alternative medicines for the banned drugs. I would like to inform the Government that no Ayurvedic medicines can be manufactured without the use of mercury, lead and arsenic contents. All these contents are being used for the last 12,00 years.

I would request the Government to apprise the House if any study was conducted to find out the ill-effects of these contents in Ayurvedic medicines. Government should promote use and manufacture of Ayurvedic medicines. These medicines are also less harmful than allopathic drugs.

(xv) Need to expedite conversion of railway line between Chhapra in Bihar to Kaptanganj in Uttar Pradesh into broadgauge

[Translation]

SHRI PRABHUNATH SINGH (Maharajganj): The demand to convert the rail line between Chhapra in Bihar to Kaptanganj in Uttar Pradesh into broadgauge was being made by the general public of both the States. The scheme was sanctioned by the Union Government during the year 1998-99 in view of the sentiments and need of the general public. An order thereunder was also issued that the scheme shall be implemented in two years.

The scheme was sanctioned 14-15 years back but the implementation is hanging fire and the reason can be attributed to the failure of allocation of fund on time. There is serious resentment and anger in the general public of the two States for this reason.

Completion of the scheme would intensify social commercial ties in the two States and benefit lakhs of people of approximately hundreds of villages. I demand that this scheme should be implemented at the earliest.

(xvi) Need to take immediate necessary measures to normalize the situation in Sikkim facing the serious problem of socio-economic blockade by people in favour of a separate State

[English]

SHRI PREM DAS RAI (Sikkim): The UPA Government and in particular the Congress Party took the painful call of carving out the State of Telengana. The announcement was made on the evening of 29th July, 2013. In a show of strength the announcement came after a meeting of some of the UPA partners.

Neither the Sikkim Democratic Front was invited nor the Naga Peoples Front of Nagaland.

The consequential impact of the decision has been as predicted. Promptly Gorkha Janmukti Morcha withdrew from the Gorkha Territorial Administration and an indefinite bandh was announced. They have closed the schools and warned people for a long drawn 'battle'. The 31A National Highway which is the lifeline of Sikkim has been closed. Plying cars and motor-cycles were set ablaze along with some bungalows. The livelihood of the people of Sikkim is in danger as tourism is the main economic activity.

In Sikkim the price rise will continue unabated. The road blocks will effectively stop free flow of food and tourists. Hence it will hit our citizens the hardest.

The Central Government should compensate us adequately in order to check downturn in the economy.

12.02 hrs.

GOVERNMENT BILLS – Passed

(i) Governors (Emoluments, Allowances and Privileges) Amendment Bill, 2012

[English]

MADAM SPEAKER: Item No. 8. Hon. Minister.

THE MINISTER OF State IN THE MINISTRY OF HOME AFFAIRS (SHRI R.P.N. SINGH): Madam, I beg to move:

“That the Bill further to amend the Governors (Emoluments, Allowances and Privileges) Act, 1982 be taken into consideration.”

[Translation]

SHRI NAMA NAGESHWAR RAO (Khammam): Madam, I'll just take two minutes

...(Interruptions)...

[English]

MADAM SPEAKER: Nothing will go on record.

...(Interruptions)*...

[Translation]

SHRI SHARAD YADAV (Madhepura): It will be good if you give him 1-2 minutes time.

[English]

MADAM SPEAKER: Nothing will go on record.

...(Interruptions)*...

[Translation]

SHRI R.P.N. SINGH: I would like to request the House to will pass this Bill unanimously because if you pass this Bill ...(Interruptions)...

[English]

MADAM SPEAKER: Nothing will go on record.

...(Interruptions)*...

[Translation]

SHRI R.P.N. SINGH: Not only the leader of the House will be affected but also the husband of our Leader of Opposition will be affected by this Bill. Since it will affect the leader of the House and the husband of Leader of the Opposition, I think the House will certainly take steps at the earliest to pass this Bill. ...(Interruptions)...

[English]

MADAM SPEAKER: Nothing will go on record except what the hon. Minister says.

...(Interruptions)*...

12.03 hrs.

(Shri Nama Nageswara Rao then left the House.)

SHRI R.P.N. SINGH: Madam, The emoluments, allowances and privileges of Governors are governed by the Governors (Emoluments, Allowances and Privileges) Act, 1982 and rules framed thereunder, namely, the Governors (Allowances and Privileges) Rules, 1987. Section 3 of the above referred Act provides for an emolument of Rs. 1,10,000/- per month to Governors.

However, the Act has no provision for any pension or post-retirement benefits to ex-Governors except medical facilities governed by rules/orders issued by the Ministry of Health and Family Welfare from time to time.

The issue of making available secretarial assistance to Governors after demitting office has been raised at various levels including the Governors Conference. Keeping in view the high constitutional office that the Governors hold, it is considered to provide secretarial assistance to ex-Governors in the form of one Personal Assistant which the concerned ex-Governor may appoint, on reimbursable basis.

This Bill seeks to provide secretarial assistance to an ex-Governor for the remainder of his life, in the form of a Personal Assistant. The Governors (Emoluments, Allowances and Privileges) Act, 1982 and the Governors (Allowances and Privileges) Rules, 1987 provide that the expenditure on various activities involving the office of the Governor to be met out of the Consolidated Fund of the respective State. Keeping in view the number of ex-Governors and the small quantum of the amount involved, it was agreed that this amount would be met by the Union Government.

The proposals contained in the Bill have been finalized in consultation with the Ministry of Finance and the Ministry of Law and Justice.

With these words, I commend the Governors (Emoluments, Allowances and Privileges) Amendment Bill, 2012 to this august House for consideration.

MADAM SPEAKER: Motion moved:

"That the Bill further to amend the Governors (Emoluments, Allowances and Privileges) Act, 1982 be taken into consideration."

[Translation]

SHRI KIRTI AZAD (Darbhanga): Madam, thank you for giving me an opportunity to speak. Though this is only a formality that the hon'ble Minister has introduced this Bill, we have no objection in passing this Bill.

I'll like to use this opportunity to highlight how the office of Governor has been misused. Several Commissions have constituted, in the past a Government committee was also set up regarding Centre-State relationship in 1988 and various recommendations were submitted, proposals were made to ensure that at least the office of Governor is not politically misused. We have several examples from the last 9-10 years, in which we saw how the governors were used against the opposition parties. Second commission on Centre-State Relationship was set up in 2010. That time Panchhi Commission was set up. Before that, Venkatchilaiya Commission was set up which submitted various recommendations regarding the role of the Governor. When Panchhi Commission was constituted in the year 2010, it said at that time;

[English]

"That the Commission argued that the Central Government should adopt strict guidelines as recommended by the Sarkaria Commission."

[Translation]

What Sarkaria Commission said? It is stated:

[English]

"The Governor should be an eminent person from outside the State."

[Translation]

We have just witnessed an example that a local person belonging to the same State was appointed Lieutenant Governor. Second thing which was said:

[ENGLISH]

"Must not have participated in active politics at least for some time before his appointment."

I do not want to take any name, but we have seen in these last few years that politicians who had been Ministers were made Governors straightaway and a lot of

Governors had left their position as Governors and became Ministers directly.

[Translation]

He had only said:

[English]

"Must not have participated in active politics at least for some time before his appointment. He should not also be connected with the politics of the State."

[Translation]

If you appoint a person of the same State as Governor or Lieutenant Governor there, it is but natural that he would have been active in the local politics of the State. The biggest example of it is political misuse of this Office.

There is one more thing in which your name also figures and it is a very good suggestion.

[English]

"The Governor should be appointed in consultation with the Chief Minister of the State, the Vice President of India and the Speaker of Lok Sabha."

[Translation]

But now-a-days perhaps some perversions have crept into politics and the two points on which I talked, this post is being misused.

[English]

"Must not be eligible for any other post after the time of his tenure; should receive some post retirement benefits."

[Translation]

All these things were said by the Sarkaria Commission in the year 1988 and which was strongly recommended by the Panchhi Commission in the year 2010. Whenever such type of posts are misused, it is because the work of any Governor or Lieutenant Governor is non-political. When we watch their use in different States we find that they are used to destabilize the Government of State concerned. Therefore, I would like to remind you that at first we got independence, thereafter the time passed on

and now the alliance Governments are being formed. In such a situation when separate regional parties and people from various regions emerge, it has become necessary to keep these posts apolitical. The Government should take a decision on the Sarkaria Commission report and we have seen that when someone has been appointed Governor or Lieutenant Governor such irregularities like bungling of land in somebody's name, discrepancies in bank balance have occurred. So, the Government should necessarily look into all these issues, when someone is nominated for these posts.

Any person having a blot on his image should not be appointed to this post because it is a constitutional post. They are meant to uphold our Constitution of India. They are the link between the State Government and the Union Government. [ENGLISH] The Governors are basically the agents of the Central Government or rather appointed by the hon. President of India. Hence, I feel that these positions should not be used politically. [TRANSLATION] These were some issues which confronted us.

I would like to know only one thing from the Government. ...*(Interruptions)*... Hon. Minister said that when someone would retire from the post of Governor, he would get a staff who will be paid 28 thousand rupees. The Bill has mentioned that if he becomes M.P., M.L.A. or Minister again, the same facility will be withdrawn. I would like to know if someone has been Governor and quits the post, then becomes Member of Parliament for one or two sessions, will he get the pension in such a scenario? Will he also get money for the staff with the pension? I have raised this issue because this is not clear in the Bill. If we are Member of Parliament and we lose elections and we have been Member of Parliament for two terms, we get lump sum money in the form of pension.

I would like to know that those who remained Governors, become Member of Parliament or MLA and they are getting pension after retirement or quitting the post or losing the election, will they continue to get 28 thousand rupees per month with their pension?

In the end, I would like to thank the Minister for bringing the Bill and I support it. Finally, I would like to request the Government to seriously consider the role of the Governor and stop politicization of this post as has been

mentioned in the Sarkaria Committee report which came in the year 1988 and which I have read out before the house. It was highlighted again by Poonchi Committee in the year 2010 on Centre-State relations, as mentioned by National Commission To Review For Work Of Constitution-2002 also known as Venkat Chelliah Committee regarding the role of Governor.

MADAM SPEAKER: Shri Jagdambika Pal.

SHRI JAGDAMBIKA PAL (Domariyaganj): Madam Speaker, I am grateful to you for permitting me to speak on the Governors (Emoluments, Allowances and Privileges) Amendment Bill, 2012 presented by the Hon. Minister. My colleague from the opposition side has also welcomed the Bill and I think that a beginning has been made in the House today through this Bill as all the honourable Members of the House will agree with me that those who work as Governor and carry out their duties, have a very important role to play as Governor. They haven't got any facility of pension and also any benefit after their retirement from the post. A Governor has a very important responsibility, he has least executive powers but has legislative and discretionary powers. Article 153 of the Constitution makes a provision that a Governor will be appointed in each State and Article 154 makes a provision that the executive powers of the whole State is vested with him. Under the executive power and the advice contained in Article 164, the Governor appoints a Chief Minister and the Council of Ministers and he is always guided by the same and whatever work is carried out by the Government, it is at the pleasure of the Governor. The summoning of the House and proroguing of the House is done by the Governor and if some Bill is passed, it cannot become a law till the Governor gives his assent. If Assembly Session is not going on and it is important to formulate a special law, the Governor will have the same powers through an ordinance as is vested in case of a Bill. He has also the powers to promulgate an ordinance. He has the right to make laws. Obviously, one who works for formulating laws in the interest of the people, summons the Assembly and prorogues it.

They also have discretionary power. If any person is penalized by the executive, the Governor has the discretion to pardon that person. So, the Governor or the President

have the power to pardon. Just now the hon. Minister has said that this would not only benefit the Ministers or the leader of the House but also the leader of the Opposition. Her husband was Governor. I am saying that you would also be benefited. Today, you are a Minister but when you become a Governor, it is natural the trend started today will benefit you. You will avail secretarial services. Definitely, you have left yourself out.

My colleague said just now that the Governor, who is a constitutional head, the head of a State, has a paraphernalia for fulfilling his duties. He should have a PA or a PS after retirement. I have seen the status of Governors after retirement. I have seen them travelling in rickshaw in Lucknow. I have seen it in Gorakhpur. I do not want to take any name. I have seen the situation, they live in I feel that after retirement they should not only be provided the services of a PA, but medical facilities for them and their families should also be made available. I am sure the House will agree with it. This Bill says that the Governor gets only the medical facilities fixed by the Health Ministry. Even those facilities are nothing to write home about. The family of the Governor does not get any medical facility. They should be added as beneficiaries in this regard. The Members of the House get pension, the Members of the Legislative Assemblies get pension, the public servants, officials get pension. So pension for the Governor should also be fixed. It is not as if all the Governors come back to the House or Legislature as Members. Usually the Governors step back from active politics after retirement. Ex-Chief Ministers get pension, an official bungalow, secretarial staff after retirement ...*(Interruptions)*... I am talking of CMs, not of facilities I get ...*(Interruptions)*... The Leader of the Opposition is sitting here, Sharad Pawarji is here. It is a fallacy to say that all Governors remain in active politics after retirement. History is witness to the fact that civil servants have also been Lieutenant Governors and people from public life have been made Governors. Any leader, worker from any party, any person of the public, any person from any political background can be made Governor. The doors of Raj Bhavan are open for all. So, I disagree that any person belonging to a political party would be ineligible. It means that we should give extensions to IAS, IPS officers only after retirement for occupying the Raj Bhavan or heading all the Electricity Regulatory Authorities.

I do not agree with the thought that civil servants should be given 5 years' extension after 60 years of age only to glorify the posts. This is a competition. Today civil servants, IAS, IPS, experts from all fields and people from political backgrounds are appointed as Governors. It seems Sushma Swaraj ji's party has decided that it isn't going to come to power in future, therefore bureaucrats should be appointed to Raj Bahvans and no political appointment should be made. If this is the case, I would congratulate her party for this ideology and the point of view. Otherwise, I think that not only in this country, but in the entire world, there is no better system of governance than democracy. Whoever sits in the Raj Bhavans says that 'my government', is doing this or that. Who is the Government accountable to? It is accountable to the public. The person who is accountable to the public, the Governor, has nothing to fall back upon. Today, we have made a start. They would be given a PA in the secretariat. Not even a PS, just a PA. It is stated in the Statement of Objects and Reasons that at first the Governor would be given a PA and reimbursement would be made for his salary. How much could the PA be paid? The Statement on the expenditure on retired Governors says,

[English]

'In order to implement the aforesaid provision it is estimated that an approximate amount of rupees one crore ninety-five lakh per annum would be involved.

[Translation]

It means that the cost to the country would be One crore ninety five lakh rupees. The amount out of that to be reimbursed should be clarified by the hon. Minister. You made a good beginning that the Governors should be given at least one PA. Even after retirement, the Governors help the people but they have no facilities to do so, they have no medical facilities or housing facilities. Now under the amendment to section 13 of clause IV they are going to be given the facility of a PA as post benefits. I think this is a good beginning and more should be considered. They do not have the power to appoint a high court judge although the process of appointment of judges is done by having consultations with the President and the Governor.

If you see the role of the Governor, if I talk about

all the Articles, the way the Governor or the President addresses the Houses assembled together under Article 175 or 150 as Article 176 provides for Governor's special address and right to pass any Bill. For the last few years, every month... the Sarkaria Commission has defined the Centre-State relations. The Central Government is funding the States in the federal structure. We did not say that the State is misusing the money we are giving under NRHM. How is the fund being misused today which is given to Sarva Shiksha Abhiyan? In spite of allocating enough funds for Make-in-India and other national programmes, States are not utilizing the funds properly. Only a U.C. (Utilization Certificate) is received from the States. Today, this is not a subject to criticize whether the States are utilizing or misutilizing the funds allocated by the Central Government. But, in spite of this, the Governor sends a report to the President, to the Prime Minister, to the Minister of Home Affairs and to the Vice President of India every month, by which the State Governments realize that in all reports whether it is of law and order, of development, of drought or of flood, there is a role of the Governor in overall situations ...*(Interruptions)*...

MADAM SPEAKER: Now you conclude.

SHRI JAGDAMBIKA PAL: The role of the Governor is very important. Perhaps there is no need to explain it or express my feelings. But I think it is a good Bill. I support it. The whole House will support it unanimously. This is a good beginning.

SHRI SHAILENDRA KUMAR (Kaushambi): Honourable Speaker Madam, I am thankful to you for giving me an opportunity to speak on Governor (Achievements, Allowances and Privilege) Amendment Bill, 2012. It has been seen that this is an amendment of the Act of 1982. Honourable Minister Shri R.P.N. Singh has come with it. Before the debate started, honourable Minister expressed his view that there should not be much debate on this Bill. But since it is a Bill, and if it has any flaws, in my opinion, the necessary amendments may come from the opposition or from the ruling party, they should be made. My predecessors here have given their opinions on this Amendment Bill in great details just now in which they spoke on achievements, allowances, facilities and privileges of H.E. Governor in a structured manner. Respected

Jagdambika Pal ji spoke his point of view. It is not a matter of counter charges. Pal Saheb, as you were saying, at this matter has come from the opposition. If we see the political view, Governments are formed with coalition in the whole country.

It is your Government today, but tomorrow the opposition may form the Government. It is always seen that whichever party has its Government in the Centre, it recommends its own people as Governor. If we study the life or activities of the H.E. Governor in detail or if we deeply study the offices he has held, his previous designations etc., the points mentioned above are clearly proved. It is often seen that at several places the role of the H.E. Governor is controversial. There are examples of some States, I don't want to go deep into it. But, I would like to say that the recommendations of Sarkaria Commission should be accepted if those are good and acceptable. Since many of our honourable members have referred to the section-subsection with the matters included therein, and, anything good is there it must be accepted. It has been often seen that States have been given their own rights in the federal structure. Sometimes States have faced such controversies, the Governor has acted on behalf of the Central Government with a sense of political rancor completely. Taking note of all those matters, the Sarkaria Commission has given a very good note alongwith some recommendations and we should accept them. I would like to say that I support the Bill strongly, which has been brought by the honourable Minister Shri R.P.N. Singh in view of the opinions regarding this Bill. In my opinion this Bill should be passed unanimously. Since the Government and the Governor often change, the designation of the Governor is beyond controversies. He watches the development works and political activities in the State fairly. I saw that when the State faces disturbances caused by various people from the ruling party or from the opposition, they go to the Governor and hand over memorandums. They speak out their views. Through this, they send it to the Central Government or to the President. It is the procedure. There are many such matters. We have to change the Indian political environment by ending the convention that was in practice under the Indian Constitution during the British time by making some amendments. It should be done. We have to maintain the

importance of this office by maintaining the tradition of our Indian culture and the Constitution. While supporting this Bill, I conclude.

SHRI SHARAD YADAV (Madhepura): Madam Speaker, thank you. I will not talk much on the matter I spoke about. I want to plead that the simplicity with which we fought the war of freedom, the way in which we got freedom, I know that the people of the Constituent Assembly decreased their salary. I won't argue that salary should not be increased today, allowances should not be increased or status of the people should not be raised, etc. But, it is a fact that seeing the splendor of the Governor and the President today, it seems that the bad condition of our country today will never improve. There is a large population which is craving for food. What is the reason for this splendor? Is it for scaring the people? What is its purpose? The Parliament of the country represents 125 crore people. I tell the Government to bring a white paper for*... compare the expenditure on the House with the expenditure on this. What is the need of this splendor and a large number of employees? These people become Governor. A friend from the BJP was saying that people from political parties should not be made Governor. It is right. It is my firm opinion. ...*(Interruptions)*...

MADAM SPEAKER: Sharad Yadav Ji, I am going to expunge your comment.

SHRI SHARAD YADAV: It is not such a comment which needs to be expunged. We have already discussed this matter. ...*(Interruptions)*...

MADAM SPEAKER: You have mentioned the name.

SHRI SHARAD YADAV: This matter has already been discussed. I'll give you the previous records. ...*(Interruptions)*....

MADAM SPEAKER: This Bill is about the Governor.

SHRI SHARAD YADAV: It's your choice, you can expunge, it doesn't matter ...*(Interruptions)*...

MADAM SPEAKER: You have taken the name.

SHRI SHARAD YADAV: If I tell about that in detail, you will know the truth ...*(Interruptions)*...

MADAM SPEAKER: Ok.

SHRI SHARAD YADAV: There are more number of employees in Parliament. Is media paying for the food here? Are only MPs eating food? Here, the number of staffs is more than the number of MPs. It is a subject for criticism whether our salary or allowances should be increased or not. I was not in the favour of hike. It should be criticized, but there is no need to degrade only political people completely by targeting and demeaning them. There is no need to spend on the splendor of those white elephants, I am not saying about any individual or institution. There is no need. It can be done systematically. I want to give you examples of many places. At one place all affairs related to education is in Governor's hand. The another State, I don't want to take the name, the Vice-Chancellor was appointed by taking money. This is a right of the elected people. You have been appointed there to protect the Constitution. It is a splendor. Today, we are in a bad condition. It is worse than it was earlier. I have seen the people who were in politics just after independence, their simplicity, their way of living and their manner. I have seen Morarji Desai, Babuji and Chaudhary Charan Singh. They were great people and the simplicity of their life had honour, reputation, status and it still exists. Today, you want to increase the salary and facilities of the Governor, I agree on that. Madam Speaker, Sonia ji is here. In my opinion, the practice of making Governors out of those people who were officers and are now out of politics is quite wrong. Everybody makes mistakes but if you do a survey you will see that the Governors from political field have done more good work than the Governors from Bureaucracy. They do service here throughout their life, many times they become MPs and MLAs. They spend their whole life in serving the country, but in return they are criticized for various reasons. They spend their whole life in rendering their service in politics. You have created the post to accommodate those persons, though I am not in favour of it, but when it has been created then only political persons belonging to any party should occupy it. Now, bureaucrats are occupying this post. Those bureaucrats who never offered a cup of tea to any visitors now occupying the post of Governor. All these bureaucrats, advocates, and other persons are of such a mindset who never offer a cup of tea to others. These people don't offer tea or water even to the Members of Parliament. A person of my parliamentary constituency came to me and said that- "Sir, I had visited your house

but no one was there to offer even water." I asked my staff as to what the problem was in offering water to any visitor. If someone asked for our well being then there should be no problem since we all are human beings and not aliens. We all are citizens of the country. Even we require air and water.

The Government is going to hike the salary of the Governors. Alright, but I would like to say that the post of Governor should be occupied only by political persons. Whenever Governors committed mistakes, they have not been appreciated for the same, and they have stepped down, as in the case of the Government of Karnataka and Shri S.R. Bommai. After the said case, Governors think hundred times before dismissing any State Government. Shri Barnala Saheb has been holding the post of Governor for a long period, but no one can raise a finger at him. He also held various ministerial portfolios. Not a single complaint has been received against him for his conduct as a Governor. I do not wish to take names of other people, but would like to say that all the politicians who occupied the post of Governor have discharged their duty with utmost competence and sincerity and in an impartial manner. Huge amount of money is incurred on the Governor and the President.

THE MINISTER OF AGRICULTURE AND MINISTER OF FOOD PROCESSING INDUSTRIES (SHRI SHARAD PAWAR): Please don't... mention the hon'ble President.

SHRI SHARAD YADAV: Alright, I will not take the name of the President. I have mentioned his name because the food items served to MPs is often discussed. I would urge upon Shri R.P.N. Singh to let the House know the total expenditure on all the Governors in the country. Shri Sharad Pawar ji has requested not to cite the name of President, hence, I will not mention his name, But let the country know the expenditure on the Governors, so that the country could know as to how much burden this poor country is bearing on this account. It is a burden since they are only the signatory authority and therefore, the post has been created. Whereas the manner in which the protocol has been followed, not only common people but even we MP's are unable to meet the Governor. The protocol forbids the common people to meet the Governor.

I support this Bill because the same has been

introduced in the House to provide more facilities to them, but the hon'ble Minister, let the House know the expenditure on them. He may consult his officers about the expenditure being incurred on them. The services of the Government employees are getting wasted there. Not only the Government employees, even the soldiers of the armed forces are deployed there. They lead a lavish lifestyle like that of any royal family. Earlier, we used to call King or Maharaj as 'Laat Saheb' now these people are leading such a life, which is not good. Their lifestyle should be simple. When these people start following simple lifestyle in the country, it will have a positive impact on the people and the society will be made corruptions-free.

I urge upon you that Shrimati Sonia Gandhiji had launched a campaign to adopt austerity measures but the same has been discontinued. You should reintroduce it for all including the Governors and ensure compliance of the same. I support the Bill presented here. I would like to submit further in this regard, but since the hon'ble Speaker has instructed me to conclude the speech, I am going to conclude. I would like to submit as to from where the Government will meet the amount being incurred on Governors since resources are limited to bear the said burden. Therefore, I urge upon the Government to explain the expenditure being incurred on them, otherwise this matter will again be raised in future.

[English]

PROF. SAUGATA ROY (Dum Dum): Madam, I rise to speak on the Governors.. (Emoluments, Allowances and Privileges) Amendment Bill, 2012. I am largely in agreement with the spirit, if not the words, of hon. Sharad Yadav ji. I do feel that the Office of the Governor is an anachronism in a modern day democracy. But, I do not agree with him when he says that politician should be made Governor. I want to know whether a politician, who has any touch with the people, would like to go to a gilded cage that the Governor is in. He has no power. It is, maybe, a retirement benefit, he has no power; he has very little say. And, no active politician, who wants to keep touch with the people, would like to go as Governor if he has a choice. That is what I feel.

It is almost 63 years, since we had the Constitution. We have had two Commissions and one Committee

to look into the working of the Constitution - the Sarkaria Commission, the Punchhi Commission and the Venkatachaliah Committee. It is time to take a fresh look into the Office of the Governor as to whether it is in consonance with the spirit of modern democracy. Till that is done, we shall have to ensure that the Governor stays within the framework, that is, he does not do anything beyond what is prescribed by the Council of Ministers.

He has limited power. The only thing is that in a hung Assembly, he can call somebody to be the Chief Minister. Then, if a Bill is sent to him, he can give his assent, withhold his assent or reserve the Bill for the assent of the President. According to the Constitution, he has certain powers to grant pardons, but I see that most Governors do not do the basic duty assigned to them. Madam, I will give you an example. Clause 3 of the Fifth Schedule - Provisions as to the Administration and Control of Scheduled Areas and Scheduled Tribes - says:-

"The Governor... shall annually, or whenever so required by the President, make a report to the President regarding the Administration of the Scheduled Areas in that State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas."

Today, the Scheduled Tribe Areas of the country, especially in the Central India, are hotbeds of Maoism, extremism and people who want to overthrow the State by force of arms. I want to know from the hon. Minister how many Governors from these Maoist-affected States have given reports to the President regarding the administration of these areas. The Scheduled Areas are being trampled upon by the multinationals who want to exploit them for getting the minerals. What role has the Governor played according to the Constitution in administering these areas?

Nobody will grudge an ex-Governor the grant of a personal assistant. The total cost is only Rs. 1.95 crore whereas the total expenditure of the Central Government has crossed Rs. 10,00,000 crore. So, this is pittance, chicken-feed. Nobody objects if you give an ex-Governor a good personal assistant. Let him write his memoirs with the help of the personal assistant, but it is time that the Government, in its last year of office, takes some

look at the recommendations about the appointment and functioning of Governors given by various commissions.

Even at the time of Constitution-making, it was suggested in the Draft Constitution that the Governor should be an elected post, but ultimately when the Constitution was passed, the 'elected Governor' was not adopted. But now there is constant difference as to the manner of appointment of the Governor. We would like the Governor to be appointed compulsorily in consultation with the State Government. If you see, Madam, the Sarkaria Commission, it recommended to make the consultation with the Chief Minister compulsory. It was appointed by late Shrimati Indira Gandhi. The Central Government did not accept the recommendation of the Sarkaria Commission in 1980. Sarkaria Commission had also laid down certain basic conditions for appointment as Governor, like he might not have participated in active politics for some time, should not be connected with the local politics of the State and should be appointed in consultation with the Chief Minister of the State, the Vice-President and the Speaker. The Sarkaria Commission made a specific recommendation as to the power of the Governor in reserving the Bills passed by the Assembly for the President's assent.

Now, the Venkatachaliah Commission also gave certain recommendations. They said that there should be a time limit within which the Governor should take a decision whether to grant assent or to reserve it for the consideration of the President. We have not followed the Report.

Then, again, Punchhi Commission said that Governors should be given a fixed tenure of five years. A Governor who is to be reprimanded or removed for whatever reasons is given an opportunity to defend his position. Many a time, when political change takes place, the Governor is removed, but he is not given an opportunity to defend himself. It also recommended on the Governor's power to give assent to the Bill or not.

Now, there have been great Governors in this country. In our State, we had a Governor called Harendra Nath Mukherjee, an Educationist, who was from our State. Normally, a Governor is not appointed from within the State. But Harendra Nath Mukherjee proved to be a great Governor. We had a great Governor in a person of Prof. Nurul Hasan, an eminent Educationist. Recently, we had

Gopal Krishna Gandhi, Gandhiji's grandson, who wrote a Book on "*Gandhi and Bengal*", which is a valuable addition to Gandhiana.

But there are also Governors who are retired bureaucrats. For instance, in one State in the South, which is a troubled place, there is a Governor who is from that State itself and he has done nothing to douse the fires there. He has been given extension again, the same man, who is a former IB official.

Now, we must be a little careful in our choice of Governors so that they earn respect of the people of the State to which they are sent. They are not to be cocooned in the cage that the Raj Bhawans are. It is high time to consider whether the Governor should occupy such huge areas which can put to use for children and for common people. In Kolkata, right in the heart of the City, we have a 200-year old Raj Bhawan. Now, can that Raj Bhawan not be put to better use? Can the Governor not be given a more functional house? It is even difficult to keep that Raj Bhawan neatly.

We have been free sixty-six years ago. The Constitution has been enacted sixty-three years ago. It is time that we get rid of the symbols of the Raj. Let the Governors vacate the gilded cages of the huge Raj Bhawans which they occupy, which were built by the Raj for enforcing the Empire on the people of India.

With these words, I support the Bill.

SK. SAIDUL HAQUE (Bardhaman-Durgapur): Thank you, Madam, for giving me a chance to speak on this Bill.

Now, this Bill seeks to give secretarial assistance to the former Governors. We have no objection to that. But I would like say something, though many speakers have already talked about it, about the appointment and the role of the Governor. Here, in this House, every speaker has talked about the recommendations made by the Sarkaria Commission, the Venkatachaliah Commission and the Punchhi Commission. I would like to again reiterate that what had been recommended by the Sarkaria Commission had been even supported by the Supreme Court. As you know, Madam, a Five-Member Bench under the leadership of Justice Y.K. Sabharwal also supported the view that the recommendation of the Sarkaria Commission should

be implemented.

