

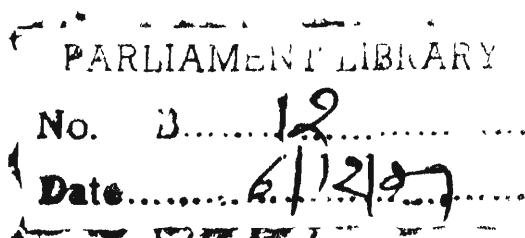
# LOK SABHA DEBATES

## (English Version)

**Thirteenth Session**  
**(Eighth Lok Sabha)**



सत्यमेव जयते



**(Vol. L contains Nos. 41 to 49)**

**LOK SABHA SECRETARIAT**  
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## LOK SABHA DEBATES

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### LOK SABHA

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*Thursday, May 11 1989/Vaisakha 21,  
1911 (Saka)*

*The Lok Sabha met at Eleven of the Clock*

[MR. SPEAKER *in the Chair*]

[*English*]

MR. SPEAKER: Yes, Mr. Dandavate.

PROF. MADHU DANDAVATE (Rajapur): A Privilege Motion was pending. I have received from you, through your Secretariat, a memorandum given by the Finance Ministry regarding a breach of privilege concerning non-presentation of the Report. There they have argued that firstly, there is no condition stipulated in Article 151 that is a definite period is there in which a Report is to be submitted; secondly, their contention is that two or three weeks are required to process the C & AG's Report before it is presented. So, I must humbly point out to you that as far as the convention and the spirit of the Constitution are concerned, though this stipulation is not there, it is supposed to be expeditiously laid on the Table of the House. Secondly, they have said that they will required three-four weeks for processing the C & AG's Report.

In the case of Commission of Inquiry Report, they have to present it to the House not only the Report but the Action Taken Report also. Therefore, there I can understand they have to prepare what action is to be taken. But as far as the C & AG's Report is concerned, there is no Action Taken Report and there is no question of their processing

the C & AG's Report. I will humbly request you to give your ruling on this and direct them to lay this Report on the Table of the House.

SHRI SOMNATH CHATTERJEE (Bolpur): That is a mandatory requirement under the Constitution. There is no question of their comments on the Report.

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B.K. GADHVI): As far as I recollect, the Press report is that the Finance Ministry received the Report four weeks back. It is not a correct statement of facts.

PROF. MADHU DANDAVATE: You received it on 27th April. You have stated in your memorandum.

SHRI B.K. GADHVI: That is what I am saying. Kindly don't be impatient. We received the Report on the 27th April. Normally, for any report which is being presented, I can cite the number of days also taken for laying the Report on the Table of the House for both the years 1988 as well as 1989. Normally, in some cases, it has taken 22 days, 24 days; even in one case, it has taken 46 days.

SHRI SOMNATH CHATTERJEE: For what purpose? They cannot edit it; they cannot comment on it; they have only to file it. (*Interruptions*)

SHRI B.K. GADHVI: We are not commenting on it.

SHRI BASUDEB ACHARIA (Bankura): The Report of the C & AG should be laid on the Table of the House immediately.

**SHRI B.K. GADHVI:** The Finance Minister was in China. When a Report comes, then it is looked into; it is also read; it is also compiled to see whether something is missing or not and everything is Okay. (*Interruptions*)

**SHRI BASUDEB ACHARIA:** Why compilation is required? (*Interruptions*)

**SHRI SAIFUDDIN CHOWDHARY (Katwa):** Why any processing is required before laying the Report on the Table of the House? (*Interruptions*)

**SHRI B.K. GADHVI:** I am not yielding. After it is received in the Ministry, it is sent to the President; and under Article 151 of the Constitution, the President has to cause it to be laid on the Table of the House. The Report is with us. We are looking into it. (*Interruptions*)

**SHRI BASUDEB ACHARIA:** What are you looking into?

**SHRI SOMNATH CHATTERJEE:** For what purpose? What are you to look into?

**SHRI B.K. GADHVI:** We cannot change the Report. (*Interruptions*)

[*Translation*]

**SHRI VIJOY KUMAR YADAV (Nalanda):** What is the problem in presenting the report in the House in the same form as it has been received by the Government.

[*English*]

**SHRI RAJ KUMAR RAI (Ghosi):** What are they looking into?

[*Translation*]

**MR. SPEAKER:** How can he listen to you until the Hon'ble Minister has completed his reply.

[*English*]

That is what I am asking; that is why I

have asked him to explain.

[*Translation*]

Please, let him speak first.

(*Interruptions*)

[*English*]

**SHRI B.K. GADHVI:** The Finance Minister returned from China only on the early morning of 9th.

**PROF. MADHU DANDAVATE:** What about the Minister of State? He did not go to China or Malaysia.

**SHRI BASUDEB ACHARIA:** Somebody was in charge of the Ministry's business.

**SHRI B.K. GADHVI:** Under Article 151 there is no obligation; there is no time stipulated. But we believe that as soon as the process is over it should be presented to the House. It will be presented at the appropriate time. There is no undue delay at all.

**SHRI SOMNATH CHATTERJEE:** Kindly look at Article 151.

**SHRI INDRAJIT GUPTA (Basirhat):** The session was due to end, according to the calendar, yesterday. That means that the session would have ended but for the extension which has now been given. So, this report would not have been laid. My information is—I would like him to confirm that—that after receiving the report the Finance Ministry has passed it on to the Defence Ministry for their comments. Is it a part of the processing?

**PROF. MADHU DANDAVATE:** You cannot tamper with the report. You cannot process it. Your job is to straightaway lay in on the Table of the House

**SHRI B.K. GADHVI:** The Government is not going to tamper with the report. The Government cannot tamper with the report.

**PROF. MADHU DANDAVATE:** Why do they need time to lay it on the Table of the House? Why are you delaying it?

**SHRI INDRAJIT GUPTA:** Have you passed it on to the Defence Ministry for their comments?

**SHRI B.K. GADHVI:** Till the report is laid on the Table of the House, I would not be in a position to tell you anything. I cannot tell you anything.

**PROF. MADHU DANDAVATE:** Why?

**SHRI B.K. GADHVI:** You cannot expect something confidential from me.

**SHRI INDRAJIT GUPTA:** What is the meaning of processing?

**SHRI B.K. GADHVI:** I cannot say how the things are happening in the Ministry. They are confidential matters. Those things cannot be mentioned here.

**SHRI BASUDEB ACHARIA:** I am on a point of order.

**SHRI INDRAJIT GUPTA:** The whole thing is irregular.

**SHRI B.K. GADHVI:** I will read Article 151. Article 151 says:

"The reports of the Comptroller and Auditor General of India relating to the accounts of the Union shall be submitted to the President, who shall cause them to be laid before each House of Parliament."

So, there is no stipulated period. I will submit that there is no delay. (*Interruptions*)

**PROF. N.G. RANGA (Guntur):** Are we to have a debate on this? What is all this? Why do you not call them to your Chamber and discuss it with them?

**SHRI SAIFUDDIN CHOWDHARY:** It should be immediately placed on the Table

of the House.

**SHRI B.K. GADHVI:** For the purpose of making a point that there is no delay, I would say that the first report, Civil Finance and Appropriation Accounts, 1988 was laid after 22 days; Union Government Appropriation Accounts was laid after 30 days; Railway Report was laid after 20 days; Indirect Taxes report was laid after 23 days; Direct Taxes report was laid after 25 days; Scientific Department support was laid after 46 days; Delhi Administration report was laid after 27 days; Other Autonomous Bodies report was laid after 25 days; and the Union Government (Civil and Public Debt and DGS & D) report was laid after 78 days. (*Interruptions*)

**PROF. MADHU DANDAVATE:** You are only quoting how many times you have committed the blunder.

**SHRI B.K. GHADVI:** The report was received only on the 27th April and it is not correct to say that undue time is taken in presenting the report to Parliament.

**SHRI SOMNATH CHATTERJEE:** Not a single reason has been given why the report could not be placed on the Table of the House.

**SHRI B.K. GADHVI:** We are not supposed to give any reason

**SHRI DINESH GOSWAMI (Guwahati):** The House is going to be over on the 15th. If the report is not laid by the 15th, then the report shall have to wait till September. Therefore, it depends on case to case. If in case Parliament is not in session, the report may be submitted after 20 or 25 days. But in the case of an important report like this, When Parliament is in session and it was going to be over by the 10th, it was incumbent on the part of the Finance Ministry to lay it before the 10th or at least now before the 15th. The only thing is, it has to be sent to the President and the President shall cause it to be laid on the Table.

**PROF. MADHU DANDAVATE:** There

is no scope for comments, there is no scope for editing or any processing whatsoever. You should direct them to lay it on the Table.

SHRI B.K. GADHVI: We have to read it and we have to send it to the President.

SHRI INDRAJIT GUPTA: May I draw your attention to the fact that in reply to my question, the hon. Minister has said, "I am not going to say anything; I am not going to reply whether the report has been sent to the Ministry of Defence or not"?

SHRI B.K. GADHVI: I have not said like that.

SHRI INDRAJIT GUPTA: I take it that they have passed it on to the Ministry of Defence for their comments. This is highly irregular; this sort of a thing is being done in the name of processing. Before that, it should be laid on the Table of the House.

SHRI SAIFUDDIN CHOWDHARY: No processing is required to be done.

SHRI BASUDEB ACHARIA: He has admitted that the report was submitted to the Government on the 27th April. And it is obligatory on the part of the Government to lay the report on the Table of the House as soon as possible. Sir, the report has not yet been sent to the President I think. It has gone to the Defence Ministry, which is not at all necessary. Why has the report been sent to the Defence Ministry for their comments? Their comments are not necessary. (*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY: Sir, one relevant question you may ask the Ministry, as to what they are processing. That is only the relevant question... (*Interruptions*)

MR SPEAKER: There is no relevance.

(*Interruptions*)

SHRI BASUDEB ACHARIA: Sir, it is here in the Constitution... (*Interruptions*)

SHRI SOMNATH CHATTERJEE: Processing for what purpose? (*Interruptions*)

SHRI BASUDEB ACHARIA: Why processing is required? (*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY: You protect the dignity of the House. (*Interruptions*)

SHRI C. MADHAV REDDI (Adilabad): The reports can go to various Ministries concerned including Defence Ministry. But immediately the report should be laid on the Table of the House. There is nothing that the Government can do with it.. (*Interruptions*)

SHRI INDRAJIT GUPTA: Before it is laid, the concerned Ministry is interested because of the strictures passed against it by the CAG. Before it is laid here, it cannot be sent to that Ministry for their comments. They must put it here on the Table of the House... (*Interruptions*)

SHRI BASUDEB ACHARIA: To protect the dignity of the House is your concern... (*Interruptions*)

MR. SPEAKER: I do not think they can change anything in this.

PROF. MADHU DANDAVATE: You are right. Processing would mean that they would go through the report, make necessary alternations and then place it. They are not permitted to do so. You have rightly said that they are not allowed to tamper with the report... (*Interruptions*)

SHRI BASUDEB ACHARIA: The exact report of the CAG should be laid on the Table of the House. Why has that report been sent to the Defence Ministry for their comments before it is laid on the Table of the House?... (*Interruptions*)

SHRI B.K. GADHVI: As soon as the processing is over, it will be laid on the Table of the House. I assure that this Government would never tamper with the report of the CAG... (*Interruptions*)

**SHRI BASUDEB ACHARIA:** Why processing is required?...*(Interruptions)*

**PROF. MADHU DANDAVATE:** Kindly ask the hon. Minister, what does he mean by the term 'processing'... *(Interruptions)*

**SHRI BADUDEB ACHARIA:** You say that compilation would be required. Why compilation is required? .. *(Interruptions)*

**SHRISOMNATH CHATTERJEE:** What is meant by compilation?...*(Interruptions)*

**SHRI SAIFUDDIN CHOWDHARY:** You know that in regard to the report on submarines, it was laid on the Table of the House at the end of the session... *(Interruptions)*

**SHRI B.K. GADHVI:** I said about procedure and processing and as soon as it is over, we will lay it on the Table of the House. I cannot give any assurance whether it will be laid in this session or in the next session... *(Interruptions)*

**SHRISAIFUDDIN CHOWDHARY:** Why not?

**SHRI BASUDEB ACHARIA:** The report should be laid on the Table of the House in this session itself... *(Interruptions)*

**SHRI INDRAJIT GUPTA:** Sir, what is your difficulty in giving a direction to the Minister to lay it on the Table of the House within this session? ... *(Interruptions)*

**SHRI SAIFUDDIN CHOWDHARY.** Whether there will be another session, who knows that... *(Interruptions)*

**SHRI BASUDEB ACHARIA:** You direct the Government to lay the report on the Table of the House before the House adjourns... *(Interruptions)*

**SHRI DINESH GOSWAMI:** Sir, if it is laid in this session, the PAC will be able to take note of the report. Otherwise, how will be PAC take note of that?...*(Interruptions)*

**AN. HON. MEMBER:** They do not want that... *(Interruptions)*

**PROF. MADHU DANDAVATE:** Wherever Bofors touches, there is complication... *(Interruptions)*

**MR. SPEAKER:** Article 151 reads:

"The reports of the Comptroller and Auditor-General of India relating to the accounts of the Union shall be submitted to the President, who shall cause them to be laid before each House of Parliament."

Please do in accordance with it as soon as possible.

*(Interruptions)*

**SHRI B.K. GADHVI:** Agreed Sir. My only point I was making that the report will be placed before the House and that there is no time stipulation. There is no limitation stipulated. Time is not stipulated under Article 151. There is no time limitation... *(Interruptions)*

**SHRISHANTARAM NAIK (Panaji):** You cannot dictate the Government.. *(Interruptions)*

**MR. SPEAKER:** I have expressed your sentiments to him.

**PROF. MADHU DANDAVATE:** Sir, what is your direction?

*(Interruptions)*

**MR. SPEAKER:** My direction is that they should lay it on the Table of the House as soon as possible.

*(Interruptions)*

**PROF. MADHU DANDAVATE:** Before the adjournment of the House... *(Interruptions)*

**MR. SPEAKER:** Mr. Gadhvi, you see the sentiments of the House and do it accordingly.

*(Interruptions)*

**PROF. MADHU DANDAVATE:** Is it the intention of the ruling party to suppress the report?

**SHRI SHANTARAM NAIK:** You cannot dictate the period.

**SHRI B.K. GADHVI:** We do not want to suppress it from Parliament. *(Interruption)* The report is to be seen and it is to be processed right upto the level of FM. As explained earlier by me, the Finance Minister arrived here only three days back. Therefore, after our processing, it will be sent to the President. And then it will be laid on the Table of the House. Under Article 151, the President shall cause it to be laid on the Table of the House.

**MR. SPEAKER:** Do it expeditiously.

**SHRI SAIFUDDIN CHOWDHARY:** What do you mean by 'processing'?

**SHRI B.K. GADHVI:** Processing means reading of the report, going into the report, submitting it to the President, then President also going through the report...

**PROF. MADHU DANDAVATE:** The Minister says: "Processing means reading of the report." Do we take it for granted that they have not read the report so far?

**SHRI B.K. GADHVI:** I say on behalf of the Government that processing includes reading of the report also. It will go to the President. President, if he thinks fit, will also go through the report. Thereafter, the President can cause it to lay on the Table of the House.

**MR. SPEAKER:** I would like you to take expeditious steps to put it before the House.

**SHRI SAIFUDDIN CHOWDHARY:** In this session?

**MR. SPEAKER:** Yes.

**PROF. MADHU DANDAVATE:** Before the adjournment of the House or before our death, which ever is earlier.

**KUMARI MAMATA BANERJEE** (Jadhavpur): I would like to draw your attention to the fact that serious violation had taken place regarding use of PM Relief Fund during Janata regime. It is a very serious matter... *(Interruptions)*

*[Translation]*

**MR. SPEAKER:** Please give it to me in writing. I will get it examined.

*[English]*

**KUMARI MAMATA BANERJEE:** One member of a particular political party mis-used this Fund... *(Interruptions)*

**MR. SPEAKER:** I do not know. How can I do it? But let me see it.

**KUMARI MAMATA BANERJEE:** It is most important...

**MR. SPEAKER:** I cannot say offhand.

**SHRI SHANTARAM NAIK:** The Panchayat Bill as of now is not before the House. But threats are being given by one of the members of this House that in case it is brought and passed, they will repeal it.