What did the Sarkaria Commission recommend? It said: (a) that the Governor should be an eminent person in some walk of life; (b) a person outside the State and not connected to the politics of that State; and (c) not taken great part in politics, particularly in the recent past. The Sarkaria Commission also said, and this is very important, Madam, that it is not desirable that a politician from the ruling party or the Union is appointed as a Governor of a State run by the Opposition. This is very important. But what is our experience under the present UPA Government or even when the NDA Government was in power? The same thing happened. They are now talking about the implementation of the recommendations made by the Sarkaria Commission. But when the NDA was in power, and now the UPA is in power, both of them have appointed politicians for getting political mileage in different States.

That is why, when the Left Front Government in West Bengal was in power, they have made some concrete proposals particularly regarding the implementation of the Sarkaria Commission telling that before appointing a Governor to a State, there must be a consultation with the Chief Minister. Even the then Chief Minister of West Bengal Jyoti Basu sent a letter to the Centre telling that the States should send three names and out of which the Central Government should recommend one name as the Governor of State. That procedure should be adopted. Otherwise, what will happen is that the active politicians will be appointed as Governor to the States ruled by the Opposition or bureaucrats will be appointed as Governors and bureaucracy will show allegiance to the Ruling Party so that they can also get the post of Governor and the real essence of the democracy of India will be marred.

I would again request the Government to rethink whether there is any necessity for the post of Governor. The time has come to discuss and think about it whether the post of Governor should exist or not particularly in consideration with the Centre-State Relations. I would request the hon. Minister who is present here and who has presented the Bill to think all these things so that the post of Governor is not used for getting political mileage and also to think about the necessity of keeping the post of Governor. Even if the Government wants to keep the

post of Governor, the Central Government must discuss with the Chief Minister and also with the Speaker, the Vice-President as was recommended by the Sarkaria Commission and the Governor should be made from among the eminent persons.

With these words, I again support that secretarial assistance should be given to the ex-Governors. I conclude my speech.

SHRI TATHAGATA SATPATHY (Dhenkanal): Madam, I would not like to take too much time of this House on a seemingly trivial issue such as the Governors Emoluments Allowances & Privileges (Amendment) Bill, 2012. Like many of the hon. Members who have spoken earlier, have quoted Commissions and not many have quoted omissions. But it is unfortunate that we are still stuck with the colonial legacy such as the Governors. The utility of Governors *per se* has been challenged, has been questioned over a long period of time and it has been questioned even today. Most of the Governors behave as the *Subedars* of the Mughal times. Over a period of time, we have seen that most Governors have been appointed from the party which is in power whichever side it is. I am not exonerating any side. That shows the basic intolerance of our democratic system. There is absolutely no consultation. It is only now we hear that a senior Minister present in the House today after a lot of cajoling has been able to get a man from his party to be appointed as the Governor of a comparatively small but well-loved border State. Otherwise, we have had Governors whose direct political involvement or even as bureaucrats or Commanders of the Armed Forces who have never ever shown any excellence in their whole working lives. If this becomes a post as an after-retirement benefit, we also should see the characters of those people. One of the hon. MPs who spoke earlier said that the secretarial service should be offered because then the ex-Governors can write their auto biography or biography or memoirs. I know of many people if they start writing about their memories and about their past, not only paternity rights but articles published in magazines like 'The Illustrated Weekly of India' or many such articles will come to the fore. I am sure, not many Members are aware of those hideous characters, those people who have managed to write memoirs, how they had been in the past.

MADAM SPEAKER: Please conclude now.

SHRI TATHAGATA SATPATHY : So, I would request the hon. Minister to also inform the House as to what is the age limit for them. How many Governors do we have now in the Raj Bhavans presently who have crossed the limit of 80 years of age? Do they deserve to be where they are? Would the hon. Minister Shri R.P.N. Singh who is a young and bright Minister, be willing to accept the same people, if the God forbid, ever becomes the Chief Minister of a State, as Governors who will dictate his political career? ...*(Interruptions)*...

MADAM SPEAKER: Okay, thank you very much.

SHRI TATHAGATA SATPATHY : Madam, I just want one minute. I do not, like everybody, speak. My Party is a prominent Party from Odisha and small in number here. Madam, I would request you to bear with me.

Right now, what we see is that most of the Governors are from one political party. There are people, there are Governors who have taken oath and in their very first speech, they have said, "I have come to this State with a mission." It is a little bit frightening for the people of those States when they hear such Statements from the Governors because they are not made aware of what the hidden agenda is. Is it to serve the people? Is the mission to serve the people or is the mission something else, something more sinister? That is what people question nowadays. We have seen in the 1970s and prior to that, when the Kerala Government was once dissolved by the Governor, and also the Punjab Government and Tamil Nadu Government during the Emergency period and later on. We have seen how Governors had behaved. It is time that we actually take a re-look at this whole establishment. This may seem like a small amount of money for the Central Government, it is something sad that we are still stuck with this system. It is time we had a re-look at the very system of Governors.

I would suggest that the post of Governor should be banished, should be removed. If at all, you wish to continue with it, it should be such a thing that the name should come from the Chief Ministers of the States. There should be a discussion with the hon. Speaker, with the Leader of the Opposition, with the Leader of the House of both the Houses and also of other civil society people so that the Governor is a commonly acceptable figure in that State.

MADAM SPEAKER: Hon. Members, we are skipping the lunch hour today. Shri S. Semmalai.

SHRI S. SEMMALAI (Salem): Madam, I thank you for giving me this opportunity to speak on the Governors (Emoluments, Allowances and Privileges) Amendment Bill, 2012. This is the only Bill brought by the UPA-II which is non-controversial. I think, nobody is going to oppose this Bill.

This Bill, providing some facilities to the Governors, is really a welcome one. I think, such facilitation should have been extended long ago. But anyhow, it is better late than never. The Governor holds a higher position as per our Constitution. On demitting the office, he or she should enjoy some respectable status and live with dignity till his or her life time.

Hence, providing facilities to the ex-Governors is not only desirable but also essential. Providing an Assistant to the Governors is really very much needed to them. The entire cost will be around only Rs. 2 crore per annum. So, I endorse the features contained in this Bill.

13.00 hrs.

At this juncture I would like to mention that an important recommendation of the Sarkaria Commission, as mentioned by some of the Members, is that the Chief Ministers of the respective States should be consulted in appointing Governors. Even now in the appointment of some Constitutional posts, the Leader of Opposition is being consulted before such appointments are made. This is the practice now. So, I strongly feel that while appointing Governors to various States, the Chief Ministers of the respective States should also be consulted. It should be made mandatory. My revered leader Hon. Chief Minister of Tamil Nadu has insisted very often to follow this procedure so that partisan appointments will not be made.

Constitutional expert Shri K. Munshi once said, "Governor is the watchdog of the Constitutional propriety and the link which binds the Centre to the States thus securing the constituent unit of India". Governors, therefore, should exercise powers during their tenure with great caution, ability, integrity, nobility and standing

With that, I support this Bill.

[*Translation*]

DR. RAGHUVANSH PRASAD SINGH (Vaishali): Hon. Speaker Madam, this is a very small Bill. This Bill seeks to allow a former Governor to get a personal assistant. The role, appointment, qualification of the Governor and the Sarkaria Commission and various other issues were discussed by the Hon. Members. The Governor is also called Lat Saheb. His appointment dates back not to the British Empire but to the Mughal era. In my opinion, even if we do away with the Governor and the luxuries at his disposal like Raj Bhawan, hundreds of acre of land, palatial buildings, these would be no loss to the country, the State or the poor citizen. It is the basic tenet of our party that the Governor's office should be abolished. There is no need for it. It reminds us of the British regime, old monarchical set up. When I look at the splendor, swanky lifestyle and luxury associated with H.E. Governor's office, I at once feel that all this is against the spirit of democracy. All the luxury and comfort is just opposite of the poverty, inequality prevailing in the society. All this should be done away with. This is my first and foremost belief. Tall armed policemen guarding and walking past H.E. on either side is a mere ostentation. Why should there be such a display? It was the Governor's lifestyle when we were slaves. Now, the poor do not like this ostentation. We want the governance to be run smoothly without any wastage of resources. This is the principle which was practiced and preached by Mahatama Gandhi and all other great leaders. Our country is poor and we have still not been able to remove poverty from our country. The ostentatious display and the swanky parade of horses with buggy are age old practices and should now be discontinued. There is no justification of these things after independence. We are a democracy and the general public has accepted the strengthening of democracy, so everything should be done in keeping with the spirit of democracy.

Madam, I oppose the existence of the Office of Governor and it should be discontinued. It was also Stated by the Great thinker Dr. Ram Manohar Lohia that the feudal office of Governor should be done away with.

MADAM SPEAKER: Raghuvanshji, please conclude now.

...(Interruptions)...

DR. RAGHUVANSH PRASAD SINGH: Madam, allow me to say something on the Bill ...(Interruptions)...

MADAM SPEAKER: What were you saying till now. Please conclude fast.

...(Interruptions)...

DR. RAGHUVANSH PRASAD SINGH: Madam, as per Article 197 of the Constitution of India, a person shall be eligible for appointment as Governor unless he has completed the age of thirty-five years. What does 'appoint' mean? It means – "at the pleasure! We achieved independence and framed our Constitution. The Governor shall hold office at the pleasure of the President. How will one hold office? All these terms should be removed. There should be a procedure for appointment. A rule should be followed. Otherwise, the Governors would be appointed to favour someone. Somebody agreed that officers should not be appointed, only political persons should be appointed. ...(Interruptions)...

MADAM SPEAKER: Raghuvansh Babu, please conclude now. Lajuji, you are continuing and so is he. Please conclude now.

...(Interruptions)...

DR. RAGHUVANSH PRASAD SINGH: Madam, the Office of Governor should not be used as Government's agent. Governor is a constitutional head of a State. He is a link between the Centre and the State. That is why he is often made to work as an agent of the Centre. The Governor changes with the change of Government. He is appointed at the pleasure of the Government. That is why there should be a rule with regard to their appointment and dismissal and not that he should be made to serve at the pleasure of someone, like if they do not work according to the whims and fancy of a Government he would be removed. The Court and the Supreme Court of India have repeatedly intervened in the issue. If it cannot be abolished, then at least a procedure for appointment to that post should be made, followed by procedure for their removal or continuation. His office should be utilized as Constitutional head of a State and not like an agent. The Constitution should be followed in letter and spirit. We should work in

accordance with the spirit of the Constitution. There was a proposition for their pension. However, pension cannot be provided to them as there will be ambiguity about the Government which will provide them the pension. ...*(Interruptions)*...

MADAM SPEAKER: Please conclude now. Dara Singh ji, now it is your turn.

...*(Interruptions)*...

DR. RAGHUVANSH PRASAD SINGH: Madam, the Hindi Translation of 'emoluments' is not correct. It does not appear to be correct. So, we should make correction in it. I know the manowverings in syllables ...*(Interruptions)*...

MADAM SPEAKER: Please conclude now. Raghuvansh ji, for how long will you speak? Dara Singh ji is waiting to speak.

...*(Interruptions)*...

DR. RAGHUVANSH PRASAD SINGH: Madam, the English equitalent of "Uplabdhiyan" is achievement, but here emolument is written ...*(Interruptions)*... the word should be clear. It is a legal word and there is lot of scope for misinterpretation. Madam, earlier this demand was made. It is an organization of the Governor. The demand is that there should also be provision of pension for him. Now, it is legal for them to keep P.A. They are getting Rs. 1 lac, 10 thousand per month which is as per law enacted in 1982. Therefore, it should at least be as per their dignity ...*(Interruptions)*...

SHRI DARA SINGH CHAUHAN (Ghosi): Madam Speaker, today we are discussing a Bill introduced by hon'ble Minister of Home Affairs namely Governor (Emoluments, Allowances and Privileges) Amendment Bill, 2012.

Madam, it has been the convention of this House that whenever a proposal regarding the privileges and other things related to persons occupying constitutional posts comes for discussion, the entire House stands by it. Since it is a constitutional post, it is their responsibility to protect the Constitution. It is a link between the Government and the people for justice. I think when a Governor is appointed in a State and a constitutional crisis is created...

13.10 hrs.

(DR. RAGHUVANSH PRASAD SINGH *in the Chair*)

And the Government does not honour the opinion of the people, then it is responsibility of the Governor to take *suo-motu* cognizance of the constitutional should crisis and protect the law. I would like that this constitutional post should not be politicized as it is the responsibility of the Governor to protect the Constitution. I am in favour of this proposal and I support this motion. This post has a constitutional obligation and it should not be politicized. If a constitutional crisis arises, it is the responsibility of the Governor to take action for the protection of the Constitution by taking *suo-motu* cognizance of the situation.

[English]

SHRI PRABODH PANDA (Midnapore): Thank you Chairman, Sir. I rise to support this Bill. Sir, the scope of this Bill is very limited but even then the relevance of the post of the Governor is important and questions have been raised from all sides of this House in this regard. So, I am of the opinion that the Report of the Sarkaria Commission in this regard should be discussed in depth and the Government should take proper steps. If the Government wants to set up another Commission in this regard that should be done as without that this problem cannot be solved.

Sir, the post of Governor is the only post which is not elected. Even the post of President is an elected post. The Vice-President's post is also an elected post. The hon. Chairman is also getting, either unanimously or by majority, elected in the House. The Speakers of the Legislative Assemblies are also elected by the Members of the respective Legislative Assemblies. This is the only post for which election is never held and there is no scope for election in future also. We are just carrying the legacy of the colonial rule, the British rule which should be done away with. There is no necessity of this.

Today we are talking of the vibrant democracy and the functioning democracy. In this scenario what is the relevance of having such an important post without the election? So, I do agree that, not only for the sake of talking alone, the Government should do something in this regard. Either the Minister himself or the whole Cabinet

should discuss this. I think the Minister cannot reply about the relevance or non-relevance of the post of the Governor. He can reply only about the limited scope of this Bill.

There is no problem in having general agreement with this Bill but the main point which is being raised in this House is about the relevance, the necessity of the post of the Governor nowadays in this democratic set up of our country. The Minister can reply in this regard. I would request the Government to at least give an assurance to the House that it will think about having a proper discussion of the Sarkaria Commission Report and if necessary it will set up a high level Commission to examine this matter. Otherwise, the democratic aspirations of the people with regard to the post of Governor are not being properly justified.

With these limited words, I support this Bill but I think the hon. Minister will respond to the questions being raised from different quarters of this House.

[Translation]

SHRI AJAY KUMAR (Jamshedpur): Mr. Chairman, Sir, I am grateful to you for giving me an opportunity to speak on this important issue.

Sir, the issues I wanted to highlight has already been raised by other members including Sharadji. Therefore, I'll not take much time of this House. But, I must say that whenever this House formulates any rule or enacts any law, especially related to political facility, the people of this country get disappointed with it.

I would like to request, as Sharadji said that political persons should be included for appointment to the post of Governor. Apart from this, social workers should also be considered to be appointed as Governors: to encourage the common man, because we find that only two types of persons are appointed as Governors, either political persons or bureaucrats.

The second thing as Tathagatji has said is that there should be an age limit for Governors and for a maximum period of two terms they should be allowed to hold office. Apart from that, every time it is discussed when the Union Government imposes any Governor on the State Government, tensions arise. I would like to request that

the Central Government, State Government and the Leader of the Opposition of the Legislative Assembly should be included in the selection process of Governors. Then, friction will be mitigated to some extent.

I would like to request that there should be an age-limit, two terms limitation and a transparent selection process. As the earlier speaker said, this is the only post for which elections are not held. I request you to set up a panel of the Union Government, State Government and the leader of the Opposition of the Legislative Assembly for the selection process.

The last and the most important issue is the role of bureaucracy about which a lot of discussion was held but whenever a motivated Governor is sent, a civil servant is sent. It is necessary to make a law to ensure that political persons or social workers are appointed to the post of Governor.

DR. TARUN MANDAL (Jaynagar): Mr. Chairman, Sir, I have no intention to support this Bill, because incumbent or ex-Governor should not be given more money from the country's ex-chequer. You know that when the issue of salary and emoluments of the Members of Parliament came up, I opposed the same. I am giving scholarship of 60 thousand rupees to the students of my constituency every month and running medical camps. In view of the hungry, the poor patients and unemployed people in our country regarding which the Government is making effort to bring Food Security Bill in the Parliament, I don't feel the need to continue this tradition of British Period. In our economic and social condition, as it exists today, there is no need for Governor's Office.

Secondly, what do the Governors do? Whenever we approach them with a small issue, they refer it to the State Government. If we wish to say something against the State Government, they refer it to the Government for consideration. They do whatever the Union Government asks them to do and their selection is taking place for this purpose. It is a sad thing and I oppose the offering of the post of Governor or President to some political person. Today, our country does not have Mahatma Gandhi, Seemant Gandhi, C.R. Das, Subhash Chandra Bose who will refuse the facilities given by the State. It involves so much luxury, so much lavishness that he appears to

be the emperor of modern age. I want to State that the palace in which these people live should be converted into a monument, big universities, hospitals and children museum and it is my request that they should not be given emoluments.

Sir, it appears as if the Government is not getting educated, respected, regarded, social public figures. Why does it want to bring political people on this post. In our country, degradation of the post of Governor and President is taking place. It is getting degraded. We are also watching as to how much respect the people are giving to them? Someone becomes a Union Minister at the Centre after becoming Governor, so what is the level of respect and to what extent?

We do not look into the needs of our country. Our country requires employment, education for children, ban on child labour and checking women trafficking. Funds should be spent on stopping the Nirbhaya incident, photo-journalist rape incident, Kamduni incident, etc.

With this, while opposing the said Bill, I conclude my speech.

THE MINISTER OF State IN THE MINISTRY OF HOME AFFAIRS (SHRI R.P.N. SINGH): Sir, thirteen Members participated in this debate. I am grateful to all those Members who supported the Bill, except Dr. Tarun Mandal. But, I would definitely like to put forth one thing before the House.

[English]

It distresses me when I see hon. Members of this House dismantling the very organizations and institutions that have been set up by the forefathers of our country. Today, we, as Members of Parliament, say that there should be no Governor's post. There are people who sit outside in *dharnas* and they say that there should be no Parliament. It is extremely unfortunate. To get these institutions-to give a federal structure to the country – a Constitution was made, a *dhancha* was made where all the rules and regulations were made. We as the upholders of this Constitution, it is our prime concern that we should not be seen as trying to dismantle that very structure. Out of these 67 years of our Independence, with great struggle, these institutions have been fortified and we have see how

democracy is functioning in this country. This is something that we really need to re-look at.

I would now like to answer a few questions raised by some hon. Members of Parliament.

[Translation]

Kirti Azad ji asked if a Governor becomes a Member of Parliament, will he still get the allowance? I want to clearly State that if he becomes a Member of Parliament during that time or holds any other office of profit, he will not get the allowance in that case. But if he becomes an ex-Member of Parliament, he will immediately start getting the allowance again.

Jagdambika Pal ji asked about the medical facilities. Pal Sahab hoped that I would also become Governor once. But, I want to tell Pal Sahab not to wish me good luck for becoming Governor right now. I would make an effort and hope to get more opportunities to become Member of Parliament from my constituency and would also seek the blessings of Pal Sahab to continue to work for the country. I would also wish him the best to become Governor once. He asked about health facilities you get. Not only the ex-Governors but also their entire family gets health benefits.

When you pass this Bill merely 25,000 rupees will be given to every ex Governor for a personal assistant. This is not a big amount.

Sharad Yadav ji asked about the money to be spent? At least two crore rupees would be spent on ex-Governors. At this time, there are just 65 ex-Governors in the country Out of them one is Leader of the House and the other is the husband of the Leader of Opposition. It is rare that both the treasury and the opposition are united over a Bill. It is our good fortune that we are getting the opportunity to improve cordial relations unanimously.

Prof. Saugat Roy bad asked about tribals. (ENGLISH) The Governors are advised by a Tribal Advisory Council. This aspect is dealt with by the Ministry of Tribal Affairs. The Governors, on the recommendations of the Tribal Advisory Committee as well as the State Governments, keep giving information ...*(Interruptions)*... I would not like to get into the details. I am completely sure that they are discharging their duties with the utmost faith, honesty and diligence that they are required to do so.

[Translation]

SHRI SHAILENDRA KUMAR (Kaushambi): I had also said something.

SHRI R.P.N. SINGH: Shailendra Kumar ji said that I had told him to be brief. He spoke concisely about this issue and supported it. I thank him from the core of my heart for this.

Tathagat Satapathyji asked asto how many Governors are aged more than 80 years of age? I want to tell him that many of the great Chief Ministers have taken charge after 80 years of age and did really good work. In my view, to raise the issue of age with regard to Governors is not in good taste. There are people in this House who are more than 80 years of age. They have also made a significant contribution to the country and are still doing so.

I thank all the Members from the core of my heart for supporting this Bill. With these words, I conclude.

MR. CHAIRMAN: The question is:

"that the Bill for further amendment of the Governors (Emoluments, Allowances and Privileges) Act, 1982 be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: Now the House will take up clause by clause consideration of the Bill.

Clauses 2 to 4

The question is:

"that Clause 2 to 4 stand part of the Bill."

The motion was adopted.

Clause 2 to 4 were added to the Bill

Clause 1 Short Title, Extent and Commencement

[English]

Amendment made:

Page 1, line 3, -

for "2012"

substitute "2013" (2)

(Shri R.P.N. Singh)

[Translation]

MR. CHAIRMAN: The question is:

"that Clause 1 as amended stand part of the Bill."

The motion was adopted.

Clause 1 as amended was added to the Bill

[English]

Enacting Formula

Amendment made:—

Page 1, line 1, -

for "Sixty-third"

substitute "Sixty-fourth". (1)

(Shri R.P.N. Singh)

[Translation]

MR. CHAIRMAN: The question is:—

"that enacting formula as amended stand part of the Bill."

The motion was adopted.

Enacting formula as amended was added to the Bill.

The Title was added to the Bill.

[English]

SHRI R.P.N. SINGH: Sir, with your permission, I beg to move:

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

[Translation]

MR. CHAIRMAN: The question is:

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

The Motion was adopted.

13.31 hrs.

(ii) Constitution (Scheduled Castes) Orders (Amendment) Bill, 2012 – Contd.

[English]

MR. CHAIRMAN: The House will now take up Item No.9. Shri Virender Kashyap to continue.

SHRI VIRENDER KASHYAP (Shimla): Sir, I would thank you for calling me to speak now.

I have stood up to support the Constitution (Scheduled Castes) Orders (Amendment) Bill, 2012 which was introduced in the Lok Sabha on 21st May, 2012 and thereafter the Bill was referred to the Standing Committee on Social Justice and Empowerment on 25th May, 2012 for examination. The objective of the Bill is to insert certain castes in respect of Kerala, Madhya Pradesh, Odisha and Tripura in the Scheduled Castes Order, 1950 and to omit Entry 3 of the Schedule to the Constitution (Sikkim) Scheduled Castes Order, 1978. Today, the Scheduled Castes and the Scheduled Tribes are grateful to the Founding Fathers of the Constitution of India, especially we are indebted to Dr. B.R. Ambedkar who has put certain constitutional provisions for the upliftment of these communities which used to be called as "untouchables" in our society. The definitions of Scheduled Castes are: Article 366 of the Constitution, in clause 24, says:

"Scheduled Castes" means such castes, races, or tribes or parts of or groups within such castes, races or tribes as are deemed under Article 341 to be Scheduled Castes for the purpose of this Constitution."

Article 341, about Scheduled Castes, says:-

- (1) "The President may with respect to any State or Union Territory, and where it is a State after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be."

- (2) "Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification..."

Under this clause, the said Constitution (Scheduled Castes) Orders (Amendment) Bill, 2012 has been brought forward here to include certain castes in the list of Scheduled Castes of Kerala.

According to the proposed amendments and notifications, Pulluvan is to be included along with Palluvan at Serial Number 46 and inclusion of Thachar in Serial Number 61 along with Thandan in the Scheduled Caste List of Kerala State. In Madhya Pradesh, Dahiya is to be included along with Dahait, Dahayat, Dahat at Serial Number 18 in the Scheduled Castes List.

In Odisha, Amata, Amath are to be included at Serial Number 2, and Bajia at Serial Number 13, Jaggili and Jagli at Serial Number 41, Buna Pano at Serial Number 69 in its Scheduled Caste List. There is one more amendment with regard to the change of the heading of Part XIII—Orissa to Part XIII—Odisha.

In Tripura, Chamar-Rohidas, Chamar-Ravidas is to be included at Sr. No. 4, Dhobi at Sr. No. 7, Jhalo-Malo at Sr. No. 12 in the list of its Scheduled Castes of the State.

In all the above entries, the State Government, RGI and NCSC have recommended for the inclusion of these castes in their respective lists as being synonym

Now, there is one more amendment which is regarding the exclusion of a caste from the Scheduled Castes, that is, Majhi (Nepali) from the list of SCs in Sikkim. In this case the Government of Sikkim has said—"As is revealed from the reports of the State Government, and Sikkim Commission for Backward Classes, the Majhis want to come out of "social stigma" of a Scheduled Caste. According to them, Majhis are not considered as 'untouchables' among Gorkha and it hurts their sentiments' The NCSC has concurred with this ruling.

Actually, the criteria followed for consideration of specification of a caste, etc. as a Scheduled Caste is

'extreme social, educational and economic backwardness arising out of traditional practice of untouchability". The Constitution (SC) Order, 1950 as proposed in the Bill is supported by views of experts, individuals, organisations, and institutions in the field of Anthropology and Ethnography.

After promulgation of the Constitution, in exercise of powers conferred by clause of Article 341 of the Constitution, the President made the following six Presidential Orders between 1950 and 1978, for specifying castes as Scheduled Castes in relation to various States/Union Territories:—

- (i) The Constitution (Scheduled Castes) Order 1950;
- (ii) The Constitution (Scheduled Castes) (Union Territories) Order 1951;
- (iii) The Constitution (Jammu & Kashmir) Scheduled Castes Order 1956;
- (iv) The Constitution (Dadra & Nagar Haveli) Scheduled Castes Order 1962;
- (v) The Constitution (Pondicherry) Scheduled Castes Order, 1964; and
- (vi) The Constitution (Sikkim) Scheduled Castes Order, 1978.

These Orders have been amended from time to time by the various Acts of Parliament enacted as per Article 341(2) of the Constitution between 1956 and 2007.

Presently, 1208 castes etc. have been specified as Scheduled Castes in relation to various States and Union Territories.

It has been noticed that lists of Scheduled Castes were last revised *vide* the Constitution (Scheduled Castes) Order (Amendment) Act, 2007. Thereafter, proposals have been received from the State Governments of Kerala, Madhya Pradesh, Odisha, Tripura and Sikkim for certain modifications in the list of Scheduled Castes of these States, as Stated above. The proposals were processed as per approved modalities. The NCSC and the RGI have accordingly conveyed their concurrence to the proposed notifications.

To give effect to them, it is proposed to amend the following two Presidential Orders:—

- (i) The Constitution (Scheduled Castes) Order, 1950:- In respect of Kerala, Madhya Pradesh, Odisha and Tripura and in which 11 castes which are either synonym or the same are to be included in SC list of respective lists of States; and
- (ii) The Constitution (Sikkim) Scheduled Castes Order, 1978 wherein one caste is to be excluded from the list of SC of that State.

Many hon. Members of this august House have given many more castes for their inclusion or exclusion from this list. Mr. Nishikant Dubey and Dr. Raghuvansh Prasad Singh, who is now presiding, have given notices for amendments and inclusion of various castes into SC list. But I also want to mention one such caste – Koli and Kori - which is a synonym, may be included in the list of those States where they are excluded to be as Koli and Kori. In Haryana, Chandigarh, Madhya Pradesh, Punjab, Rajasthan, Chhattisgarh, Gujarat, Himachal Pradesh both Koli and Kori are treated as Scheduled Castes and are given all facilities of Scheduled Caste and are given all facilities of SC.

Similarly in Maharashtra, Odisha, Uttar Pradesh and Uttarakhand Koris are given all benefits of Scheduled Castes. In Delhi, Kolis are given the benefit of Scheduled Castes. Here, it is to be mentioned that in Delhi, Koris cannot get the Scheduled Caste Certificate and in Uttar Pradesh and Uttarakhand Kolis are not given this facility due to the reason that these castes, though synonym, do not find place in their respective lists of the States. In Maharashtra, it has come to notice that the certificates issued in the name of Kolis are being cancelled due to this ambiguity. This anomaly should be removed immediately after enlisting these two castes, Koli and Kori, in Delhi, Uttar Pradesh and Uttarakhand, so that the benefits are given to those who are being deprived of such benefits even after a long 66 years of free India.

I have continuously been pressing this demand of the ambiguity in Koli-Kori and written letters to the Ministry of Social Justice and Empowerment, Government of India and also Delhi Government, but no action has been taken so far. In this regard, I would like to mention an Office Note of the Chairman, SC/ST Infrastructure Development

Committee of Delhi Government, which is self explanatory. I would like to quote a few lines of that Note. It says:—

“This is in connection with the inclusion of Kori Caste as synonym of Koli Caste in the SC List of Delhi. I am to refer to your letter F.N. 44(8)/DSCST/2002-03/8056 dated 6.11.2007 wherein the representation of Delhi Pradesh Koli Samaj Kalyan Sangh (Regd.) was sent to the Ministry of Social Justice and Empowerment, Government of India, Shastri Bhawan, New Delhi. You may perhaps be aware that Kori and Koli are used as synonym in almost all the States in India. It is only in Delhi that this discrepancy has crept in. It is a matter of common knowledge that Kori and Koli are synonymous and they belong to the same community and creed. It may also be Stated that by using this synonymous name, no additional caste or community is added to the list. In fact, they are the same and one caste. Therefore, there should not be any hesitation in undertaking this change.”

Similarly it is to be mentioned here that BERWA is in SC List in Rajasthan whereas in other States it is in OBC.

In Uttar Pradesh, Bahelia is in the SC List whereas Aheria is not in the SC List, though these two castes are the same and synonym. In this case, the All India Commission of Backward Classes has admitted that Aheria is the sub-caste of Bahelia.

In Bihar, Paan (Samwasi) is synonym to Tanti (Tatwan). The people of these castes are demanding that their castes should be excluded from Extremely Backward Classes and included in the SC List. I have a representation of Bihar Paan Samwasi Bunkar Samaj Udyan Sangh who has given reasons for their demands. I am not going into the details now. But I want to refer a few lines of the observations made by the Standing Committee on Social Justice and Empowerment. It says:—

“The Committee are constrained to note that as many as 17, 18 and 7 proposals from State Governments for amendment in the SC orders are pending with the Ministry of Social Justice and Empowerment, Registrar General of India and National Commission for Scheduled Castes respectively. The Committee have been informed that there is a specified procedure for deciding

claims for inclusion in and exclusion from and other modification in the List of Scheduled Castes requiring consultation with the above mentioned agencies.”

“...Since the whole process is long drawn and sometimes it may take many years for State Government proposals to reach the Bill stage, the Committee wish to emphasise that a sound system need to be put in place under which each organisation/agency involved, that is, State Government, Registrar General of India, National Commission for Scheduled Castes (NCSC) and the Ministry of Social Justice and Empowerment are made to follow strict time schedule to process the proposals received so that the benefits may reach the intended populace in the shortest possible time. The Committee hope that the Government will take appropriate steps in the right direction.”

Even after a long 66 years of Independence and 62 years of our Constitution, we are not in a position to identify which caste should be SC and which area/caste should be included in ST. This is very strange. The Government should come forward with a policy so that all such demands are solved once and for all.

In Himachal Pradesh, there is a growing demand that the Hattis should be given Tribal Area Status and other areas have also raised demands to give them tribal status. I have also raised this issue in the House and with the Government of India as this is an issue of my State and also from my Lok Sabha Parliamentary Constituency.

There are some questions to the Government, which the hon. Minister should reply while summing up the discussion in her reply.

1. Whether the amended list would affect the 15 per cent of Scheduled Caste population?
2. How many such cases were lying pending in the Ministry?
3. Why the Report of NCSC is not discussed in both the Houses of Parliament?
4. Whether it is true that the Reservation Roster in services is not implemented in the Parliament?

Lastly, I want to say a few lines about two more demands.

[*Translation*]

MR. CHAIRMAN: Please conclude now.

[*English*]

SHRI VIRENDER KASHYAP: Sir, I am going to conclude. This issue was also raised by Mr. P.L. Punia today in the 'Zero Hour' that the Reservation Act should be brought in the House and it should be implemented accordingly because that is pending for the last so many years. If this Act is brought and passed then the Scheduled Castes and Scheduled Tribes will get the maximum benefits, otherwise there is a lot of problem in implementing various rules and regulations, etc. in this country.

[*Translation*]

MR. CHAIRMAN: Please conclude now.

...(Interruptions)...

SHRI VIRENDRA KASHYAP: The Indian Judiciary System should be established in the country so that the scheduled caste community gets proper representation in the judiciary as well. I want to put this point also before the House through the Amendment Bill.

Thank you for giving me an opportunity to speak. Also, Madam Ramaji wants to propose an amendment that Kalwar and Jaiswal caste in Delhi, Bihar and Uttar Pradesh should be included in Extremely Backward Caste category. I would like to mention this also here.

With these words, I conclude ...(Interruptions)... I have stood for the third time in this regard. I support this Bill today.

SHRI P. L. PUNIA (Barabanki): Mr. Chairman, Sir, I would like to thank you for giving me an opportunity to speak on this important Bill. The Constitution (Scheduled Castes) Order (Amendment) Bill, 2012 is under consideration of this august House. Our friend Shri Virender Kashyap has expressed his views on this Bill in detail. I would like to congratulate the hon. Minister for introducing this Bill in no time. We are fortunate that the Constitution (Scheduled Tribes) Order (Second Amendment) Bill – 2012 is also

being introduced. In addition to this, another very important Bill – The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill is also to be considered today. I hope that these Bills are likely to be passed. In addition to the said Bills, there are some other Bills which have been referred to by Shri Virender Kashyap ji. The Scheduled Castes and the Scheduled Tribes (Reservation in Services and Posts) Bill, which was passed by Rajya Sabha in the year 2008 and is pending in Lok Sabha on date, has to be passed with certain amendments. The Bill providing for reservation in promotion has been passed by Rajya Sabha and is pending with Lok Sabha. Reservation in Judiciary, referred to earlier by my friend, is also very much necessary because there are few vacancies in the Government services and the public sector and most of the job opportunities are in private sector now. So reservation for the Scheduled Castes and the Scheduled Tribes should also be provided in the private sector. These are important issues which need to be considered. I would like to request the Government to prepare Bills on these issues at the earliest and introduce those Bills in Lok Sabha and to get them passed.

So far as the Constitution (Scheduled Castes) Orders (Amendment) Bill, 2008 is concerned, this Bill was introduced in Lok Sabha on 21st May, 2012 and after four days it was referred to the Standing Committee on 25th May, 2012. The Standing Committee submitted its report as early as possible on 24th August, 2012. Today is 24th August, 2013. The report of the Standing Committee was presented in the House one year ago. Today, we can see the 126 period of time involved in this Bill. The Constitution (Scheduled Castes) Orders (Amendment) Bill, which is being referred to is related to Article 341 of the Constitution of India. Article 341 provides for the State-wise list of the Scheduled Castes all over India. Shri Virender Kashyap ji has Stated that the total number of the scheduled castes in all the States and the Union Territories is 1,208. It has been clearly Stated in the list of the Scheduled Castes in Article 341. Article 342 provides for the list of the Scheduled Tribes. Article 341(1) provides that the President may with respect to any State or Union Territory after consultation with the Governor thereof notify the said list of the scheduled castes in relation to that State. Article 341(2) provides that once the notification is issued, that cannot

be amended by the President. That list can be amended only by the Parliament. Deletion or inclusion of any caste in the said list is not the function of the President. The Government cannot do this by any notification. This list can be amended by the Parliament through, enactment of a law. That is why this Constitution (Scheduled Castes) Orders (Amendment) Bill has been introduced. Article 342(2) provides that this list can be amended by the Parliament by enacting a law. This list was prepared for most of the States in the year 1950. Sikkim became a State quite late, so the list for this State was prepared in the year 1978. From time to time whenever there is addition or deletion in the list, motion for amendment is brought in the Parliament. This Bill is meant for this for those. Several castes are synonymous in Kerala, Madhya Pradesh, Odisha and Tripura. Some castes have been included but other synonymous castes have been left out. Most of those synonymous castes are now being included in the list. I think that a large number of people had expectations, they have been demanding for a long time. The State Governments have forwarded their demands after consideration. After receiving the proposals from the State Governments, the Ministry prepares amendment proposals under the procedure laid down for this purpose to include those castes in the list which were left behind. Our friend Virender Kashyap ji has stated all this in detail. Two castes in Kerala, which are synonymous, are to be included. One in Madhya Pradesh, four in Odisha, and three in Tripura are to be included in the list through this amendment order. The Scheduled Castes order of Sikkim is of the year 1978. Majhi (Nepali) caste of Sikkim has been mentioned. The State Government has stated that the people of this caste have demanded that they do not want to be included in the list of the Scheduled Castes. They think that they are not untouchables in the society. They feel a sense of humiliation as a result of inclusion in the said list. So they want their caste to be excluded from the list. There is a separate proposal for inclusion of this caste in the list of other backward castes. So there is a proposal for exclusion of Majhi (Nepali) caste from the list of Sikkim. Four castes in Odisha are to be included in the list and amended name of the State of Odisha is also to be included in this order. I would like to bring it to your notice that there is a procedure laid down for addition and deletion of any caste in the said list. The

State Government forwards the proposal to the Ministry of Social Justice and Empowerment after proper consideration. The proposal is sent to the Registrar General of India after being considered by the Ministry of Social Justice Empowerment. If the Registrar General of India approves it after necessary study, it is sent to the Ministry. It is sent to the Ministry even if he disapproves. If it is approved, the Ministry again consults with the National Commission for Scheduled Castes after considering it and the National Commission for Scheduled Castes gives its approval or disapproval after studying it and holding consultation. The proposal is brought to the cabinet by the Ministry after getting its approval. This Bill is again presented when the proposal for the same is brought in the cabinet. In this way, we are considering this Bill today.

Some castes were mentioned here. Virender Kashyap ji mentioned some castes and he is right. He himself mentioned about the procedure.

13.57 hrs.

(MR DEPUTY SPEAKER *in the Chair*)

The complete proposal is brought to the Parliament by the Ministry through the Registrar General of India and the National Commission for Scheduled Castes. There are so many castes. He also mentioned Bairwa caste. Bairwa caste is included in the list of Scheduled Castes in Rajasthan. There was a long pending demand to include it in the list of Scheduled Castes category in Delhi. That demand was considered. The Registrar General of India has approved it, but the Delhi Government is considering it. Delhi Government will send their proposal after giving extensive consideration to that proposal and the Ministry will consider it after that. After following the procedure, it is being considered today and I think administrative difficulties will be removed and the expectations of people will be fulfilled when the Bill is passed today. In future, the expectations regarding Kohri and Kohli community, will be considered on the basis of this procedure and I think it must be considered to include those castes in that list. What are the norms? Many people often request to include them in the list of Scheduled Castes. There are some norms laid down, The Lokur Committee was set up in 1965. It had given recommendations on the basis of which these norms were made.

[English]

"The test of extreme social, educational and economic backwardness of the caste arising out of the traditional practice of untouchability."

[Translation]

This is a litmus test to include any caste in that list that they suffer from untouchability ...*(Interruptions)*...

MR. DEPUTY SPEAKER: Honourable Speaker, please speak in brief.

SHRI P. L. PUNIA: I am concluding. Untouchability is the basis to include any caste in that list. I think several issues were raised. A caste will be treated as backward if it is included in the list of Scheduled Castes under Article 341, and also included in the Presidential Constitution Scheduled Caste order. The litmus test fixed by the Lokur Committee to include a caste in the list of Scheduled Castes will be the basis of untouchability. Sometimes this type of judgement comes in Supreme Court, they says that backwardness of these castes should be viewed.

14.00 hrs.

Let's ensure its adequate representation. The data in this regard is available and so long as those castes are in the list of Article 341, those will be considered

as backward. What is the criterion of backwardness which they are demanding? I think there is decision of Supreme Court in M. Nagraj case in connection with reservation and promotion and the Bill which came after this has been passed in the Rajya Sabha. It must be passed in the Lok Sabha. The Bill which is being discussed today, is very appropriate. This Bill, has been brought to fulfill the expectations of the people of various States as Kerala, Odisha, Madhya Pradesh, Tripura, etc. They will be very pleased to see that the demand to include their castes in the list of scheduled castes, is going to be fulfilled today. I think the difficulties will be removed. They will get the certificate of Scheduled Castes and their expectations will be fulfilled. I support the motion moved by the honourable Minister.

SHRI SHAILENDRA KUMAR: Hon. Mr. Deputy Speaker, I express my gratitude to you for giving me an

opportunity to speak on the Constitution (Scheduled Castes) Orders Amendment Bill, 2012. Shri Virendra Kumar ji and Shri Punia ji have elaborately been a sufferers their points. It is a very small amendment. However, if one is asked to speak on it, I think everyone can speak at length on the issue. And the person who has made can definitely speak a lot on the issue. And, in my opinion the scheduled castes and the scheduled tribes have to struggle a lot right from their birth to death. At the outset, I would like to pay homage to Dr. Bhimrao Ambedkar. If he had not vindicated the emancipation of these castes on educational, social and financial grounds we would not have been here to raise these points. However, I have always seen the damage that has been done. It was provided for in the Constitution that the facility of reservation shall be provided on educational, social and economic grounds till these categories become self-reliant. Despite lapse of so many years of Independence we have not progressed. This situation will not be clear if we look at only cities. If we go to the slums and clusters of urban areas, or the scheduled castes clusters of rural areas the scenario is the same, people are still struggling to survive. The Government of India and the State Governments provided certain special benefits for the upliftment of these castes as per the Guidelines of the Government. A Special Component Plan was launched to address their upliftment and emancipation and other related problems and to ensure that they get the financial provisions earmarked for them. But, those schemes have also been withdrawn. Just now, my colleague Shri Baliram and I were discussing that the budget for Scheduled Castes under the Special Component Plan was diverted and spent on Commonwealth Games. We have not progressed even after so many years of Independence. There is always a danger of losing the existing facilities. Another conspiracy is being hatched to withdraw the reservation benefits being provided to them.

Sir, you might have come across the order of the Supreme Court in regard to AIIMS that reservation meant for a specific category or specialists may also be extended to C and D group employees. I feel there is a conspiracy to end reservation facility. We will have to think seriously about it. At present, we are discussing only the Constitution (Scheduled Castes) Orders 1950 and the Constitution Scheduled Castes Order, 1978. But if you consider it

seriously, an evaluation of the implementation of the provisions of reservation is required to be done so as to evaluate the status of reservation. Every 10-12 years, we extend the period of reservation. Today, hon. Member Shri Puni raised his point at great length during zero hour and we also Supported it. These points are raised from time to time as to how the benefits of reservation should be provided to these castes. This Bill would not have been introduced if the economic, social and educational status of these categories had been in good State. There is a huge difference in the population of these castes, between the time of their inclusion in the Constitution by Dr. Bhimrao Ambedkarji and the present time. We are not getting the benefits in sync with the increase in our population. This problem has assumed ominous proportion and the Government is also not paying any attention to it. If proper facilities were provided to these categories of castes then there would have been no need of this amendment Bill ...*(Interruptions)*...

MR. DEPUTY SPEAKER: Please be brief.

SHRI SHAILENDRA KUMAR: Sir, several castes feel that they have not been given their due and they should get themselves included in the Scheduled Tribes. When they do not get benefits even after getting included in the tribes, they wish to go back to Scheduled Castes. We have 'Kol' caste in Allahabad which was included in the Scheduled Castes. When they saw they were not getting the benefits they demanded to return to scheduled tribe. Whichever category these castes are placed, they should get benefits of the Government schemes as provided for by the Constitution. Today, the Kol community is struggling to earn their livelihood by breaking stone. Their children are not able to get education. There is no tangible improvement in their social, financial, educational condition and they are suffering from several diseases. So, there is a need to pay attention to their condition. The Uttar Pradesh Legislative Assembly has recently sent a proposal to include 17 castes in the list of Scheduled Castes. I raised an unstarred question and received a reply. The former hon. Minister during your time submitted that he had not received any proposal from them till then. Due to it, all kinds of proposals sanctioned by the State Legislative Assemblies are pending with the Union Government. These castes should be allowed to choose the category of their choice. So, I want the hon. Minister to consider it seriously and give a reply.

Secondly, we talk of employment and we are not getting any reservation in the private sector. The youth from the scheduled castes category are going in private sector, after acquiring costly education by availing loan, in the field of medicine or engineering. They are not getting Government jobs. The problem of unemployment is increasing. So, reservation should be provided even in the private sector and the Judiciary. Only then, our dream of social justice would be fulfilled.

With these words, I conclude by supporting the Bill.

DR. BALIRAM (Lalganj): Mr. Deputy Speaker, Sir, I am thankful to you for giving me an opportunity to speak on Constitution (Scheduled Castes Order) Amendment Bill, 2012.

First of all, I support this Bill. Baba Saheb Dr. Ambedkar was preparing a list of socially, economically and educationally backward classes in 1928 to give them certain rights so that they could get the status of equality. The people who accepted Baba Saheb Ambedkar's plea were given certain rights. But, at that time certain people launched a campaign that certain people should not be included in the list of backward castes. But, when Baba Saheb Ambedkar got the opportunity to draft the Constitution, he, in Article 340 of the Constitution provided that the President shall have the right to appoint a Commission from time to time to identify persons who are socially, economically and educationally backward and to provide them reservation on the lines of Scheduled Castes and Scheduled Tribes. The Constitution contains such provisions. But, I have to say with regret that even after 65 years of Independence they did not get the rights as our founding fathers wanted. Amendments are being carried out in the Constitution, but it is not being considered how they will be given effect. Only amendments will not bring changes and the condition of Scheduled Castes will not change.

The intention of the Constitution (Scheduled Castes) order (Amendment) Bill 2012 introduced in the Lok Sabha on 21st May, 2012 is to include certain castes of Kerala, Madhya Pradesh, Odisha in the Constitution Scheduled Caste Order, 1950. As Shri Punia said that Manjhi (Nepali) people do not want to exclude itself from Scheduled Caste because there is untouchability there. The Hon'ble Minister

has introduced an amendment Bill to this effect, and I support it.

Mr. Deputy Speaker, Sir, the biggest problem is that there is a section of people who think how to suppress them. For this, various laws are being enacted and even the courts have started to interfere in it. Earlier my colleague. was saying that their Government wanted to include 27 castes in the list of Scheduled Castes. When Bahujan Samaj Party was in power in Uttar Pradesh, the hon'ble Mayawatiji had written to the Centre to include 16 castes in the list of Scheduled Caste. She had further said that if these castes were not included in the list of Scheduled Castes then on the basis of the castes, from which these castes have originated, the quota for Scheduled Castes should be increased and if the quota was not increased, it would be great injustice to them. I am in favour of this.

SHRI SHAILENDRA KUMAR: It should be on the basis of population.

DR. BALIRAM: It is correct that reservation should be on the basis of population. You have just seen that people are agitating since the Government of Samajwadi Party came into power. All the Government employees are agitating on roads on the issue of reservation in promotion. My colleagues talked about backward castes and Shailendraji talked about AIIMS. I support it. On the issue of Mandal Commission also, Bahujan Samaj Party had launched an agitation on a large scale for the implementation of the recommendation of this Commission. I support it and want that a constitution amendment should be introduced for reservation in promotions also so that courts or Governments cannot interfere in it. The Public Sector undertakings are gradually disappearing and they are being handed over to the private sector. Through you, I demand from the Government and the hon'ble Minister to bring such an Amendment so that the Scheduled Castes should be provided reservation in the private sector on the basis of their population. Similarly, there should be reservation for them in the Judiciary also. When hon'ble Chidambaram was Minister of Home Affairs, he said on 12th April 2012 that the development of the country was not possible without improving the condition of *dalits*. He said that one fourth of the population consists of *dalits* and Adiwasis and the country cannot progress ignoring them.

He expressed regret that despite all the efforts being made, the *dalits*, due to their social and economic condition, are still treated as second class citizens. Therefore, when our class constitutes one fourth of the population why is the Government not making such provisions in the Budget that one fourth Budget could be spent on the development of this class so that they could join the mainstream.

You have been in the Government for a long time and my colleague from this side has also been in the Government. My colleague from this side believes in Maryada Purushottam Ram. We also believe in Lord Ram and worship him. He talks about following the path of Lord Ram, but I want to emphasize on understanding his character. I want to tell that when Lord Ram went into exile, Laxman and Sita also accompanied him. Kaikai said that when they leave for the forest, Bharat would get the chance to rule Ayodhya. But Bharat said that he had no right over the throne and Lord Ram had the right to rule, so he agreed to ascend the throne placing Lord Ram's 'Khadau' at the foot of royal throne and ruled the city in that way. Similarly, I want to tell you that if the poor people are being denied their rights, you should fight for their rights because you very well understand his character. Thus, I would like you to fight for the rights of *dalits* and backward classes and make an effort to get them achieve their rights ...*(Interruptions)*... Therefore, we should get our rights as per our participation and on the basis of Constitution. *(Interruptions)*...

MR. DEPUTY SPEAKER: You please be seated. Nothing else will go on record.

...*(Interruptions)*...*

MR. DEPUTY SPEAKER: You please sit down.

...*(Interruptions)*...

MR. DEPUTY SPEAKER: Let the hon'ble Member of Parliament finish his point.

...*(Interruptions)*...

DR. BALIRAM: I wholeheartedly believe that if the Members of both the ruling and opposition parties make up their mind, become honest in their intentions, run the country as per the Constitution, beston uponus our constitutional rights enshrined in the Constitution, the

condition of *dalits* and backward classes of this country will improve.

With these words, I conclude my speech.

SHRI BHUDEO CHOUDHARY (Jamui): Mr. Deputy Speaker, Sir, I extend my gratitude to you for giving me an opportunity to speak on the Bill to further amending the Constitution (Scheduled Castes) Order 1950 and Constitution (Sikkim) Scheduled Castes Order 1978 presented by Hon. Minister in the House on 05 August, 2013.

Sir, before me, the hon. Members have elaborately expressed their viewpoints. Even after 67 years of independence, a discussion is taking place on the scheduled castes and their economic, educational and political as well as their pitiable condition. With a heavy heart, I want to say that a lot of amendments were brought but the kind of follow-up which should have taken place as per the amendments have lacked to some extent and a lackadaisical approach has been shown in this regard. Some castes in Sikkim were included in the list of scheduled castes in the year 1978 but some such castes which have remained downtrodden, their inclusion has been talked about. If any particular castes which has remained economically poor even after so many years of freedom in the country, it is the scheduled castes. Even today, the 80-82% women in the villages are scheduled castes and they don't have toilet facilities. They go out to defecate near the roads, ponds and rivers. Even today, they wait for the darkness to fall and again become active in the early hours of morning. If such odd circumstances still prevail even after 67 years of freedom, it is the women belonging to Scheduled Castes, who under go such a phase. I have no hesitation in saying that 80% scheduled castes children are victims of malnutrition. Their weight, according to their age, is less under the circumstances in which they are born. Even today, most of the scheduled caste children are physically disabled. Even today, they are victims of diseases. I want to say that if amendments are brought, their utility should be seen in the follow-up action. Mere statistics cannot change the condition and direction of scheduled castes and a physical verification has to be carried out.

MR. DEPUTY SPEAKER: Please be brief.

SHRI BHUDEO CHOUDHARY: Sir, I am just delivering a brief speech. I am describing the anguish of the persons belonging to Scheduled Castes. I am describing their pain. These amendments keep on coming but it is true that if Dr. Bhimrao Ambedkar had not enshrined his vision in the Constitution, we, the scheduled castes, would not have been able to set foot in the House. I am proud 14 of those luminaries who have made amendments in the Constitution. I would like to draw the attention of the House towards Bihar. Bihar Government has also recommended adding certain castes into the list of scheduled castes. I would like to request the hon. Minister, through you, that positive action needs to be taken regarding the points mentioned by the Bihar Government. These points are fact based and rational. One of the castes out of those is 'Pairga' caste. The largest population of 'Pairga' caste is based in Jammu and Panja. Their situation is even worse than the Dalit and Mahadalit category of Scheduled Castes in Bihar. Hence, I request the Government, through you, to take positive initiative to improve the lot of Pairga, Nonia, Nishad, Lohar, Tanti, Teli, Kewat, Halalkhod, Laldengi, Saishahaad and Muslim dhobis whose occupation is washing clothes and are in a deplorable situation.

"Yun hi shaakh se patte gira nahi karte,
jo bichhad jaate hai, ve jyada din jiya nahi karte
jo mausam aaya hai, usse shumaar karo
guzre hue dino ko koi gina nahi karte;"

With these words, I thank the hon. Minister from the core of my heart.

[English]

PROF. SAUGATA ROY (Dum Dum): Sir, I fully support the Constitution (Scheduled Castes) Orders (Amendment) Bill, 2012 brought forward by Kumari Selja. It is for including certain castes in the list of Scheduled Castes in the States of Kerala, Madhya Pradesh, Odisha, Tripura and Sikkim.

Sir, we all know that in Article 341 of the Constitution, there is a provision for the list of Scheduled Castes. This has been mentioned that in 1950, the first order was issued for the Scheduled Castes by the President of India and since then, six Presidential Orders have been issued and these Orders have been amended from time to time, that

is, the list has been changed, but the Constitution enjoins that we must bring it to the Parliament. Only Parliament by law may change the list.

The process of including new castes is a time-tested process. It is not that the Minister alone does anything. The State Government sends the proposal. Then, the Ministry of Social Justice and Empowerment sends it to the National Commission for Scheduled Castes, of which Shri Punia is the Chairman. Then, it goes to the Registrar-General of India. After approval from both of them, it comes to the Parliament. This whole list has also gone through the whole process. So, nobody can have objection to it. Here in Parliament, there is no point in demanding for inclusion of any new caste in the list of Scheduled Castes because even if the Minister wants, she cannot include any new caste in it without going through the whole rigmarole. The important thing that has been debated / mentioned here is the question of reservation. Why is it included? Why is it important for the caste to be included in the list to get the benefit of reservation, which is given according to Article 16 (4) of the Constitution?

This whole process of reservation for the Scheduled Caste (SC) and including them in the list has a long history. Gandhiji devoted his whole life for the temple entry of untouchables. Our Constitution eliminated untouchability from the country. The main drafting was done by Dr. Ambedkar who was a champion of SCs, and then for the first time reservation was included.

At present, reservation is there in the case of election to Assemblies / Parliaments, and with Shri Rajiv Gandhi's initiative it was included for election to Municipalities and Panchayats. So, the whole gamut of reservation in the political circle came into being. In the field of Government service, both the State Governments and the Central Government have provided reservation according to the population proportion of the SC and ST in any place. There is no problem regarding that.

Now, a question recently has come up in which there was a lot of *hulla-gulla* in the Parliament with regard to reservation in promotion. In the case of N. Nagaraj V/s. Union of India, the Supreme Court held that the Constitution amendments made to enable the State to provide reservation in promotion are constitutionally valid.

However, the States have to collect quantifiable data showing backwardness of the class and inadequacy of representation of that class in public employment keeping in mind maintenance of efficiency as indicated in Article 335. Now, this has posed the main problem because of this Supreme Court judgement. Again, the Supreme Court in the matter of Rajesh Kumar V/s. Uttar Pradesh Power Corporation struck down the provision of reservation in employment of service in the State of UP because the aforesaid requirements were not complied with. This matter was brought in Parliament around August 2012, and the Parliament was brought to a standstill for several days demanding that this provision be amended. An all-Party meeting was called and an amendment has been passed in the Rajya Sabha, but it is awaiting passing in the Lok Sabha. I hope that the Minister would take the initiative in passing the amendments so that there is no confusion about reservation in promotion of SC people. We strongly demand it.

Another demand has been made here before the Minister and you about reservation in appointment in the private sector. When our present Speaker was the Minister for Empowerment, she had raised it several times with the FICCI and other Chambers of Commerce, but our business community, as a whole, are blocking this question of reservation in appointment in private sector jobs. I think that the Government should take a stronger line and enforce this reservation in appointment in private sector. It is because we are trying to undo the wrongs of thousands of years done to the people who have been oppressed and the people who have not got proper opportunity to be given this opportunity.

MR. DEPUTY SPEAKER: Hon. Member, please be brief.

PROF. SAUGATA ROY : Sir, I am concluding in three minutes with two more points to mention here.

Firstly, I bring to the notice of the hon. Minister, through you, that there are three benefits that have been enjoyed by the SC. One is reservation in employment; second is reservation in educational institutions. We should be more careful to see that all this reservation in educational institutions is properly implemented. The third is, in every State, now the Scheduled Caste and the

Scheduled Tribe students are being given scholarships. Now, a lot of difficulty is being faced by the students in getting the scholarships. This matter should be sorted out. There is delay in disbursement of scholarships.

Then, every State has a Scheduled Caste/Scheduled Tribe Development Corporation which gives loans. Again, in getting loans, the Scheduled Caste/Scheduled Tribe people are being impeded. A national conference can be called to expedite the work of giving loans to the Scheduled Caste/Scheduled Tribe students.

The main issue is issuance of Scheduled Caste Certificates. In many States, the issuance of Scheduled Caste Certificate is a long drawn out process in which bribes have to be paid. People take up to one year. In West Bengal, we have been able to streamline the process and we are giving the Scheduled Caste Certificates within three months. Last year, nine lakh Scheduled Caste/Scheduled Tribe Certificates were issued in West Bengal. I would like other States to follow the lead given by West Bengal in issuing Scheduled Caste/Scheduled Tribe Certificates quickly.

Lastly, I want to say that this reservation to Scheduled Castes is a fulfilment of the dream of Gandhiji who wanted 'Ram Rajya for all'. Those who question forget the fact that even in an advanced country like USA, they have what is known as "affirmative action". Now, reservation is a kind of affirmative action. I had read a speech by Condoleezza Rice who was the Secretary of State in USA. She said, "I could only progress in life because in college I was the recipient of affirmative action."

Reservation is an affirmative action taken by the State to remove the persistent or present and continuing effects of past discrimination on particular segments of the Society to:

- (i) lift the 'limitation on access to equal opportunities';
- (ii) grant opportunity for full participation in the governance of the society; and
- (iii) overcome substantial chronic under-representation of a social group.

With these words, I conclude by saying that the Minister has taken a step for advancing the cause of the Scheduled Castes which I fully support.

SHRI SAKTI MOHAN MALIK (Arambagh): Thank you, Sir, for giving me this opportunity to speak on the Constitution (Scheduled Castes) Order (Amendment) Bill, 2012 which seeks to include certain castes in respect of Odisha, Tripura, Madhya Pradesh and Kerala in the Constitutional (Scheduled Castes) Order, 1950 and also to omit "Majhi" caste from the Scheduled to the Constitution (Sikkim) Scheduled Castes Order, 1978. I welcome the Bill and support. However, I wish to say a few words on this Bill. There are many schemes for upliftment of Scheduled Castes and Scheduled Tribes but what about the implementation? There is the Act for Prevention of Atrocities on Scheduled Castes and Scheduled Tribes but it is not implemented properly. Even though the Act is there, we are witnessing substantial increase in the number of atrocities on Scheduled Castes and Scheduled Tribes in recent years. Only about one-third cases of violence against Scheduled Castes and Scheduled Tribes are registered.

The police resort to various malpractices to harass Scheduled Castes and Scheduled Tribes from registering the cases to dilute the seriousness of the violence and to shield the accused persons from arrest and prosecution. FIRs are often registered under Acts other than POAA to dilute punishment.

So, I would urge upon the Government to take remedial measures to implement the Act properly and punish the culprits. We see that lists of castes are variable in different States. So, migrant Scheduled Castes and Scheduled Tribes of one State cannot get the facilities in other States. The Government should be serious to take measures for provision of the facilities in every part of the country. After partition, lots of Bengalees belonged to different castes like 'Namasudra', 'Poundraksatriya', 'Majhi' etc, who are Scheduled Castes in West Bengal but they do not get the recognition in other States. I would urge upon the Government to take necessary steps to solve the problem as early as possible.

Justice Ranganath Misra Commission recommended *dalits* of every religion should be included in the Scheduled Castes list. For this, the Government should take immediate steps and quota of Scheduled Castes should be increased accordingly. There is reservation of jobs for Scheduled Castes and Scheduled Tribes. However, it is a well established fact

that it is very poorly implemented. Moreover, the number of jobs are decreasing for the Scheduled Castes and Scheduled Tribes due to privatisation of Public Enterprises. Therefore, we would urge upon the Government to bring a legislation to reserve jobs in Private Sector to ensure jobs for Scheduled Castes and Scheduled Tribes in the country.

With these words, I wish to conclude my speech and thank you again for allowing me to speak.