**MR. SPEAKER:** It is a free country.

**SHRI SHANTARAM NAIK:** Unless the Bill is brought before the House, threat cannot be given. It amounts to breach of privilege of the Members of the House. They are threatening that "if you bring the Bill and pass it, we will do this and we will do that"... *(Interruptions)*

*[Translation]*

**MR. SPEAKER:** Shanta Ramji, it is a free country, some body will say you should enact a laws while some others would stress

that you should not pass an act. It is your Government and you are free to make laws.

[English]

SHRI SHANTA RAM NAIK: The House is supreme. Nobody can give threats in this manner. Let him come here and speak. He cannot give threat from outside... (*Interruptions*)

[Translation]

MR. SPEAKER: Bairagiji, you may speak.

SHRI BALKAVI BAIRAGI (Mandsaur): Sir, I would like to submit that session is drawing to an end and Government had said that the report of Bachawat Wage Board for Journalists would be presented by 31st May. And now hardly 10-15 days are left, it will be very kind of the Government if it gives the latest position and progress in regard to the report on this matter. It is a very important issue.

MR. SPEAKER: Please note what has been stated by Bairagiji. Now I proceed further.

[English]

DR. DATTA SAMANT (Bombay South Central): About 600 villagers were evacuated from Nagpur because of heavy fire in the Ordnance Depot. Again yesterday in the Poona Ordnance Depot there was fire. Still the fire is going on. Both the ordnance depots are under fire. Thousands of people have been affected... (*Interruptions*)

[Translation]

MR. SPEAKER: Please give it to me in writing.

[English]

DR. DATTA SAMANT: Let the Government make a statement on it.

[Translation]

SHRI RAJ KUMAR RAI (Ghosi): I have given in writing about Swadeshi Cotton Mill at Mhow. Notice has also been given about it. One thousand labourers are going to be rendered jobless just due to the mistake of the Government. Government is not doing anything in this regard.

[English]

PROF. MADHU DANDAVATE: Sir, yesterday you observed that the question of appointment of PAC Chairman is under your consideration and you are trying to find out the solution. We want to know whether the solution will arrive before we adjourn.

MR. SPEAKER: Yes, Sir, sure. Surely it will arrive. I am thinking about it, I am talking about it, I am getting all the material about it and I will also talk to you, whatever it is. Look here, anybody can make mistakes with good intentions in doing something. Now we will do whatever we can. We have to find some way out. I have noted down your sentiments and I will see what can be done.

PROF. N.G. RANGA: Mr. Speaker, Sir, with regard to this particular question of appointing the Chairman of the PAC, it was never the intention of Parliament that somebody who is dictated by some particular Opposition party alone has got to be accepted by the Speaker. Secondly, when we suggested, I was then the Chairman of the PAC. On behalf of the Ruling party, I made myself responsible in suggesting that an Opposition Member should be appointed as the Chairman, as far as it is possible. The then Prime Minister Pandit Jawaharlal Nehru headed my advice and then he started this present process. At that time we are hoping that there would be only one consolidated Opposition party or a major Opposition party, that is, having more than fifty Members. But it has never happened. The Speaker always exercised his discretion and this time the gentleman whom you have indicated, has been a Member of this House for how many years, you should know. He has been a

Member for more than ten years. Does he not deserve it? Is it not justifiable on your part and on his part also to accept to be nominated as the Chairman? Since you have been good enough to spot him as a worthy of being the Chairman, I do not want the Speaker to insult the House, to insult the Member and to insult the group that he has represented here in this House in great dignity, by changing your decision. Thank you.

**SHRI CHANDRA PRATAP NARAIN SINGH (Padrauna):** Sir, I would like to bring to your attention once again unfortunately that within the present rules, sometimes Members like to raise certain issues of grave importance, of national importance, but somehow they fall along the line and do not manage to institute a particular debate. We have been seeing what has been happening because of certain leaks or sometimes even because of certain lacuna in the rules of the House. Sir, you have very pointedly many a time said that you are governed by rules and regulations of the House. But as the rules are an on-going process, don't you think that there needs to be a certain codification? What the hon. Members just now were agitated about is in a way something that they could be agitated about because the rules do not say that a certain paper should be placed within a particular time. Similarly, I asked for a Half-an-Hour discussion on the various leakages and the Official Secrets Act in March. What has been happening unfortunately is because of the obsolete Act of 1923 and the rules of this House which we have framed for ourselves, I have not been permitted. Unless we keep amending them, if a democracy does not keep codifying its rules and regulations and leaves it just to certain considerations that have been done earlier, I am afraid we will have the hassles that we have been having. Like in a Short Notice Question, we do not get a reply that it has been rejected, on a Privilege Motion we do not get a reply that it has been rejected, unless we get up and make a racket. So, Sir, I would request you and the hon. Members that should we or should we not get it in writing that a particular question or a discussion has been rejected?

**MR. SPEAKER:** The question is that the Rules Committee is always meeting off and on and the hon. Members can always refer their opinions. Prof. Ranga has so many times written and so many new innovations he wanted to be included in the Rules.

**PROF. MADHU DANDAVATE:** Adjournment Motion may also be included.

**MR. SPEAKER:** Anyway, we can do it and we are always considering these new proposals and there are some new ones which have been incorporated. We are bringing out a new book on rules now. If anything more is to be done, you are welcome to suggest and I will put it before the Rules Committee.

**SHRI CHANDRA PRATAP NARAIN SINGH:** It is not just a suggestion. A treasonable offence is not debated in the House and no prosecution takes place. Whereas issues like 'sati' and under the new Drug Act people can be punished and hanged. It is not a question that I should give it in writing, this is something which should be automatic to present the daily occurrence what is happening in Parliament.

**MR. SPEAKER:** That is not the thing. The question is that we have to go through the process. But the Business Advisory Committee is to allot the time for certain discussions. There is a list in which there are so many discussions under Rule 193 and other things. These have to be sorted out in the B.A.C. and they sort them out. I am subject to that and they are put before you.

**SHRI CHANDRA PRATAP NARAIN SINGH:** Is not treason important? Is not a Short Notice Question on treason important? Should we not get it in writing also that it has been rejected?

**MR. SPEAKER:** You are all informed.

**DR. KRUPASINDHU BHOI (Samalpur):** Sir, under rule 184, I have given a motion about the abrogation of the Article 75



of the Constitution because we gave a Privilege Motion against Mr. A.K. Sen and Shri V.P. Singh. But you told that this thing has to be discussed in the House and said, "you fix the norm". If somebody leaks out some secret or violates oath of secrecy as a Minister, the norms should be fixed for all time and decided on the floor of the House. It is yet to be discussed here. Sir, we are very much terrified and horrified as junior Members of Parliament by hearing the hon. Dronacharyaji, Prof. Madhu Dandavate, his ejaculatory aggressiveness. My friend, Shri Chowdhary, is predicting like Jean Dickson.

PROF. MADHU DANDAVATE: A defamatory remark, comparing me with Dronacharya. It is insult to an Dronacharya.

DR. KRUPASINDHU BHOI: Sir I only want your ruling on this.

SHRI HAROOBHAI MEHTA (Ahmedabad): Sir the papers have published the reports about the Aircrash that took place in Ahmedabad in October 1988. Even some newspapers have written letters. The House is not getting an opportunity to discuss the report.

MR. SPEAKER: We have admitted it. But we could not find time. That is the only problem. We discussed it in the B.A.C. and the Members also agreed that we should discuss it in the House. The only question is the lack of time.

SHRI BASUDEB ACHARIA: Sir, the youth of our country are today holding meetings and conventions. They are demanding that the right to work should be included in the Fundamental Rights.

MR. SPEAKER: You can bring it out in a discussion on the subject. I will see. You are always welcome to bring it out in a discussion on this subject, 'Unemployment'.

SHRISAIFUDDIN CHOWDHARY: Only discussion can't help, Sir.

MR. SPEAKER: This has to be done.

This has to be discussed.

[Translation]

SHRI BALKAVI BAIRAGI: Mr. Speaker, Sir, Dr. Bhoi has rightly called Dandavateji as Draunacharya.

MR. SPEAKER: Alright.

SHRI BALKAVI BAIRAGI: Whosoever becomes him disciple like Draunacharya, gets him thumb cut off and you can notice that in this Central Hall there are a number of such disciples who are without thumbs.

[English]

SHRI BHADRESWAR TANTI (Kaliabor): The dastardly killing on 7th April 1989 at Rajapukhuri in Assam-Nagaland border was raised by me and you were pleased to call for the reports on two occasions. May I know whether the report has come?

[Translation]

MR. SPEAKER: What can I do? I have already allowed a discussion on it.

[English]

SHRI BHADRESWAR TANTI: What about the report, Sir?

[Translation]

MR. SPEAKER: What have I to do, discussion has already been held.

[English]

SHRI BHADRESWAR TANTI: But what about the report, Sir?

MR. SPEAKER: What more can I do?

SHRI BHADRESWAR TANTI: The matter is very important, Sir.

MR. SPEAKER: I do not know about it.

**SHRI C. MADHAV REDDI:** Sir, I suggest that the order of the items on the Agenda should be slightly changed so that we may take up discussions under Rule 193 today. There are four discussions under Rule 193 which are listed and they can be disposed of today and tomorrow we can take up the Bills.

*(Interruptions)*

**SHRI BRAJAMOHAN MOHANTY (Puri):** Sir, the most important problem facing the nation now is the shortage of drinking water. So, kindly immediately get this subject discussed here. *(Interruptions)*

**SHRI BASUDEB ACHARIA:** In the Business Advisory Committee also it was decided.

**MR. SPEAKER:** We allowed it.

**SHRI BRAJAMOHAN MOHANTY:** You have allowed, Sir. But my submission is. *(Interruptions)*

*[Translation]*

**SHRI VIJOY KUMAR YADAV (Nalanda):** The report of C. and A.G. should be presented here in the form as it has been received.

**MR. SPEAKER:** That is all what I have got here with me. I have not concealed anything. There has been no delay on my part

*(Interruptions)*

*[English]*

**SHRI BASUDEB ACHARIA:** Sir, the discussion on shortage of drinking water should be allowed under Rule 193, and not as Calling Attention. We should have discussion on it under Rule 193. We also want to participate. *(Interruptions)*

**MR. SPEAKER:** We have already agreed, it is on the agenda.

**SHRI BRAJAMOHAN MOHANTY:** You

have admitted, but the fact remains that it should be given priority. Today it should be discussed because from Orissa distress reports are coming that 12 people were. *(Interruptions)*

**MR. SPEAKER:** Let us see. Your State as well as Rajasthan, they are all affected. Now, Papers Laid. Shri Z.R. Ansari.

11.31 hrs.

## PAPERS LAID ON THE TABLE

*[English]*

**Annual Report of the Review on Indian Institute of Forest Management, Bhopal, 1987-88 and a statement re-delay in laying these papers**

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND TOURISM (SHRI SHIVRAJ V. PATIL): Sir, on behalf of Shri Z.R. Ansari, I beg to lay on the Table:-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Forest Management, Bhopal, for the year 1987-88 along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Indian Institute of Forest Management, Bhopal, for the year 1987-88.
- (2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above. [Placed in Library. See No. LT-7959/89]

**Annual Report etc. of and Review on the working of Vayudoot Ltd, New Delhi 1981-82, 1982-83, 1983-84, 1984-85 and 1985-86. and Statement re-delay in laying these papers**

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND TOURISM (SHRI SHIVRAJ V. PATIL): I beg to lay on the Table:-

(1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:-

(a) Review by the Government on the working of the Vayudoot Limited, New Delhi, for the years 1981-82, 1982-83, 1983-84, 1984-85 and 1985-86.

(b) (i) Annual Report of the Vayudoot Limited, New Delhi, for the year 1981-82 along with Audited Accounts and comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-7960/89]

(ii) Annual Report of the Vayudoot Limited, New Delhi, for the year 1982-83 along with Audited Accounts and comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-7961/89]

(iii) Annual Report of the Vayudoot Limited, New Delhi, for the year 1983-84 along with Audited Accounts and comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-7962/89]

(iv) Annual Report of the Vayudoot Limited, New Delhi, for the year 1984-85 along with Audited Accounts and comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-7963/89]

(v) Annual Report of the Vayudoot Limited, New Delhi, for the year 1985-86 along with audited Accounts and comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-7964/89]

(2) A Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above. [Placed in Library. See No. 7960 to 7964/89]

11.32 hrs.

#### MESSAGES FROM RAJYA SABHA

[English]

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

(i) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 10th May, 1989, agreed without any amendment to the Railways Bill, 1989, which was passed by the Lok Sabha at its sitting held on the 3rd May, 1989."

(ii) "In accordance with the provisions of sub-rule (6) of rule 196 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (Railways) No. 3 Bill, 1989, which was passed by the Lok Sabha at its sitting held on the 3rd May, 1989,

and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

11.33 hrs.

# MATTERS UNDER RULE 377

[Translation]

## (I) Demand for railway line between Morena and Phoop in Madhya Pradesh

SHRI KAMMODILAL JATAV (Morena): Mr. Speaker, Sir, there is only one train which runs on Agra-Bombay line in Morena district of Chambal division of Madhya Pradesh. There is a metre gauge line from Gwalior to Sheopur Kalan, which serves no purpose. No railway line has been laid so far between Morena and Phoop. The distance between the two places is approximately 100 k.ms.

There are only a very few buses in this area, and there are no railway facilities here. People have to face lot of difficulties on that account in respect of passenger and freight traffic.

I, therefore, urge upon the Hon. Railway Minister to issue orders immediately for the construction of a railway line from Morena to Pooph after getting a survey conducted in this regard.

[English]

## (II) Demand for installing a wireless machine at Jeypore in Orissa for Safe and Smooth operation of Vayudoot Flights

SHRI K. PRADHANI (Nowrangpur): There is a Vayudoot Service operating from

Hyderabad to Bhubaneswar via Rajahmundry, Visakhapatnam and Jeypore to return to Hyderabad in the evening. This flight is operating for about two years. The air strip at Jeypore is owned by the State Government of Orissa. There is no wireless machine at this airstrip. During cloudy weather and monsoon season, when there is poor visibility, it becomes very difficult for the flight to find out the weather condition at the airstrip and also to locate the place. The place surrounding the air strip being hilly area, the pilot takes great risk to land there. Sometimes, the flight has to be cancelled due to poor visibility. This Vayudoot service is providing very good service to the passengers.

Therefore, I request the hon. Minister for Civil Aviation to direct the Government of Orissa to instal a wireless machine at Jeypore with an operator to receive and despatch information to help the pilots to land at this air strip smoothly without any risk.

[Translation]

## (iii) Demand for provision of a railway link to Tonk in Rajasthan and action on survey report for railway line between Sawal Madhopur and Tonk

SHRI BANWARI LAL BAIRWA (Tonk): Mr. Speaker, Sir, so far, there has been no railway line in my parliamentary constituency i.e. Tonk in Rajasthan. After independence, a ray of development had downed even on this district. New means of education and agriculture also reach here. People were imparted knowledge of agriculture implements by scientific methods but in absence of railway facilities, we could not go ahead on the path of progress. Today we are in the period of renaissance in this country and without railways we have been groping in the dark. Since last 10 years, I have been campaigning for the provision of a railway link to Tonk and have been raising this issue everywhere at various steps in this regard. On my special request, a survey was conducted for the construction of a railway line

from Sawai Madhpor to Tonk during the last few years. Survey report has also been submitted to the Ministry but this matter is being postponed in the name of constraints of resources. I, therefore, urge upon the Government to take immediate and positive steps in this regard.