SHRI MOHAN JENA (Jajpur): Thank you for giving me an opportunity to speak on this issue. Sir, I would like to ventilate my views on the Bill namely, Constitution (Scheduled Castes) Orders (Amendment) Bill, 2012. On behalf of my party Biju Janata Dal, I whole-heartedly support the provisions provided in the Bill. In this Bill, section 2 clause 'c' is about the spelling of my State name Odisha and a few substitute for the Entry in serial numbers 2, 13, 41 and 69 in reference to Presidential order of Odisha. Sir, these are minor modifications so far as Odisha is concerned. The Central Government is completely silent on major issues which are affecting the interests of Scheduled Castes and Scheduled Tribes in Odisha. Our State Government repeatedly recommended the exclusion of Dewar caste which is in the list in serial number 24 from the list of Scheduled Caste of Odisha but the Central Government is deliberately silent on this issue. Similarly, our Government recommended the inclusion of Tiar/Tior' Community in the list of Scheduled Castes in Odisha. The total population of 'Tiar/Tior' in Odisha is 1.5 lakh. Ninety-nine per cent of Tiar/Tior people are landless. They are educationally, socially extremely backward and suffer from untouchability and social discrimination. The traditional occupation of 'Tior/Tiar' people is fishing by khepa net and by Pulua. Since 1990, "Tior/Tiar' communities have been demanding to include their caste name in the list of Scheduled Castes but of vain. So, the Government should take appropriate steps to include them immediately. In the present day, every Government is debating the fundamental modalities, principles for deciding claims for inclusion in and exclusion from and other modification in the List of the Scheduled Castes and the Scheduled Tribes due to political compulsion. This is a very unwanted trend which is diluting the basic principle of the Indian Constitution. As you know, the criteria for inclusion of caste etc., in the List of Scheduled Castes is extremely social, educational and

economic backwardness arising out of traditional practice of untouchability and not poverty. This modality should not be debated at any moment. So, it is the duty of the Union Government to implement the constitutional provision in order to safeguard the interests of the Scheduled Castes and the Scheduled Tribes. With these words, I support the Bill wholeheartedly.

[*Translation*]

DR. RAGHUVANSH PRASAD SINGH (Vaishali): Sir, Sailja ji has introduced the Scheduled Caste Bill ...(*Interruptions*)...

MR. DEPUTY SPEAKER: Please address the Chair. Do not look there, and address the Chair.

DR. RAGHUVANSH PRASAD SINGH: Sir, this is a poor man's Bill. This has been placed in House for the last four-five sessions. It is good fortune that it is going to be passed would have today, otherwise this Bill would have remained stuck only in the List of Business. Today, fortunately it would be passed.

Sir, Baba Saheb Ambedkar gave the title of scheduled caste. All the State Governments are using 'Dalit', 'Mahadalit' and other words but all this is not of any benefit to these castes. This Bill is intended to add/ subtract castes from the list in two or three States. But what about other States? There are other castes. Paan, Tatwan, Taanti, Paan, Bunkar all belong to one caste. Swasi, Paner belong to one caste. In Odisha and Bihar Pan caste belongs to Scheduled Caste. Swasi and Paner also belong to scheduled caste. But then, why have Tatwan and Tanti been excluded? They have inter-marriages, they are one caste but different names in different regions. In some places Yadavs are called Ahirs. The caste system prevails from earlier times. It is not correct but we are moving towards reforms. I want to ask why Tantwan and Tanti have been excluded? The State Government, Social Studies Institutions, Registrar General of India all say they are the same then how they remain excluded? Tatwan and Tanti people come to us to bemoan their situation. Their leaders and community associations say that there is no difference between Paan, Tatwan and Tanti. Still Pan has been included in the list of Scheduled Caste and the other two have been excluded.

Sir, similarly there is Amaat caste. Amaat caste has been included in Scheduled Caste in a Bill in Odisha. You all know that Bihar, Odisha, Bengal and Jharkhand were one State earlier. Now, if Amaat caste is being included in the Scheduled Caste list then why is it being excluded in Bihar? Earlier it was just one State, there that caste had same status. Now Amaat caste has come into Scheduled Caste in Odisha but it has been left out in Bihar. They will say that they have been left out because they live in Bihar.

Sir, there is one 'Kanu' Caste. The representatives of their federation met me, a large number of their leaders also came and a dharna was staged at Jantar Mantar. One newspaper also reported about them, normally such events related to poor people are not given any coverage by the newspapers. They face harassment on every count and are neglected. The people of Kanu caste staged dharna there, it is continuing for four-five days, I read it in one of the newspapers, perhaps it is Jansatta. They also sent a letter to the hon. Minister and the hon. Prime Minister. It was reported that a notice was sent but whether it reached them or not, I am not sure of that. 'Kumhar' caste also has an organization, they are also known by the name of Prajapati. They are also struggling that they should be covered under scheduled caste. They want that their social status, history, sociology should be referred to. Barbers also invoke similar treatment stating that they are in a pitiable State, they should be covered under scheduled caste. There is one 'Darhi' caste which lives near Munger and Mokama. Eight to ten people came and met me. All of them were of stout built. When I asked them where they were staying they told me that all of them stayed near the railway station. They somehow mustered up courage and came to meet me. They complained that while other castes like Dusadh, Dharhi, Darhi, Paswan were all included in the scheduled caste. They claimed themselves as a separate caste and had nothing to do with the Paswan caste and their caste was not mentioned anywhere. Their caste has more presence in Sheikhpura in comparison to Mokama. They assume that their population is about 25-30 thousand in that area. And they complain that no one pays them any attention because they are in minority. Chaupal is in the list of scheduled castes but Khatve is not. The caste known as Khatve maintain that Chaupal and Khatve are alike and they also have inter-community marriages. What

is their fault if they have been missed out from the list of scheduled castes. Turha is also a downtrodden caste but are less in number. Kaiwart caste is scheduled caste and has presence in Odisha, Tripura and West Bengal. Kaiwart, Kewat and Mallah castes are also there. Mallah caste falls in the list of scheduled castes in West Bengal and they are included in the list of very backward caste in Bihar and . their organization is fighting for their rights. You may look at all these castes like Nonia, Mallah, Mali, Dhanu, Kahaar, Bind, Beldar, Kewat and Lohar. Lohars are in the list of scheduled castes in West Bengal and among scheduled tribes in Jharkhand. They are among extremely backward caste here and are struggling to get covered under scheduled caste ...*(Interruptions)*... The hon. Member is submitting that they are OBC in his State. These kinds of discrepancies prevail in these castes. The Bill introduced by the hon. Minister, has Kewat caste among the list of scheduled castes.

MR. DEPUTY SPEAKER: Please conclude now. It has become quite long.

DR. RAGHUVANSH PRASAD SINGH: It is an issue of castes, so I cannot help it. So many castes have already been excluded from this list. If we do not mention them even here, how they will be benefitted? Similarly, the Gararia and Pal castes face the same problem. Teli caste says that the scheduled castes are considered untouchables, but the shadow or sight of Teli caste is considered as untouchable. There is a misconception in the society that the sight of a Teli early in the morning is inauspicious because a person would remain hungry throughout the day. They complain that their condition is even more pitiable in the country as per a myth that the mere sight of this caste spells misfortune ...*(Interruptions)*... Sir, why did the country lag behind? It is because crores of people were considered untouchables, downtrodden. How would our country think of being in the same line with other developed nations if we push crores of our people backward? This is our basic principle. I would like to cite an example as to how this injustice took place ...*(Interruptions)*...

MR. DEPUTY SPEAKER: Please conclude now.

DR. RAGHUVANSH PRASAD SINGH: We have regiments in the name of 153 nine castes. These are Rajput

regiment, Jat regiment, Maratha regiment, Sikh regiment, there was one Chamar regiment. During second World War when the British were in need of soldiers, they created Chamar regiment and it was disbanded as soon as the war ended. Why did they disband it? I would question the Government that so many misdeeds of the British regime were undone by the Government, then why this is not being paid attention to. I asked the Ministry of Defence if Chamar regiment existed. They replied in the affirmative. Why it was disbanded? It is because the INA which was set up by Neta Subhash Chandra Bose ji, due to which they were declared traitor had two persons named Jogi Ram and Dharam Singh, hon. Minister would be knowing them ...*(Interruptions)*...

MR. DEPUTY SPEAKER: Please conclude now.

DR. RAGHUVANSH PRASAD SINGH: Sir, the real issue has come up now.

MR. DEPUTY SPEAKER: The real issue is being discussed from the beginning.

DR. RAGHUVANSH PRASAD SINGH: Injustice is being done to them. How will our country progress unless the exploited, the deprived, the neglected *dalits* are brought into the mainstream of the nation. You have kept the regiment of other castes intact. Chamar Regiment was done away with, then why is the Congress Government not restoring it? I seek a reply to this, these castes have been subjected to injustice for the last thousands of years, will they continue to suffer, how much will they suffer?

MR. DEPUTY SPEAKER: Please conclude.

DR. RAGHUVANSH PRASAD SINGH: Sir, the State Governments should improve the situation by conducting survey of all these castes and collecting data from Social Study Institutes and Registrar General of India so that these castes are not deprived of reservation and their rights ...*(Interruptions)*...

SHRI SANJAY SINGH CHAUHAN (Bijnor): Mr. Deputy Speaker, Sir, I am grateful to you for giving me an opportunity to speak. I will conclude just after highlighting two points. When the hon'ble Minister replies she must tell about the big agitation launched by the Gujjar caste five years ago in Rajasthan demanding inclusion in the list

of Scheduled Tribes. And in independent country, I think, before independence also no such agitation was launched in which eighty youths of twenty to twenty five years of age lost their lives. I want to know from the hon'ble Minister where reservation is stuck, what its status is in the court. This is our biggest House, it is our biggest Panchayat. When we want to do anything, we also find out certain way for the court. Remembering the Martyredom of eighty youths and their parents, the House was concerned. Today their condition is pitiable. The Hon'ble Minister must tell what kind of efforts the Government is making to include them in the list of Scheduled Tribes.

The second point is related to reservation for Scheduled Caste. Every civilized Indian wants our Scheduled Castes and Adiwasis to prosper and progress. The period of 63 years after independence is not a small period. As per my information initially the provision of reservation was made for 10 years, after that it was to be reviewed and then it would be extended. After every ten years it is extended. But I think that only few people are milking this benefit. The children of persons belonging to scheduled caste who have progressed are still taking benefit of reservation. For example if there is rush in a train coach and a person gets the door open after so much entreaties and some kind person like you opens the door of the coach and at the next station when another needy person like him wants to enter the coach, the same person sends him in other coach.

15.00 hrs.

Those persons have taken benefit of the Scheduled Caste and Scheduled Tribe, but what happened to the theory of creamy layer? Those who are really poor, do not get even the information as to where there is reservation for education. They do not get information regarding the vacancies published. They do not get any information.

I think this is high time to review it so that the real poor get the benefits of reservation.

[English]

SHRI PRABODH PANDA (Midnapore): Sir, at the very outset, I support the Constitution (Scheduled Castes) Order (Amendment) Bill, 2012.

This Bill seeks to include certain castes with respect to Kerala, Madhya Pradesh, Odisha and Tripura in Scheduled Castes Order 1950. In accordance with the provisions of Article 341, Presidential orders were issued between 1950-78 for specifying Scheduled Castes in respect of various States and Union Territories. These orders have been amended from time to time by Acts passed by this House. I welcome this Bill, as it is going to recognize some castes though it is confined to four States only.

But, Sir, I do not know for how long these proposals have been pending in the Ministry. The Standing Committee has pointed out that a number of proposals from State Governments for amending the Scheduled Castes Orders are pending with the Ministry, Registrar General of India and the National Commission for Scheduled Castes. Now, the question arises about the benefits, about the facilities to be provided properly to the Scheduled Castes. This is the secondary point. Primary point is the recognition. If the Ministry and all other mechanisms remain idle and huge proposals remain pending then how recognition of the huge number of Scheduled Caste people will take place? How will these huge number of Scheduled Caste people who are supposed to be recognized will get the benefits? I think the Minister will respond to this matter as to how many proposals are still pending in the Ministry; not only in the Ministry but also with the Registrar General of India and with the National Commission of India. In my State of West Bengal some communities have been left out and they are waiting for the recognition. It has been very correctly said by some Members in this House that some communities have been recognized as Scheduled Castes in some other States but not in our State. This is creating problem particularly in the case of cosmopolitan towns. In cosmopolitan towns people are coming from different States. In their original home State they have been recognized as Scheduled Castes but as they have not been recognized in our State they are not getting the benefits. So, some sort of mechanism should be found out so that all types of notified Scheduled Castes and Scheduled Tribes are treated at par. There should be uniformity so that they are not deprived of the benefits.

Another point which is a matter of concern is, and it has been mentioned by the Standing Committee, that the data of the estimated population of different communities

was not available with the Ministry of Social Justice and Empowerment. I do not know whether the data is there or not with the Minister herself. But if there is no data, then how do you prepare the financial memorandum for the Bill? If you do not know the exact population of the Scheduled Castes, then how are going to prepare the financial memorandum for the Bill? How are you going to provide the budgetary allocation in this regard? I think this is some sort of lacunae and that should be removed and some justice should be done.

Then, there is a Registrar General of India. It never conducts any field based anthropological study. They do not go to the base. They should go to the base. They should properly conduct the anthropological studies and collect updated information on the socio economic condition.

So far as other States are concerned, please dispose of the pending proposals so that they could be recognised as vulnerable. I do agree with my previous speaker, hon. Member, Dr. Raghuvanshji. Why are we in the back? It is because we have moved them in the back. Let me allow to quote Rabindranath Tagore in this regard. He said:

*"Jare tumi rakho piche,
Sey tomare taniche paschate."*

Those whom you put in the back, they will pull you in the back. As we have pulled them in the back, so our country is also pulling back. So, justice is required to be done. In this regard, the priority is to expedite these cases. Do not sit idle. If any reforms or restructuring is required of the organizations, do it as soon as possible. A huge number of people are socially backward and they are deemed to be Scheduled Castes but they have not been recognized. You are depriving them of their fundamental right. You are sitting idle and are not functioning properly. So, while I support this Bill, this is my accusation.

I think the Government will think over it and in the course of her reply, the Minister will respond to these points. With these words, I conclude.

[Translation]

SHRI S. D. SHARIO (Baramulla): Mr. Deputy Speaker Sir, on the one hand these reservations, making lists of the deprived and their castes and giving them facilities are

all justified, but on the other hand, this is also an indicator of the vexatious situation in our country. For hundreds and thousands of years, we have remained divided in the name of caste and community, although there is one God who has created us all whatever be the caste or occupation. Everyone is deserving to get equal respect. A cobbler serves the country by making shoes and I serve the country by speaking here. If the cobbler is not there, it would become very difficult for me to move around outside. If there is no sweeper then my life would become difficult. But, it is a fact that we have not treated them as equals. They have lagged behind in social, educational and economic terms. They have not only been given unequal treatment but also faced hatred.

Sir, I would like to have your attention please. In 1980, I was member of the Committee for Scheduled Castes and Scheduled Tribes. We went to Ramananthpuram. Complaints had been received from there. A doctor there had said that he worked in a hospital where the higher caste doctors rejected my prescriptions and threw away the medicines given by me. He said once when he was walking with an umbrella in heavy rain in the market, a higher caste person came near him and slapped him and told him he could not walk in the market meant for higher caste persons. What can you do about this attitude? Till the time the mindset of this country changes nothing can be done. I would consider a person to be of higher caste if despite his caste he sits and eats with a person of a so-called lower caste. A person does not become a person of higher intelligence by wearing good clothes or living in a big house. A higher consciousness comes from high thinking, a big heart, with having patience, being peaceloving and empathetic. A higher caste is marked by setting aside meanness and hatred not only because someone's caste is marked as Brahmin or Qureshi or Syed in revenue records. When a person reaches the pinnacle of respectability it is then that his superiority shines forth. That person who is ready to turn himself to dust and knows how to respect the lowest of the low is the person who belongs to a higher strata. Today, my friend said, I would also like to salute Dr. Ambedkar Sahab and Mahatma Gandhi, who spread the message that this society should not be divided. There should be unity in the society, there should be no difference between the poor and the rich, between Hindu

and Musalman, there should be no division on the basis of region and language, there should be unity amongst all. But it is a fact that the people who get the benefits of reservation make progress in society. They travel in ships, large Mercedes cars, they become owners of companies and their social stature becomes quite good. They and their children get reservations but the poor remain poor. The Government should pay attention to this. The people who have availed the benefits of reservation should be deleted from the list and those who have remained deprived should be moved up.

The Government should think about this seriously. I would like to end by saying that Shri Atal Behari Vajpayee during his Prime Ministership had come to my area and had promised that seeing the condition of the people of the hills, who were living in the same condition as those belonging to the scheduled tribes, that people of Karna, Gurez, Tulel, Uri, remote areas, Rajori, etc. would be accorded the status of scheduled tribes. But till now that file is lying buried in your offices of the Union Government. The State Government has made repeated recommendations, Shri Ghulam Nabi Azad made the recommendation when he was the CM, Dr. Farooq Abdullah made the recommendation in his term, but till date no positive action has been taken thereon. I would request Madam Minister to give consideration to this issue. I request that these castes should be assisted by grant of subsidy or scholarships for education so that they are able to progress. Hindustan would not become strong till all the castes progress educationally, socially and economically. They are all part of the country. If any organ of the body is weak the entire body suffers. I would like the Government to give consideration to this issue.

With this I express my support for the Bill.

[English]

SHRI ASADUDDIN OWAISI (Hyderabad): Mr. Deputy-Speaker, Sir, thank you for giving me this opportunity to speak on this Bill. Under article 341 of our Constitution, the hon. President has been empowered to provide status of Scheduled Castes to those people who are in the lower strata of our society and they are called *Dalits*. Using these powers, the hon. President by an Order of 1950 restricted the status only to those who profess Hinduism as their religion.

I would like to quote to the Minister para 3 of Order 1950. It says:—

“Thus *dalits* who were professing religion of Sikhism, Buddhism, Islam and Christianity were denied this right of Scheduled Castes which they were enjoying from 1936 to 1950.”

They were enjoying it from 1936 to 1950. Later on Sikhs and Buddhists were granted the status of Scheduled Castes. So, two amendments were made. My question to the Government of the day is: When Muslims are entitled to OBC quota, when Muslims can avail reservation under Scheduled Tribe, why is it that *dalit* Muslims and *dalit* Christians cannot be given the status of *dalits*?

When the hon. Minister stands up to reply, will she agree with me in saying that article 341 of the 1950 Presidential Order is unconstitutional, discriminatory, depriving and it contravenes our fundamental right of articles 14, 15, 16, and 25, which is the right to freedom of religion? Will she agree with me that the 1950 Presidential Order and article 341 (1) are unconstitutional and plain discriminatory? What is the Government doing to ensure that this discrimination ends?

Let me read article 13, sub-section 2. It says:—

“The State shall not make any law which takes away or abridges the rights conferred by this part and any law made in contravention of this clause shall, to the extent of the contravention, be void.”

Now, coming to this Government, headed by Dr. Manmohan Singh, I would like to say that this Government had constituted the Sachar Committee. The Sachar Committee had recommended reservation to be given to *dalit* Muslims and *dalit* Christians. About others, it has not mentioned a word. This Government has formed the Religious and Linguistic Minorities Commission, headed by a retired Chief Justice of the Supreme Court, Justice Ranganath Mishra. You have tabled a Report in this august House, without an Action Taken Report. You form a Commission under Inquiries Act of 1951, but you do not table an ATR. Then, what is the sanctity of this august House? What is the sanctity of your decisions? Are you really serious enough to uphold the right to equality before

law, article 14 and freedom to religion?

The National Commission for Scheduled Castes in their Order of 18.12.2007 had given a green signal. What is the percentage of *dalit* Muslim population among the whole Indian population? It is only 0.80 per cent. They are backward educationally and socially. Justice has to be done to them.

In conclusion, I would like to quote what Mahatma Gandhi wrote in *Harijan*, Volume IV, No. 46, in December, 1936. He wrote:—

“Whether the harijan is nominally a Christian or a Hindu or a Sikh or a Muslim, he is still a harijan. He cannot change his spots inherited from Hinduism so-called. He may change his garb and call himself a Catholic harijan or a Muslim harijan or neo-Muslim or neo-Sikh, his untouchability will haunt him during his lifetime.”

For God's sake, why do you not uphold the words of Mahatma Gandhi? Father of the Nation has written this, but you do not want to accept his words.

Coming back to 1997, the National Commission for Minorities, under section 9, sub-section 1 of the NCM Act, has recommended for the outright removal of the provision of the 1950 Order which confines the SC status to three specific religions. In the Annual Reports of 2006 and 2007, they have done this. For four years the matter is lying with the Supreme Court. I do not know what the Supreme Court is doing. This Government led by Dr. Manmohan Singh has let us down completely. This Government has not even filed a reply in the Supreme Court as to what is your opinion. The Supreme Court has posed three questions to you. You cannot even answer those three questions. Are you running of the Government of the day? You cannot even reply to three questions of the Supreme Court!

What has happened to the Usha Mehra Commission's Report about re-classification of *dalits* in Andhra Pradesh? It is a Report of a Commission. The Government is sleeping over that.

The State of Andhra Pradesh is in turmoil, including coastal Andhra. The Ministers hailing from coastal Andhra are harping about Hyderabad. You forget about Hyderabad.

You will never get Hyderabad. But you can protect yourself and you can retrieve the lost ground to the other parties. The population of *dalits* in coastal Andhra is nearly 20 per cent. They are practicing Christianity. But they are not saying openly. Why do you not give them the *dalit* status and make a political point over there?

The *dalits* of Telangana are angry against you. Why? It is because you are not implementing the Usha Mehra Commission's Report. So, my request to this Government is, at least, to file a reply to the Supreme Court or tell the Supreme Court "we do not have a reply. You decide it." You do not even want to file a reply. You do not want to take a decision. Despite a Commission which you have yourself formed, you are now bringing forward an amendment. You have conveniently forgotten about the *Dalit* Muslims and *Dalit* Christians.. (*Interruptions*) It is against equality before law. It is against freedom of religion. It is against Articles 15 and 16. It is unconstitutional. It is discriminatory.

Over and above that, if a *dalit* converts to Christianity and then he decides that he would go back to Hinduism, he gets the Scheduled Caste status. Is it not injustice? This particular Constitution (Scheduled Castes) Order, 1950 para 3 (41) is based on religion only. Why are you discriminating against Islam and Christianity? Is Dr. Manmohan Singh against Islam and Christianity? Pluralism is the ethos of our country. Secularism is inscribed in the Preamble of the Constitution. For God's sake, rise up to the Preamble of the Constitution, rise up to your constitutional duty.

I would once again request my Ministers from Coastal Andhra Pradesh to focus on this; you will retrieve the lost ground. You are focusing on Hyderabad which is the lost cause for you.

[Translation]

SHRI AJAY KUMAR (Jamshedpur): Mr. Deputy Speaker Sir, first of all, I would support this Bill. I would like to bring a problem to light, through you, that Maal Kshatriya and Dandchatra Majhi are good examples of the present situation as these castes have been declared as scheduled castes in Bengal and Odisha situated on one side of the river but the same castes are not treated as scheduled castes in East Singhbhum and the West Singhbhum situated on this side of the river. If any girl from here gets

married in Bengal, her children are treated as scheduled caste but if any girl belonging to the said castes from West Bengal or Odisha gets married in Jharkhand, her children are not treated as scheduled caste. It is a good example of the discrepancies the system laid down for identification of the Scheduled Caste. The voice of the poor and the needy is never heard. If we take a look at the process of inclusion into the list of scheduled castes, we find that it takes at least 20 to 25 years for a caste to be included in the said list and in the meanwhile one generation is finished and there is no accountability in this regard so as to ensure that the State Government, Registrar General of India or the Union Government discharge their functions in a time bound manner. There is neither any time limit nor any transparency. It is not possible for the poor to run from various regions of Jharkhand to Ranchi and Delhi.

I would like to request the hon. Minister, through you, to make this system online so as to bring transparency, in the process because the poor do not have enough resources for come to Delhi and meet us. This is my experience. We have been trying for the last two years.

I request the Government to give a commitment that the said process would be made transparent and time-bound. There is no fixed period of time limit for the Registrar General of India. I request the Government, through you, to fix the time period for the State Government to complete this process.

The second important thing is that through this Bill we need to ensure provision of power supply and Indira Awas for the persons belonging to the Scheduled Castes as there is shortage of three to four basic services viz. power, toilets and houses in the areas where these people reside. Do not provide these services in numbers as it would never solve the problem. There is need to lay down law for providing toilets, solar power, Indira Awas to all the persons belonging to identified Scheduled Castes.

Several hon. Members had discussed the fact that few people got the said services but the needy ones never got these facilities. Suppose we fix a criterion that those, who pay tax, should not get these services and if there is a fair and transparent system, we can move forward. I would like to thank you for giving me an opportunity to speak.

SHRI VIRENDRA KUMAR: Mr. Deputy Speaker, I stand to speak in support of the Bill brought for amendment in Constitution (Scheduled Castes) Order, 1950 and Constitution (Sikkim) Scheduled Castes Order, 1978. Even today, people are victims of economic, social and educational backwardness. Revisions are being made in castes of some regions through this Amendment Bill for making them equal. I want to say that while this bill is appreciable, it has many discrepancies even now. All these discrepancies need to be removed completely.

I want to speak about Madhya Pradesh. In Madhya Pradesh, Dhobi community is included in the category of scheduled caste in only three districts – Bhopal, Seehor and Raisen and it is in OBC category in the other districts. The people of Dhobi community are regarded as the most untouchable lower caste. When a child takes birth in any house, the family members do not wash the clothes of the mother rather those are washed by the Dhobi community. The clothes of the hospitals stained with blood and pus are sent to this community for washing. The people of this untouchable community are included in the list of scheduled caste in only three districts of Madhya Pradesh. To include them in the rest of the districts, an Non-Executive Resolution serial no. 22 was passed by the Legislative Assembly of Madhya Pradesh on 3rd April, 1998 and sent to the Central Government. An Non-Executive Resolution no. 16, 17 and 18 was passed again on 17th February, 2006 and sent to the Central Government.

I want to request honorable Minister, through you, that when we are talking about the amendment, and when I stand to put an emphasis on their point of view, a face comes to my memory. When I sit in the office of my constituency, an old person of my constituency named Param Rajak come from Gōr village of Tikamgarh. He comes with hope and dreams for the future of his children and always says the same thing, "I have lived my life, but I want that our Dhobi community should be included in the category of scheduled castes in the rest of the districts of Madhya Pradesh and all States of the country."

I want to request that the official resolution has been passed and sent by the Legislative Assembly of Madhya Pradesh. It should be included in the list of scheduled caste in all districts of Madhya Pradesh. Likewise the Prajapati

community has been included in the list of scheduled caste in Chhatarpur, Tikamgarh, Panna, Satna, Riwa, Sidhi, Shadhol and Datiya districts of Madhya Pradesh. When Diwali comes, the people from Prajapati community make earthen lamps, when Dussehara comes, they make mannequin of Ravan, they make toys in Sankranti. They are the people belonging to scheduled castes of the society and standing at the bottom of social ladder, who need to be developed. I want to request that alongwith Madhya Pradesh, they should be included in the list of scheduled castes in the remaining States where they have not been included in the list.

Similarly, the Khatik community has not been listed in the category of Scheduled Castes in Andhra Pradesh, Bihar, Gujarat, Karnataka, Kerala, Odisha and Tamil Nadu even today. Here they have been included in the category of OBC. If we see from economic point of view, they do the same work in the whole country, and are suffering from backwardness in economic, social and educational field. I, through you, want to request that the people of Khatik community should be included in the list of scheduled castes in the whole country. Mahatama Gandhi and Pandit Deen Dayal Upadhyay used to say and many of our Members said that a review of the issue should be done. The people of scheduled caste make the skyscraper in big cities. The labours of scheduled caste do the work of brining shine to the roads in metro cities. But if a person from the lowest grade of society cannot get a house to live in, medicines during illness, clothes to wear and equal opportunities of education for his children, I think the amendments we do and the efforts we make to move our society forward, are all incomplete.

The proposal to include Chikgara, Chik, Cheek, Mehra, Mahra, Audhelia, Adholia, Adhoria, Adhulia and Sooth Sarthi in the list of Scheduled Caste was also sent to the Central Government by Chhattisgarh State Government. Similarly, request have been made through Schedule 341 to include Kahar, Kewat, Kenwat, Mallah, Nishad, Dheever, Dheemar, Lohar, etc. through Dhobi movement time to time.

At last, I would like to request that Khatik, Dhobi and Prajapati community should be included in the category of scheduled caste in all States of the country. The resolution regarding Dhobi community has been passed and sent

here by the Madhya Pradesh Government so that Dhobi community could be included not only in Bhopal, Raisen and Sihor districts in the category of Scheduled Caste but in entire Madhya Pradesh.

[English]

SHRI R. DHYUVANARAYANA (Chamrajanagar): Mr. Deputy-Speaker, Sir, I thank you for giving me an opportunity to speak on the Constitution (Scheduled Castes) Orders (Amendment) Bill, 2012. I whole-heartedly support this Bill.

As per the provisions of Article 341 of the Constitution of India, the main criteria for considering a caste for inclusion into the SC List is untouchability. Those castes suffering from untouchability are included in the SC List. At present in India, there are 1,208 castes which are included in the SC List. From the State of Karnataka 60 castes are included in the SC List, from Andhra Pradesh 60 castes are included, from Kerala 55 castes are included, from Tamil Nadu 76 castes are included in this list.

I would like to submit that for inclusion in SC List, the main criteria is untouchability. Those castes suffering from untouchability have to be included in SC List. Now-a-days, from every State recommendations have come for inclusion of castes in this list. From Backward Classes, many castes want to be included in SC List. My humble request to the hon. Minister is that the Government should consider untouchability as the main criteria for inclusion into this list.

My next point is, the hon. Minister is including some castes into this list, but she is not enhancing the percentage reservation. Already, 1,208 castes are included in SC List. But the percentage reservation remains at only 15 per cent. I would request that the Government should enhance the percentage reservation to the Scheduled Castes.

Then, I would like to say a few words to further stress my stand. For example, if a touchable caste is included into the SC List, then a situation may arise that the person from this touchable caste will practice untouchability on the other members of the Scheduled Castes. Then, the concept of social justice gets defeated. In that case, the members of the untouchable caste, who experience atrocity and harassment, cannot seek justice under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,

1989. Such situations have arisen in the past and they may arise in the future also. So, we should not give way for such social dilemmas or social contradictions.

Finally, I would like to say that the yardstick for inclusion of a caste into the SC List should be strictly followed. At the same time, if some castes are to be excluded, that process should also be done after proper investigation.

With these words, I support the Bill brought by the hon. Minister of Social Justice and Empowerment.

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (KUMARI SELJA): Mr. Deputy-Speaker, Sir, through you, I would like to thank the hon. Members who have participated in this discussion. Shri Virendra Kashyap, Shri P.L. Punia, Dr. Baliram, Shri Bhudeo Choudhary, Prof. Saugata Roy, Shri Sakti Mohan Malik, Shri Mohan Jena, Dr. Raghuvansh Prasad Singh, Shri Sanjay Singh Chauhan, Shri Prabodh Panda, Shri Asaduddin Owaisi, Shri Ajay Kumar, Shri Virendra Kumar, Shri Dhruvanarayana and other hon. Members have participated in this debate. All the hon. Members have supported this Bill. I am grateful to them.

Sir, many of them have explained the process through which different castes or their synonyms can be included or excluded from this list. I have also explained it in my speech. But, for the benefit of hon. Members, I would like to, once again, apprise the hon. Members about the procedure that we follow relating to this inclusion and exclusion.

Sir, as all the hon. Members are aware, the Scheduled Castes are notified under the provision of article 341 of the Constitution of India. First, the list of the Scheduled Castes in relation to State or Union Territory is by a notified order of the President after consultation with the State Government concerned. Any inclusion or exclusion, subsequently, can only be done by an Act of Parliament, hence this Bill.

The Government of India has laid down modalities in June 1999 as amended in June 2002 for considering proposals in regard to modification in the list of Scheduled Castes. As per the modalities, the proposals which are initiated by the concerned State Governments – they

have to be initiated by the concerned State Governments or the Union Territory Administration along with the ethnographic support – have to be agreed to by both the Registrar General of India and the National Commission for Scheduled Castes. Then they are processed further and introduced as a Bill in Parliament. After the Bill is passed by both the Houses, the assent of the President is obtained, the amendments are then notified.

The hon. Members, Shri Kahsyap, Shri Punia, Shri Shailendra Kumar and all the other hon. Members have raised a number of issues. As regards some different Castes which were named for inclusion by different hon. Members, my reply to them would be that this is the process which is followed and we have to follow this process. As one of the hon. Members pointed out that it is important that these issues should be raised here, but unless the process is followed, and it does take some time, [TRANSLATION] it takes so much time, it takes many years to follow it. And we make it a Bill after following that process. If the names of the castes mentioned by you have been recommended by the State Government, those must exist somewhere or have been rejected through these processes. The procedure is being followed. Shri Virendra Kashyap ji wanted to pay special attention on Koli and Kori castes. I, through you, would like to tell the hon. Member that Koli is already in the list of Scheduled Castes in Delhi, but we have not got any proposal from the State Government about Kori. Similarly, there are several other castes which have been mentioned by you. Shri Shailendra Kumar spoke about many castes.

SHRI DARA SINGH CHAUHAN (Ghosi): He is not serious. He mentioned it and left the House.

KUMARI SELJA: I'll give the reply. The names of 17 castes from U.P. have been sent to us for inclusion in the month of February this year. We have sent those to R.G.I. for their comments. When it comes from there, we shall move forward. One Hon. Member also spoke that funds were diverted. When he talked specially about Delhi, we have taken it up so that there may not be any diversion like this.

Hon. Punia ji, who himself is the chairman of N.C.A.C., explained it elaborately and supported the bill. I am thankful to him. Dr. Baliram talked of private sector. This

is a very important matter. Today all Members are excited about it and not only Members but, all people belonging to SC community outside the House also think about it seriously. They as well as we think that the situation is not good because for some reasons Government jobs are decreasing and the role of private sector is increasing in our economy. This is a very serious issue. Our Government has also taken it seriously. I would like to bring this matter on record that when hon. Speaker Madam was Minister, she had taken it very seriously, talked to many people of industry and moved it forward. Now, we are also in constant dialogue, we are talking to private sector. Many a times, I went to their forum and talked, called them to my office, wrote letters and till now we are perusing that they may realize it themselves, and consider it as a serious matter. If they do not take it seriously, it may cause serious repercussion on our entire society. I hope private sectors will take it seriously ...*(Interruptions)*...

SHRI DARA SINGH CHAUHAN: Sir, they are not taking it seriously and there is a conspiracy in this matter. You will have to take a strict step. Today, a conspiracy is being plotted to eliminate reservation. So, you have to take strict steps ...*(Interruptions)*...

KUMARI SELJA: We don't want to take stringent steps. We want to solve it peacefully so that cordial atmosphere is maintained. And in the modern era, the people should understand that the discrimination is going on for centuries. As long as all people do not take step forward, it will not be possible to make a progress in this regard. It is not a matter of merit or demerit, all should come forward. Our constant dialogue is going on, we hope that private sector will see it from this point of view and they will surely take positive steps so that the Government is not compelled to take stringent steps.

SHRI VIRENDRA KASHYAP (Shimla): Sir, I want to ask a question ...*(Interruptions)*...

MR DEPUTY SPEAKER: You may ask it later. At present, she is answering, so please ask your question later.

KUMARI SELJA: Sir, we are talking about Scheduled Caste sub plan. It is a very important issue. We want to implement it correctly. I am happy that one State, Andhra

Pradesh legislated it and made laws in this regard. I have written to all States to see and study what Andhra Pradesh has done. I have written to the Chief Ministers of all the States to make effort to bring similar Bill in their States. We hope that all States will see it and all Chief Ministers will take it seriously. We are considering it at Central Government level to introduce a Central legislation because it is a big issue. When money amounting to lakhs and crores is allocated in the budget for SC plan then it should be utilized properly for SC people. It should be utilized in right letter and spirit. All hon. Members will agree with the opinion that if all Ministries and people implement it sincerely at every level, the status of SC community will be improved very soon. But it needs a lot of commitment and sincerity.

Mohan Jena Ji spoke about Dewar community of Odisha. I would like to give him the latest information in this regard.

[English]

The Government of Odisha, *vide* their letter dated 18.09.2012, has informed that the views of the RGI are being examined because the comments of RGI had been conveyed to the Government of Odisha. Expert views on the Scheduled Castes and Scheduled Tribes from research institutes have been sought with the request to conduct a broad based ethnic study on Keuta, Kaibarta & Dhibar communities and after receipt of their report, further action would be taken. As far as the Dewar community is concerned, the Government of Odisha had requested the exclusion of Dewar community because we are getting all kinds of letters for and against. The Government had requested the exclusion of Dewar community from the list of Scheduled Castes in 1981 on the ground that Members of this community are not found in the State. However, pursuant to order dated 5.11.1979 of the Odisha High Court, Dhibar, Keuta & Kaibarta communities were treated as synonyms of Dewar community. Subsequently, these communities were added to the list of Scheduled Castes of Odisha as synonyms of Dewar community, *vide* the Constitution Orders (Amendments) Act, 2002. This is the information I would share with the hon. House.

Shri Prabodh Panda had specific questions. I would like to reply to him. Apart from the 11 proposals, which

have been included in the Bill under consideration at the moment, nine more proposals, as per approved modalities, have attained maturity and after obtaining the approval of the Cabinet we shall introduce a Bill on those. So, seven proposals have been referred to the Registrar General of India; five proposals have been referred to the National Commission for Scheduled Castes; 25 proposals have not been agreed to by the RGI even on a second reference and hence are not eligible for further consideration. Sir, recommendation of this concerned State Government in respect of four proposals pertain to the period before the approval of the modalities as such these have been referred back for reconfirmation of their recommendations.

Sir, Shri Sanjay Chauhanji had raised the issue of including Gujjar caste in the list of SCs. This is for inclusion in STs not SCs.

Sir, Dr. Ajay Kumar had raised issue of two communities in Jharkhand. So, as regards the Mal community the State Government recommended its inclusion in 2012 but the RGI did not support it and the observations have been conveyed to the State Government.

Sir, another community is Dandachatra Majhi. Sir, again the RGI has not supported the inclusion even on a second reference.

So, Sir, I would again say that many Members have raised very important issues. Even suggestions have come up. But this is a very limited Bill for inclusion of certain communities. So, I would, while thanking the hon. Members who have participated in this Bill, request them to support this Bill and also get it in passed. ...*(Interruptions)*...

[Translation]

SHRI VIRENDER KASHYAP: Sir, I have to add some points.

MR. DEPUTY SPEAKER: Everything has been pointed out.

[English]

KUMARI SELJA: Sir, the hon. Members of Parliament can write to me and I can reply to them separately.

[Translation]

MR. DEPUTY SPEAKER: The hon. Minister has said

that you have got your answer. You write to her and she will send the answer in writing.

SHRI VIRENDER KASHYAP: Hon. Minister Madam, there are two or three very important matters. First thing is that we couldn't finalise this issue even after 66 years. Will the Government set any time-frame for this in the coming time? Will it be finalized in two-three or five years? For how long will you deliberate on the issue of inclusion of SCs in the list? The second point is that the total population of SC is 15 per cent at present. Is there any possibility of increase in the percentage of reservation with the increase in their population? In addition to it, third point is the matter related to discussion of the National Commission for SC which is presented in the Parliament.

KUMARI SELJA: Sir, I would like to say to the hon. Member that the issue of caste is very complicated, it is not easy. Even today, no one from any State community or place can say about his source of information regarding any community. It is very complex issue. We get request for inclusion and exclusion of castes. It is impossible for anyone to say definitely about the time-limit for inclusion of any caste. I also want to submit that our caste census is going to be held. Let's see, what comes out in the result because that is voluntary. We can't say with conviction about one's caste. When it is presented in the Parliament, we shall see its outcome.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Sikkim) Scheduled Castes Order, 1978 be taken into consideration."

The motion was adopted.

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

**Clause 2: Amenement of the Constitution
(Scheduled Castes) Order, 1950**

MR. DEPUTY-SPEAKER: There is an amendment No. 3 - Shri Nishikant Dubey. Please be brief.

PROF. SAUGATA ROY (Dum Dum): Sir, why are you insisting on *sankskhep*? ...*(Interruptions)*...

SHRI NISHIKANT DUBEY (Godda): I beg to move:

Page 2, after line 12, insert –

'(vi) after entry 95, add –

- "96. Kader
- 97. Koranga
- 98. Namahshudra
- 99. Chandravanshi (Kahar)
- 100. Maal (Mall Kshatriyo)"...?

[Translation]

Mr. Deputy Speaker, the process about which the Minister spoke, is a very long process. We know that caste is a complex subject. It does not contain any time-bound system through which one can claim that there will not be any SC or ST after this. The proposals which come to you, initially are sent by States; after that it is sent to R.G.I.; then it is sent to SC Commission, after that it comes to the Parliament, then it goes to Standing Committee and it becomes a Bill when it is returned by the Standing Committee. This process cannot be of 10 or 15 or 20 years. One can say that the entire process should be time-bound. The travel of the proposal from State to R.G.I. to SC Commission to Parliament should be completed in a fixed time-frame. After that the Parliament can finish the process in one or two years.

Secondly, some castes are in SC category in one State but OBC or ST in other States. SC means people who are untouchable, backward and oppressed. For example, there is a caste named Chandravanshi Kahar. The persons belonging to this caste are suffering from untouchability. They used to lift Doli. They should be included in the list of SC. The Jharkhand Government has sent you the list of Kader and Koranga. Namasudra is in the SC list in West Bengal but it is not so in Jharkhand. It is in the SC list also in Bihar. For this type of complex situation it is my amendment to include all these castes specially Kahar, Ramani, Kader, Kauranga and Namasudra in the list of SC. About 'Mal' caste you said that you asked for second opinion from the Jharkhand Government in this regard. My amendment is to include them in that list because they are included in that Caste in Odisha, Madhya Pradesh, Tripura and Sikkim.

KUMARI SELJA: As I said that there is a process, and procedure for that. While sitting here, it seems natural to all of us that the caste which is in the list of Scheduled Castes at one place should be in that list at another place also. But the States will not accept it. Even the hon. Members know that the ground level situation in a State varies from one district to another. Many times the States differs from one district to another on many points. So our social composition is like this. The process starts from the States. The States refers the matter to us and write to us for including any caste. We cannot overwrite to the States. The States can write to us. [ENGLISH] There is a due process, which I have already explained. Even some hon. MPs have also explained.

[Translation]

SHRI RAMESH BAIS (Raipur): The Chhattisgarh Government had proposed the name of Namasudra caste in the Legislative Assembly. ...*(Interruptions)*...

KUMARI SELJA: As I said, right now that there are many references which are under process somewhere. Those proposals are being scrutinized at the level of R.G.I., the Ministry or these are getting prepared for approval of the Cabinet. There are so many communities under consideration. I accept on the floor of the House that it is a very long and tedious process, under which all things are finally brought here after getting clearance on higher level.

[English]

In view of this process – I will examine this also – I would request the hon. Member not to press for his amendment. ... *(Interruptions)*...

[Translation]

MR. DEPUTY SPEAKER: Please be seated. Will the discussion be initiated again?

...*(Interruptions)*...*

[English]

MR. DEPUTY SPEAKER: Mr. Nishikant Dubey, are you pressing your amendment?

...*(Interruptions)*...

SOME HON. MEMBERS: Kindly withdraw it.

MR. DEPUTY SPEAKER: What is the view of the hon. Member?

[Translation]

SHRI NISHIKANT DUBEY: Sir, I withdraw my amendment.

[English]

MR. DEPUTY SPEAKER: Is it the pleasure of the House that the amendment No. 3 moved by Shri Nishikant Dubey be withdrawn?

The amendment was, by leave, withdrawn.

MR. DEPUTY SPEAKER: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 Short Title

Amendment made:

Page 1, line 4, –

for "2012",

substitute "2013" (2)

(Kumari Selja)

MR. DEPUTY SPEAKER: The question is:–

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:–

Page 1, line 1, --

for "Sixty-third",

substitute "Sixty-fourth". (1)

(Kumari Selja)

MR. DEPUTY SPEAKER: The question is:

"That Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

16.00 hrs.

The Long Title was added to the Bill.

KUMARI SELJA: Sir, I beg to move:—

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

MR. DEPUTY-SPEAKER: The question is:—

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

The motion was adopted.

16.01 hrs.

(iii) Constitution (Scheduled Tribes) order (Second Amendment) Bill, 2012

MR. DEPUTY SPEAKER: Now, the House will take up Item No. 10 — Hon. Minister.

THE MINISTER OF TRIBAL AFFAIRS AND MINISTER OF PANCHAYATI RAJ (SHRI V. KISHORE CHANDRA DEO): Mr. Deputy-Speaker Sir, with your permission I beg to move*:-

"That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh, be taken into consideration."

Clause (25) of article 366 of the Constitution defines, "Scheduled Tribes" as such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution.

16.02 hrs.

(SHRI SATPAL MAHARAJ *in the Chair*)

In view of the above constitutional provisions, the first list of Scheduled Tribes in Kerala was notified *vide* the

Scheduled Castes and Scheduled Tribes was (Modification) Order, 1956. It was further amended through the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976. The 'Marati' community was excluded from the list of Scheduled Tribes of Kerala *vide* the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002.

The Communities of "Abujh Maria" and "Hill Korwa" identified as Particularly Vulnerable Tribal Groups have not been enlisted in the list of Scheduled Tribes of the State of Chhattisgarh.

To fulfill the longstanding demand for the re-inclusion of 'Marati' community in the list of Scheduled Tribes in the State of Kerala, it is proposed on the recommendation of the State of Kerala to amend Part VII of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 relating to Kerala and insert a new entry at Sl. No. 28 as—'Marati'.

To fulfill the longstanding demand for granting Scheduled Tribes status to the Particularly Vulnerable Tribal Groups namely the "Abujh Maria" and Hill Korwa" in the list of Scheduled Tribes in the State of Chhattisgarh, it is proposed on the recommendation of the State of Chhattisgarh to amend the entry at Sl. No. 16 and 27 occurring under Part XX of the Schedule to the Constitution (Scheduled Tribes) Order, 1950, relating to Chhattisgarh and insert a new entry "Abujh Maria" after Asur at Sl. No.16 and a new entry at Sl. No. 27 of "Hill Korwa" after Korwa.

The Bill seeks to achieve a long time demand for these respective communities from Kerala and Chhattisgarh. We would be actually, by including these communities, addressing a genuine demand which has been pending for quite a long time now. I think this will help these communities in the amelioration of their living conditions. The "Maratis", "Abujh Maria" and "Hill Korwa" communities of these respective States certainly deserve this classification.
...(*Interruptions*)

MR. CHAIRMAN : Please do not disturb.

SHRI V. KISHORE CHANDRA DEO: Therefore, I commend that this Bill be taken up by this august House.

MR. CHAIRMAN: Motion moved: •

"That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the

list of Scheduled Tribes in the States of Kerala and Chhattisgarh, be taken into consideration."

[Translation]

SHRI SOHAN POTAI (Kanker): Hon. Chairman Sir, the Government has presented the second amendment to the The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Bill, 2012 for Kerala and Chhattisgarh and I support it. This House has just now passed the Scheduled Tribe Bill. There are many disparities in the Scheduled Caste and scheduled tribe categories in different States. Although there are a wide range of differences in the dialects, languages, style of living and food habits in deferent States, still we say that we Indians are one. But when it comes to the matter of the tribes of reservation, different norms are followed in different States. Some castes belong to the scheduled castes, some belong to the general category and some to the nomadic scheduled castes. They are given reservation in some States and not in the others. Why this disparity? When we talk of one country and when we say we are one despite being from different States and using different languages and clothing styles then why are tribals defined in various ways in different States. If a particular caste is getting the benefits of reservation in a particular State then it should get that benefit uniformly across the country. Some tribals have a more dominant presence in some States as compared to the others. They may use different languages, follow different lifestyle and speak different languages but the cultural ideology and the simplicity of the tribals is the same across the country. This is why efforts are being made to bring economic, cultural and educational reforms amongst the tribals and address their backwardness by effecting amendments in the Constitution from time to time. Babasaheb Ambedkar has formulated a constitutional system for the backward categories, scheduled caste, scheduled tribes under schedules 340,341 and 342 respectively under which the Commission studies the economic, social, political and educational backwardness of these castes, finds ways to address the problems and sends a proposal to the President who consults the Governor before passing the proposal through the aegis of the Lok Sabha.

Sir, as per the 2001 Census 8.5 per cent or 84.3

million of the total population of the country belongs to the scheduled tribe category. Tribals are inhabitants of hills, difficult terrains, riverine areas and jungles but they are feeling insecure in their native areas. People are being displaced from hilly areas and forests due to mines and mineral wealth. I want to lay stress on this issue because the scheduled tribe category is mainly dependent on agriculture but today these people are being displaced for exploitation of mineral resources and their land is being acquired. The Land Acquisition (Amendment) Act, 1984, the National Policy on Rehabilitation and Resettlement of Displaced Families, 2003, Coal Act, 1957 and the National Mineral Policy Act, 1996 have clearly been formulated to address this issue. They have provisions to safeguard their land and property. Despite this, these rules are being flouted repeatedly. These people are being evicted and they are given a negligible amount as compensation. No Government has been able to find a way to rehabilitate them after grant of compensation due to which the scheduled tribes are forced to lead a miserable life through this House. I would like to draw the attention of the Government, that there should be a provision to lease the land of tribals in mine and mineral areas. As long as the mineral reserves exist the land would be given out on lease and thereafter be returned to the owner. Similarly, they are given jobs as compensation but there is no guarantee of the continuation of that job. So besides grant of compensation, they should also be made stakeholder in the land so that their family is assured of financial support throughout life.

Mr. Chairman Sir, now Constitution (Scheduled Castes) Order (Amendment) Bill, 2012 was being discussed including the amount provided to the States for tribals under sub-plan or 275(1). But the amount which should have been spent on the development of Adiwasi and tribal areas, was not spent for this purpose. The amount is diverted and spent for other purposes. That is why, be it education sector, communication sector, irrigation sector or any other sector, people are lagging behind and this is the reason even today we talk of backward people. Today, whether it is the list of Scheduled Castes, Scheduled Tribes or other backward castes, several other castes want to be included in these lists because they get the facility of reservation. Now-a-days everyone says that he/she also belongs to that category, before the year 1948 they

belonged to that category, but today they are the deprived class. We are adding new castes for reservation in the list of scheduled caste and scheduled tribe, on the one hand and the Supreme Court has said that reservation cannot be more than fifty percent on the other. We are increasing the number of castes whether it is in the other backward caste, scheduled castes or scheduled tribes. Several others are increasing their number by adding other castes. But we cannot take the benefit of reservation for more than 50 per cent. I want to say if we cannot take more than 50 per cent reservation then how will our economic condition improve? If we say that there are two 'roties' and make two pieces of a 'roti', one piece will be given to one class and the second piece will be further divided into four pieces. If we include the minorities also, who are also demanding reservation, in the scheduled caste, scheduled tribes and the backward castes then one piece will be eaten by the four classes and one piece will be eaten by one class only, then the one class eating one piece of "roti" will prosper. We are dividing one piece of 'roti' into four parts, what will happen to them? The Supreme Court has given the ruling of 50 per cent reservation, there should be improvement in it, it should be increased. The way we are connecting society with the category of reservation, the way they say that in the Constitution, there should be reservation in the ratio of population, we must get reservation as per the number of population so that our economic condition could be strengthened, we could improve our condition in the society. Today we cannot deny this fact that society is divided into two parts. There is one class which is enjoying all kinds of facilities, they are getting all basic facilities. Availing those facilities they are trying to progress. On the other hand there is a class for which no facilities are available. There is neither communication nor education there ...*(Interruptions)*...

MR. CHAIRMAN: Please keep quiet, do not disturb.

...*(Interruptions)*...

SHRI SOHAN POTAI: Finally this Bill related to tribals has been introduced. You are opposing tribals. You are doing politics in the name of tribals ...*(Interruptions)*... Today, when a person belonging to tribals is speaking here, you are interrupting. It means, I have no right to speak. ...*(Interruptions)*...

MR. CHAIRMAN: You have the right to speak.

...*(Interruptions)*...

MR. CHAIRMAN: Please maintain silence.

SHRI SOHAN POTAI: The entire country is watching and interruption is being made from the Congress side. One tribal is speaking. The entire country is watching. ...*(Interruptions)*...

MR. CHAIRMAN: They are supporting you.

...*(Interruptions)*...

MR. CHAIRMAN: Please maintain silence Do not disturb him.

SHRI SOHAN POTAI: There are several areas today, where proper development has not taken place and education has not made inroads, be those scheduled tribe areas, Jharkhand, some portions of Bihar, Odisha, Madhya Pradesh, Chattishgarh or Maharashtra. This factor is primarily responsible for the spread of naxalism. That is also a major challenge to our development. This has posed a challenge to the tribals along with the entire country. Efforts should be made to find its redressal. I belong to a very sensitive area, naxal infested area. Both the policeman who kills and the person who dies is a tribal. If a naxalite kills a policeman he is also a tribal. If a person is apprehended on grounds of suspicion he is also a tribal. So the situation is like between the devil and the deep sea. Through the House, I would request the hon. Minister and the Government to rescue the tribals who are caught in the grinding stone, so that development could be ensured there. The safety of the tribals could be ensured. I feel bad when a naxalite gets killed by a police man. The human rights activists protest the killing of an innocent. But when a tribal gets killed there or a scheduled tribe gets killed there daily on an average, nobody invokes human rights nor any regret over the killing of tribals is ever expressed there. That is why, today, I wish to submit it through the House. Our Chhattisgarh Government has sent proposal of certain castes to the Union Government which has certain typographical errors. I was looking at the document pertaining to the year 1948 and even prior to that, several people hailing from that area showed me the document that whenever any arrangement was made in

regard to them, their castes have been written differently, somewhere it is Sanwra and at some places it is something else. At several places, there is problem with transliteration like 'Pathari' is written as 'Pathari' where ????? is also pronounced as "th" in Hindi. Similarly, the State Government has sent a proposal to the Union Government to include Pardhi, Saunra, Sanwra, Saura, Sahra, Bhuiyan, Bhunya, Bhuiya and Bhinya, Binjhiya, Rautiya, Abujhmaria, Pahari Korwa, Sawariya, Kisan Pradhan, Parganiha and Pathari in the list of Scheduled tribe. That is why it is requested that benefits should be provided to these castes by including them immediately. The manner in which several castes of scheduled tribes were absorbed, but due to the typographical errors in the Mitchell record no benefits are accruing to them. The benefits of reservation accrued to the earlier generation but now their children are being deprived of education. There is a need to include them at the earliest.

SHRI RAGHUVVEER SINGH MEENA (Udaipur): Sir, today the Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2012 is being discussed in the House. The objective of the Bill is to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of scheduled tribes in the States of Kerala and Chhattisgarh. I hail from Rajasthan and the matter is associated with tribals. Just now a speaker was saying that cultural background, life style and behavior as well as problems of tribal people belonging to any State or region in to this the country are quite similar. Hence, I would like to add certain points to this Subject. If we sincerely implement all these schemes, this will become beneficial for their progress. It is a fact that any party or the Government always mentions the name of Scheduled Castes and Scheduled Tribes while introducing any programme and claims to provide benefits of such programmes to them. It is also a fact that the condition of tribals and people belonging to weaker sections has improved since Independence, but much more needs to be done in this regard. There is a need to formulate policies in a fair manner so as to ensure that benefits of such policies reach them. Besides, there is a need to strengthen the implementation mechanism in the country.

The Scheduled Tribes have been defined under section 25 of Article 366 of the Constitution and provisions have been made to provide benefits to these people under

Article 342 of the Constitution. The main criteria or systems to include or enlist the communities under Article 342 is that the hon'ble President after consulting the Governor of the concerned State or Union Territory may include or exclude the communities from the list of Scheduled Castes/Tribes. The Parliament has the right to include or exclude the communities from the list of Scheduled Castes/Tribes under clause (1). The Parliament takes a decision in this regard and the action is taken as per the decision taken by the Parliament. But we have seen in practice that even when similar law is applicable throughout the country, there are separate provisions in force in different States. The struggle in different States is going on due to this. One speaker was saying in the morning that a particular caste had been included in the list of SC/ST or OBC in different States. The similar caste has been accorded different status even when they practice the same profession. I am associated with Akhil Bhartiya Adivasi Vikas Parishad. I am its State President and the Member of Rashtriya Karyakarini. I have got the opportunity to visit different States. I have visited West Bengal, Odisha, Tamil Nadu, Maharashtra and Chhattisgarh due to one or the other reason. All of them have a single demand that our community or "Gotra" should be included in the SC/ST list as they are struggling very hard for it. Moreover, they are demanding to exclude certain community from the said list. Such kinds of matters are raised, hence, there is a need to consider all these aspects seriously and take action accordingly.

I belong to Rajasthan. In Rajasthan Meena caste is included in Scheduled Tribe. In Madhya Pradesh this caste is included in the list of OBC and at other places it is included in some other list. All these inequalities prepare the background of a mental rebellion. When mental rebellion takes place then problems like naxalism etc. which we are facing today, blocks our way like mountains and we are unable to tackle them timely and in a systematic way. We'll have to ponder as to how can we solve these problems. There are about 10 crore Adivasis in the country, The Government or the Ministry must consider the issue of its ability to protect their rights in a systematic manner. It would be beneficial for the Adivasis if the Government monitors strictly the issues like release of funds for all the tribal sub-plan areas, monitoring of the above mentioned work, spending of funds, submission of

utilization certificates, uniform release of fund under Article 275, and asks each State to provide elaborate answer to all these questions. I myself belong to a tribal sub-plan area. How funds are provided for tribal sub-plan areas, where and how it is spent, I know all these things. But I think it would not be good if I say anything in this regard in the House. I would like to warn the Department through this House that a strict monitoring of the Department is required. As per that monitoring, all the tribal sub-plan areas of the country should be monitored. Are the funds being spent as per the norms laid down or not? Where it is being spent? There is a need to seek information in this regard. The areas which do not come under tribal sub-plan area, with scattered population, are neither getting the benefits of tribal sub-plan, nor are they getting the benefits of open competition, the benefits of Mhada or cluster or scattered population. There is a need to make efforts by the Department regarding such people. There is a need to formulate policies for them. There is a need to make plans for them and to monitor them. We expect that you'll certainly work upon it.

Sir, as per the Census of 2011, there is a provision for reservation. The Census was conducted in the year 2011, it has been implemented, reservation should also be given as per the figures of this Census. There is doubt in the minds of the people that they are not getting their rights. Rights should be given to them. The names of the communities which we quote here are respectable and they are very old castes. They have had a role in founding and strengthening this country. Today, if they are backward there is a need to offer them a helping hand. Therefore, it is necessary that they get their rights. I feel that financial, cultural or political assistance, in whichever form we can provide them, should be provided.

Raghuvansh Prasad Singh was saying that separate regiments should be set up. Similarly their regiment should also be set up. The MBC was set up in the area to which we belong. Mewad Bhil Corps was set up in the year 1838 by the Britishers. At that time 100 per cent recruitment in this regiment was from among the tribals and it was used to control the tribals. They had to open fire or lathicharge as per the demands of prevailing situation. ...*(Interruptions)*... The tribals were also fired at ...*(Interruptions)*... For tribals, it is said that they remain loyal to their masters.

MR. CHAIRMAN: Please address the Chair.

SHRI RAGHUVVEER SINGH MEENA: They follow the orders of their master. If his brother is standing there and his master orders to shoot him he will execute the orders. The same example has been cited from our Ramgarh ...*(Interruptions)*... I think I am speaking second time in 5 years.

MR. CHAIRMAN: You may continue your speech, but keep it brief.

SHRI RAGHUVVEER SINGH MEENA: If there are speakers who will talk on tribal issues, then I sit down.

MR. CHAIRMAN: It would be better if you keep it brief.

...*(Interruptions)*...

[English]

MR. CHAIRMAN: Let him speak. Please sit down.

[Translation]

SHRI RAGHUVVEER SINGH MEENA: The regiments of these castes must be set up. My submission was that MBC of pure tribal was set up. Gradually others were also started to be recruited in it. Today the situation has become like this and according to my knowledge, Mewar Bheel Corps recruitment was made two times, in which there was no seat for tribals. Hundred per cent general category people were recruited. The recruitments are being done in the tribal sub-plan area, the other candidates are taking their place. They notice that they are not being recruited. All these disparities cause resentment. We should look into it. It needs to be monitored.

There is a system of reservation, but people are not getting the benefit of reservation properly. I requested you that reservation of the tribals should be rescheduled on the basis of 2011 Census. Reservation should be based on the increasing percentage of population.

Separate posts for tribals sub-plan area are not mentioned in the notification of our tribal sub-plan area. Notifications should be issued by creating separate posts.

There is a university in the area where I live. It was set up at the time of independence. But there is no

teacher appointed there in the history of 65 years. Such a discrimination is going on. How do all these things happen? There is a back door entry. Teachers are appointed on ad hoc basis. The hindi teacher is teaching history and the science teacher is teaching geography. This is the situation. After some days, notification is issued and everything is processed internally. The poor tribal waits for his ture to get recruited, but he does not get recruited.

Law should be made to give right in reservation system and accountability should be fixed. If he does not get his right in promotion or recruitment, there should be a provision to punish the Head of the department.

Roaster is not maintained anywhere. Maintenance of roaster register should be surely made compulsory. For this accountability should be fixed.

What for is the zone of consideration? At number one, ST will come, any other will come on fourth or seventh number. If an eligible person is on fourteen number and there is no person before him, why can he not get the opportunity? If the post is reserved for him, he must be given the opportunity. If someone is backward to get the post, why should he not be brought forward. It is his right. He must be given his right. I just say that if these is a barrier and eligible person is not found, that post should remain vacant for seven years.

MADAM SPEAKER: Please be brief.

SHRI RAGHUVVEER SINGH MEENA: Backlog should be cleared. I shall not speak so long. 2% posts are being filled somewhere and even 4% posts are not being filled somewhere. Our vacant posts in every department should be filled through special recruitment drive.

MADAM SPEAKER: Please be brief.

SHRI RAGHUVVEER SINGH MEENA: Since you rang the bell two times and said earlier that I am a tribal, so I am loyal. You are my owner. You have ordered. while obeying that order I conclude. Thank you so much for giving me an opportunity to speak.