[English]

- (iv) **Demand to provision of sophisticated rigs etc. for drilling deep tubewells in Kalahandi and Bolangir districts of Orissa to meet drinking water scarcity in the region.**

SHRI JAGANNATH PATTHAIK (Kalahandi): Acute shortage of drinking water in various parts of the country has become a matter of grave concern. The problem is more serious in hilly areas where due to communication problem digging of tubewells with sophisticated rigs is not possible. In drought prone areas like Kalahandi and Bolangir in the State of Orissa, due to large scale devastation of forest, water sources have gone low.

The problem of cattle, birds and other animals has become all the more serious. A war footing strategy should be devised and implemented by adequate financial assistance and supply of sophisticated rigs, vehicles and other equipment for drilling deep tubewells. All preventive and precautionary measures should be taken to ensure that unhygienic condition and unclean water will not lead to any epidemic. A national level micro-plan should be adopted to ensure that there will not be any shortage of drinking water at least by 2000 A.D.

[Translation]

- (v) **Demand for commissioning the proposed radio station at Barmer in Rajasthan**

SHRI VIRDHI CHANDER JAIN (Barmer): Mr. Speaker, Sir, sanction was

accorded for the setting up of a radio station in the border district of Barmer in Rajasthan about five years back and till today only a building for the radio station has been constructed and no machinery has been installed therein. The pace of construction of the studio is also very slow.

I, therefore, urge upon the Ministry of Information and broadcasting to set up a radio station at the district headquarters in the border district of Barmer in Rajasthan within three months so that people living in this far-flung area of Barmer-district might be benefited.

[English]

- (vi) **Demand for disclosing facts to Parliament before signing treaty on export of toxic wastes from industrialised countries to Third World countries.**

SHRI SOMNATH CHATTERJEE (Bhopal): It is understood that an International Convention to control the transport and disposal of hazardous waste was agreed by representatives of more than 100 countries sometimes in March, 1989. The Convention supposedly aims to prevent illegal export of toxic wastes from industrialised countries to developing nations. It is believed to provide that countries exporting wastes should have the written assent of importing countries for each specific cargo and for management of waste in "environmentally sound" manner which of course has not been defined.

The Convention, however, has not made the countries which produce wastes liable for its ultimate disposal and does not prevent importation of wastes to countries which do not have the same level of facilities and technology as exporting nations nor does it insist on sophisticated verification procedure including inspection of disposal sites. It is reported that no specific measures have been included in the Treaty to discourage the international transport of wastes. Ac-

[Sh. Somnath Chatterjee]

According to Green peace, the environmental action group, the demands of developing nations for protection from international waste trade have largely been ignored and the Treaty has legalised the export of waste to the Third countries.

17.38 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

It is not known whether India has signed the Convention regarding the transport and disposal of hazardous wastes. Our national interest will be seriously jeopardised if India becomes a party to the Convention without disclosing the facts fully to the Parliament and people as a whole. In the circumstances, I demand that the full facts should be disclosed by the Government at the earliest opportunity and it should not sign any treaty which compromises our national interest.

- (vii) **Demand for effective measures to ensure un-Interrupted supply of raw materials to electric Arc furnace Industry and rationalising customs and excise duty on ferrous scrap.**

SHRI RAM NARAIN SINGH (Bhiwani): The Electric Arc Furnace Industry in the country which supplies 70 per cent of bars and rods requirement in the priority sector of house construction as also special alloy steel for engineering, automobile and transport industries besides railways and other important segments of national economy, has been passing through a critical phase because of inadequate availability of basic raw material resulting in heavy financial losses. Excise duty on its products which was exempted till April, 1979 has been increased from Rs. 383/- per tonne to Rs. 525/- per tonne bringing it at par with the integrated steel plants.

To salvage the industry from the pres-

ent difficult situation, I would urge the Government that (i) effective measures should be taken to ensure uninterrupted supply of raw material; (ii) the question of waiving the customs duty on imports of ferrous scrap or to bring it to the level prior to the escalation in international prices of scrap and; (iii) the question of rationalisation of excise duty by reducing it to Rs. 105/- per tonne at April 1977 level may kindly be considered sympathetically.

[Translation]

- (vii) **Demand for urgent steps to provide drinking and irrigation water in Palamau and Hazaribagh districts of Bihar**

SHRI YOGESHWAR PRASAD YOGESH (Chatra): Mr. Deputy Speaker, Sir, with the spring season coming to an end, the scorching heat of summer is gaining intensity and with the increase in heat the drinking water crisis in the hill areas of Bihar is deepening further. Due to scanty rainfall this year, rabi as well kharif crops have almost been destroyed and a famine like situation has developed. Apart from that, drinking water crisis, especially in Latehar, Chandwa, Balumath, Manatu. Panki blocks in Palamau district in Bihar has been depending further. Chatra, Pratappur, Hanterganj blocks in Hazaribagh district and Dumaria, Imamganj, Amas, Barachatti, Mohanpur and Fatehpur blocks in Gaya district are also hit by this crisis. Moisture of land has already dried up and water level is fast going down. There has been drinking water crisis and all sources of irrigation, whatever were there, have also failed.

In view of above difficulties, I would like to make an appeal to the Government to provide drinking water and irrigation facilities to the people on a what footing. Besides, keeping in view that it is mostly a stony area, I would like to request the Government to send diamond boring rigs in large number to that area.

[English]

11.44 hrs.

**(ix) Demand for financial assistance to Vidyasagar University in West Bengal**

**SHRI BASUDEB ACHARIA (Bankura):** Sir, it has become impossible for the University of Calcutta alone to respond to the need of the rising student population for higher education in West Bengal. A 10% increase in the seats allotted to Post-Graduate Studies of Calcutta University was a meagre attempt to accommodate this rush. So, the urgency of establishing a new university was seriously felt.

In November, 1975, a twelve-member committee was appointed, under the chairmanship of the then Education Minister, which proposed for opening of Vidyasagar University as a teaching-cum-affiliating university. In framing the guidelines for the course curriculum, the committee in suggested blending of non-traditional subjects with traditional subjects. On this basis, on 24th June, 1981, Vidyasagar University Act as unanimously adopted in the Wastage Bengal Legislative Assembly.

Sir, the State Government has already spent a sum of nearly Rs. 7 crores. But the UGC has not granted a single paisa till this date. In spite of this financial burden, the University is running 13 departments of non-traditional, and traditional subjects and 12 departments at the post-graduate level. Almost 30,000 students from 32 affiliated colleges are studying under this university.

Under these circumstances, I urge upon the Government to release funds for the Vidyasagar University and save this newly created institution of Higher learning in West Bengal.

**REPRESENTATION OF THE PEOPLE  
(AMENDMENT) BILL**

[English]

**MR. DEPUTY-SPEAKER:** Now, we are taking up item No. 4, Consideration and Passing of Representation of the People (Amendment) Bill.

Shri B. Shankaranand.

**THE MINISTER OF LAW AND JUSTICE AND MINISTER OF WATER RESOURCES (SHRI B. SHANKARANAND):** I beg to move:

"That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration."

Mr. Deputy-Speaker, Sir, the Bill is a sequel to the Constitution (Sixty-first Amendment) Act, 1988 amending article 326. The Amendment has come into force with effect from 28th March, 1989 having been ratified by the legislatures of more than one half of the States, as required by the proviso to article 368 (2) of the Constitution. It has reduced the age of voting from 21 to 18 years.

Section 19 (a) of the Representation of the People Act, 1950 specifies the age of voting as 21. After the Constitution (Sixty-first Amendment) Act, 1988 this has to be amended with retrospective effect from 28-3-1989.

Under Section 14(b) of the 1950 Act, the "qualifying date" in relation to the preparation or revision of every electoral roll means the 1st day of January of the year in which it is so prepared or revised. Elections are due this year and if the electoral rolls are revised and updated, in the usual manner, with 1st January, 1989 as the qualifying date, the younger generation in the age group of 18 to 21 which has become entitled to vote from

[Sh. B. Shankaranand]

28-3-1989 would not be able to exercise their right to vote in the ensuing elections. The intention behind lowering the voting age is not that the new voters should wait for a further period before taking part in the next elections. It is, therefore, proposed to amend Section 14 (b) with a view to providing that the 'qualifying date', in relation to the preparation or revision of every electoral roll under Part-III of the said Act, shall be the 1st day of April, 1989. In fact, the Election Commission had already initiated the necessary steps for enrolling all those who attained the age of 18 as on 1-4-1989 in all the States and the Union territories so that the task of updating the electoral roll covering also the new category of electors during the current year is not delayed on any account. Therefore, a provision has been added in the Bill to validate all things done and all steps taken in anticipation by the Election Commission.

It is further proposed to amend Section 9 of the 1950 Act for empowering the Election Commission to consolidate all information relating to delimitation of Parliamentary and Assembly constituencies.

The Fourth Schedule to the 1950 Act specifies the local authorities for purposes of elections to Legislative Councils. The State Government of Maharashtra has informed us that Town Committees listed in the said Schedule under the heading "Maharashtra" no longer exist. It is, therefore, proposed to delete this item from the Schedule.

I am sure that the House would pass the Bill unanimously. Sir, I commend the Bill for the consideration of the House.

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Representation of the People Act, 1950 be taken into consideration."

SHRI C. MADHAV REDDI (Adilabad):  
Mr. Deputy Speaker, Sir, I rise to extend my

support to this Bill. It was last year in December that we have passed the Constitution Amendment Bill, the 61st Amendment Bill.

As a matter of fact, this should have been the first Amendment Bill but for constitutional requirement because unless the Constitution is amended, it is advised that this particular Section 19 of the Representation of People Act, 1950 cannot be amended. It was indicated to the House at that stage that the amendment of this Section would be necessary to see that this is given effect to. But with regard to the advance action taken by the Election Commission for enrolment of voters, I am happy that action has been taken and instructions have been issued to see that the youth who attain the age of 18 years as on 1-4-1989 are enrolled as voters. As far as that goes, there is no objection because such an advance action is necessary so that we may go to polls by December based on the new electoral rolls. But the Clause dealing with the validation of all acts done by the Commission or by any staff of the Election Commission, is being validated. I do not understand the reasons for this because I have information that in some of the States, the electoral rolls had already been published. I would like to know from the hon. Minister whether it is a fact. If the electoral rolls had been prepared and then kept ready for publication then it is O.K. But if the electoral rolls had already been published and if they are inviting claims and objections under the Representation of the People Act, 1950, then it is a very serious matter because it may lead to various complications; people may go to Court because the electoral rolls which are not valid, cannot be published for inviting claims and objections. If that has been done, as it is reported and that is sought to be validated, then there is a serious lacuna in this Bill. It has to be looked into. May be, perhaps you have to publish the electoral rolls again to see that they conform to the rules.

Regarding the change of the qualifying date from first of January to first of April, I presume that it is only for this year. But if it is



for all time to come, then there is serious objection. If it is only for this particular year when we have to revise the electoral rolls based on 18 years of age, then it is all right.

**SHRISHANTARAM NAIK (Panaji):** You have mentioned that.

**SHRI C. MADHAV REDDI:** I presume that it is so. That is the meaning. Otherwise, if the Government is going to change for all time to come, then there is a serious objection. The point is that on the first of January every year, electoral rolls are being revised automatically by the Chief Electoral Officers of the State. The rolls are revised, published and so on. There is a procedure laid down in this regard. That should be continued. Only for the current year, the qualifying date should be first of April and not for all time to come. That is to be clarified.

Sir, the information relating to the Delimitation of Parliamentary and Assembly Constituencies seems to have been compiled, for which Section 9 is to be amended. The Government is going to amend Section 9 of the 1950 Act for empowering the Election Commission to consolidate all information relating to Delimitation of Parliamentary and Assembly Constituencies. I am not able to understand this. Why does the Government require this amendment to Section 9? This requires certain clarification because as it is the hon. Minister pointed out last time that the Delimitation of Constituencies is not going to be taken up this year because of the fact that it is likely to be delayed. Advance action has to be taken by the Government earlier. But it has not been done. Now we have to contest the elections on the basis of the old Delimitation and there is not going to be any change in the Assembly or Parliamentary Constituencies under the Delimitation of Parliamentary and Assembly Constituencies Order, 1976. Where is the need for empowering the Commission to consolidate the information? This is an inherent power of the Commission. Already, the Commission has got that power. Why does the Government need amendment to Section 9? This requires clarification.

With these words, I support the Bill.

**MR. DEPUTY-SPEAKER: Shri Vijay N. Patil...** I request the hon. Members to be very brief. Many Members are interested to speak. Only two hours have been allotted. So, I request the Members to be very brief. Please take five minutes.

**SHRI VIJAY N. PATIL (Erandol):** Mr. Deputy-Speaker, Sir, this is an enabling provision for the Election Commission to gear up its machinery and prepare for the elections. The hon. Minister has already mentioned that the first of April 1989 is meant only for this particular election year. Afterwards, the electoral reforms will be prepared as usual and published in January every year.

We know that the Britishers tried to show that they were bringing a partial democracy in India. Some people—the people who were paying the land revenue above a certain limit or some other educated people or a selected class of people—were allowed to vote. But after getting Independence, we have brought in so many progressive measures. We have reduced the age of voting to 18 years which is one of the most progressive measures adopted by our young Prime Minister and supported by almost all sections of the society and majority of the people in India.

Shri Madhav Reddiji should not have any fear in his mind about empowering the Election Commission for consolidating the information about delimitation of different constituencies. There are reserved constituencies which are reserved for Scheduled Castes for years together. Scheduled Caste people from other constituencies do not get the opportunity to stand for election because generally they are allotted seats by any party in the reserved area only. On the other hand, the other community people in the reserved constituencies do not get the opportunity to contest and represent the people in that area. I can tell you my example. I fought the election in 1978 from Dhule Constituency. One seat of Scheduled Tribe was to be

[Sh. Vijay N. Patil]

increased in Maharashtra. And from Chandrapur, in all the earlier three elections, from a general seat, a Scheduled Tribe man used to come. There is also 22.8 per cent Scheduled Tribes population in one constituency in Chandrapur. In my constituency, the population of Scheduled Tribes was 23.1 per cent. What happened was that both the seats in Dhule got reserved and reservation was removed in Chandrapur. If this is rotated, then people can get the chance turn by turn. This is high time that we have to think of this rotation and think of this shifting of constituency. That is why, this enabling provision has been brought.

I would like to urge upon the hon. Minister and the Prime Minister: you have reduced the age of voting. it is welcomed by all, but are you going to allow them to only vote or allow them to participate in the democratic representation also? What I mean to say is: are you going to think of reducing the age limit for filing the nomination for Assembly, Lok Sabha or Rajya Sabha elections? We can think otherwise in the case of Rajya Sabha as the Rajya Sabha is the House of Elders and really elders should go there and not youth congress or youth Janata or youth BJP people. You can increase the age limit for filing the nomination to Rajya Sabha of 35 years. But for Lok Sabha and Assembly seats, if a person can vote at the age to 18 years, after five years experience, he may be allowed to contest for Lok Sabha or Assembly seats. Even though it is not within the scope of this Bill, I am taking this opportunity and making my suggestion. Are you going to consider this also?

12.00 hrs.

About the other amendment, that is deleting the word 'Town Committees' with reference to Maharashtra, I would say that it should have been done long back. It has come only now. But this amendment should have been brought long ago.

In the end I would like to mention one

more aspect that when more and more new people are to be given opportunities in our democratic set up, there should be certain limits at certain stages. What I would like to suggest taking this opportunity—although it is not directly related to this Bill—is that there should be some restriction or limitation for a person to remain in power. For example, a person at the central level should not be allowed to continue after ten years as a cabinet minister. Exceptions can be made for the leader or the deputy leader of the House and the Opposition leaders, so that other young and new people will get opportunities. This is my suggestion for consideration at the appropriate time. Because you are bringing more and more people in the democratic process who will want to make their contribution directly. Instead of voting their representatives they would like to directly come to the House and contribute to the democratic process of welfare in this country.

SHRI SATYAGOPAL MISRA (Tamluk): The Bill to amend the Representation of People's Act 1950 has become necessary in accordance with the 61st constitutional Amendment.

This is the recognition of the right of the younger generation of our country to participate in the process of electing their representatives of the Parliament, State Assemblies and other bodies. This was the long standing demand and the result of a democratic movement of the students and the youth of our country. For a long time they have been demanding it. Though delayed, it is better late than never. Therefore I support this Bill as it is the outcome of the victory of the students and the young movement of our country.

In this connection I would like to point out that the young generation of 18 years was given the right for electing their representatives in the municipal elections in West Bengal during the regime of the Left Front government. Since then the younger generation of 18 years are enjoying that right in West Bengal. Now the youth of our country

will enjoy this right as well.

I cannot also forget that at that time in West Bengal the Congress Party opposed it and challenged it in the Calcutta High Court and the Supreme Court also. Now they have understood its importance. Perhaps, having been alienated from the people they are thinking of some methods like lowering of voting age and bringing Panchayat Bill etc.

This amendment is taken as implemented since March 28, 1989 and the enumeration process is going on throughout the country. In this context my suggestion is that the Election Commission should take proper care so that all the young people of 18 years are enrolled in the electoral rolls. It was estimated that about 5 1/2 crores of the people who have just completed 18 years will be enrolled in the voters list. But I do not know how far this process has gone on. How many young voters have already enrolled their names in the electoral rolls? That is to be seen.

Lastly, I want to point out some cases, which are happening in Tripura. Two cases are there, where foreigners are included in the preparation of voters list. I only give two examples. In Jubaraj Nagar Assembly Constituency,—part No: 3, Serial No: 285—a person, who is serving as an Officer in Bangladesh Sunali Bank, has enrolled his name in Tripura's voters list. Another example is, 22, Dharampur Assembly Constituency—part No: 28, Serial No: 36. His name is Joynal Mia. He has enrolled his name in the voters list. He is serving in the Bangladesh Army. All these things are happening, particularly in Tripura. I am saying from my own experience about what had happened in a bye-election in Tripura. I was present there. Despite my presence, the contesting candidate, from my party, was not allowed to vote. This had happened in Tripura.

Therefore, I would urge upon the Government to see that proper steps are taken, so that all the eligible persons are included in the electoral rolls and those, who are not

entitled to be included in the electoral rolls, are excluded. I request them to take proper steps for this. With these words, I support this Bill.

[Translation]

SHRI VIRDHI CHANDER JAIN (Barmer): Mr. Deputy Speaker, Sir, I support the Representation of the People's (Amendment) Bill, 1989 moved in the House.

We took historic steps when youths of 18 years were given voting rights by lowering voting age from 21 to 18 years under the constitution (61st Amendment) Act 1988. It was widely welcomed in the country and the students are very much pleased with this step. On this occasion, I would like to express my thanks to our young Prime Minister, Shri Rajiv Gandhi who took this very important step to strengthen democracy in the country. With the steps that we have taken to amend the constitution it has become necessary to amend the Representation of people Act also and the present Bill is a equal to that process. I fully support it. It would have, what I feel, put much more impact had an amendment been brought, forward in the Representation of the People Act about issuance of photo identity cards to the voters. I had been to my constituency and the people in my area totally want that photo identity cards should be issued to voters all over the country. The Government has issued identity cards in our border areas. Identity cards have been issued in Chohtan and Jasailmer districts. It is necessary to have photo identity cards in border areas so that anti-national and foreigners could be detected and denied voting rights. But I came across certain instances in my constituency especially in Jaisalmer that photo identity cards have not been issued to genuine persons who are supposed to get the same. They were not issued cards on suspicious ground so as to prevent them from exercising their franchise. This is also a happy situation. I would specially like to make a submission that there should be a provision to issue photo identity cards in border areas. Ladakh Region, Barmets,

[Sh. Virdhi Chander Jain]

Jaisalmer and border of Punjab. It will be a great achievement if photo identity cards are issued to people in these areas.

I was thinking that delimitation of my constituency will be done. My parliamentary constituency is spread over 70 square kilometres. In area it is equal to Punjab state and the population of the area has increased tremendously and our area is making rapid development on account of Indira canal. While the population of the country increased by 2.25 per cent annually, in my constituency it has been 4.5 per cent annually. In this way, the number of voters in my constituency has also gone high. This Parliamentary Constituency consists of 8 Assembly segments and the number of voters has also increased much. In view of this it is necessary to increase the number of constituencies. It will be highly beneficial if some tangible steps are taken in this regard. Secondly, there are resentments in the Assembly Constituencies that a particular area is always kept as reserved constituency for Scheduled Caste. In my constituency, the Siwana Assembly segment has all along remained a reserved constituency right from 1952 till now. Similarly the population of Chauhan Assembly segment has also gone much high. Even after a high rise in population, the size of the constituencies is not being changed. The delimitation Programme has been held up. I want that delimitation work may please be started and constituencies reserved for scheduled castes and scheduled tribes may be changed. You should take concrete steps in this regard.

I would like to request you once again to issue photo identity cards. This will help in checking bogus voting. There are several areas in Uttar Pradesh, Rajasthan where people belonging to caste Hindus impersonate in the voters belonging to scheduled castes and scheduled tribes. The scheduled castes and scheduled tribes are not allowed to cast their votes. I would like to apprise the hon. Minister of Law that there are several areas belonging to scheduled castes and scheduled tribes in which people have not so

far exercised their franchise, other people cast votes for them. It is very necessary to have photo identity cards to check this practice. Concrete steps need to be taken in this regard. The steps so far taken by Government have been beneficial but until and unless photo identity cards are issued, these people cannot make proper use of their rights.

With these words, I support this Bill.

[English]

SHRI V.S. KRISHNA IYER (Bangalore South): Mr. Deputy Speaker, Sir, I support the amending Bill which has been brought by the Law Minister. At the same time I must express my dis-appointment at the long awaited electoral reforms. A comprehensive Bill is yet to come. Of course, there have been certain amendments during the last Session which are welcome but the most important amendment which the Opposition and even the Ruling party have been pressing for is regarding containing the money influence, liquor influence and muscle power in the elections. It is the experience of everybody that money plays an important part and affects the fair and free elections. One of the suggestions made from this side was that elections should be State funded. Unfortunately it was not accepted by the Government but at least they should have thought of some alternative. We know that certain people and certain parties are in a position to amass lot of money for elections but certain individuals and parties cannot do that which is obvious. But unfortunately, Government has not at all thought about the matter. When the new Lok Sabha was constituted, an assurance was given in the very first Address of the Rashtrapathi that an Electoral Reforms Bill will be brought to ensure fair and free elections. But this Lok Sabha is coming to an end and unfortunately, Government has failed to see that elections are held by fair and free means and to give equal opportunity to every party and candidate. The Government has failed in this regard.

Another important thing in which the

Government has failed during the present Lok Sabha is that they have not taken steps to delimit the constituencies which is overdue during the current period. Many hon. Members including Mr. Jain have explained it. In my constituency, there are eight assembly segments. One of the disparities is that in one constituency, the number of voters is less than 75,000 and in another constituency, the number is more than two and a half lakhs. Even if the youngsters of today are included the number which is less than 75,000 will not increase that much whereas I am told that in the other constituency where there are two and a half lakhs voters, the number has increased to 4 lakhs since it is a city border area and new extensions are coming up. This disparity between one constituency and the other, not only in the Assembly elections but also in the Lok Sabha elections must come to an end. Everybody knows about this. I can understand the matter if it is an hilly area or if it is an area like Lakhshadweep where there are only 50,000 voters for Lok Sabha elections or if it is the north-eastern region where there are a few number of voters for Lok Sabha elections. But even in cities like Bangalore, this disparity is going on which should have been removed. I am sure that it is all over now for the coming elections. We cannot do any thing. Anyhow, it is a lapse on the part of the Government and it should have been rectified by now.

Another point which many hon. Members have spoken about is regarding keeping the same constituencies reserved for the SCs and STs. The hon. Minister also knows very well that in our State, a number of constituencies are being reserved for the SCs and STs for the past 30 or 40 years. They should be given opportunities to contest in other areas also. The Government of India should take note of this point. So, during delimitation, this point should be taken care of.

Another point which I would like to mention is regarding identity cards. Many Members have already spoken about this. This is the experience of every candidate for

elections whether it is this party or that party. Within one hour of the commencement of voting, bogus voting would have been completed. Some individuals and some parties are adopting this method. Even now, with all this experience, we have not been able to check bogus voting. I think even in the next elections, it will be there. Government must see to it that this practice is eliminated. The Government says that due to the cost involved they do not want to introduce the practice of photo identification. Many hon. Members have suggested this practice of photo identification. Some foolproof arrangement must be there because elections are coming very soon. It is not only for Lok Sabha elections but for the Assembly elections also. Government must take some steps to prevent the practice of bogus voting by introducing the practice of photo identification. As it is, identification slips are being issued by the political parties. But officially, you must see that the office itself must issue the identity cards which was there during the previous years, particularly in the municipal elections which we had in our State. So, it is very necessary that you should issue identity cards. I hope that at least now, Government of India will think of this matter seriously. The most important point is to see that money and liquor influence are completely abolished. Bogus voting should also be eliminated completely. So, as far as this Amendment Bill is concerned, I have no objection and I support the Bill.

SHRI SOMNATH RATH (Aska): Mr. Deputy Speaker Sir, I rise to support this Bill. Section 9 empowers the Election Commission to maintain the delimitation order upto date. As we all know, delimitation has been delayed for some time and by this time, the nature of the constituencies has changed. In some constituencies, population growth is such that they deserve to be a Scheduled Caste or Scheduled Tribe reserved constituency and other constituencies to be general constituencies. Also the Government has rightly reduced the voting age from 21 to 18 years and the Government has been congratulated for this action throughout the country. As such, it is necessary that the

[Sh. Somnath Rath]

delimitation should take place soon so that in the Assemblies and the Parliamentary constituencies, the real representatives of those constituencies are elected.

For the information of the hon. Minister, in Orissa even if in a district headquarter or a sub-divisional headquarter, the Assembly constituency, the scheduled caste and scheduled tribe population is more, it is not recognized as the reserved constituency for the simple reason that it happens to be a district headquarter constituency or a sub-divisional headquarter constituency. This conception should be given a goodbye, and whether it is a district headquarter constituency or a sub-divisional headquarter constituency, if the population of that constituency is more for the scheduled castes and scheduled tribes, it should be recognised as a reserved constituency for scheduled castes and scheduled tribes only, not that because it happens to be a sub-divisional or district headquarters, it should be made a general constituency. I would like to know from the hon. Minister whether there is any direction or rule to that effect. If not, this position may be clarified soon.

[Translation]

SHRI VIJOY KUMAR YADAV (Nalanda): Mr. Deputy Speaker, Sir, I wholeheartedly support the proposed amendment in the Representation of the People Act. I support the amendment for the reason that it was a long standing demand of all leftist parties, progressive parties and youths of our country. The proposed amendment in the people's Representation Act will fulfil the above demand and it will receive full support all over the country.

I would like to inform the hon. Minister the situation prevailing in Bihar. Here we are talking of granting voting rights to youths of 18. But in Bihar, even 10 years aged children have been included in the voters' list and they cast their votes. They are the wards of influential people who wield power. They

also get help from the Government machinery. In the present revision of voters' list, names of people who have attained 18 years of age have been left out and names of those who can hardly become voters have been entered. Names of large number of bogus voters are being entered in the voters list in Bihar.

I want to give this information to you. I did not utter any particular persons name in this connection. You are officers. As such you are at liberty to enter the names of people in the voters' list, wherever you want.

Mr. Deputy Speaker, Sir, last year the result of Assembly elections in respect of Islampur Assembly segment under my constituency was declared and my candidate was declared elected in the contest and he was issued a certificate to this effect. After two years the same Returning Officer declared the Congress candidate elected. (*Interruptions*). Perhaps it is for the first time that a thing which took place in Nalanda Constituency has taken place in the world. In our state the officers deeply connive with the candidates and the elections are won with the help of rifles, guns, bullets and bombs. The Government machinery is widely misused. All this is done to help the candidate of the ruling party. The Polling Officers, Presiding Officer and the Police Officials help them. The genuine voters are not allowed to cast their votes. It is a commendable thing that youths of 18 years age will be given the right of voting. If the purpose is served by merely granting the right of voting, then it is all right. If this right is confined to paper and in actual practice people do not come to cast their votes or they are not allowed to cast their votes, it will be a serious matter.

SHRI RAM BHAGAT PASWAN (Rosera): Mr. Deputy Speaker, Sir, I am on a point of order. A lot of bogus voting was done in the elections that were held in 1977... (*Interruptions*)

[English]

MR. DEPUTY SPEAKER: You come to

the point.

**SHRI VIJOY KUMAR YADAV:** Sir, why are they objecting to it? I think these are the hard facts.

[*Translation*]

Mr. Deputy Speaker, Sir, Bihar is the State in which total number of votes caste exceed the total number of voters, suppose voter list contains 1000 voters, total number of votes caste come to 1020. I had raised this point in the Parliament (*Interruptions*)

I would like to make a suggestion that a Parliamentary Committee should be constituted which would go into the facts of misuse of Government machinery and misuse of officers in favour of the ruling party candidate.

If the officers are not independent, you cannot give the guarantee of holding free and fair elections. With these words, I support the Bill that has been brought forward in the House.

**SHRI SHANKAR LAL (Pali):** Mr. Deputy Speaker, Sir, I rise to support the Representation of the People (Amendment) Bill, 1989, moved in the House.

Sir, it is true that process has begun to add those voters who have attained the age of 18 years and in order to clear the doubts raised by Shri Madhav Reddy about the modelity, I would like to read out the clause 14. The proposed amendment is quite clear and is

[*English*]

"In section 14 of the Principal Act, to clause (6), the following proviso will be added, and shall be deemed to have been so added with effect from the 28th day of March, 1989."

[*Translation*]

So it clears all the doubts and there will

be no need of further amendment for this and it is also true that the proposed legislation will be valid for this year only.

[*English*]

...Qualifying date in relation to the preparation or revision of every electoral roll under this Part in the year 1989, shall be the 1st day of April, 1989."

[*Translation*]

It means that the qualifying date for revision of every electoral roll in the year 1989 shall be the 1st day of April and for revision of other classes, it will be 1st January. So the doubt raised by Shri Madhava Reddy is baseless. Amendments have been made in sections 9-A, 14 and 19 of the people Representation Act. Under the proposed amendment in section 9-A, the Election Commission has been empowered to delimitise the constituency of scheduled castes and scheduled tribes after the elections. Going by the demand of the time, we are conferring voting rights to four crores youths who have attained the age of 18 years. This has warranted delimitation of constituencies of scheduled castes and scheduled tribes in different states. In order to achieve this end, amendment has been made in section 9-A. This is a very reasonable amendment. In December, our leader Shri Rajiv Gandhi and his Government made an amendment in section 29-A of the people Representation Act, making it obligatory for the political parties to pledge allegiance to the constitution. They have to insert a clause in their party constitution that they have faith in secularism, socialism and unity and integrity of the country. At that time, some hon. Members of the opposition party opposed it., but now they are realising that fair and real elections in our country are possible if political parties are committed to the socialism, secularism and unity and integrity of the country and pledge allegiance to the constitution. Such revolutionary steps are being taken under the leadership of Shri Rajiv Gandhi. I would also like to make yet another submission. It is true that money plays a big

[Sh. Shankar Lal]

role in elections. We should find ways and means as to how we can minimise the election expenditure. In this connection, I would like to offer a suggestion that one month time is given between filing the nominations and holding the elections. This should be reduced. This should not be more than one week. If you and your party is really popular among the masses and you have worked for the people, there is no need of one month's time. Only such candidates who have large amount of funds at their disposal can utilise this time for more publicity and keeps people in illusions. So the time gap between the filing of nominations and holding the elections should be reduced. This will reduce the expenditure and the deserving person will be elected. With these words, I conclude.