SHRI SHAILENDRA KUMAR (Kaushambi): Hon'ble Chairman Sir, I express my gratitude to you for ????? me an opportunity to speak on the proposed Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2012

introduced by the Minister Shri V. Kishore Chandra Deo to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh.

The Members have put forth their views on the issue related to scheduled castes just now. I would like to reiterate hon'ble Minister Sir that only five castes have been classified as scheduled tribes in Uttar Pradesh in the Census of 2011. Their population is about six lakh. Earlier ten castes were listed as scheduled tribes, but certain castes have been included under the list of scheduled castes from the list of scheduled tribes. There is a Kol caste which habitate along the Yamuna river in Allahabad and the community has been struggling for the last many years to be included in the list of scheduled tribes. The proposal in this regard has been passed by the Legislative Assembly of Uttar Pradesh but the said proposal is pending with the Union Government. The people of the community would like to be included in the list of scheduled tribes from the list of scheduled castes.

I strongly demand that traditional occupation of these communities is the source of livelihood for them. Two-four people belonging to Kol community have been elected MLA but the community is lagging behind in terms of education. Their condition is still very pitiable. The educational, economical and social status of the community has not improved to the desired level even after 67 years of independence. I would like to urge that there is a need to bring such neglected communities into the main stream of the society. Just now, one of my colleagues from BJP was saying that those communities belonging either to scheduled castes or scheduled tribes felt neglected by society and they join naxal outfits. I am raising the point since we are discussing the issues related to them in the Bill. There are a large number of people belonging to these communities in such outfits. The main reason for higher number of these communities in such outfits is that these people are deprived of health, education, water and road facilities. These people are not even provided the right to vote and are deprived from contesting election. Hence, these communities join naxal forces. The Government should consider the issue seriously and make efforts to bring these communities into main stream of society and ensure that benefits of schemes formulated by the

Government of India or the State Government reach these people. I had visited Odisha last year. My colleague from Odisha Shri Bhartihari Mahtab has left, but I would like to mention that the condition of people particularly tribals in Kalahandi is very poor. Their condition is beyond imagination. Most of forest dwellers belong to scheduled tribes communities who are inhabitants of hills or forests. As my colleagues said that these people have a right over minerals and natural resources and they protect all these forest resources, but gradually in the name of development these people are displaced for setting up industries, but they are not rehabilitated. Therefore, the need of the hour is that adequate facility should be provided for rehabilitation. Secondly, the courts, be it the lower or the higher court, often make observation about their rights. That is why, we have discussed the matter when the last Bill was presented that there should be such an SC/ST Bill where the court could not interfere. Secondly, I would like to make a submission in respect of Nomadic (Ghumakkad) caste. These people don't have permanent houses. They shuffle from one place to another. They are considered as a tribal community. You may check the status of children, health, education and employment of these people. Nothing has been done in this regard. Therefore, there is a need to do something in this regard. The population of these tribes is in lakhs. The hon'ble Minister Shrimati Krishna Tirath ji is present here and she is well aware that we have discussed the matter related to these castes in this House. I want that these castes should be provided various facilities and efforts should be made to bring these castes into main stream.

Hence, SC/ST Commission has been set up for this purpose, I would like to know as to what powers have been delegated to these commissions. Shri Punia is not present here. Today cognizance of the complaint forwarded to these commissions is not taken. Through you, I urge that the Government and hon'ble Minister, both the ruling and the opposition parties who are present here and elected as public representatives often raise the matters related to SC/ST. Therefore, these commissions should be provided powers so as to enable them to provide justice in the matter of torture, atrocities or exploitation meted out to SC/ST.

Secondly, it would be better for them that these people are accorded priority in allocation of agriculture and

housing land, and effort should be made to bring them into mainstream. Only then these people could make progress. I strongly support this Bill. I strongly support the amendment being moved to include 'Marath community of Kerala and 'Abujh-Maria' and 'Hill Korwa' communities of Chhattisgarh which is at Sl. No. 27 in the list of Scheduled Tribes and with these words, I conclude my speech.

SHRI DARA SINGH CHAUHAN (Ghosi): Mr. Chairman, I extend my gratitude to you for providing me an opportunity to speak on the Constitution (Scheduled Castes) Order (Amendment) Bill for making provision for scheduled castes of Chhattisgarh and Kerala as moved by Shri Kishore Chandra Dev.

The discussion on the scheduled tribes was preceded by the discussion on the Scheduled Castes Amendment Bill. The Scheduled Castes and Scheduled Tribes population is approximately one-fourth of the total size of the population of other castes in the country who are completely deprived of their every constitutional right and are even deprived of their right in the social system. They were guaranteed rights by the Constitution but owing to lack of political will these rights still await enforcement. Justice has not been dispensed to these forest dwellers and they are being pushed out and displaced from their land, forests and even waters on which they once enjoyed their rights. Hon. Chairman, you belong to a tribal dominated area and several laws were made by the Union Government to restore their rights on the land, but with deep regret it is submitted that they have been deprived of their rights despite the assurance given by the hon. Prime Minister. The Government machinery in some way is responsible for this failure. Whenever the matter relating to their title or ownership rights is raised, be it in Chhattisgarh, Kerala or Jharkhand or even in Madhya Pradesh, the district level officers, be it District Magistrate or SDM deprive them of their fundamental rights due to their naivety and their right to ownership is thus repealed.

Sir, during the regime of the Bahujan Samaj Party (BSP) in Uttar Pradesh, title and ownership rights were granted to the tribals in tribal dominated areas. The hon. Minister's Office has a great responsibility over its shoulders to translate it into action in all the States of the country. The State Government should be hauled up and asked to

State the reason for not granting the ownership rights. You will have to take stringent measure to enforce the facility or benefit provided to them in the name of tribal development and betterment. You run the schemes of the Government of India, grant funds to the State Governments for their development. However, a conspiracy is being hatched to deprive them of their land. The reason for the anguish, rancor in the tribal population can be attributed to privations and deprivation of fundamental rights of tribals in the social and economic sector ...*(Interruptions)*...

Hon. Chairman, Sir, the quota of the Government jobs is not being filled. When it comes to reservation in promotion in jobs, if the House is willing then at least we can pass the Constitution Amendment Bill regarding reservation in promotion for SC/ST sent by the Rajya Sabha, for the amelioration of this category of the society which would be a very significant step in their interest. I on my behalf and on behalf of my party fully support the Bill to include these castes.

[English]

PROF. SAUGATA ROY (Dum Dum): Sir, I rise to support the Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2012 brought forward by the dynamic Minister, Shri V. Kishore Chandra Deo.

Sir, we may not realise that this Bill has a very important constituent. What does the Bill say? It seeks to include in Kerala a new entry, that is Marati of the Hosdurg and Kasargod Talukas of Kasargod District and in Chhattisgarh a new entry Abujh Maria and a new entry Hill Korwa. I would request you to notice the historic significance of including Abujh Maria in this.

Abujh Mari is a 60,000 kilometre area in the Bastar area of Chhattisgarh. Now you would be surprised that survey in India started in the 19th century. But till today, no complete survey has been carried out in this Abujh Mari area and Abujh Mari is the headquarters of the Maoists.

Now this has to be understood that the NDA Government created three new States, namely, Jharkhand, Chhattisgarh and Uttarakhand. Two of these new small States have become headquarters of the Maoists. One has to understand the significance of this that nobody has looked after the interest of real tribals. The tribals

who inhabit Abujh Mari, they are not even included in the Scheduled Tribe areas. Both Jharkhand and Chhattisgarh are rich in minerals.

Now this is the point which I just want to say briefly because the Bill should be supported wholly. Please realise this. These Maoists are led by Telugu people, disciples of Kondaiah Seetharamaiah who have all come from Telangana area. They set up their base in Dandakaranya and they slowly spread to create a red corridor from Chhattisgarh in Madhya Pradesh into Jharkhand and into West Bengal. They want to take the red corridor to Nepal and beyond Nepal. Now my view about Maoists is quite clear. I am a democrat and Maoists believe in overthrowing the State by force of arms. The State must take every step to finish the Maoists. I have no doubt because anybody who takes up arms to take away my democratic right should be met by the State. Having said that, let me also say that Maoists are active in several States.. Senior former Member of this House, late Vidhya Charan Shukla, whom I knew very well, was killed by the Maoists along with other leaders of Chhattisgarh Congress.

Now why have Maoists succeeded in Chhattisgarh and not succeeded in West Bengal. Two years back, West Bengal has three districts called Jangalmahal ...*(Interruptions)*.... Madhu Goud Yashkibhai, they are from regional engineering college, Warrangal and from that Hyderabad-Telangana region.

In West Bengal, the Maoists were very active up to 2011. The then State Government and the CPI(M) took help of joint forces and they also set up their own *harmads*, i.e., armed people to counter them but they could not. Every day, there were murders and attacks on police camps. After our Government came to power, in two years, we are able to give rice at Rs.2 per kilogram to the tribals. All the tribal families are considered BPL. Around 10,000 tribal boys and girls have been included in police and development has started. What is the result? We are able to isolate the Maoists from the tribals. When Kisenji, second-in command after Ganapathi in the Maoists hierarchy was killed by the police, not even a dog cried in West Bengal. In the Panchayat elections, Trinamool Congress swept the elections in these areas..

Now understand what is happening in Chhattisgarh.

All these areas inhabited by tribals in Dandakaranya are rich in minerals. In the surrounding Odisha – Malkangiri and Koraput – who wants to do mining there? In Nyamgiri Vedanta owned by Anil Agarwal wants to own bauxite mines there.

17.00 hrs.

Essar owned by the Ruias want land in Chhattisgarh for setting up of a steel plant. What does it cause? This causes displacement of the tribals and this is where the Maoists are helping the tribals assuring them that if they came with them, then they will not be displaced; otherwise these big industrialists will take over their lands. There is the Fifth Schedule in the Constitution which says that nobody can own land in Tribal areas. Now, how can Vedanta or Essar or any industrial group go and buy land there? We should not allow that in the name of industrialisation, mining with a view to increasing our GDP. Tribal land should stay with the tribals. Now, the Supreme Court has given an order saying that the resources lying underground in tribal land also belongs to the tribals. So, the only way is to find a way in which the tribals can have a share in the mining that takes place on their lands, otherwise the Government should not allow any factory, any mining in the tribal areas. We must isolate these tribals, from the Maoists, who have been deprived for a long time and create peace which the Operation Green Hunt could not bring about. If we displace the tribals at the instigation of these big capitalists, then the Maoists will get stronger and one day they will surround Delhi. Let us not go to that extent. The hon. Minister has taken the right line by slowly trying to bring in the tribals into the mainstream and I have all support for his endeavour.

Sir, with these words I support the Bill.

SHRI P. KARUNAKARAN (Kasargod): Sir, I am happy to participate in the Bill No. 139 of the 2013 – the Constitution Special Order Second Amendment Bill, 2002.

Sir, I would also like to congratulate the hon. Minister Shri Kishore Chandra Deo Ji for bringing this Bill which the Government had failed earlier. Many times it was listed but could not be finally passed. I have been trying to raise this issue since 2009 onwards. There have been four Ministers who had been in charge of this Ministry and finally the

present Minister has taken the pains and also the initiative to bring this Bill.

Sir, there are two issues with regard to this Bill – one is with regard to the State of Kerala and the other is with regard to Chhattisgarh. The Marati community of the Hosdurg and Kasargod taluks of Kasargod district had been enjoying the status of the Scheduled Tribes for a very long time. From the year 1952 they have been enjoying this status. Without any proper analysis and assessment they were deprived and denied of this status by an amendment by the Government in the year 2002.

Sir, I have gone through the proceedings of the House of the day on which this amendment was brought in. I found that Shri T. Govindan who had then represented the Kasargod Parliamentary Constituency had opposed that move of the Government. Since 1952 Hosdurg and Kasargod had been a part of the Karnataka State. The people of this community in the State of Karnataka are still enjoying this benefit and status. So, this was a wrong decision taken by the Government at that time. The issue was raised many times but since it was excluded once, it was not possible to include it once again, but at the same time these poor people had been suffering since 2002 till this date. So, for about 13 years, the students belonging to this community had been rejected scholarships, house loans and also other benefits. Who is responsible for this? So, here when we speak about the welfare of the Scheduled Castes and the Scheduled Tribes, we should keep in mind that for historical reasons they need protection and so the Constitution has made provisions to accord them certain privileges and also facilities. But the main issue is whether even after 67 years of our Independence we have been able to implement the provisions of the Constitution that guarantees them this protection and privilege in true spirit.

In the discussion on the other Bill relating to the Scheduled Castes, the hon. Minister had admitted that the Government was still unaware of the names of many of the communities who need to be included in the list of the Scheduled Castes or Scheduled Tribes. This is not the case after one year of our Independence but this is the scenario after 67 years of our Independence. Even after many years of our Independence we have failed to identify the communities who have to be categorized and included

in the list of the Scheduled Castes and Scheduled Tribes. Justice delayed is justice denied. Here, it is the case of justice delayed because it was rejected in 2002. What was the reason for the rejection? Can any authority or any Minister or any Government compensate the loss suffered by the students, farmers and others?

I would like to speak on the Bill itself. As far as the tribes are concerned, there are some norms, what are the characteristics of the tribe, the geographical isolation, educational backwardness, social backwardness, financial backwardness, and also primitive nature of the tribe that is there, which should be taken into consideration. It is not true to say that we are unable to characterise any community as Scheduled Caste or Scheduled Tribe. It is not the name alone but also their living conditions, their backwardness, their educational status which are important. In many cases, the names may vary. But in some States they are in Scheduled Caste list, in some other State they are in Scheduled Tribes list. But at the same time it is not possible to characterise whether they are in Scheduled Caste or Scheduled Tribe. That is true in the case of Odisha; West Bengal; that is true in the case of Kerala and in many other States.

So, I demand that the process should be streamlined with regard to the assessment of Scheduled Caste or Scheduled Tribe, or other communities. It is possible for the Government to do that. It is true that the State Government has to take the decision. With regard to the process, I know it is a Herculean task. I know it well because I have taken up this task from 2004 onwards. The State Government has to take the decision. Then, the SC/ST Commission, the Registrar General of India, and the Standing Committee come into the picture. Even if one of them raises a query, then it has to go to the State again. I had gone to Karnataka to get the historical background of the Marati. Earlier, the Government said that it was not possible to give the details. We wanted to give more details as to why they were excluded. It was not possible for the State Government to give the details. As I was in Kasargod, which is near Karnataka, I went to Karnataka and Mangalore and met many professors, who have done Ph.D in this subject. We have given those Reports to the Central Government.

I really congratulate the Minister because he has gone through all these files. I would like to inform the Government that there are still a large number of communities whose cases have to be decided. I do not know whether they are rejected or not rejected. But the Government has to take some steps. How can we say that we are unable to find out the reasons? No Minister can say so.

Even though it is too late – nine years have passed – you have taken steps to include them. So, I would like to congratulate the Minister with regard to this amendment that you have brought forward.

SHRI MOHAN JENA (Jajpur): Mr. Chairman, Sir, thank you for giving me an opportunity to ventilate my views on the Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2012. The objective of this present Bill is to include a few synonyms of Kerala and Chhattisgarh in the list of Presidential Order. I, on behalf of my Party, the Biju Janata Dal, whole-heartedly support the Bill.

On this occasion I would like to draw the attention of the House to a pertinent issue which is affecting tribals' solidarity. It is a matter of great regret that even after 66 years of Independence we have not finished the identification of different 'sub-caste' groups or synonyms of Scheduled Tribes and Scheduled Castes. So, even today they are not getting the reservation facility which is available in the Constitution. These tribes, particularly the primitive tribes, are deprived of their constitutional rights. On the other hand, due to external persuasion and influence of the fundamentalist forces, the religious and cultural practices are being polluted very systematically. The tribals of India have a distinct identification. The tribals are not Hindus. They are not Christians or Muslims. They are Animists. But, at the time of the census operation, in the entry column of "religion", the word "Animist" is not reflected. The tribals are innocent. So, taking advantage of this, some groups are influencing them, persuading them for conversion to other religions. Actually, this is not simply conversion. Rather this is socio-religious and cultural genocide. So, the Union Government should devise ways and methods to safeguard our tribal brothers and sisters from this cultural genocide.

In Odisha, there is a sizeable section of population within the tribals - Saar, Sar. They are landless people. They are poor people. Educationally, they are extremely

backward. Socially and culturally, they are identified as tribes but they are not in the list. The Odisha Government recommended the names of Saar, Sar to be included in the list of tribes even half a decade ago but the Central Government, the Social Justice Ministry, the Registrar General of India, all are silent on this issue. The Saar, Sar people are running from pillar to post since the last ten years. They are organising huge rallies in front of the State Assembly during every Session every year. The State Government of Odisha already resolved many times to accord them tribal status. So, it is for the Union Government to take appropriate action. Therefore, on behalf of my Party, the BJD and the tribal people of Odisha, I demand the inclusion of Saar, Sar community in the list of Scheduled Caste of Odisha.

There is another community called Mankidia which is also known as Mankirdia in the list. They are deprived of their constitutional rights. They are nomadic, moving from one place to another. They have no shelter to live in, Even today, they do not know how to cook. They do not know the utility of education. They do not avail of the health facilities from Government hospitals. So, mere inclusion in the list does not bear fruit. Hence, the Government should devise ways and means for the socio-economic development of a particular case.

Sir, with these words, I conclude. I support the Bill.

SHRI J.M. AARON RASHID (Theni): Sir, I rise to support this Bill. I would like to thank you very much for giving me an opportunity to speak on this important Amendment Bill.

Sir, the tribal people should know what is the Forest Dwelling Rights Act. Our hon. Chairman of the UPA has caused to bring forward this Act in the last Session of Parliament in which their rights have been guaranteed; they can live in the forest area. By giving the IAY houses, the forest officers are bringing the tribal people to the plains from the hills. They are living in the centre of the hills. These tribals have been living there for a long time. But the officers are now bringing them to the plains uttering sweet words. It should be curtailed. They should be given ration cards. To get a ration card, they have to run from pillar to post. No Village Administrative Officer,

no Revenue Inspector and no Tahsildar give them respect. To get the Scheduled Tribe Certificate, they have to go to the Collector. When they cannot reach the Tahsildar, how come they go and reach the Collector? It is very difficult. This practice should go. The district team should go to the forest area, call the tribals to the Village Panchayat meeting and give them the certificate.

In Tamil Nadu, the Narikoravas, Irulas, Malayans and the Malayala Gounders are hill tribes. These tribals are not included in the tribal list. So, I would request the hon. Minister who is doing a yeoman job to include the Malayan, Malayala Gounder of the Yelagiri and Javadhu hills, the Narikoravas in the list. The Narikoravas are wandering tribes. They do not stay in one place. Whenever they approach the Tahsildar, they are demanding the ration card, electricity bill for proof. They reside in the terrains in the forest under the trees. These people are demanding the ration cards and electricity bill. How would they produce electricity bill? The Narikoravas, Irulas, Malayan or Malayala Gounder, by whatever name they are called, they are all hill tribes. If they ask, they should immediately be provided with ration card, electricity, IAY houses, etc. Forest officers are behaving like *Rajas* and *Maharajas*.

These people are allowed to grow farm products; when they grow, officers go and chase them away; and officers take away what they had grown. These forest dwellers may be having one acre or two acres; and they toil to grow in a span of five or six months, if everything is grown, these forest officers take away. That should be curtailed.

For procuring rations, they are presently coming from top hills to the lower hills. Every week, the Government of India should send a medical team and ensure that they are there for a day to provide medical treatment. In the same way, providing ration too should be considered. Temporary ration shops should go there, stay there for a day in a week, and provide them with ration. On the one hand, they are dying in hunger; on the other hand, forest officers are taking advantage of forest dwellers. They don't even care as to what Forest Dwelling Rights Act; they have every right to stay there. But their rights have been taken by the forest officials.

Article 25 gives every right to the State Government to bring legislations. Certain legislations are there but they are not useful. Hence, a new legislation should be brought to ensure that forest dwellers live happily; they should not live in fear. Their children are not going to school; they are illiterate. If the forest officials file a case against them; they don't have money to go to court; what would they do? They are living in a very pathetic condition.

My request to the hon. Minister for Tribal Affairs is this. I hope he would definitely look into it so that there is no fear in the psyche of the forest dwellers.

With these words, I support the Bill, and conclude.

*SHRI M. ANANDAN (Villupuram): Hon. Chairman Sir, I thank you for giving me an opportunity to speak on the Constitution (Scheduled Tribes) Order (Second Amendment) Bill. This is a Bill to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh. I welcome the amendments and I support the Bill. In Tamil Nadu, there is a long pending demand from Badagas of Nilgiri District for inclusion in the list of Scheduled Tribes. In this regard, Hon. Chief Minister of Tamil Nadu Dr. *Puratchiththalaivi* Amma has written to the Union Government on several occasions. I urge that necessary action may be taken on this issue and the demand of Badagas of Nilgiri District of Tamil Nadu should be fulfilled. As per the advice of Hon. Chief Minister of Tamil Nadu Dr. *Puratchiththalaivi* Amma, a delegation of MPs of AIADMK had met the Union Minister concerned and urged him to fulfil the demand. Hon. Chief Minister of Tamil Nadu Dr. *Puratchiththalaivi* Amma had written a letter to the Hon. Prime Minister Dr. Manmohan Singh on 28.7.2011. In that letter Hon. Chief Minister of Tamil Nadu had demanded for inclusion of Badagas of Nilgiris District in the list of Scheduled Tribes. Also on 5 September 2003, Hon. Chief Minister of Tamil Nadu Dr. *Puratchiththalaivi* Amma wrote a letter to the then Union Minister of Tribal Affairs in this regard.

I quote: "Hon. Chief Minister of Tamil Nadu wrote a letter to the Union Minister of Tribal Affairs on 5.9.2003 with a detailed analysis of various attributes of Badaga community such as primitive tribes, a distinctive culture, shyness of contact with the public at large, geographical isolation and social and economic backwardness to declare

them as Scheduled Tribes. In the Census of 1931, the Badagas were classified as Tribes".

In the Censuses of 1817 and 1931 Badagas appeared in the list of Scheduled Tribes. But, thereafter they have been removed from the list due to some reasons.

I request that immediate action may be taken to consider the request of Badaga community for inclusion in the list of Scheduled Tribes.

The people of Tamil Nadu belonging to the Scheduled Castes and Tribes, when they come to Delhi, they do not get any concessions meant for them. I request that they should be treated equally. India is one. People belong to different States of the country. People belonging to the Scheduled Castes and Tribes wherever they go, they should be accorded the concessions meant for Scheduled Castes and Scheduled Tribes. I urge that the Union Government should issue an Order in this regard. As far as Tamil Nadu is concerned, Hon. Chief Minister of Tamil Nadu Dr. *Puratchiththalaivi* Amma is a saviour who always protect the interests of the people belonging to Scheduled Castes and Tribes. Hon. Chief Minister of Tamil Nadu puts forth demands in the interests of the people. Hon. Chief Minister of Tamil Nadu also wrote a letter to Hon. Prime Minister for inclusion of *Dalit* Christians in the list of Scheduled Castes. This request should also be considered. I request that both the demands should be fulfilled by the Union Government. I thank you for giving me this opportunity.

[Translation]

DR. SANJEEV GANESH NAIK (Thane): Mr. Chairman, Sir, I am thankful to you for giving me an opportunity to speak on this Bill. I on behalf of my party NCP, support this Bill. When, for the first time, I got elected to Lok Sabha, Gavit Saheb was in the Chair as Protem Speaker. He had administered oath to all the Members. He is a senior Member, he belongs to Maharashtra and a tribal society. After 65 years of Independence, we still witness that the tribals and *dalits* are oppressed from Kashmir to Kanyakumari.

Maharashtra is a big State and Mumbai city is located in this State. Adjacent to this city is Thane district where large number of tribals live. They are also being oppressed.

* English translation of the speech originally delivered in Tamil.

We enact laws for this class. of the society we talk of empowering them, but they do not actually reach them. No monitoring of empowerment to any class, whether it is tribals or *dalits*, is carried out to ascertain if they are getting all these facilities or not.

Today, media is very strong. We watch on TV that in tribal areas people are being subjected to injustice. I just want to say that passing Bills and enacting laws only will not lead to achieving everything, monitoring is necessary. I support this Bill and want the law to be followed after the passage of Bill and people should get relief. I expect this from the Government and I conclude.

[English]

SHRI PRABODH PANDA (Midnapore): Mr. Chairman, Sir, I thank you for giving me this opportunity to speak on the Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2012. At the very outset, I congratulate and thank the hon. Minister for bringing this Bill. He is very sensitive to the problems faced by the tribal community as he knows the real problems of the tribal people. So, it is a pleasure to speak a few words on this Bill.

Sir, several hon. Members have already mentioned about the problems being faced by the tribal people. I am not going to touch upon the problems of the tribal people of Kerala though this is confined to the issues faced by the tribal people in Kerala and Chhattisgarh. But I would like to touch upon some points regarding Chhattisgarh as I have some attachment towards Chhattisgarh.

Sir, Chhattisgarh occupies eighth place among the States having maximum tribal population in the country. The population of Chhattisgarh is notable for the high proportion of Scheduled Tribes; of the total population of Chhattisgarh tribals constitute about 31.76 per cent. In India, the Scheduled Castes and Scheduled Tribes' combined population is 23.6 per cent, but in Chhattisgarh, combined together, it is 44.7 per cent.

Tribals are of the prominent categories of the backward classes and historically disadvantaged groups in India's society. They have since centuries remained outside the mainstream of national life due to low rate of literacy, acute State of poverty and whatever benefits are being provided by the States a very little goes to them.

So, it is very scanty.

Sir, the Government of India in 1969 has identified 76 tribal groups as aboriginal tribals. So, in this regard, I am mentioning six points. First, as per 2001 Census – if it is more than 2,83,00,000 and like that – the total population of Scheduled Tribes is 66,00,000 which comes to 31.76 per cent of the population. This is Chhattisgarh. Second, according to the list of Scheduled Castes and Scheduled Tribes released by the Government of India in 1950, revised in 1976, the total number of Scheduled Tribes in the undivided Madhya Pradesh was 42 and among them maximum tribes, 31, live in Chhattisgarh. The number of primitive tribes in the divided Madhya Pradesh was six, even though six are also living in Chhattisgarh. Among them two tribes have been left out and now we have included them, that is, Hill Korwa and Abhujmaria. It is very good. As per the Indian Gazette Part II, dated 20th February 2003, this was the figure.

Sir, nine districts of the State, that is, Surguja, Koriya, Bastar, Dantewada, Kanker, Bijapur, Narayanpur, Korba and Jashpur have been declared as the completely tribal areas and nine districts of the States as partially tribal areas.

Sir, although the distribution of the tribes in the State is uneven, more than 70 per cent are there in Dantewada district and 11.6 per cent are in Janjgir Champa district. So, when we are talking about the Left Wing Extremists, they have basically made their den in these areas, particularly, in Bastar and Dantewada areas. These are tribal based areas and when we are talking about providing the benefits to the tribals, providing the food is not the only problem. They are getting food. Not only that the tribals of West Bengal in jungle areas are getting food at Rs.2 per kg. Even in Chhattisgarh, in the tribal areas they are also getting the food. I must thank this Government concerned. Their public distribution is better. ...*(Interruptions)*...

MR. CHAIRMAN: Kindly conclude.

SHRI PRABODH PANDA: But even then, serious poverty is there. What about roads? What about other inputs? What about drinking water? What about schools? Our hon. Minister might be aware about the Sirkegudem Massacre in the Bijapur District that happened. Even

the people have no right to decide about some religious festivals ...(*Interruptions*)... Now the judicial probe has started.

MR. CHAIRMAN: Please conclude.

SHRI PRABODH PANDA: So my point is that that point should be dealt with so that they can easily feel that this State is ours; this country is ours.

This is my last point but it is a very important one. In our Constitution, the 5th Schedule to the Constitution lays down certain provisions about the scheduled areas as well as the scheduled tribes in States other than Assam, Meghalaya, Tripura, Mizoram and ensuring admission of annual reports by the Governors to the President of India regarding the administration of the scheduled areas or setting up of Tribal Advisory Councils.

What is the report of the Tribal Advisory Council with regard to Chhattisgarh, with regard to the Dantewada district, with regard to the Bastar area, with regard to the nine districts of Chhattisgarh? It is quite unknown. So, this is the problem. So, what is said about the 5th Schedule in the Constitution, it has not been properly applied and executed particularly in this area. So there is a genuine demand. If there is Sixth Schedule in other areas, other tribal areas in Assam or Tripura or in other areas, why that point cannot be considered in case of Chhattisgarh particularly the Bastar area and Dantewada area? We should deal with them politically. Only providing 2 kilograms of food to them will solve their problem. Yes, they are fighting for the State with arms and ammunition. But some political rights should be given to them. Empowerment of the tribals is a must. If we think over in this matter, the 6th Schedule for that area, then to some extent they will get the political power. So, we should ponder over that matter.

Another point is this. Please instruct the administration; don't think the tribal means the terrorist. Don't think the tribals means they are Maoists. Don't think tribals means they are Left Wing terrorists. Don't think them identical.

MR. CHAIRMAN: Please conclude. Dr. Raghuvansh Prasad Singh.

SHRI PRABODH PANDA: My last but not least point is this. Most of the tribal people, particularly in the Bijapur

area, the Dantewada area, their name is not listed in the voter list. No enumeration is going on; no enrolment is going on. If you go through the figure, in 2011 election result, only 25 per cent people turned out to the polling stations.

MR. CHAIRMAN: You have made your point.

SHRI PRABODH PANDA : The polling station is 5-7 kilometres far away from their residences. If we do not increase the number of the polling stations, if we do not do enrolment of all the people, tribal people, how can you give political power to them? Only by administrative measures, only by providing some food etc., the problem cannot be solved. The problem would be solved to some extent if we provide some sort of political power, the Sixth Schedule, or properly implementing the crux, the essence of the Fifth Schedule. Without that it cannot be solved.

So, in this regard, I support this Bill. It is a welcome step but the situation is such that by not only supporting some tribes, some communities, the problem would be solved. With this, I conclude.

[*Translation*]

DR. RAGHUVANSH PRASAD SINGH (Vaishali): Mr. Chairman, Sir, hon'ble Minister is an able Minister but his works are yet to reveal his full abilities ...(*Interruptions*)... He is a wise person but when we observe his works only then we will give him the certificate of capability. He has introduced this Bill, two-three castes are to be included in list of tribals whether they are in Kerala or in Chhattisgarh. But, through you, I would like to draw his attention towards the work which is left out.

At the time of Shrimati Indira Gandhi, this Department was in the Ministry of Home Affairs. The tribal affairs was within Ministry of Home Affairs. Then it came within the purview of Social Justice, and then tribal affairs got separated from Social Justice ...(*Interruptions*)...

MR. CHAIRMAN: Do not disturb and interrupt. Let him speak.

...(*Interruptions*)...

DR. RAGHUVANSH PRASAD SINGH: I am telling what the difficulties are. At that time, at the behest of

Shrimati Gandhiji correspondence was done with the State Government regarding castes like Noniya, Binn, Mallah, Nishad, Kewat, Gyont, Kewarth, Gaud. That letter was written by the Joint Secretary, Home Ministry of India in the year 1981. Now, they will not get that paper as that paper is with the Ministry of Home Affairs and the State Government did not respond, So these castes remained in the same condition. Whereas the society, ethnology and the Institute of Social Studies Ranchi have written that Noniya caste is a caste engaged in making salt and digging soil and it played a key role in the freedom struggle and also in the salt satyagraha of Mahatma Gandhi. They were quite adept at fighting with the British Empire. Some of them were also hanged in Uttar Pradesh. It is a martyr caste and where have they are put today? Efforts were made at that time, but why has this work not been done yet? Hence it should be taken care of now and that paper is with me. That copy is not with his Department but it went through three Departments. Are all the papers available with the Government? But why was Noniya Caste not included in it? Again this Mallah Caste, for which ethnology has been written by a British writer, it is said in it that all these castes are tribals and they should be included as tribes. There are Mallah Nishad, etc. castes. "Mangi Nav na Kewat aana, Keh hi tuhar marmamya jana". It belongs to Mallah caste. Then there is Lohar caste. Lohar is written in English. In Jharkhand, it is Lohar. Lohara is included in tribal list.

Once, the State of Bihar, Jharkhand and Bengal used to be a single State. Now, castes have been divided. Lohar is in tribal category in Jharkhand and it is in the group of backward castes in Bihar. People say that one blow of a blacksmith is equal to hundred blows of a goldsmith. This proverb shows the power of Lohar community. But, nothing has been done for them so far. They have their caste confederation. All of them are fighting. They are conducting conferences on regular basis. They resort to agitation. They do agitation at Jantar-Mantar, but who care to listens to them? They are poor people. They are a deprived and victimized lot.

Who listens to them in this country? But a provision was made under Section 342 and Section 366 in the Constitution to include all these castes for bringing them in the mainstream of the nation. There are castes like Nonia, Kewarth, Mallah, Lohar, Godhi and Beldar. There

are various castes in our country and they came to existence on the basis of their professions. Those who were paan-growers, became Badohi and those who made paan became Tamoli. Those who produced oil became Teli. But, what is the condition of Teli caste? It is said that if people of Teli caste are seen in the morning, one won't get food. Such misconceptions and low level of thinking already prevail about this community. How should we get rid of these misconceptions? A provision was made in the Constitution to set this right. The representatives of Teli caste say that untouchability existed in case of scheduled caste also but the Constitutional provisions and the education helped minimize it. But, untouchability remained intact in their case. There is a misconception prevailing even now that even if a person belonging to scheduled caste sees a person of Teli caste in the morning, his whole day would be spoiled because of that. Such mental illness exists in India and the caste system has destroyed everything and it has done extensive damage to the society. They ask for enlisting them in backward caste. The State Government of Nitish Kumar has constituted a Commission there and decided to enlist Teli people in scheduled caste category as they are resorting to agitation for getting enlisted in backward class. A Commission has been constituted for that purpose.

Sir, there are Beldar, Bind, Keut, Kevart, Keot, Kevart, Gareria, Baal, Dhanuk castes. Dhanuk caste is engaged in big tasks, but struggle is going on for including them in the Tribal category and agitation is taking place, but no one is paying heed. We expect from the Government that the proactive process started by the Centre for the poor in the form of correspondence done at Indiraji's time should not be ignored by this Government. You should instruct the State Government to come out with such kind of a list. The Chairman of National Commission for Scheduled Castes, Shri Puniaji; National Commission for Scheduled Tribes, Institute of Social Studies should look into this matter because there is no one to listen to the voices of these deprived, exploited and neglected lot. Hon. Minister should carry out a search for the correspondence papers and instruct the State Government to take action in this regard. One should pay attention to their just demands and I support it. Otherwise, they will be left out. Poor person is crying and dying, but no one is listening.

Sir, I expect that this Bill should be approved passed.

SHRI S. D. SHARIQ (Baramulla): Hon. Chairman Sir, I thank you for giving me an opportunity to speak. This amendment is regarding, the scheduled tribes, I support this on my party's behalf. This is a very good step, though taken a little late. Earlier also, while expressing my views with regard to another Bill, I said that we have burnt down our own home. We have let castes, untouchability, hatred divide us, we have created a divide between the haves and the havesnot. May be that is why is the country has weakened. If we look beyond the narrow framework of religion, we will find that all the major religious philosophies advocate the concept of one God and equality of human beings. As a Member said just now, if one sees the face of a Teli early in the morning one would not be able to get food during the day. I believe and all of you will agree that till the time we believe in the concept of untouchability or of low and upper castes, the country will not be able to progress. The progress of the nation would remain hindered and hatred would reign till this kind of hatred, untouchability and caste differences are in our hearts.

Sir, those people who are marginalised, who are being called scheduled tribes and scheduled castes, we have to take them along with us. We are all part of the same body. If any part of the body becomes ill or pains the entire body suffers. So they have to be kept at the forefront. Since there is a shortage of time, I would request the Government that instead of just Kerala and Jharkhand, the Commission should tour the country and identify all the people who require the benefits given under the Constitution to scheduled tribes at one go.

I would like to talk about Kashmir. The Gujjars were living a life of destitution. They used to eke out a livelihood through rearing sheep and cattle. A few years earlier, they were given scheduled tribe status by the Government. By the grace of God, now they are progressing. There are ten houses of Gujjars and twenty of those who speak Pahari in the same village. All these people endure the same conditions, have similar social status, face the same difficulties and problems. There is a slight difference in the dialect they speak. But the Paharis have not got the status of scheduled tribe till now. Successive Governments headed by Farouque Abdullah, Ghulam Nabi Azad and

Omar Abdullah sent submissions in this regard to the Union Government but no progress has been made till date. I would like to remind you that when Atal ji was PM, he had gone to Karna and assured the people in a public meeting of granting them this status. But the NDA Government did not fulfil this assurance. UPAT and I also failed to take any step in this regard. I am fortunate and perhaps it is the good fortune of those people that Soniaji, who is also Chairperson of the UPA, is present here. I hope that the Minister and the Government will take note of this issue and the people living in those hilly regions, who speak Pahari, will also be given the status of scheduled tribe so that they also get the rights due to them as laid down in the Constitution. They should check the proportion of scheduled tribes in the judiciary the army, the executive, in commissions, in universities, in the airforce and the Government and all the other sectors have to work together to bring them up in life which is an important step towards strengthening the nation.

[English]

SHRI AJAY KUMAR (Jamshedpur): Thank you, Mr. Chairman, Sir. I would not speak for very long. I would just make a few points to the attention of the hon. Minister.

I would make a request to the hon. Minister. [TRANSLATION] We receive a number of requests to include then castes, so the related criteria should not be diluted at any cost.

[English]

Sir, if you study the list of Civil Servants, Class-I officers in Jharkhand, you will find that the number of officers from Jharkhand, who are on the Class-I posts in the Government of India, is very limited. If you start seeing across, I am quite sure, it may affect Odisha, Chhattisgarh and other States also.

So, the representation even in the All India Services from poorer tribal States is becoming lesser and lesser. It is a politically sensitive issue and also an important issue. Therefore, I would request the hon. Minister if the important tribal leaders, important social tribal activities can form a Commission to see whether there is a skewed development model for certain States, who are being neglected. If you look at the IAS and IPS Officers in my State, there are only

two people right now in the Civil Services List in Police and I think, only one in the IAS from Jharkhand. If you look at the total number of people coming in from Orissa or Chhattisgarh or Jharkhand, it is very much limited.

The other important issue, on which I would like to make a request to the hon. Minister is this. Recently, the Supreme Court gave a judgment on the ownership of materials under the ground, which should be with the farmers [TRANSLATION] 65 lakh tribal people have been displaced in my State, [ENGLISH] Chota Nagpur Tenancy Act and Schedule V. So, if the hon. Minister can confirm and implement that the ownership of coal and iron ore also belongs to the people, [TRANSLATION] and when farmer gets the ownership [ENGLISH] that will be a great protection for the tribal people.

There is another problem, which many tribals of the bordering States are facing. [TRANSLATION] You give tribal status in bordering State Chhattisgarh but not in Jharkhand, and it takes 10-15 years to complete the whole process from State level to Registrar General for applying this process. Similarly, as the matter of Arunachal Pradesh had come up recently that there are many tribes in Arunachal Pradesh and Jharkhand and they are categorized under the Aagami tribe in Nagaland. There should be a fast track system in the border areas. Borders are artificial and marriages take place there. If you have categorized them as scheduled caste, I request the Minister that there should be a fast track system to take a decision on it.

The second thing is that there should be a commitment on the part of the Government that old age pension and widow pension would be availed by the tribals because a number has been fixed in our State for availing these benefits. Tribal population above this number have to try again and again for availing these benefits. The most important point is that if we have to improve the living condition of the scheduled castes and the scheduled tribes, it should be mandatory for the Government to present the scheduled caste status report every year. Particularly [ENGLISH] access to electricity, water, school and health system and the Government should present this report every year. Then only, you see, otherwise we will keep only giving reservation. [TRANSLATION] Actually people of tribal society are not benefitted.

With these words, I thank you for giving me and opportunity to speak.

CHAUDHARY LAL SINGH (Udhampur): Sir, with your permission, I stand to speak on the Bill which has been introduced for the scheduled tribes. We have included some castes in it. It is a very good thing. The Minister is very hard working and I have seen his style of functioning. I was with him in a committee. [ENGLISH] He is a very good person. [TRANSLATION] I would like to say and we know that you have included some castes of my area in Jammu and Kashmir in this list. For example, Gujjar, Bakkarwala, Gaddi and Sippi. The Gujjar are those who rear buffalos and the Bakkarwala rear sheep and goats. Sippi is also a tribe. A part of Sippi is called Koli. Sippi and Koli are one tribe in our State. Furukh Sahab is here, he knows it better. I am astonished, when Sippi was included, why was Koli left out as Koli is a part of it. Their marriages, their relations, everything is same. However, they were not included when this status of scheduled tribe was being given, one of our major classes was left. There are some areas where there are Pahari speaking people. We have centralized some areas. But I don't want to extend that to the areas of Poonchh, Rajouri, Tarnaka and Uri. Pahari speaking areas include Kishtwar, Bhadrawah, Basauli, Bani, Bilawar, Ramnagar, etc. There should be no mistake ever. It is my humble request.

I want to narrate the condition of Gujjars. I am sorry to say that even today Gujjars and Bakkarwalas of my State walk 200 to 300km towards plain area with their animals in summers and towards hilly areas during winters on foot. I want to tell you the problems they face on the way. Sometimes the Police beat them accusing them of blocking the roads. Sometimes a farmer stops them for unpermitted entry of their animals in his farm. When they reach the last point of their destination, there are upto 50 types of injury marks on their head. They are beaten so severely. They should be included in the tribals. In the times of the King Maharaja Hari Singh, when Gujjars and Bakkarwalas went up in summers, they were permitted to use night time for their movement. There was a law that no traffic will stop them. The time of Maharaja Sahab has gone, roads have been constructed in democratic regime and now they have neither day nor night for their free movement. I want to say that improvement in their poor plight is badly needed.

I request the hon'ble Minister to make some arrangements for them. You provide benefits to the people belonging to scheduled tribes. You should provide trucks to upload their luggage and cattle and unload the same at the destination place to ensure their safety. If a male member of their family meets with an accident on the road then what would be the fate of his family and children? Their children walk barefoot and without woolen clothes during winter and these people work in dirt. Our leader Farooq Saheb's maternal grandparents' house is located there and he is well aware of the condition of these people. I would like to submit that it is necessary to improve their condition. I request the hon'ble Minister to include the 'Sippi' and Koli' caste in the list. You have not allotted adequate time for me to speak. I would like you to allot more time to those who are wearing beautiful attire. In the end, I would like to answer the point that has been raised here. Some of tribal people have joined naxalite movement and

they have become Maoist because they don't get the benefits of being a tribe. When some people of Jammu and Kashmir were misguided and forced to kill people of the country then they were killed. It is not true come people of a caste nurture grudge against the system and join military, or terrorists outfits. [ENGLISH] It is not possible. The country is the priority. [TRANSLATION] Caste is not above the country. If any caste has any resentment against the country it will have to face the consequences.

[English]

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY (Kokrajhar): Respected Chairman, Sir, I am quite thankful to you for giving me an opportunity to participate in the debate on the Constitution (Scheduled Tribes) Orders (Second Amendment) Bill, 2012 brought by my esteemed colleague Shri V. Kishore Chandra Deo. I rise here to support the Bill and I heartily thank Shri Kishore Chandra Deo for having brought this laudable Bill.

[Translation]

I would like to put forth certain very sensitive and serious issues before the House while taking part in the discussion and would like to draw the attention of the Union Minister towards these issues. The then NDA Government had signed an agreement with the Government of Assam

and a Bodo militant organization namely Bodo Liberation Tigers in the year 2003. The said agreement was signed on 10th February, 2003. As per the said agreement Bodoland Territorial Council was set up. A point was mentioned under Clause No. 8 of the said agreement that [ENGLISH] Government of India will consider the urgent need of granting Scheduled Tribes status to the Boro-Kachari people living in Karbi-Anglong Autonomous Hills district and in the then North-Cachar Autonomous district, the present district of Dima Hasao.

In 1998 and in 2009 also, the State Government of Assam has recommended this very long pending issue to the Government of India. But, I am extremely sorry to apprise you of the fact that nothing tangible has been done so far in this regard. Today, nine years have already elapsed after the signing of that Second Bodo Accord. It is a matter of serious concern and great regret.

Through you, Sir, I would like to urge upon the Government of India, particularly the present Union Minister of Tribal Affairs, my friend, Shri V. Kishore Chandra Deo to take appropriate steps to ensure the granting of ST status to the Boro-Kachari people living in these two particular hills districts of Assam. [TRANSLATION] Bodo-Kachhari people living in the plains [ENGLISH] we have given the tribal status to them. What about the Bodo people, the same people who have been living in these two hilly districts since times immemorial?

18.00 hrs.

In these two hill districts they have been deprived of the tribal status. This is very unfortunate. [TRANSLATION] Along with this, I would like to tell about a serious issue. [ENGLISH] In 2002, the Government of India has revised the list of the Scheduled Castes and the Scheduled Tribes throughout the whole country. I think around one hundred numbers of new tribes have been incorporated in the list of the Scheduled Tribes. Unfortunately what happened to the reserved quota? Till today not a single additional percentage has been added to the existing 7.5 per cent meant for the tribal people.

[Translation]

MR. CHAIRMAN: Hon'ble Member, please sit down for a minute.

Hon'ble Members, may we extend the time of the proceedings of the House till the end of discussion on this Bill and the zero hour with the permission of this House.

SEVERAL HON'BLE MEMBERS: Yes, yes.

[English]

MR. CHAIRMAN: The House has agreed for extension of time.

[Translation]

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY: Sir, what happened in the year 2002? Five new castes were included in the list of Scheduled Tribes in Assam, but the quota of reservation which was to be increased for them has not been increased till date.

MR. CHAIRMAN: Please be brief.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY: Initially it was 10 per cent for 9 tribes. [ENGLISH] Today, the total number of STs stands at [TRANSLATION] Several issues have cropped up with regard to 10 per cent quota for 14 castes. If all the castes which should get the benefits of scheduled tribes across India are included and reservation quota earmarked for them is not increased what would be their condition and the condition of the country. It is a very serious issue. Along with this my demand is that [ENGLISH] the percentage meant for the tribal people should be increased from the present 7.5 per cent to at least 12 per cent because the population of tribal people also has increased in the same way the population of general people has increased. [TRANSLATION] If the population of general category has increased, the population of tribals has also increased. [ENGLISH] This 7.5 percent reservation was fixed based on the population census of 1971. By now 42 years have elapsed. [TRANSLATION] Even after 42 years the scheduled tribe quota which should have been increased, has actually not been increased. It should be increased by 12 percent.

Sir, there are some more pertinent issues. Rajya Sabha passed Constitution (117th Amendment) Bill, 2012 in May 2013 but unfortunately that Bill was not passed in this House. Therefore, through you, I would like to request Government of India that this Bill should be passed at the earliest and due rights of tribal and scheduled castes

should be given to them. The Chairperson of UPA, Madam Soniaji is present here. Mr. Chairman, Sir, through you, I would like to request her also that there is a need to take strong step in this regard.

Sir, there is one more point to be mentioned. The amount allocated in the Budget to develop tribal areas through Article 275(1) of the Indian Constitution is quite less [ENGLISH] That money should be enhanced to a great extent. So far as my observation is concerned, this year's total national plan budget allocation stands at about 7 lakh crores of rupees. If the population of Scheduled Tribes in India stands at 8 per cent, then the tribal people should have been given a minimum of Rs. 57,000 crore. [TRANSLATION] It was to be done by your Ministry

MR. CHAIRMAN: P.D. Raiji, Please speak.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY: Therefore, at least 57 thousand crore rupees would have been allocated during last year.

[English]

MR. CHAIRMAN: Nothing will go on record now

...(Interruptions)*....

[Translation]

MR. CHAIRMAN: P.D. Raiji, Please speak.

...(Interruptions)...

MR. CHAIRMAN: You have expressed your feeling, now let him speak.

...(Interruptions)...

MR. CHAIRMAN: Nothing will go on record.

...(Interruptions)...

[Translation]

MR. CHAIRMAN: Your speech is not being recorded. Please sit down.

...(Interruptions)...

MR. CHAIRMAN: You have made your point. Please sit down,

...(Interruptions)...

[English]

MR. CHAIRMAN: Only the speech of Shri Prem Das Rai will go on record.

...(Interruptions)... *

SHRI PREM DAS RAI (Sikkim): Mr. Chairman, Sir, I thank you for giving me this opportunity to speak. I rise to support this very important Bill which has been brought to this House. Listening to everybody, it is very clear that the House, with one voice, is supporting this Bill. This is important because it is an ongoing process. The door for other communities to be recognized as Scheduled Tribes is always open and I commend the Minister for bringing this Bill. This Bill is part of the inclusive agenda, I believe, of the UPA Government, and the social justice and affirmative action programme. In view of this, I would like to just place on record a few things for the information of this august House.

Sikkim, as we all know, became a part of India in 1975 through the 36th Constitutional Amendment. Till then, Sikkim was a tribal State and it was a State in which the people of Sikkim were considered as one and it has again been recognized through an amendment to the Income Tax Act inserting Section 26 AAA in 2008 when the Sikkimese people and the Sikkim Subject Register became the source on which the entire population was given income tax relief. Now, this is very important because under that kind of a scenario, all the people were not discriminated against; all the people were together and all the communities were together. This is a very important point because our hon. Chief Minister, Shri Pawan Chamlin, has written several letters to the Government of India and to Shrimati Sonia Gandhi, the Chairperson of UPA stating that we have evidence through the Burman Commission Report, and the State Legislature has also passed in one voice a resolution, that the entire State should be considered a tribal State. Now, this is also important from another point of view that in view of the referendum of 1975, this is the only State which became the 26th State of India voluntarily under the then leadership of Shrimati Indira Gandhi. At that time, if the leaders of Sikkim had agreed or negotiated properly, then there would not have been this problem that today some communities are left out from the tribal status that is otherwise given.

I would like to inform this House that today, the process is a strenuous one and we have already made strides in respect of the process of how it can be done and that certain communities can also be considered as, by this particular House or by the Parliament, Scheduled Tribes.

So, with these words, I would like to say that it is important that the State, which is a very strategic State, be considered and all the requests made by the State Government and made by the people in one voice be considered in this House and taken into consideration in the future.

MR. CHAIRMAN: The last speaker is Shri Charles Dias.

SHRI CHARLES DIAS (Nominated): Respected Chairman, Sir, I am thankful to you for giving me this opportunity to speak on this Bill. In our country, in this complex situation of social strata, the Scheduled Tribes (ST) is a separate set. They are bound to follow a particular profession because of historic reasons, and are located in one place or the other. In this situation, they have become disabled because of so many disabilities and they are becoming backward. The Government, with due consideration, included one after the other, and now as my friends have pointed out here that a sizeable number of ST are included in this. But the process is very long, as my colleagues have pointed out, and there are so many communities that are facing disabilities. I request the Government that a study has to be conducted again.

The hon. Minister has pointed out that basically the States have to recommend a particular community to be included in the list of STs. Now, Marati community has been recommended from Kasargod and Hosdurg Districts of Kerala. They were facing disabilities, and basic amenities were denied to them. Similarly, there are two communities, namely, Abhuj Maria and Hill Korwa from Chhattisgarh. My friends have just now pointed out that this long process has to be curtailed and simplified. Otherwise, many are left out from the list of disabled communities. I request the Government to have a study on this, and these disabled people have to be brought into the list of communities. With these words, I support this Bill.

MR. CHAIRMAN: Now, the hon. Minister to reply.

* Not recorded

SHRI V. KISHORE CHANDRA DEO : Thank you, Mr. Chairman, Sir. First of all, I would like to thank all the hon. Members from all parts of the House who have participated in this discussion. It is heartening to hear 18 Members from different Parties from all sides of the House to give different ideas, and to mention that all of them have mentioned their views regarding the development of Tribals.

Sir, there are certain general questions, which have been raised by many Members who spoke earlier. So, firstly, I will deal with these general aspects before I go on to what each Member had asked with respect to their States and other communities.

Mr. Chairman, Sir, firstly, I would like to mention and I had mentioned this earlier also in the House that as far as the ST lists are concerned, every State has its own list. So, in our federal scheme of things, it is the State Governments who have to first send their recommendations and rightly so because sitting here in Delhi it is not possible for us to go into the details of what exactly is happening in the remote and interior areas in different States. In fact, it is a difficult task for the State Governments also. So, the first requirement is that the State Governments will have to send their recommendations to us after which, of course, we follow a policy. We examine it, and send it to the Registrar General of India and after he clears it, it goes to the National Commission of Scheduled Tribes, which exists now.

Then, ultimately, I take a call and bring it to this august House for approval by hon. Members.

Mr. Chairman, Sir, as many of my hon. friends have mentioned, it is a fact that there are many communities which are scheduled in one State and which are not scheduled in the neighbouring States. There are many communities which are in the Scheduled Tribes List in one State in another State, they are in the Scheduled Castes List; in some other States, they are scheduled in the Backward Classes List and, maybe, in none of these Lists in some States. This is a fact, but unfortunately for me, this decision lies with the State Governments. There is no way by which I can force a State Government. If there is any representation, I can always send it to them; I can send it along with a Note with some sort of a justification. When hon. Members write to me, I have done it. But ultimately, it has to come from the States.

Then, Sir, if I want to do everything together on an All India basis, I will have to wait for all recommendations to come from different States, which is not practical. Then, it will be an endless wait and, probably, what we are able to do, at least, once in a few years will become impossible. In a situation where you cannot have a kind of one list for the entire country for which we have to wait for recommendations from all States which is impractical, hence the only solution is doing it in a piece-meal as and when you get a particular recommendation.

Sir, the hon. Member who initiated the debate, Shri Sohan Potai, and many others had raised this issue, and I am only repeating what I have said earlier in one of the discussions that we had in this House, that this is what the Constitution says and I am afraid it will not be possible for me to ensure that only community is scheduled in all the States or, at least, in some States which are neighbouring each other because that is not possible under the present scheme of things.

Then, another point that has been raised by the Member who has initiated this debate and by many others who spoke also they spoke about large-scale displacement of tribals from the land that they have been occupying for years. Yes, this is a problem; it is a major problem; this is a problem which had brought in a lot of unrest – the problem which has led to the eviction of a large number of people from different parts of the country, who have become homeless, who have been deprived of their traditional sources of livelihood. It is with this in mind actually that during the regime of UPA-I, the Forest Rights Act was enacted.

Sir, as one of my friends who participated in the debate had mentioned earlier, there are large parts of lands which have remained un-surveyed till today. Prof. Saugata Roy said that in Abhujmad in Chhattisgarh about 60,000 square kilometres of land still remains un-surveyed. This is the case with forest lands in many other States also. Therefore, the forest dwellers and tribals who are living in these forest areas actually had no proof of their residence in that particular region, even if they had been there for a few decades or, maybe, for centuries. They had no pattas; they had no electricity bills to show; telephones, of course, were something which are totally unknown; and they did

not have cellphones in those areas as a result of which, once they were evicted or removed from these areas, there is nothing to show that they were part of it. One hon. Member referred to the Land Acquisition Act of 1894. But even to get compensation or rehabilitation under that Act, there was no proof that they had. There was no basis on which they could be rehabilitated or on which compensation could be given to them. That is why the Forest Rights Act is of immense importance or of paramount importance to Scheduled Tribes and to the forest dwellers who have been living in such areas. This was actually enacted to undo the historical injustice which these people had suffered, not for decades, but maybe for centuries. This was actually enacted in the year 2006 in this very House; on the 13th of December, 2006, it was passed. After that, the rules were framed and from the year 2008, the implementation began.

Mr. Chairman, you will appreciate the fact that both forest and land are State subjects. It devolved upon all the State Governments to implement this particular Act. This was in order to first establish their identity in these particular regions. In about three or four years time, a lot of obstacles came in certain areas probably which needed some clarity and about three or four years back, it was the National Advisory Council who had given some recommendations which were necessary to ensure that this Act was effectively implemented.

Mr. Chairman, I went through these recommendations personally. Based on those recommendations, based on representations which I had received from my colleagues from different parts of the country and based on my own experience about a year ago in the July, 2012, we sent fresh guidelines to the State Governments and in the month of September, I even amended some rules and placed on the Table of this very House on the last day of Monsoon session of 2012.

We have actually been holding workshops. We have sent officials from my Ministry and they are holding Regional Conferences, basically to make the local people and the State Governments aware of the provisions of the Forest Rights Act. I myself have been communicating and have been in regular contact with the Chief Ministers of States with the concerned Ministers of Tribal Affairs, of the Forest Department to apprise them of the changes

that have been made and to ensure that these laws are implemented effectively. There has been a response from States and I think that the amended rules and the new guidelines definitely have resulted in the larger number of claims that are being recognised. This Forest Rights Act actually gave two kinds of claims – individual claims and also claims to community rights and to community resources. There was a problem about community rights and community resources. I clarified that and after those clarifications have been sent because most of the rejections actually came from the applications which were made for community rights and for their resources. In fact with the new guidelines and rules, I have also clearly mentioned that where there was a *prima-facie* case, based on the new rules and guidelines that were sent to the State Governments that they should re-open cases which complied with new rules and guidelines and see that the pre-existing rights are recognised and regularized. So, that process is on and hopefully, if the new land acquisition law is passed, I am sure the Tribals will also get the benefit of this rather than falling back on the 1894 outmoded and antiquated law which we still follow. This is as far as rights of Tribals are concerned.

Sir, a large number of Members have mentioned about the threat of mining in these areas. Sir, the threat of mining in these areas also has been a cause of concern to us and also to the tribals especially who have been living in these areas. Sir, as far as these forest areas are concerned, they are mineral rich areas. We require the minerals but at the same time as our UPA Government has stood for inclusive growth, this process should also be covered under law, the people who are living over-there, the most exploited sections of society, the most marginalized and the most deprived people who are actually living in these areas. So, there are two kinds of areas as far as this mineral rich and forest areas are concerned. One is the Schedule V areas where the people living in these areas enjoy constitutional protection and safeguards, others are the non-Scheduled V areas. In the Scheduled V areas, the people who do not belong to Scheduled Tribes listed in that particular State are prohibited from taking land on lease or buying land. This unfortunately has not been followed strictly by many State Governments. I am not naming this State or that State. I am not accusing any particular

State for doing this in general. This has been flouted by signing a Memorandum of Understanding or giving lease to private corporate companies who have no *locus standi* in my opinion in these regions.

After all, a company or a society registered in the name of tribals controlled and owned by tribals are the only ones who can operate in these areas. Of course, some violations have taken place. Wherever they have been brought to my notice, I have written to the Chief Ministers. I have had responses from them. I have also written to the Governors of these scheduled States because the Constitution endows the Governors with some special powers. Some of our colleagues had mentioned about this in the earlier discussion that we had on the Governors (Emoluments, Allowances and Privileges) Amendment Bill. The Governors have some powers. There is the Tribal Advisory Council which is there. But irrespective of the Tribal Advisory Council, the Governors also have some powers which they can invoke in cases where peace or tranquillity and governance is disturbed due to reasons arising out of land or money-lending. I do not think there is anybody who says that mining has nothing to do with the land. So, whenever such cases arise and there is unrest and there is no good governance, it is in such situations that the Constitution has envisaged these powers *vis-à-vis* Governors. But unfortunately I think, these are the areas where there is no governance at all. In such areas, I have been writing to Governors. I have been communicating to them, requesting them to invoke the powers to see that the constitutional guarantees which have been endowed upon the tribals by the founding fathers are not violated. Therefore, these are questions which have been raised by hon. colleagues of different parts of the House. I thought, I would deal with these problems first

Many hon. Members have raised the question about the diversion of funds which are meant for the Tribal Sub-Plan. As far as the Tribal Sub-Plan is concerned, the Planning Commission of India decides what is to be given to each State depending upon the population and geographical area which is occupied by the Scheduled Tribe community. This fund actually goes from the Consolidated Fund of India directly to the Consolidated Funds of the State. This is an area where my Ministry has no role to play because this comes within the domain of the State

Governments. Recently, the State Government of Andhra Pradesh enacted a law to ensure that this diversion does not take place as far as funds are concerned. In many cases, the funds meant for Tribal Sub-Plan areas are diverted by the respective State Governments irrespective of which party is governing. I am not accusing one party or the other. This is a trend which has to be stopped. I think, this trend has to be reversed and one must ensure that these funds are used for the purpose for which they are being earmarked either by the Planning Commission or the Government.

As far as the Ministry of Tribal Affairs is concerned, it is only critical areas or gaps which we are required to fill in for. So, funds under Article 275(1) come to my Ministry. There is a quota for every State. We release the funds based on the recommendations that come from the State Governments. All that I insist for is the utilization certificate and for certain guidelines or norms that have been set by us. These funds are given for educational purposes. They are given for communication facilities. They are given for health purposes. This is, apart from the funds, that the line Ministries has to give to the TSP areas according to the directions of the Planning Commission which were issued actually in the year 1974. That is something which goes directly to the States from the line Ministries. As one of my colleagues, Dr. Raghuvansh Prasad Singh ji has said about it, there was no Tribal Affairs Ministry till about a decade ago. This was all a part of the Home Ministry. Then it came under the Ministry of Social Justice and Empowerment. This Ministry was formed at the turn of the century. So, it is about ten to 12 years old. From then, the funds that the line Ministries were supposed to send, whether the Agriculture Ministry or the HRD Ministry or the Health Ministry, they have been going directly from those line Ministries to the States. In fact, I have taken it up with these Ministries and I am trying to ensure and introduce some kind of a mechanism where the Tribal Affairs Ministry can have a say or can monitor or at least know where these funds are going.