[English]

DR. DATTA SAMANT (Bombay South Central): Sir, it is a technical Amendment. The whole proposal regarding giving voting rights to the youths-who have attained the 18 years of age-of this country has come from the Opposition. I would like to mention that the whole campaign was started by Shri V.P. Singh. I remember his words and I quote "When you hang a man who has attained the age of 18 years, why not give him the voting right?" Therefore, it is the victory of the Opposition campaign.

SOME HON. MEMBERS: No.

*(Interruptions)*

SHRI PRATAP BHANU SHARMA (Vidisha): He was not here in the House.

DR. DATTA SAMANT: As far as this Amendment is concerned, it is good that you are giving voting right to the youths. Regarding this, already some survey and enumeration had been done. I would like to ask the hon. Minister as to what is the total number of additional voters. I think by doing so, you have added approximately another 4.7 crores fresh voters and it will come to about 50,000

or 60,000 voters per constituency. If it is so, then how many new constituencies, are you going to create? Proportionately, there must also be an increase in the number of constituencies. I think the increase may come to about 60 or 70 constituencies. Still there is time for delimitation of constituencies. That is why I say that there may be lot of complications.

You say that from 1st April, 1989 you are going to implement this Act. I would like to know from you, what efforts the Government had made while making enumeration. How many voters were added?

How many new constituencies are you going to create and how many seats are you going to add?

PROF. MADHU DANDAVATE: Till 2000 AD, there will be no charge!

DR. DATTA SAMANT: I don't know. In addition to that, I would say, every year the population is increasing at the rate of 2.5 per cent. Accordingly, the voters list is also going up. So, I think for every five years, there will be an addition of another fifty seats and every constituency is going to get 50,000 or 60,000 new voters. This is going to create a lot of problems for the enumerators. Therefore, I would request that the Government should make clear all these points.

Now, I would come to identity cards. So far as the elections are concerned, I would like to mention that the Government must issue photo identity cards. It is very important. In the Bombay Municipal Elections I had seen with my own eyes that at 8 'o' clock, directions were given to people to go and cast votes. The same people again and again go to the polling booths for casting their votes. So impersonation is there. Nobody bothers. All your machinery could not do anything. There are merely watching like the silent spectators. They are afraid of people who are standing outside the polling booths. By doing so, the democratic principles are really violated. The same is the case with the Aurangabad and Thane Municipal Elections.



In spite of my workers who were waiting in the queues outside, they were not allowed to cast their votes. That is why I am saying that there must be some check. If it is not possible to provide them the photo identity cards, then at least you provide them some identity slips with a proper certificate from the ration office saying that the particular man is a voter by giving his full description.

MR. DEPUTY SPEAKER: How can you say that?

DR. DATTA SAMANT: Sir, the rationing officer can issue such identity cards.

MR. DEPUTY SPEAKER: Without photo, the same person may once again come and cast his vote. The suggestion which you are making regarding identity card is correct. Regarding the certificate which you are mentioning, how can you say that he will be the same person?

DR. DATTA SAMANT: Why I am saying is that, at least some check may be kept. Anyway, the Government is not going to agree. The people who cast such votes are not sent by the genuine voters.

If they introduce this system, at least they will be able to verify whether he is the real voter or not.

MR. DEPUTY SPEAKER: There may be chances that somebody may bring that slip afterwards also.

DR. DATTA SAMANT: Generally, they go as per the instructions of some other man. Here, what is happening is entirely different. If you issue identity cards, at least some check may be kept.

Now you are going to introduce electronic voting machines. I don't know whether the electronic voting machines will be able to give the correct results. Whatever we are discussing here, I don't think they are going to satisfy the people.

I have seen now-a-days in the elec-

tions, corrupt practices are being followed. People false assurances to the people. Regarding reduction of expenditure, I would say it is very difficult to follow. Not even a single candidate will be able to fight election without incurring any expenditure.

What I am saying is that although we are saying a lot of things, but they are all treated as useless.

Now, focus is being given to the Panchayat elections. I am sure the DADAS who will be having lot of money will be able to get at least 200 to 300 voters, each. Now, you are starting a process of decentralisation at the village level. I am sure this is not going to help much. The people who will be elected for the Panchayats—some 200 or 300 people—are not going to decide anything.

Therefore, I would mention here the machinery which you are going to adopt here, whether it is the Election Commission or whoever may be, is going to fail. Though the idea may be good, it is not going to work.

I support this small Amendment which is a technical sort of thing. I hope it is meant for only this year and not for the next year.

SHRI RAM SINGH YADAV (Alwar): I rise to support the Representation of the People (Amendment) Bill, 1989, by which the hon. Minister has sought to amend Sections 9, 14 and 19 of the Representation of the People Act, 1950.

The present amendment is the outcome of the strong determination and political will of our leader Shri Rajiv Gandhi, the Prime Minister of India; and he is the only man at whose instance this amendment has been brought in, and the young men of 18 years have been given the right to vote. Today, in the whole of the world it is the power of the youth which counts; and in a democracy, it is the power of the youth which can survive and strengthen democracy.

What is happening in the neighbouring countries today? The youth are agitating,

[Sh. Ram Singh Yadav]

whether it is in China or some other neighbouring countries. The credit for this Bill goes to our Prime Minister Shri Rajiv Gandhi. He has given the benefit to the youth and young people. They have been involved in the democratic functioning of our nation.

The claim from the side of the Opposition that this has been done at the instance of the Opposition is totally wrong, because the Opposition has always resisted this. *(Interruptions)*

SHRI SATYAGOPAL MISRA: No; it is not correct. give one example. *(Interruptions)*

SHRI RAM SINGH YADAV: You never preferred that. *(Interruptions)* You were in power from 1977 to 1980. What did you do in this direction then? *(Interruptions)* You have not taken any action. Therefore, it is a wrong statement, it is a wrong assessment that is i.e. to say that this has been done at your instance. It is the Congress party, it is Prime Minister Rajiv Gandhi who has done this. *(Interruptions)* You are not doing it, because no step was taken by your Government from 1977 to 1980. Had there been a political will, you could have taken the decision then, but you did not have it...*(Interruptions)*

SHRI SATYAGAOPAL MISRA: We have done it in West Bengal...*(Interruptions)*

SHRI RAM SINGH YADAV: You lacked political determination... *(Interruptions)* The Opposition parties are lacking in the political will, and in political determination. Therefore, they cannot say. *(Interruptions)*

The development of the nation is possible only when we involve actively our younger generation, and our youth; and it is Prime Minister Rajiv Gandhi who has involved all the youth, to enable them to participate in the actual functioning of democracy. This is one of the historical and very important decisions in the history of India...*(Interruptions)* This is how our party is

encouraging democracy, with faith in democracy and secularism. *(Interruptions)*

Therefore, whatever may be the apprehensions expressed by Dr. Datta Samant and others, they are not correct, because in amending Section 9 of the Representation of the People Act, the hon. Minister has very clearly mentioned this, I quote the proposed amendment in Section 9:

"(aa) make such amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as appear to it to be necessary or expedient for consolidating with that Order any notification or order relating to delimitation of parliamentary or assembly constituencies (including reservation of seats for the Scheduled Castes or the Scheduled Tribes in such constituencies) issued under any Central Act;"

The hon. Minister has taken very appropriate steps in amending Section 9, because Section 9 provides for Delimitation of Parliamentary and Assembly Constituencies Order, 1976; as also when the Election Commission should be empowered to see that the constituencies are properly delimited. And, therefore, the amendment to Section 9 was very appropriate.

I request the hon. Minister that appropriate steps should be taken under Section 9, when it is amended by this hon. House in my State of Rajasthan, there are some constituencies which are reserved constituencies since 1952. Some people do not have the right to contest elections from a particular constituency because they do not belong to a particular community or caste. Therefore, this sort of an action should be taken by the Minister, and a provision should be incorporated, saying that imbalances in constituencies, population and regions should also be removed by way of amending, or by using, the powers under Section 9.

With these words, I support the amending Bill moved by the hon. Minister.

[Translation]

**SHRI BALWANT SINGH RAMOOWALIA (Sangrur):** Mr. Deputy Speaker, Sir, I support this amendment. Some of our friends have confused themselves in casting aspersions and counter-aspersions on this historic and great work done by this House. In fact, I congratulate the people of India and this House for we, the people representatives of India have done a historic work of conferring voting rights to youths of 18 years age, I extend my congratulation to Shri Shankaranand as this event has taken place during his tenure. Besides, I would like to submit two to three points more. Firstly, I would like to say about de-limitation of constituencies. It is long overdue. To my knowledge, in Punjab, there are constituencies where this work has not been done for the last twenty years. I don't know why we failed in drawing your attention to this. It may be failure on our part or you could not realise it. As stagnant water starts giving foul smell, same is the case with it. People have started becoming disinterested in their constituencies because of failure in undertaking de-limitation work of the constituencies. So, it should be completed and the reserved constituencies are required to be rotated.

The second thing which I would like to say is about the mass media of the Government. I never make vague allegations, but some times it so appears from the news broadcast that a particular party is being build. When they are trying their best to create an impression that they are totally impartial, a system is required to be developed or a 5 member committee of Members of Parliament should be formed to ensure impartiality in the news and other programmes broadcast on radio and T.V. It will help in increasing the reliability of the media. Sometimes news bulletins are twisted in favour of a particular party. So I would suggest that some sort of steps should be taken to increase reliability of the media.

I consider it a historic moment and it will play an important role in shaping future of the country and strengthening it and increasing

the confidence of the people in the polity of the country. I have a high praise for it.

**SHRI DAL CHANDER JAIN (Damoh):** Mr. Deputy Speaker, Sir, I support the Representation of the people (Amendment) Bill, 1989 moved in the House. It will enable our youths to exercise their right to vote. I congratulate the hon. Prime Minister Shri Rajiv Gandhi and the hon. Minister of law, Shri Shankaranand for they have done this work in this session itself and it has instilled a new inspiration in the hearts of the our youths. India is the largest democratic country in the world. In no other country democracy has become so much successful as in India.

A number of our friends have raised the issue of delimitation of the constituencies. When voting right has been provided to the youths of 18 years of age, de-limitation has become a necessity. In this regard I would like to submit that the area around Sagar University falls under reserved constituency because it is situated at the outskirts of the city. There is grumbling in the people for it. I would request the hon. Minister of Law to consider seriously on the issue of de-limitation.

It has always been the effort of Election Commission to conduct fair elections and as a matter of fact fair elections are held in our country. It is true that some complaints are registered but we should ensure complaint free elections in our country. Our opposition friends have stated that this proposal was mooted by them. I would like to ask them that if it is their proposal why did they not brought the Bill in this regard when they were in power from 1977 to 1980? The hon. Prime Minister of our country has won the hearts of our countrymen by taking such brave and timely step. Some of our friends suggested that the time for campaigning elections should be reduced after the declaration of dates of elections. This should be reviewed and if it is possible, the time gap should be reduced.

In the end, I would like to suggest that the matter of de-limitation should be seriously considered. Similarly, the announce

[Sh. Dal Chander Jain]

ment of our worthy leader Shri Rajiv Gandhi about the implementation of Panchayati Raj and decentralisation of power is a historical event and thus he has suggested to transfer the power to the masses. I would like to congratulate our worthy leader and the members of his Cabinet for taking a step which is historical, timely and suitable to the requirements of the country.

[English]

SHRI SHANTARAM NAIK (Panaji): I rise to support the Representation of the People (Amendment) Bill. This Bill not only shows the determination, the will of the Government but also even the strong bonafides of our Prime Minister are revealed in this Bill.

The Constitution (Amendment) Bill was brought in the last session for the purpose of reducing the voting age. Thereafter, it has to be rectified by not less than one half of the State Assemblies. The process had gone through. Only two months back, we completed the process of getting it rectified by the State Assemblies. Now, as a consequence, we have to bring this amendment to the Representation of the People Act. Now, if our bonafides were not strong, if our will was not strong, we could have said that only after the entire process is completed, only after this Bill is today passed, the rolls can be prepared by the Election Commission. That process would have gone on till monsoon or even after monsoon, so that if we had elections, we do not know whether the younger generation would have been entitled to vote or not. But despite that, despite this process of formalities, the Election Commission has started the process of preparing the rolls and those who are opposed to the reduction of the voting age have now started raising technical objections asking how the rolls have been started to be prepared, when we had not completed the various formalities. What does it indicate? This only indicates that as we said in the past also, the Opposition Parties are opposed to this measure and only when we started taking measures, they

started beating their drums and said, "We have said it in such and such a meeting, we have said it in such and such a year" and all that sort of things. If their bonafides are correct, they would not have raised any objections, which they are raising today.

Lot of objections were raised from other sides also. But our Government has said it, and our Party has stated it if a boy of 18 years of age can defend the country, can defend the sovereignty of this country by sacrificing himself, is he not entitled to cast a simple vote? If a girl of 18 years can share the burden of a family, can produce children, nourish them and bring them up, to be the citizens of the country, can that girl not cast a vote in the election? This was our argument by which we have the people this voting right.

Shri Madhav Heddi had mentioned that the qualifying date may be only this year. But the provision clearly states:-

"Provided that 'qualifying date', the relation to the preparation or revision of every electoral roll under this Part in the year 1989, shall be the 1st day of April, 1989."

This provision is very clearly there and therefore there is no question of getting confused in this manner. But as far as the objection with respect to the electoral rolls which are being put forth is concerned, I would urge upon the hon. Minister to see that things are really rectified in a proper manner. Otherwise, after we complete all this process, after we give the voting right to the younger generation, the people will go to the courts to challenge it on some procedural ground to deny the younger generation the voting right. Therefore, in our interest, in the interest of the Government and in the interest of the younger generation it is very much required that we should rectify the procedure in a proper manner.

As far Goa is concerned, I know that 16th is the date of the publication of the electoral rolls. So, how the things will shape, whether the retrospective clause which is there can cure that defect or not, it may kindly be seen.

Lastly, I would like to say that as far as delimitation is concerned, no doubt, there is a bar in the Constitution about it, that till 2000 AD the Census figure of 1971 has to be considered. But this was there even in case of Goa Mizoram and Arunachal Pradesh the States which were born very recently. Delimitation of Arunachal Pradesh, Mizoram and Goa was done in 1988 on the basis of the Census figures of 1971. You can imagine that! That was the lacuna which was there and the Election Commission in my humble submission would have certainly taken the figures of the 1981 Census if they were available.

Secondly, there are respective laws which granted statehood to these States. What did they say? They said that regard has to be had to the provision of the Constitution. Regard did not mean any time you could resort to the figures of 1971 Census for the purpose of delimitation of constituencies for the new born States like Arunachal Pradesh, Goa and Mizoram—born in 1988—and this aspect has to be considered.

13.00 hrs.

*The Lok Sabha adjourned for lunch till  
Fourteen of the Clock*

*The Lok Sabha re-assembled after Lunch  
at five minutes past Fourteen of the Clock*

[MR. DEPUTY-SPEAKER *in the Chair*]

REPRESENTATION OF THE PEOPLE  
(AMENDMENT) BILL-CONTD.

[*English,*

SHRI SYED SHAHABUDDIN (Kishan-ganj): The Bill before us, for the most part, is a technical Bill and particularly the substantive clause 3, 4, 5 and 6. I have no reservation in supporting the Bill in general terms. But this is second time within this year that the government have come with an amendment to the Representation of the People

Act. I take it as a second instalment of the electoral reform. But I hope that it is not the end of the line because many proposals still appear on the national agenda as far as electoral reform is concerned and I do hope that this Bill will be followed by another more comprehensive Bill to put into effect the various ideas electoral reform which have achieved the consensus of the nation.

I would also like to made one general point particularly relating to the revision of the electoral rolls. There are situations in various parts of the country and I am conscious of my own constituency, for example in Bihar, where long term residents have been summarily excluded or their names deleted from the electoral rolls, shall I shay, on some illegal and understandable pretext. My humble suggestion very briefly is that if there is any long term resident whose name has already appeared in any electoral roll in the past, his name should not be deleted without due process of law if he is suspected to be not an Indian national but a foreign national, without a proper proceeding under the law of the land to establish his national status. I will not further labour this point. I think, we have got to make every possible efforts that the Assam like situation which is sought by many vested interests to be re-enacted in other States, shall be avoided.

Now I come to clause 2 of the Bill which relates to section 9 of the Principal Act. Frankly, it is a very cryptic section and worded in a manner which serves to confuse rather than to clarify. The hon. Minister in his Statement of Objects and Reasons simply says:

"Opportunity is also being availed of to amend section 9 of the 1950 Act for empowering the Election Commission to consolidate all information relating to Delimitation of Parliamentary and Assembly Constituencies."

He is not taken us into confidence about what information has come into the hands of the Election Commission, what experience has been gained by the Election Commission which requires this particular amend-

[Sh. Syed Shahabuddin]

ment. As far as I can see, the Order of 1976 refers only to the work of Delimitation Commission established under Act and after that under the powers vested in the Election Commission under the Representation of People Act the Order has been issued. There is no reference to any other Act or any other piece of Central legislation. Now what is sought to be done on the face of it is to harmonise the situation if certain orders are issued under any Central Act and if that create a contradiction or conflict with the delimitation order, then the Election Commission is sought to be empowered to remove that discrepancy. That is the apparent purpose of this. But the hon. Minister has not told us which Central Act does he have in mind or whether any such situations have so far come to his notice that any notifications or orders issued under any Central Act have, in fact, come into conflict with the provisions of the 1976 Order. I would request the hon. Minister to clarify this with reference to some illustrations that he might have in mind, actual or potential.

Finally, I find here in para 2 of the Statement of Objects and Reasons about the election Commission revising the electoral rolls covering all those who have now become eligible to vote. Now we know that everyone of 18 years of age has become eligible to vote. The qualifying date is 1st April, 1989. I would like to know whether the revised rolls which have already been prepared by the Election Commission, were prepared with reference to the 1st of January or the 1st of April. These are the two questions I have in mind and I would request the hon. Minister to clarify these. Otherwise, generally I support this Bill.

SHRI JAGANNATH PATTHAIK (Kalahandi): Sir, while supporting this Amendment Bill, I want to take the privilege to congratulate the hon. Prime Minister because it was his strong will and faith in the younger generation for the country and the

demand of the NSUI and the Youth Congress to give the voting right to the younger generation. It was the outcome of that that the Constitution (Sixty-First Amendment) Bill of 1988 was introduced and passed. After that, apprehensions have been going on that university campuses may become a hot bed for politicians and will lead to degeneration of the younger generation. But we have to keep faith in the creative capability and the sense of responsibility of our younger generation. If we think that the younger generation is a problem for us, that means we treat our future to be our problem. That is why, it was highly appropriate to create a sense of confidence, a sense of responsibility in the younger generation of the country. Now the Prime Minister has told openly that the country is safe in the hands of the future generation. So, it has created a great boom in the mind of the younger generation.

As a consequential measure after the Sixty-First Amendment Act, there was a necessity to amend some of the provisions of the Representation of the People Act, 1950. In order to validate the actions of the Election Commission and to make list of April, 1989 as the qualifying date for the persons with eighteen years of age to be eligible to vote, there is a necessity to amend section 14 of the 1950 Act. Also there is a need to amend section 19 of the 1950 Act because it will provide an opportunity for the 18 years voters to be eligible to vote. Amendment of section 9 of the 1950 Act also became necessary in order to empower the Election Commission to consolidate all information relating to Delimitation of Parliamentary and Assembly Constituencies.

In addition to this, I want to suggest that this opportunity should be used to introduce electronic voting system and photo identity cards and to take all other measures, for which we have already passed many legislations, to see that both capturing and other anti-social elements' predomination in the electioneering is completely curbed. There should be legal action for that. With these words, I support this Amendment Bill.

[Translation]

\*SHRI V.S. VIJAYARAGHAVAN (Palghat): Mr. Deputy Speaker, Sir, I whole heartedly support the representation of peoples (Amendment) Bill. By all accounts it is a revolutionary measure. By giving voting right to all those who have attained the age of 18 years, Shri Rajiv Gandhi has accelerated the pace of the transfer of power to the youth in the country. It represents a big leap in that direction. With this step the youth will be fully involved in the governance of the country. One hon'ble member from the opposition was saying that it is their achievement, as it was they who raised this question. I want to tell them that Kerala was the first state to lower voting age to 18 in the Panchayat elections. This was done by the Congress (I) Government under the Chief Ministership of Shri A.K. Antony and the Opposition friends might not have even thought about it. So there is no point in the opposition claiming credit for this measure. Coming back to the point I am sure this will further strengthen democracy, and the nation. I congratulate the Prime Minister for this. Sir, the base of democracy is election through which the people express their choice. And the base of election is the voters list. The voters list has to be correct and complete. In this connection I would draw the attention to the hon'ble Minister to the complaints which are coming from my state in respect of the revision of voters' list. Large scale manipulation of voters List has taken place there at the behest of the ruling party there. I have personal knowledge about it in my constituency. I am in possession of documentary evidence to prove it. There are cases where some persons are included in the list at different places. There are cases where in one list the residential addresses are given and in another list the address of the CPM Party office is given. There are also cases where the address of some of the voters is shown as the office of the Electricity Board. Under the rule the chief of the family has to sign the list after the enumeration of members is completed. I wonder who signed the list in this case. These are some of the clear cases of irregularities in voters' list in

Kerala. It is a very serious matter. Although the Election Commission is in charge of the preparation of electoral list, it is being prepared by the State Government officials. These officials belong to associations owing allegiance to different political parties. naturally their work will be coloured by political bias. I would therefore suggest that the entire work of preparation of the voters' list should be done directly by the Election Commission. The State machinery should be kept out of it. In this connection I would further suggest that those who are responsible for manipulating the voters' list should be severely punished so that it would act as a deterrent to others. In this connection I would request the Government to send observers to all the States from where serious complaint and rectify the mistakes.

Finally I would suggest that photo attached identify cards should be issued to the voters. This will eliminate the possibility of bogus voter. Therefore the Government must seriously consider this suggestion.

I once again support the bill.

SHRI CHANDRA SHEKHAR TRIPATHI (Khalilabad): Mr. Deputy Speaker, Sir, I support the Representation of the People (Amendment) Bill. The whole nation is proud that the Hon. Prime Minister has lowered down the voting age from 21 years to 18 years in order to strengthen the democracy. This step has been appreciated everywhere.

It is true that in view of the strength, courage and competence of the youth they should get an opportunity to participate in the democratic process and running the administration of the country. Sir, a number of the hon. Members have proposed this and it appears to be justified. It is true that the number of voters would increase to 5 crores. But it is generally found that the names of persons between the age of 12 and 14 are included in the voter's list while the real voters are deprived of casting their votes. Therefore, we welcome this Bill. We had hoped that a comprehensive Bill would be introduced which would have guaranteed

\*Translation of the speech originally delivered in Malayalam.

[Sh. Chandra Shekhar Tripathi

checking of impersonation and would have provided the facility of identity cards. The proposal of delimitation of constituencies is also justified.

We are making rapid progress and our population is increasing at a high rate. Even the isolated and deserted area are being developed for residential purpose and new towns and cities are coming up. Consequently, the number of voters have also increased considerably. An M.P. is elected by 9-10 lakh voters is a constituency which is more than the total population of a State like Sikkim. De-limitation is essential for the proper functioning of democracy and the Government must take this measure. There should be delimitation of the constituencies which have been kept reserved for the last 30 years, so that it may become evident that the principles of democracy are being followed in the real sense. According to the present practice, a number of non-serious candidates file their nominations in the elections as a result of which the list of nominees on ballot paper becomes too long and it takes at least 10 minutes for a voter to find out the name of the candidate whom he wants to vote. The Government should find out a way to eliminate the non-serious candidates. It is quite regrettable that antisocial elements are also getting involved in politics. The Government should take stringent measures to check their entry into the politics. Electronic machines enable fast counting. It is cheap and also enables to solve the problem of law and order. In view of this, I would urge upon the Government to provide electronic machines for elections. With these words I support the Bill.

SHRI DHARAM PAL SINGH MALIK(Sonepat): Mr. Deputy Speaker, Sir, through you, first, I thank the Hon. Prime Minister on behalf of the youth of the country for giving voting right to about 5 crore youth. I also support the Bill and would like to give some suggestions. All the speakers who spoke before me have repeated the same suggestions. I would first speak about the

utility of identity cards. Identity cards would not only identify the voters but also check bogus voting because 10 per cent of the voters are those who have registered their names at many places and thus they cast vote at all those places. Identity cards would curtail this malpractice. In the prevailing circumstances, anti-social elements engage in booth-capturing, adopt illegal methods to cast their votes and spoil the voting system. The identity card system would enable to curtail these mal-practices. Therefore, I would stress upon the need of issuing identity cards. In Haryana, the victory of the contestant depends not on his popularity or the number of supporters but on the support of anti-social elements. The more the support of these elements the better are his chances of victory. A man with high principles cannot win elections in Haryana. In case the situation is not controlled, people would lose faith in the present electoral system, and ultimately it would not be favourable. In order to win the confidence of people, election system will have to be made foolproof so that nobody can manage to create disorder and the candidate who enjoys popularity among the masses, is elected. Representation of the People (Amendment) Bill does not refer to impose any restrictions on the number of members in the cabinet in a particular State. In some States like Haryana, every third person is a Minister and every second person is a Chairman of a Board. My submission in this regard is that unless a serious thought is given to the matter and legal restriction is imposed over the number of Members in the State Cabinet, things cannot improve. The public money which ought to be utilised for the development of people is wasted. I would like to give an example. In Haryana if the Goojars do not have any representation in the State Ministry, they conduct a separate meeting. Same is the case with Jats.

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So this is what is happening there. Restrictions should be imposed on them. With these words I support the Bill and conclude.



[English]

SHRIPIYUSTIRAKY (Alipurduars): Mr. Deputy Speaker, Sir, the Representation of the People Amendment Bill has been brought forward by the hon. Minister. There is nothing to oppose here, but there is nothing new also, where the Government can take credit. It is the demand of the youth of the nation that people of 18 years must be given the right to vote and it is the victory for the youth of India for which they have fought for many years. Many of the States have already accepted this for Panchayat elections also. I can cite West Bengal where they have given voting right to those who are 18 years and above in the Panchayat elections.

Sir, the election in our country is going difficult day by day. Now the election is not free and fair. As the hon. Minister is aware, we had a discussion also about this some-time back but this is not the time to discuss about what we have discussed. Now the politics has gone to money power and muscle power and the Government should think deeply about controlling this money power and muscle power in elections. Many of our friends from the ruling party and from this side have expressed apprehension that bad elements and goondas as are employed by the parties sometimes to influence the voters. Many times we have heard that booths have been captured and the actual voters, especially the poor category, the Scheduled Castes, Scheduled Tribes and Harijans are not at all allowed to vote. They are not even allowed to go to the booth. So, in that sense, the election in our country is becoming a farce and the people at large have no faith in the elected representatives. In some States, we have seen that the conduct of the elected people is not good. There is no code of conduct to them; they can be purchased, they can change their party and they can do anything to get some position in the Ministry or in the office. This sort of business is going on the election process in our country. So, the election rules must be made in such a way that the real representatives should be elected. Big zamindars are there, exploiters are there, black-marketeers are there and

they have got the influence of money power and muscle power. They are the people who are really representing in the Panchayats, Assemblies and others. So, one class of people, that is poor section of the people, is being neglected. They have got no representation in the elected bodies. They may belong to any caste, any religion or any language, but they are neglected. For instance, I cite Assam. The authorities are saying that some of them are foreign nationals. Whom should they go for the redressal and whether they will get voting right or not?

Even Scheduled Castes and Scheduled Tribes are on the mercy of the State Government as to whether they can be recognised as such. So long as Scheduled Castes and Scheduled Tribes remain on the mercy of the State Government, you will not be able to find out the actual number of these people. How are you going to provide reservation and other facilities which are extended to them? That would be a very difficult task. So, all these things should be kept in the mind of the Government. I think, the hon. Minister will think over it and take necessary steps.

[Translation]

SHRI AZIZ QURESHI (Satna): Mr. Deputy Speaker, Sir, I rise to support the Representation of People (amendment) Bill. It is true that the Hon. Prime Minister and the Government of India have done a commendable job by giving voting right to all those who have attained the age of 18 years, and history would bear testimony to it. But I would like to submit in this regard that at the time of preparing voters' list, the names of a large number of harijans, Adivasis, people of backward classes, even the whole colony or the whole village, are left out from the list deliberately. I would like the Government to introduce a provision or even an amendment of the Bill if required, so that the officers incharge for preparing the voters' list are held responsible for any such lapse wherein the names are left out and action can be taken against them.

Secondly, I would like to submit that the

[Sh. Aziz Qureshi]

people of backward classes or those who are economically poor and exploited are unable to make use of their right to vote, and if at all they use this right, either they are directed under some pressure or find themselves unable to make a proper use of it. Therefore, the Government should provide the facility of mobile polling stations with full police security everywhere, and Specially in those areas where the people are terrorised for casting their vote, so that people can cast their vote without any fear independently.

Mr. Deputy Speaker, Sir, the matter of issuing identity cards to voters has been raised in the House many times. I am of the view that identity cards should be compulsarily issued to every youth and every citizen of the country. I would like to appreciate the administration for introducing the provision of delimitation of constituencies. But people in many areas have still been deprived of getting the right to vote. I would like the House to pay attention to this matter, to review the situation and take measures so that people can make use of their right to vote without any fear.

With these words, I support the (Amendment) Bill.

D. R. G.S. RAJHANS (Jhanjharpur): Mr. Deputy Speaker, Sir, as time is short, I will confine myself to two to three topics only. I strongly emphasise upon the need to find some wage and means for eradicating the menace of booth capturing if we are interested in preserving the democracy in the country. Some suggestions have also been made by the leaders of the opposition in the House. In some parts of Bihar and U.P. and whole of Haryana booth capturing is blatantly practised. From such areas criminals are jumping into the political frag. If this trend is allowed to be continued unabatted, a time will come when only criminals will get elected to the House. On such an important issue both the opposition and the ruling parties must think seriously. Introduction of electronic machines and issuance of identity

cards will not yield any results so long as booth capturing is practised by the muscles men as this discourages genuine voters from casting their votes in elections because of the fear of incurring the wrath of goondas. Therefore in the sensitive areas, C.R.P.F. or B.S.F. should be deployed to enable the people to cast their votes; this is very essential for checking the criminals for getting elected to the House as mere passing of legislations will hardly serve any purpose. If the seriousness of the situation is not realised today, it will take a turn for the worse, making it very difficult to find a solution to it. So I request the Government to put an end to menace of capturing booths so as to ensure fair elections.

Secondly the use of electronic voting machines should be made familiar to the voters through giving wide publicity on Television.

In the end I would like to tell our opposition Members that a very good step has been taken by the Hon. Prime Minister to reduce the voting age to 18, and confer the voting right to the students. As such political parties should come to an undertaking that they will not disturb the students of 18 years of age who are studying in schools which is a common phenomenon in Bihar and U.P. If at all conversing is required, it will be done outside the schools.

In the end I support this Bill.