That is because demands relating to tribal areas actually come to my Ministry. So, this is a process which I have initiated and I hope that very soon I will put in place a system by which funds from those line Ministries are also regulated and monitored. I am saying this because

many of the hon. Members may not be aware of the fact that the annual budget allocation for my Ministry, for the Tribal Affairs Ministry, for the entire country is about Rs. 4100 crore. Now the percentage that is allocated from the HRD Ministry for educational purposes in the TSP areas is Rs.5000 crore. So, only from one HRD Ministry, a line Ministry, more than Rs.1000 crore goes which is supposed to be spent for education in these areas. Likewise the Agriculture Ministry, the Health Ministry were required to spend. This was done during Late Mrs. Indira Gandhi's time. There was no Tribal Affairs Ministry then. But till today that same system continues. I am trying to get that into some kind of a structure in a manner that it will actually go to the Tribal Sub Plan areas.

Hon. Members have several questions about their own States and certain other communities probably which they feel that deserve to be Scheduled. As I mentioned at the very outset, there is a particular process for this and I have to follow that process.

As far as Chhattisgarh is concerned two communities were mentioned. One is about the Sohra and the other, Pathari community. Both these communities were actually not accepted by the Registrar General of India. Earlier on when the RGI rejected a particular proposal twice, the file was closed. But since several colleagues, hon. Members, State Governments have been writing to me, even if they have been rejected twice or thrice, when certain recommendations like this come and if I also feel that they are genuine, I have stopped that practice of closing those files and actually now I have been sending them back to the State Government asking them for clarifications, for justifications based on the grounds on which the RGI has rejected them.

As far as the Sohra and the Pathari are concerned, both have been sent to the Government of Chhattisgarh for their clarifications for the justification. As soon as we receive that justification I will again refer it to the RGI. That is because until it comes from there and goes to the NCST my hands are tied. Hon. Members will appreciate that.

Hon. Member Chauhan had referred not only to scheduling process but he had mentioned about some problems with teaching staff. These are matters of the State Government but if there are any problems and hon.

Members bring it to my notice, I will surely take it up with the State Government and write to them asking them to correct those aberrations or problems if any. So, if there is any problem, please do write to me and I will get back to you.

Hon. Member Shailendra Kumar wanted to know about the Kohl community. As far as the Kohl community is concerned, they want to be made Scheduled Tribes, they are already in the list of Scheduled Castes. There are certain criteria that they have to satisfy to become a Scheduled Tribe. Kohl community case had been sent to the RGI. RGI had rejected it. However, since this was raised earlier in this House by certain Members, I have sent it back to the Government of Uttar Pradesh and I have had no response from them. We have not heard anything about it so far. So, if and when that response comes giving fresh reasons as to why they should be included, I will certainly see that further action is taken.

Shri Dara Singh Chauhan had also mentioned about the rights of tribals. I have already mentioned about that. The hon. Member wanted me to take strong action against defaulting officers. These officers are of the State Government. They are the implementing authorities. So, if there is any problem being created by any officer, please let me know and I will write to the State Government. But it would be difficult for me to take action against a defaulting officer of the State Government ...*(Interruptions)*...

[Translation]

SHRI DARA SINGH CHAUHAN (Ghosi): You must see why such things are to king place. If the State is not implementing the time bound programme then which type of strict step is being taken by the Ministry ...*(Interruptions)*...

[ENGLISH]

SHRI V. KISHORE CHANDRA DEO: Hon. Member will appreciate the fact that if I make it time-bound, the State Government which does not fulfill its responsibility within that time, after that, due to the fault of the bureaucrats of the State Government, the people who have not got, would be denied. So, I cannot close it in a time-frame. That is why, I kept it open. These are problems which have been there for decades and hundreds of years. ...*(Interruptions)*... It will take time. But I would only like to inform the hon.

Members that the response from all the State Governments has been good; I have not got the negative response so far. They have been quite positive in their approach. I must take this august House into confidence; I am not casting aspersions on anybody. But the resistance has been coming from the Forest Departments of many States. I think, even the State Governments are having a lot of problems in getting over those pressures. But they are overcoming them.

Recently, the Cabinet has actually cleared a proposal to give minimum support price for minor forest produce – non-timber forest produce. I said, 'non-timber forest produce' because the Forest Rights Act recognizes bamboo, tendu leaves and betel leaves also as minor forest produce. So, I do not call it minor forest produce any more; it is non-timber forest produce. But this was in the domain of the State Governments. So, we had to put all the States on board; it took us time; we had series of negotiations with the officers from the State Governments; I spoke to the Chief Ministers; I spoke to the Ministers of the States; and finally, we have put on place a system where TRIFED, an organization which is within this Ministry, will be the coordinating authority with the agencies of the States. We will actually bear the loss, which the State Governments would be undergoing, if at all there is any such loss, so that the price fixation committee will decide on what prices the tribals will get. ...*(Interruptions)*... I am going in the order in which the hon. Members spoke.

[*Translatinn*]

SHRI SHAILENDRA KUMAR: Please give the reply to the question asked by Hon. Member instead of the reply being given by you at present.

SHRI V. KISHORE CHANDRA DEO: I reply to all the hon'ble Members. [ENGLISH] I will give replies to everyone; this is the subject in which all the hon. Members are interested in and participated. Prof. Saugata Roy has raised the question about the mineral rich resources in the Scheduled Tribe areas. The Member from Jharkhand also raised this and cited the Supreme Court judgment.

Mr. Chairman, Sir, I think, the Members may not be aware that the Supreme Court had, about a month ago, in a judgment Stated that all mineral resources will belong to the person who owns the land. Earlier, it was presumed that

everything under the soil belonged to the State. But it had clarified that and it had given the judgment. I am studying it; in the wake of that judgment, it will be a different kind of a situation as far as the tribals are concerned. ...*(Interruptions)*....

MR. CHAIRMAN: Nothing will go on record, except that of the hon. Minister.

(Interruptions)...*

SHRI V. KISHORE CHANDRA DEO: Shri Mohan Jena had raised about certain communities from Odisha. As far as those communities are concerned, we have written to the Odisha Government. The Odisha Government has not yet sent back the replies. As far as we get back the replies, we will go forward with it. ...*(Interruptions)* I know it is a genuine case; it has been rejected; it has been rejected many times; but yet, I have not closed the case. I have sent it to the State Government. It is up to the State Government to give the justification, based on the objections raised by the RGI. The moment it comes, I will again forward it.

As far as Tamil Nadu is concerned, I would like to inform my colleague hon. Members from Tamil Nadu. that *narikuravar* has been cleared by the RGI and by the NCST. It is in the process; and as soon as it is ready, I will be bringing *narikuravar* to include in the List, before this House. As far as Badagas are concerned, they have been rejected more than twice.

Hon. Member from Kashmir had asked about Pahari community. Shri Lal Singh had asked about *Koli* and *Sippi* communities. All these three communities are pending with the State Government. ...*(Interruptions)*

MR. CHAIRMAN: Let the Minister answer.

...*(Interruptions)*

[*Translation*]

MR. CHAIRMAN: Please sit, down Lal Singh, you too please sit down. ...*(Interruptions)*

[*English*]

SHRI V. KISHORE CHANDRA DEO: From the

* Not recorded.

records that have been given by my Ministry these three communities were recommended and rejected earlier. I have again sent it to the State Governments. The State Governments have not yet sent their justification ...*(Interruptions)*

MR. CHAIRMAN: Nothing, except the hon. Minister's speech, will go on record.

*(Interruptions)...**

SHRI V. KISHORE CHANDRA DEO: Hon. Members, I would like to humbly submit to this august House that whoever gives an assurance, you cannot jump the procedures.

PROF. SAUGATA ROY : But the procedure should not take 20 years.

[Translation]

MR CHARMAN: Shariq ji, please sit down.

[English]

SHRI V. KISHORE CHANDRA DEO: I cannot help if the State Government takes 25 years. I cannot force them.

Shri P.D. Rai had raised about some communities in Sikkim. There were 11 communities which were recommended. I think, in May 2012 we had referred it to the RGI. As soon as we will get a reply from them, we will proceed further with that issue...*(Interruptions)*

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY: What about Bodoland?...*(Interruptions)*

MR. CHAIRMAN: Please sit down. Do not disturb.

SHRI V. KISHORE CHANDRA DEO: The issue of Bodoland is not in my domain. That is a different issue. ...*(Interruptions)*

[Translation]

MR. CHAIRMAN: Please sit down.

[English]

SHRI V. KISHORE CHANDRA DEO: I have taken note of what other Members have suggested. I will look into those matters and will write back. With these words, Mr. Chairman, I commend this Bill for consideration.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh, be taken into consideration."

The motion was adopted.

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

Shri Nishikant Dubey, are you moving your amendment?

Clause 2 Amendment of Part VII and Part XX of Constitution (Scheduled Tribes) Order, 1950

[Translation]

SHRI NISHIKANT DUBEY (Godda): Hon. Chairman Sir, my case is different from what the Minister said. The Minister knows it. On 26th November, 1948 the Constituent Assembly had included to three castes in the list of scheduled tribes - Kharwar, Khaitori, Ghatwar and Ghatwal. When the scheduled tribe list was put in force in 1950, these three castes were excluded. ...*(Interruptions)* I am going to speak very briefly. There were three castes which were clear for inclusion in ST list by the Constituent Assembly in the Central Hall and no other committee was formed between 26 November, 1948 and 26 January 1950. These three castes were excluded due to the mistake committed by one Irani. One of these castes, Kharwar, has now come into the list of scheduled tribes. Khaitori, Ghatwar and Ghatwal are the castes which were excluded due to reasons which the Minister is well acquainted with. This was the fault of an Irani and those people have been suffering for the last 63 years. You have written to the Attorney-General in this regard. You are doing very well. Processing of this case through the RGI, State, scheduled tribe commission and their recommendations would take 50 more years. I have written to the NSC Chairman, Madam Sonia Gandhi personally. I have written to those people also. I have gone out of the way to ensure that there is no politics over this issue ...*(Interruptions)*

HON. CHAIRMAN: Please be brief.

...*(Interruptions)*

* Not recorded.

SHRI NISHIKANT DUBEY: I urge the Minister to accept this amendment in this House because it is a different case altogether. The motion passed by the Constituent Assembly on 26 November, 1948 was missed out on 26 January, 1950. It was left out by mistake by an Irani. You should accept it because Raghuvansh Babu has said that the Home Ministry has no role in it. When the RGI was separated from the Ministry for Scheduled Tribes, when the Scheduled Tribes Commission was separated, then why would you take the recommendations of the time RGI. I only want to know the time when this amendment will be brought. Only then will I take back my amendment because I am asking a different question altogether.

HON. CHAIRMAN: You have had your say. Now are you moving the amendment or taking it back.

SHRI NISHIKANT DUBEY: I am moving the amendment.

I propose:

The following be added at page 1 after line 12

(iii) following may be inserted after entry 8

“8a Bhuia

8b Bhuia-Ghatwal”

(iv) following may be inserted after entry 15

“15a. Ghatwal.

(v) following may be inserted after entry 17

“17a. Kaadar”.

(vi) following may be inserted after entry 22

“22a. Khetori”.

(vii) following may be inserted after entry 37

“37a. Periyar”.

[English]

MR. CHAIRMAN: I shall now put amendment No.3, moved by Shri Nishikant Dubey to the vote of the House.

The amendment was negatived.

MR. CHAIRMAN: The question is:

“That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 Short Title

Amendment made:

Page 1, lines 2 and 3, for “(Second Amendment) Act, 2012”, substitute “(Amendment) Act, 2013”.
(2)

(Shri V Kishore Chandra Deo)

MR. CHAIRMAN: The question is:

“That clause 1, as amended, stand part of the Bill.”

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1, for “Sixty-third”, substitute “Sixty-fourth”. (1)

(Shri V. Kishore Chandra Deo)

MR. CHAIRMAN: The question is:

“That the Enacting Formula, as amended, stand part of the Bill.”

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Long Title was added to the Bill.

SHRI V KISHORE CHANDRA DEO: 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.

[Translation]

MR. CHAIRMAN: Now, zero hour.

SHRI RAKESH SINGH (Jabalpur): Thank you Mr. Chairman. I would also like to put forth my views on the issue related to natural disaster in regard to which hon. Members of Parliament from various constituencies of the country expressed their concern during the zero hour in the morning. I am concerned about my State Madhya Pradesh. Heavy rainfall has disrupted life in the State. There has been so much of rainfall during the last few days that the farmers could not sow seeds on a large area in the State. I would especially like to refer to my Parliamentary Constituency, Jabalpur which received rainfall more than 20 inches during two days only *i.e.* on 18th and 19th and there has been continuous rainfall till date. This rainfall has broken the record of the last forty years. On one hand in the urban areas rainwater flooded the houses resulting into loss of household things and problems for the poor, while on the other hand this rainfall has caused heavy loss in the rural areas too. I would like to tell the Government, through you, that the crops standing on about 8000 hectare area have been destroyed. As per initial estimates, there has been a loss of more than 20 crore rupees in regard to the crops only. More than 2000 houses have been destroyed. Several animals have been swept away by rainwater. In addition to these, there has been a loss of private property or household things. Madhya Pradesh Government has directed its officers to conduct initial survey and assessment of loss. More than 200 relief camps have been functioning there. Madhya Pradesh Government would also give compensation after completing its survey. But I would like to request the Union Government, through you, to discharge its own duty. The Union Government provides assistance or relief in such a crisis. So I would like to request the Union Government to provide lump-sum compensation to Madhya Pradesh covering my Parliamentary Constituency, Jabalpur. Five per cent houses reserved as additional awas under Indira Awas Yojana should be allotted to those poor persons whose houses have been destroyed by this rainfall in Madhya Pradesh including Jabalpur so as to provide shelter to the poor.

MR. CHAIRMAN: Smt. Sumitra Mahajan and Shri Ashok Argal associate themselves with Shri Rakesh Singh.

[English]

SHRI BIREN SINGH ENGTI (Autonomous Distt. Assam): Mr. Chairman, Sir, thank you for allowing me to raise a matter relating to my parliamentary constituency.

Over the last few days there have been agitations in my parliamentary constituency, Karbi Anglong, Assam over the issue of a separate State. The people of these two districts of Karbi Anglong and Dima Hasao have been agitating and are demanding a separate State for over 30 years in a democratic and peaceful manner. These two districts are remote and backward in Assam. People of these two districts want that for the socio-economic development of the area and also to protect the tribal culture as also the tribal language and to protect their identity they want a separate State. For the last so many years they have been demanding a separate State but the Central Government has not conceded to the demand for a separate State by these people.

Sir, under article 244 (a) there is a provision for creation of an autonomous State with the State of Assam. This can be done to fulfill the aspirations of the local people. Therefore, I would like to urge upon the Central Government to kindly concede to the demand of the people of these two districts of Karbi Anglong and Dima Hasao to fulfill their political aspirations by granting them Statehood.

[Translation]

SHRI NARANBHAI KACHHADIA (Amreli): Sir, the cases of sexual 260 exploitation of the women and the children have been rising rapidly in our country. The women are sold as brides, maid-servants or for sexual exploitation which could be destructive to our society and the country. The children are also being forced into such unfair deeds as is brought to notice by media from time to time.

Sir, most of the women and the poor have to suffer such things due to poverty or when they lose everything due to any natural disaster as it happened recently in Uttarakhand where hundreds of people were killed and went missing. They lost everything including their means of livelihood. Mostly trafficking of young girls is the result of their poverty. The possibility of smuggling of such young girls and women increases in other States where people are helpless due to poverty or desperate after

losing everything and it happens mostly due to marriage proposals from old men or no demand of dowry by them. The possibility of trafficking of such young ladies and women is increasing. Human trafficking is increasing rapidly in India on the patterns of East Asia. This business is mostly done on underground level, that's why it is difficult to find the correct data in this regard. Only in India, thousands of cases of smuggling of young girls from Nepal and Bangladesh, sending them for forced marriage, forcibly making them indulge in flesh trade and making them work as bonded labour take place. The young girls and ladies are tempted for sending them abroad and undue advantage of their poor condition is taken. They are forced to flesh trade by luring them through the false promises of maximum wages.

Sir, under international law, it must be objective of the Government to curb human trafficking and protect the people suffering from it and also provide rehabilitation to them and prevent illegal business through various programmes.

Sir, for preventing human trafficking, it is necessary to expose these elements in front of the public and spread their wrong acts among public so that people could become aware and such elements do not get opportunity to grow in the society.

SHRI JAYWANT GANGARAM AWALE (Latur): Sir, fresh drinking water is not available for public and passengers at any station of the railways. The Parliamentary Committee of Railways has also expressed its concern on this matter. Fresh drinking water is not available at about 8245 railway stations. There is no guarantee that the sealed bottles of water which are bought by the passengers at the railway stations of the country is mineral water. There may be a possibility that those bottles are filled with the water of pipelines of the stations made for cleaning the tracks. It is also possible that the bottle you purchase from an authorized vendor of the railways, doesn't fulfill the stipulated purification standards. The Standing Committee of Parliament on Railways has also expressed concern over unavailability of fresh drinking water to the railway passengers.

Such water bottles were also seen at stations and in the trains on which there was no packing and expiry date.

The Parliamentary Committee had said that there was a need to install RO systems at each station of the country because the production of "rail neer" is not enough to cater to the requirements at all stations and in all trains. So, I request the Government to solve this problem as soon as possible keeping all these facts and the suffering of common man in mind.

SHRI RAMASHANKAR RAJBHAR (Salempur): Hon. Chairman Sir, a total of 8,70,000 ASHA workers were appointed across the country under the NRHM Scheme to provide health facilities in remote rural areas. Sir, these workers work 24 hours to extend health benefits to the rural people who are totally unaware of health services. If any woman falls sick in a village, they take her to the hospital even at midnight. On one hand, a person serving eight hours a day gets Rs. 30,000 per month and on the other hand, these workers who serve round the clock get only this much salary which could buy only a handful of onions. I demand from the Union Government to sanction at least Rs. 3000/- as salary for these workers in view of their interests and the services rendered by them which have resulted in the increase of health services in the rural areas and increase in birth rate.

MR. CHAIRMAN: Shri Ajay Kumar associates himself with the issue raised by Shri Ramashankar Rajbhar.

SHRI ARJUN RAI (Sitamarhi): Hon. Chairman, a Statement was made by some colleagues from the Congress Party a few weeks ago that a person can have a full meal in the country today for Rs. five only. There was a reaction from various newspapers, electronic media and Members of political parties of the country. Several freelance reporters even wrote columns and articles in newspapers on this issue. Finally, those party members had to withdraw their Statement. Such a Statement of having full meal for Rs. 5/- is quite startling and skeptical. However, if such Statements are taken seriously by the Government they can actually work like a boon. A report of N.S.S.O. has been published recently as per which people are living on Rs. 23 per day and Rs. 17 per day in the urban and rural areas respectively. So, it becomes mandatory for the Government to arrange for a full meal for Rs. 5 only for persons who are living on Rs. 23 and Rs. 17 in the urban and rural areas respectively. It is necessary for the

Government to revise its food policy. Today, support price is fixed to give profitable price to the producer of edible items. It helps neither the farmer nor the consumer because the cost increases in the ratio of increased price. Today, 80 per cent farmers of the country produce foodgrains for self consumption and not for the market. So such a food policy should be formulated by the Government so as to make agriculture a profitable profession and tackle food shortage in the event of drought. So, this matter should be taken as an opportunity to make a provision of a full meal for the person living on Rs. 23 and Rs. 17 in the urban and rural areas, respectively.

SHRIMATI RAMA DEVI (Sheohar): Mr. Chairman, Sir, Reega in Sitamarhi 265 district of my Parliamentary Constituency, Sheohar is quite important from industry's point of view. Reega is an important town which is known for sugarcane farmers across North Bihar. People from various parts of the State come here. Reega Railway station was constructed during Independence era which has not been developed till date. Reega Railway station acquires more importance as it is located adjacent to our neighbouring country Nepal. This Railway station is very important for travelling across the border.

19.00 hrs.

But I have to say it with regret that there is no computerized ticket reservation system at this important Railway Station till date due to which local people and other persons visiting here from various towns and out of the State for work have to face lots of difficulties. The work related to gauge conversion is going on at Sitamarhi-Narkatiyaganj rail section under the said railway station. This work of gauge conversion is likely to be completed within two months. After that, stoppage of long distance express trains at Reega Railway Station will be required in view of the problems of common man. The common man, businessmen and persons employed in various industries located in this area will get relief and Railway will be benefitted by increased revenue if stoppage of long distance express trains is ensured here after completion of gauge conversion, besides providing computerized ticket reservation system at Reega Railway Station.

Hence, through this House, it is my request to the Government that the stoppage of long distance trains

passing through this place be ensured after the completion of gauge conversion at Sitamarhi Narkatiyaganj rail section along with making arrangement for computerized ticket reservation system at the Reega Railway Station of my Parliamentary Constituency so that common man and businessmen associated with industries are benefited.

[English]

*SHRI P. LINGAM (Tenkasi): Hon. Chairman Sir, thank you for this opportunity. Mahatma Gandhi National Rural Employment Guarantee Scheme is an important scheme which is aimed to ensure 100 man-days of work per year to rural agricultural labourers and to remove property. This scheme was started to develop agriculture activities. This scheme is being implemented by all the States. This scheme is being implemented as per the Minimum Wages Acts of the respective State Governments. An amount of Rs. 148/- is provided in Tamil Nadu. In other States, their own Minimum Wages Acts are being followed. Unfortunately, in some States, the minimum wages as prescribed in their Acts are not provided. On the contrary, the wages of labourers are fixed on the basis of work done, through measurement mechanism. Sometimes the wages paid are even lower than Rs.40/-. I do not understand the reason. It is injustice to fix the wages through measurement mechanism. Some Officers too are working in such a way that hampers the implementation of the programme. It is felt that particularly during social audit, the Officers concerned are intimidated. I want to know whether social audit was included deliberately in the scheme to minimize the wages. I insist that the minimum wages should be ensured to the labourers. The purchasing power of poor people was taken into account in the past. But at time of the implementation of this Scheme, it is not taken into account. I urge that wages to the labourers must be fixed on daily wage basis. Also, minimum wages, as prescribed in the scheme, should be provided to the labourers. The wages, that were denied are indeed due to the labourers and they should be given to them immediately. I urge upon the Union Government through this House that minimum wage, as prescribed in Mahatma Gandhi National Rural Employment Guarantee Scheme, should be provided to the labourers on daily wage basis.

* English translation of the speech originally delivered in Tamil.

[Translation]

SHRI R. K. SINGH PATEL (Banda): Mr. Chairman, Sir, when we go for elections, We make a promise to provide the basic amenities in the constituency. The Government is also committed to provide the basic amenities of road, electricity and water. In this connection, the Government of India has implemented the second phase of providing electricity in the whole country including my constituency Banda-Chitrakoot under Rajiv Gandhi Gramin Vidyutikaran Yojna. The then Hon. Power Minister Shri Shindeji was in the House. I had raised an issue under Rule 377. He gave a written reply mentioning that all the habitations with population of more than 300 people would be electrified by the year 2014 under the second phase.

Sir, with regret, I would like to say that I had received the written reply of the Hon. Power Minister in the year 2010-11 promising that electrification would be done by the year 2014. The year 2014 is approaching and two and a half years have lapsed. On the promise of our Hon. Minister, I have given assurance to the people of my constituency that electrification will be carried out at the earliest. If the Hon. Minister and the Government do not fulfill their promise, I will certainly be bound to go on fast in this House. My demand from the Government is to approve the DPR and allocate budget in this regard before the elections of the year 2014 to fulfill these assurances. The areas with a population of more than 300 people in my Lok Sabha Constituency should be electrified.

[English]

SHRI P. KARUNAKARAN (Kasargod): Sir, I would like to place before the Government some serious issues in Kerala. The Government of Kerala has requested the Central Government to allot 2.11 lakh MT food grains per month. Sir, the allotment was only 1.5 lakh MT. It means, Kerala is getting only 50 per cent of the total demand.

We are discussing the Food Security Act. There is an alarming report available now that there is a reduction of food grains to the BPL families to whom Kerala has been giving 25 kgs. to each BPL family but the same is reduced to 18 kgs. That means, there is a reduction of 7 kgs. This has to be compensated by taking from the open market. The Chief Minister and the Ministers have come and met the Central Food Minister. The promise is that we

are ready to give but it is from the open market and also to the APL families. So, it is alarming as it is not possible for any State to give. If it is from the open market, then, they can buy. Hence, I would request the Central Government to compensate the same by providing at target group price.

[Translation]

SHRI ARJUN RAM MEGHWAL (Bikaner) : Sir, most of the youth in the country wants to enter the civil services and youth from all the States should get equal opportunities to enter the civil services with a view to maintaining the integrity and representation of all the States in the country. But, in the preliminary examination of civil services in 2013, more than 16000 students have succeeded out of which the number of students belonging to Hindi Language State is not even 100. This is due to the change in the examination pattern and introduction of aptitude test, i.e., C-Sat in the civil services examination. This test has seven main parts. An average of 20 questions are asked in each part. Similarly, 150 objective type questions are asked in the preliminary examination. The seventh part consists of English Language Comprehensive Skills which comprises of 20 questions of total 40 marks, which eliminated the students belonging to Hindi language States particularly those belonging to the poor, labour class, scheduled castes and tribes, OBCS who had no means of learning English. They used to succeed in examinations due to their hard work. 11320 candidates had written the main examination for the year 2008 out of which 5117 candidates had opted for the Hindi medium and others for other languages. This year in 2013 less than 100 Hindi medium candidates have cleared the prelims who will go down to 30 to 40 in the main examination.

Hence, I demand the Ministry of Personnel and Public Grievances of the Government of India through you, to remove the English Language Comprehensive Skill from India C-Sat and make languages a qualifying paper in the Civil Services exams so that all students get equal opportunity and the objective of language skills for administrative work is also fulfilled. People from all the areas of expertise should enter the Indian Administrative Services so that all the sectors can be serviced efficiently.

MR. CHAIRMAN: Shri Rajendra Agrawal is also associated with the subject raised by Shri Arjun Ram Meghwal.

[English]

SHRI BHARTRUHARI MAHTAB (Cuttack): Mr. Chairman, Sir, I thank you for allowing me to raise a very important matter of public importance. It relates to the tribal people and it relates to the Scheduled Areas.

Sir, Polavaram Project violates the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Panchayat Extension to Scheduled Areas Act, 1996 as it does not have the approval of Gram Sabhas of hundreds of villages that would be submerged in Odisha, in Chhattisgarh and also in Andhra Pradesh if the project comes up. Why is the Union Government being a mute spectator when this project is affecting the tribals of three States? The project will wipe out many primitive tribal groups besides destroying the habitat of lakhs of tribals and forest resources.

The environment clearance given for the Polavaram Project is not valid as there have been fundamental changes in the design of the project. Even though the project is yet to come up fully, recently about 160 villages to be affected by it, particularly in Motu Tehsil of Malkangiri District of Odisha, were submerged by incessant rain and floods, the situation can well be imagined once the project comes up. Besides affecting more than 600 villages, the project will submerge 436-year old Shri Ram Temple at Badranchal. This proposed dam is likely to cause mass destruction, particularly in Malkangiri District. It is high time the Union Government and its Ministers dissociate from promoting this Polavaram Project which violates a number of Union Government Acts and trample upon the rights of tribals and forest dwellers.

So, I urge upon the Government not to proceed to declare this Polavaram Project as a national project and desist from violating the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act and PESA Act.

[Translation]

CHAUDHARY LAL SINGH (Udhampur): Sir, I would like to thank you for giving me time to speak. Your constituency has suffered a heavy loss and has been devaStated. The Ravi river, Ujh, Tarnah and small rivulets have caused much destruction in my constituency. The

land alongwith standing crops in the villages have been swept away. A large number of villages have been affected. Several houses have collapsed due to heavy rains. The land of Dhanna, Dhanor, Karor and Nihal has been wiped out. Similarly, when one goes towards Ujh, one would find that Maichakan, Nangal, Pundoriyan, Kodpunnu, Kodpattiyar and the area of Punjab have been swept away. The area of Tarnah has also suffered the same fate.

Sir, fertile land with standing crops have been swept away for the last several years. I would like to request the Government to protect the land erosion and to reclaim the land lost because the area of land is not sufficient for the people to earn their livelihood. I would like to demand compensation for small farmers, gurjar, bakarwal, scheduled castes among the persons affected by the flood. The entire village of Sherpur has been swept away. I request to provide relief/compensation for the land and assistance for earning livelihood to them.

SHRI AJAY KUMAR (Jamshedpur): Sir, the entire country is facing flood like situation but Jharkhand is facing severe drought. 90 per cent of farmers in Jharkhand are dependent on the monsoon and the situation here has further deteriorated. Through you, I would like to request the Government, to provide special relief for seeds so that the farmers get seeds on subsidized rates. Expansion earth work was discontinued under MGNREGS. I would request to release the funds for the said work at the earliest so as to provide jobs to the people under MNREGS.

Sir, the people would be greatly benefitted in a situation of drought if Minor Irrigation Department intervenes and provides help for desilting the old ponds and refilling the ponds.

[Translation]

SHRI RAJENDRA AGRAWAL (Meerut): Sir, when the present Chief Justice of Supreme Court had taken charge of the office, he pointed out that the benches of high courts should be established in various States to provide low cost and accessible justice to the common man in the country. The policy for providing low cost and immediate justice has been declared by the Government several times. In this connection, a senior Minister of the Government has assured the public to establish a High

Court bench in Meerut Q7 West Uttar Pradesh. Among more than 45,00,000 cases of various High Courts of India, about one fourth cases are related to Allahabad high court. This time, the cases of 1980 are being considered there on which no decision has yet been taken yet. Due to shortage of benches and judges the speed at which these cases are being resolved in the high courts, it seems that it will take more than a hundred years to resolve these cases. There is an old proverb – "Justice delayed, justice denied". Such delay in decision of cases is not favourable for the litigant anyway. This is the reason why the common men are losing their faith on the judicial system. In this way it is against the Government's policy of providing affordable, easy and immediate justice. The demand to establish a bench of Allahabad high court in Meerut has always been raised. I have placed this demand before the House and the honourable Minister several times, but no decision has been taken in this regard. The farms and houses of the litigants of West Uttar Pradesh are sold out in depositing

fees to the lawyer for years and in going to and coming from Allahabad and seeking food and lodging.

Through you, I request the Government to take an initiative in this direction, and establish a bench of Allahabad High Court in Meerut immediately.

SHRI ARJUN RAM MEGHWAL (Bikaner): Sir, I associate myself with the issue raised by Shri Rajendra Agrawal.

[English]

MR. CHAIRMAN: The House stands adjourned to meet again on Monday, the 26th August, 2013 at 11 a.m.

19.18 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, August 26, 2013/Bhadrapad 2, 1935 (Saka)

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