SHRI RAM BHAGAT PASWAN (Rosiara): Mr. Deputy Speaker, Sir, I support the Bill being discussed in the House. the reduction in the voting age to 18 years for students by the Hon. Prime Minister is an encouraging step for the Indian democracy. The name of the Hon. Prime Minister will be written in golden letters in the history. The youths are very jubilant at it.

Sir, as far as the voting is concerned, I would like to emphasise upon the need to make arrangements for the poor and weaker sections to cast their votes without any fear and strict action should be taken against the

persons indulging in bogus voting. A commission should be set up to make permanent arrangement for awarding strict punishment to persons preventing people from casting their votes and indulging in bogus voting.

Sir, the experience of 1977 is before us. Then Janta Party came in power with the help of bogus voting as genuine voters were not allowed to cast their votes with the help of muscles power. Therefore strict action should be taken against the persons indulging in bogus voting. As far as setting up of booths is concerned, in rural areas at some places villagers have to travel long distances for casting votes. So, I would like to suggest the Government to make voting arrangements in the villages itself having population of 500 and above, to enable the voters to caste their votes. Because villagers find it difficult to travel long distances thereby giving the opportunity for casting of bogus votes.

Mr. Deputy Speaker, Sir, the provision made in the Bill about delimitation is a good one. I would like to suggest to the Government to set up a committee to bring about changes in this area.

Sir, I support the provision of issuance of identity cards to the voters in the Bill. This is essential for the voters of weaker sections, to enable them to cast their votes.

With these words I thank you for giving me the opportunity to speak on the Bill.

[English]

DR. PHULRENU GUHA (Contai): Mr. Deputy Speaker, Sir, this is a simple Bill but it is a very very important Bill.

The Congress is a great believer in the youth of the country. Throughout the life of the Congress, it has supported the youth of the country. It is because the Congress has faith in the youth of the country that its Government has come up with this Bill.

This Bill reduces the age of voters from 21 years to 18 years.

Sir, usually youth are against the establishment knowing fully well that our Government has agreed to reduce the voting age. To us, the country is more important than our party. When we have voters list with people of 21 years of age, what are we witnessing in our State, particularly in my Constituency? I can give you a number of examples that boys and girls of 14 years of age were enlisted as voters at that time. When we pointed out that we were told that the matter would be looked into and it would be seen. What have we seen so far? but even after the date was over, we saw again and again that no action was being taken. They are not going to take any action even now. I am afraid that during this time boys and girls of 10-12 years of age would be included in the voters' list. I know that we can go on protesting against this but no action will be taken by the concerned authorities. The persons who are in charge of the elections and who are in charge of looking after the voters' list in our State cannot take action because they are afraid of the cadres of the ruling party.

Sir, before I sit down I would request that it should be found out as to what action can be taken or what verification can be made with regard to voters' list having false voters. This is not the time for me to speak about the false voting done there. I suggest that identity cards should be issued immediately and as soon as possible we must have the electronic voting machines during the election time.

With these words, I support the Bill.

SHRI SHARAD DIGHE (Bombay North Central): Mr Deputy Speaker, Sir, I support the Representation of the People (amendment) Bill, 1989. There are two parts in this Bill. The first part, according to me, is only consequential i.e. consequent upon the passing of the Constitution 61st Amendment Act, 1988, we have to amend Section 19 to incorporate the lowering of the age of the voters from 21 to 18 years. In fact, at that time itself, I had pointed out that while doing that constitutional amendment, this amendment was necessary in the Representation

[Sh. Sharad Dighe]

of the People Act. But somehow or the other it was postponed till that Constitution 61st Amendment Act was ratified by all the States. I can understand that. That part of the amendment was welcomed by every section of this House. It is not necessary to dwell upon the subject at this stage again.

Sir, the second part, which is contained in this Bill, is regarding Delimitation. My submission is that it is very vague. Not only that. But the Statement of Objects and Reasons also does not make clear or does not throw light upon the intention of the Government in making this amendment in Section 9 of the Representation of the People Act. In fact, the Delimitation has been frozen at the year of 1971 population under Article 81 and 82 of the Constitution particularly by the proviso which says:

"Provided also that until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies under this Article."

Therefore, this has been frozen at the 1971 population. Similarly, the reserved seats are also frozen to the population figures of 1971 as far as the proviso to Article 330 is concerned.

It says:

"Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census."

As far as delimitation and de-reservation are concerned, the figures of population are already frozen at 1971 and it is not possible

under the constitutional provisions to change any delimitation or reservation of the seat. Therefore, I do not, really speaking, understand the import or the meaning of Clause (aa) which is sought to be added to Section 9. It says:

"The Election Commission may, from time to time, by notification published in the Gazette of India and in the Official Gazette of the State concerned shall make such amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as appear to it to be necessary or expedient for consolidating with that Order any notification or order relating to delimitation of parliamentary or assembly constituencies issued under any Central Act."

Therefore, the Law Minister may explain as to what is exactly meant by it, what is intended under this clause, which are these orders which are to be consolidated and what is the purpose of this clause? If the delimitation or dereservation is not to be touched under the provisions of the Constitution and they are frozen at the year 1971 what further thing this Election Commissioner is going to do by taking the powers under Section 9 (aa)? What are these enabling provisions? What is the real intention? The Statement of Objects and Reasons also does not make it clear. It has not been made clear up till now to the House by giving illustration. Therefore, I would urge upon the Law Minister to clarify this point so that we will understand what is the purpose, meaning and intention of this clause which we propose to add.

KUMARI MAMATA BANERJEE (Jadavpur): Sir, I would like to congratulate our Government for bringing the Representation of the People (Amendment) Bill, 1987. We have already discussed the electoral reforms in this Session. Government has brought this amendment bill because of the urgent need. I would like to congratulate our Government because our Government reduced the voting age from 21 to 18 years. It is a welcome measure. I only want to point

out one or two things specially about my State as the time is limited at my disposal. I am not going to discuss about all the parts of our country and I will concentrate on my State only.

Actually, there is no democracy in West Bengal. If you see the voters' list, you will find that it is full of bogus voters. and in this voters' list, one person's name of one particular cadre is listed ten times in the voters' list. Each party cadre is giving at least ten votes in its own favour. I would request the Minister to please instruct the Election Commissioner to look into this matter and also to see whether this grievance is genuine or not. We have already represented to the Election Commissioner. We have recommended so many proposals and we have also personally met the Election Commissioner so many times. The voters' list is full of bogus and duplicate voters. These bogus and duplicate voters should be deleted from the voters' list. Otherwise, how do we expect fair elections? In my State, particularly, this fair election will become unfair election if this thing goes on. In our State, money power and muscle power always works during election time. If this thing continues, then there will be no value for democracy.

Today contesting of election is too much expensive. Now, no middle-class people can contest elections because of money and muscle power. Some elements are working with this money and muscle power. So I would request the Government to look into this matter very carefully.

-The Minister must be aware that so many Bangladeshis are coming to my State. Due to this infiltration, if you see the voters list you will find that thousands of Bangladesh people's names have been enlisted there. If you see the draft publication of 1st April, you will find that Bangladesh voters' names are enlisted there. One CPM member said that two foreigners' names are there in Tripura voters' list. I do not know about this. But in my state it is full. we have complained about this so many times and we

have even raised this issue in the consultative Committee meeting also.

To tackle this problem you kindly issue identity cards in the border areas. Otherwise, you cannot check this kind of infiltration. Because with the help of the local Panchayat and the CPM cadres, these Bangladeshis have enlisted their names in the voters' list. I do not know who are the citizens of India and who are the citizens of Bangladesh. There is no difference. So, I would request you to please look into these matters very carefully and issue identity cards for this particular border area.

I would like to say a few words about the electronic machines. Jadavpur which is a sensitive area is my constituency. This is a stronghold of Marxists. Since independence this was the first time that the Congress got this seat. In this particular constituency CPM does not allow any other political party to work. That is why I would request you to please allow electronic computer machines in that particular area.

Lastly, I would say that in West Bengal you have to give special attention at the time of elections. Because once Abraham Lincon had given definition for democracy as 'of the people, by the people and for the people'. But in West Bengal if you come there you will see that the Government is a government of the Marxists, by the Marxists and for the Marxists! they are using power like anything particularly during the election time. I want justice from you. This justice should not be denied and should not be delayed.

[Translation]

SHRI C.P. THAKUR (Patna): Mr. Deputy Speaker, Sir, I rise to support this Bill. It is revolutionary because the Hon. Prime Minister has given as opportunity to the youths to participate in the political process. All the miracles in the fields of religion, literature and science had been attained by the persons in their early ages and in the latter half of their lives they could achieve something by virtue of experience only. To cite a

[Sh. C.P. Thakur]

few examples, we can quote the names of Shankaracharya, Jesus Christ and Newton who did quite important work at a very young age.

One thing more has been raised in the House. *(Interruptions)*.....it has been alleged that in Bihar booth capturing takes place, but I say this is totally wrong. If even two persons in a village are against booth capturing then it is not allowed to be practised. Here is an example. In 1977 when the Congress Party was defeated at the polls and the Janata Party came into power because of booth capturing but same Janata party got a crushing defeat later, though their booth capturers were very much there to repeat their performance of 1977, but they were not allowed to do so. So, booth capturing cannot be alleged to have taken place in Bihar. This allegation is totally wrong.

Second issue is of the participation of criminals in politics as alleged by some of the hon. Members. When criminals go to people in time of difficulty and our so called intellectuals do not go, the former will only be voted to power. It is fact that the intellectuals are shy of going to the people and think of getting elected without approaching them. When such is the situation then criminals will only join politics.

With these words I thank you for giving me the opportunity to speak. I support this Bill.

SHRI ABDUL RASHID KABULI (Shrinagar): Mr. Deputy Speaker, Sir, I rise to support the Bill and voting rights given to 5 crore youths is a praise worthy step.

I think in present contexts we are facing three major difficulties in holding free and fair elections, i.e. misuse of Government machinery, use of muscle power and money power. Because of these factors free and fair elections have been facing trouble. However the persons having faith in democracy in the country want democracy to be preserve in

the country. If a Government comes to power because of the misuse of the Government machinery and with the help of muscle power, the very existence of the country will be endangered. The main strength of India lies in unity and integrity of the people and if the democracy is allowed to be weakened, the results will be very suicidal. In 1985 Parliament elections, condition worsened in the state of Jammu and Kashmir, then the Election Commission deployed C.R.P.F. and B.S.F. for holding fair elections, but in the assembly elections of 1987 exactly opposite happened. This is dangerous for the country because at that time people in Jammu and Kashmir were deprived of the voting rights and official machinery was grossly misused resulting in the present chaos. In the 1987 elections, the voting rights were denied to the youths through the misuse of official machinery and the election results were totally distorted ones. I would like to mention the rigging which took place in 25 to 30 constituencies in the state thereby totally annoying the voters there... *(Interruptions)*... In the State emphasis is being laid upon the power of bullets not ballot. In the matter of elections all of us should be pretty watchful and if the democracy is to be strengthened, then the power of the ballot should be relied upon and the voting right of the people is required to be protected.

[English]

PROF. N.G. RANGA (Guntur): Mr. Deputy Speaker, Sir, I would like to congratulate the Election Commission for the very good reputation they have gained for India's democracy. They have done their work so well, during all these years—nearly half a century—that they have enabled us to have free and clean election process, when compared to other countries, which are supposed to be democratic, especially the developing world. India's is the best election system; thanks to the very efficient manner in which the Election Commission had conducted our elections. At the same time, it is necessary that the Government should provide further protection and strength to the Election Commission.

Secondly, booth capturing has become a disease. In many places, it is not only the communal factions which are worked up, but caste factions and rivalries are also worked up. These are responsible for the success of the so-called booth capturing in a large number of areas.

It is all right, to extend the franchise to the young men and women. But, when it comes to young women, it becomes a special responsibility of the Election Commission to ensure freedom for the young women to go to the polls and cast their votes. That means, you have got to have much larger police force and security force, than what is being made available to the Election Commission. Therefore, it is necessary to have the election process over a number of days, not on the same day, not within the same week, but over two or three weeks, so that the police force which are detailed to do work in one area, would have enough time to go to another area also, to do their work.

15.00 hrs.

As far as possible the police force must be inter-mingled as between castes and communities so that there would be some safety for the people of one caste in an area from the violence of the people of another caste. The police force has got to be strengthened and the police force of one district should be detailed to do work in another district and as far as possible communal and caste interests have got to be kept in mind so that their prejudices do not come into play so far as the elections are concerned.

Sir, we have got the backward and the poorer classes and the Harijans. These are socially dis-abled people which are under great distress and pressure. They have to be given protection. How and in what manner it should be done a special thought has to be given for that. Electronic machines have got to be introduced everywhere. There should not be any exception to that. Identification cards are needed not only in the strategic, sensitive and border areas but over the whole country. It may cost lot of money but it

is much better to ensure the success of our democracy by helping people to vote in a genuine manner and preventing spurious people from posing as if they are the real voters although they are not the real voters of that place. These safeguards have got to be taken by the Government and they have to see to it that our democracy becomes much more effective and genuine than what it is today.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF WATER RESOURCES (SHRI B SHANKARANAND): Mr. Deputy Speaker, Sir, at the outset I must express my gratitude to all the hon. Members who have participated in the debate and unequivocally supported the Bill. Members have expressed their concern mostly for the conduct of free and fair elections. Views have been expressed regarding the electoral reforms which are not at the moment the concern of the Bill. The Bill is limited to the extent of enumeration of the voters falling within the age group of 18 to 21 and revising the voters' list to that extent.

I am grateful to the Members for their serious concern for the effective functioning of the democracy and the participation of the youth also within the age group of 18-21 years. First I will take up the issues which are very relevant to the Bill. A few Members have expressed their concern about the provisions of the Bill. They have expressed their doubts. Some Members have sought clarifications. They have said that there is not enough clarification in the statement of Aims and Objects of the Bill. The only Member who has suggested amendments to the Bill is Mr. Shahabuddin and his amendments are especially with reference to Clause 2. Sir, before I go into the area of clarification, as sought by the hon. Members with regard to the certain Clause of the Bill, I would like to say that after the introduction of this Bill, I am getting it passed, of course, with the support of the House in time, so that the youth of this country, specially falling within the age group of 18 to 21 can exercise their right of franchise in the coming elections of Parliament or in the Assembly elections. It

[Sh. B. Shankranand]

shows the intense desire of the Government and the Prime Minister to involve the youth of this country, not for the purpose of campaign of elections, but for the purpose of showing their way up to influence their choice with regard to elections of the candidates who are supposed to represent them in Parliament. This intense desire and concern is of the Prime Minister and the Government. The senior most leader in the House, Prof. Ranga has just now said about the objective functioning of the Election Commission regarding the conduct of elections of a fair and free manner. I do not want to waste the time of the House because matters regarding the corrupt practices, impersonation of the voters, booth capturing and other matters have already been dealt with at that time itself when we took up the Constitution Amendment Bill and the People's Representation Act. All these things have been discussed in detail and so, I need not dwell upon those issues once again and waste the time of the House. For the purpose of clarifications sought by Mr. Shahabuddin and Mr. Dighe, with regard to Clause 2, which seeks to amend Section 9 of the Act of 1950 by adding Clause (aa), I wish to quote Section 9 of the Act of 1950. Section 9 says:

*"Power of Election Commission to maintain Delimitation Order up-to-date:*

- (1) The Election Commission may, from time to time, by notification published in the Gazette of India and in the Official Gazette of the State concerned:

- a) correct any printing mistake in the Delimitation of Parliamentary and Assembly Constituencies Order, 1966 or, as the case may be, the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 or any error arising therein from inadvertent slip or Commission;

- b) where the boundaries or name of any district or any territorial division mentioned in the Order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the Order up-to-date.

- (2) Every notification under this Section shall be laid as soon as may be after it is issued, before the House of the People and the Legislative Assembly of the State concerned.

This is the provision in 1950 Act as it stands under Section 9. What is the amendment that we are seeking for this Section?

Clause 2 says:

"In section 9 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act), after clause (a), the following clause shall be inserted:

"(aa) make such amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as appear to it to be necessary or expedient for consolidating with that Order....."

I repeat:

"....as appear to it to be necessary or expedient for consolidating with that Order any notification or order relating to delimitation of parliamentary or assembly constituencies (including reservation of seats for the Scheduled Castes or the Scheduled Tribes in such constituencies) issued under any Central Act."

From the plain reading of this clause, I would say that it has not given any power to the Election Commission to change the constituency; the only power that we are giving to the Election Commission is that



they should consolidate such orders as appear to be necessary or expedient for consolidating with the order of 1976.

Perhaps the hon. Members have lingering doubts in their minds that some authority is being given to the Election Commission. As I said earlier, and as is clear from the plain reading of the Clause, we are not giving any power except the power to consolidate such Orders as appeared to be necessary or expedient for consolidating with the order of 1976. This has given an impression in the minds of the people that something fishy is there and it has not been mentioned in the Statement of Objects and Reasons.

The hon. Members who had sought to amend this has, of course, not expressed his doubt about the authority or power to be given to the Election Commission, except that he wants to know as to which are the Orders which the Election Commission wants to consolidate. I think, I have understood him correctly.

Now, delimitations of constituencies occurred in 1972. In 1976, the Order was passed. Thereafter, many Central Acts have been passed which have to be put together by the Election Commission, so that they are available at one place for the purpose of convenience.

**SHRI K RAMACHANDRA REDDY** (Hindupur): will you please give an example so that we are able to understand? I am not able to make out. What are those orders which you want to consolidate? Why is this amendment necessary? The purpose of this amendment is not understood by us.

**SHRI SHARAD DIGHE:** Please give some illustrations.

**SHRI B SHANKARANAND:** I was about to tell you that. Kindly have patience and listen to me.

The Orders that are to be consolidated are the delimitation orders that have been passed thereafter with regard to Goa,

Mizoram and Arunachal Pradesh. These orders have been passed after 1976. We gave Statehood to Goa recently; the strength of the Assembly was raised. This power has been given to the Election Commission.

So also the Mizoram and Arunachal Pradesh. As I said, the order relating to the delimitation will be available in one place in a consolidated form.

Sir, the Central Act with regard to the State of Mizoram Act, 1986 (Act 34 of 1986) and the State of Arunachal Pradesh Act, 1986 (Act 69 of 1986), the Election Commission has been vested with the power to delimit the constituencies in the new States and also to reserve seats for Scheduled Tribes. The power to consolidate those orders with the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 is not specifically available under either section 8 of the Representation of the people Act, 1950 referred to above or section 9 which refers only to correction of printing mistakes in the 1976 order.

So, the Election Commission itself sought the authority from the Parliament so as to have the power to consolidate these things. Besides this, I think the Hon. Members have no doubt about the power and authority of the Election Commission.

**SHRI K. RAMACHANDRA REDDY:** What exactly do you mean by consolidating?

**SHRI B. SHANKARANAND:** Consolidating means putting all the orders together.

With regard to the qualifying date, some Hon. Members have expressed their appreciation for the advanced action taken by the Election Commission. The qualifying date which has been indicated is 1st April, 1989. Some Members have expressed their doubts as to whether it is going to be continued in future also. If you read the amendment itself, it is only with reference to a particular year, i.e. 89. It has been very clearly given in Clause 4.

[Sh. B. Shankaranand]

So, Sir, these are a few things which perhaps are relevant to the clauses of the Bill and about which the Hon. Members have expressed their observations and reservations. I am not taking up the points which are not relevant to the clauses of the Bill as I do not want to take much time of the House. Moreover, they have already been discussed.

The Election Reform is a continuous process. As one Member said this is not a one-time affair. Many things are yet to come before the House. In a parliamentary democracy where we are thinking of revolutionizing the social change to create an egalitarian society through peaceful means, through the election process, we have to give protection to the States so that they have a right to have a Government of their own choice. So, the electoral reform is a continuous process and as we gain experience in the field of elections, we will come before the House with many more amendments which the House will appreciate and pass. I don't want to take much time of the House.

SHRI SYED SHAHABUDDIN (Kishanganj): I had requested one more clarification, about the revised rdes which are now under finalisation. What was the qualifying date? Was it the 1st January, 1989 or was it 1st April, 1989? That point has not been cleared. And if it is April, 1989, then the question of retrospectivity, as raised by the Hon. Member, does arise.

SHRI B. SHANKARANAND: Clause 6 makes it amply clear and it says:

"All things done and all steps taken, before the commencement of this section in relation to the preparation or revision of electoral rolls under part III of the principal Act in the year 1989 shall, in so far as they are in conformity with the provisions of the Principal Act, as amended by sections 3 and 4 of this Act, be deemed to have been done or taken under the principal Act as amended by

those sections as if the principal Act as so amended was in force at the time such things were done or such steps were taken."

So everything is done from First of April.

Sir, all the hon. members who participated in the debate have unanimously supported the Bil. I hope that the House will unanimously accept the Bill.

MR. DEPUTY SPEAKER: The question is:

"That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration."

*The motion was adopted*

MR DEPUTY SPEAKER: The House will now take up clause by clause consideration of the Bill. On Clause 2, Shri Shahabuddin, are you moving your amendments?

SHRI SYED SHAHABUDDIN: In the light of the explanation given by the Minister, I withdraw my amend ments.

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

SEVERAL HON. MEMBERS: Yes.

*Amendments Nos. 1 and 2 were by leave, withdrawn*

MR. DEPUTY SPEAKER: The question is:

"The Clause 2 stand part of the Bill".

*The motion was adopted*

*Clauses 2 was added to the Bill*

MR. DEPUTY SPEAKER: There are no

amendments to clauses 3 to 6, the question is:

"That clauses 3 to 6 stand part of the Bill".

*The motion was adopted*

*Clauses 3 to 6 were added to the Bill*

MR. DEPUTY SPEAKER: The question is:

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

*The motion was adopted*

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

SHRI B. SHANKARANAND: I beg to move:

"That the Bill be passed."

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill be passed."

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Deputy Speaker Sir, in the third reading, I would just like to seek a clarification from the hon. Minister on one very important point. This is a very simple amendment. After having reduced the voting age from 21 to 18, it has got to be incorporated in the Representation (8) of the People Act. Accordingly, it is being done and the electoral rolls are being revised. I have nothing to say about it.

This reduction of voting age from 21 to 18 is a historic step. Barring four or five countries, all over the world the voting age is 18. So, it is in the fitness of things that in the largest democracy also, it should be brought down to 18 from 21. This step has generated a lot of enthusiasm among our youngsters. But there is a dark aspect to it. Now, most of

the students in educational institutions who are studying in + 10 and above classes will become voters. This means that the students studying even in the junior colleges also become voters. We welcome it. We have tremendous faith in the youth force and they will now have a very effective participation in the affairs of the State. But there is one lurking fear too. I have spoken to many professors. Many professors and guardians are apprehensive that the educational institutions may be turned into political battlefields. Therefore, proper remedial measures should be taken well in time to prevent this.

MR. DEPUTY SPEAKER: Dr. Raj Hans has already made this point. Please sit down.

SHRI SRIBALLAV PANIGRAHI: I would just like to give one suggestion and seek a clarification. Please permit me. This is a matter of great concern for all of us. Enthusiastic young voters in educational institutions may erect Pandals and invite all political candidates at the time of parliamentary elections or assembly elections. But do we have the time to attend to all those things? But if we do not oblige them, what will be the repercussions? I have one simple suggestion. Temples and other religious places are not to be used for publicity and propaganda purposes. The priests and devotees are no doubt voters. But they cannot carry out publicity or propaganda work from religious places. So, there should be a similar provision in the relevant law prohibiting election publicity and propaganda in educational institutions. It will have a very good effect. Since last several years I think from 1975-76, we have not gone in for the delimitation of constituencies. So many changes are there. Have the Government any proposal now for going in for the delimitation of the constituencies and also debarring prohibitory election propaganda in educational institutions? For that, serious thought should be given by the Government.

SHRI B. SHANKARANAND: I do appreciate all the fears of the hon. Member but they are not relevant to the provisions of the Bill.

MR. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted*

15.26 hrs.

**PUNJAB PRE-EMPTION (CHANDIGARH  
AND DELHI REPEAL) BILL**

[English]

MR. DEPUTY SPEAKER: Now, the House will take up Punjab Pre-emption (Chandigarh and Delhi Repeal) Bill.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV): I beg to move:

"That the Bill to repeal the Punjab Pre-emption Act, 1913, as in force in the Union Territories of Chandigarh and Delhi, as passed by Rajya Sabha, be taken into consideration."

Sir, the Chief Commissioner's Province of Delhi was created out of certain areas taken from the former Province of Punjab in 1912. The Pre-emption Act was enacted in Punjab in 1913 and it was extended to the said areas of Delhi which were earlier parts of former Province of Punjab. The Act continued to be in force in the areas of the Union Territory of Delhi to which it had been originally extend, with the exception of the areas to which the Delhi Land Reforms Act, 1954 became applicable subsequently. This latter Act now governs right of pre-emption in respect of agricultural land in the areas to which it applies. The areas to which the Punjab Pre-emption Act, 1913 is now applicable in Delhi are the walled city of Delhi, 51 urbanised villages and urbanised portions of 18 other villages.

The Union Territory of Chandigarh was earlier a part of Punjab and therefore, the

Punjab Pre-emption Act, 1913 is applicable in that territory also.

The Act specifies the categories of persons, in the order of priority, who have the right of pre-emption in respect of rural and urban immovable property whenever it is proposed to be sold or transferred.

Sir, due to the following reasons, its repeal has been proposed in the Union Territories of Delhi and Chandigarh:—

- (i) It is an archaic piece of legislation which does not fit in the present day society;
- (ii) It places unreasonable restrictions on the free transfer of property and is also against the spirit of the socialistic pattern of society; and
- (iii) It leads to unnecessary and undesirable litigation.

Sir, the law of pre-emption gives a preferential right to a person to purchase properties in a Mohalla. This custom has become out of date. The Punjab Pre-emption Act, 1913 has been repealed in the State of Punjab.

The Metropolitan Council of Delhi has considered and recommended the repeal of the Punjab Act. It is considered necessary to repeal the Act in the Union Territories of Chandigarh and Delhi.

Sir, thus it is a Bill to repeal the Punjab Pre-emption Act, 1913 as in force in the Union Territories of Chandigarh and Delhi as it does not fit well in the present circumstances.

Sir, the Bill was generally welcomed in the Rajya Sabha. I hope that this will also be welcomed by this House. I commend this Bill to the House for consideration and acceptance.

MR. DEPUTY SPEAKER: Motion moved:

That the Bill the repeal the Punjab Pre-emption Act, 1913, as in force in the Union Territories of Chandigarh and Delhi, as passed by Rajya Sabha, be taken into consideration."

Shri B.B. Ramaiah.

SHRI B.B. RAMAIAH (Eluru): Mr. Deputy Speaker, Sir, this Bill, that is, the Punjab Pre-emption Act, 1913, as in force in the Union Territories of Chandigarh and Delhi. The Union Territory of Chandigarh was earlier part of Punjab and now it has been separated from Punjab.

In 1913, the Bill was passed to give particular rights to various people.

The Punjab Pre-emption Act, 1913 was enacted in Punjab in 1913. This Act, as amended up to 1938, was extended to Delhi in March, 1939, only to that portion of Delhi which is mentioned in Schedule A to the Delhi Laws Act, 1912, namely, that portion of District of Delhi comprising the Tehsil of Delhi and the Police Station of Mehrauli.

The territory now constituting the Union Territory of Chandigarh was earlier a part of Punjab. As such, the Punjab Pre-emption Act is applicable in that Union Territory. This law of pre-emption was based on particular considerations, under which strangers should not be allowed to own property in a Mohalla mentioned therein. This Act enables a person having a preferential right to purchase all properties in a Mohalla. The custom of not allowing strangers to own property in that Mohalla was maintained because of the conditions prevailing at that time.

The Punjab Pre-emption Act, 1913 was repealed in the State of Punjab by the Punjab Pre-emption (Repeal) Act, 1973.

Actually they should have, at that time, taken steps to introduce this Bill also, along with the 1973 Bill. But I do not know the reasons why it was postponed and delayed. The Minister has said that it was due

to various factors, and that now they would like to take it up, because of the number of cases pending in courts, and of the legalities which are causing problems. He said that we should be able to eliminate disputes, especially in the Union Territory of Delhi.

I was just wondering whether he has taken enough support from minorities and elicits their suggestions and opinions. That is the only point on which we should be careful, because this affects only the minorities, their rights and their security. However, in regard to the rest, there is no problem. They must have done it on the basis of the present circumstances. We should not bother about it. They say that it has been approved by the Metropolitan Council of Delhi. Probably, they have taken the entire responsibility regarding the interests of minorities and various other people in the Delhi metropolitan area which forms a major portion of the territory. If this has happened, probably there should not be any problem. I really wish that he is able to take sufficient precaution in the case of minorities. If he has taken that precaution, there is no problem.

With these words, I support the Bill.

SHRI GADADHAR SAHA (Birbhum): The main objective of this Bill is to repeal the Punjab Pre-emption Act, 1913 which is in force in the Union Territories of Chandigarh and Delhi, and also to prohibit the courts in these two Union Territories from passing any decree in any suit for pre-emption.

The Union Territory of Chandigarh was earlier a part of Punjab; and the Punjab Pre-emption Act was once extended to the area of Delhi, which was earlier a part of former province of Punjab.

The areas of Delhi to which this Act is applicable are the walled city of Delhi, which includes urbanized villages in the Union Territory of Delhi. So, the Act is in force in both the Union Territories, viz. Chandigarh and Delhi.

The Punjab Pre-emption Act, 1913 was

[Sh. Gadadhar Saha]

repealed in Punjab by the Punjab Pre-emption (Repeal) Act, 1973. Moreover, the Metropolitan Council of Delhi debated this Bill, and considered it necessary to repeal the Act on the ground that it was a dead piece of legislation, it was inconsistent with modern ideas and it had put unreasonable restrictions on the free transfer of property, and led to unnecessary litigation.

The right of pre-emption is correctly characterised as a legacy and relic of the feudal past; and this is totally inconsistent with the constitutional scheme and modern ideas. The reasons that justified its recognition more than a quarter century ago, is today totally irrelevant. This feudal legacy and relic is being removed through this measure. I support this Bill on behalf of my party.

As regards free transfer of property and litigation, the Central Government should have a fresh look at Delhi land problems, for the DDA is more involved in speculative land dealings and Delhi Administration also paid on the one hand a very very little compensation or low market price to the farmers for acquisition of their land in the urbanised villages in the Union Territory of Delhi, depriving them of their alternative house sites and adequate compensation and market price for their land and allowed on the other hand DDA to sell the same land for residential. Commercial and any other Government projects at exorbitant rates beyond the paying capacity of the small salaried group people and ordinary citizens. So, my request is that the legitimate interest and rights of these farmers and this group of people should be protected. Moreover, the DDA has failed to protect and utilise the land already allotted to it, a substantial part of which is either the subject matter of litigation or under unauthorised occupation. The Central Government must stop such trading in land by DDA.

[Translation]

DR. G.S. RAJHANS (Jhanjharpur): Mr. Deputy-Speaker, Sir, this Bill should have

been brought much earlier by the Government. It is surprising that we should talk of such things in these progressive times. The law of Pre-emption has been enforced not only in Delhi but in other States also. I can say from personal experience that a member of a family desirous of selling some part of the family land was asked not to do so as it would disturb the family's privacy. This Bill prohibits the sale of land to strangers as their presence would disturb the privacy of the neighbourhood. Whereas the fundamental rights say that a citizen of this country can buy or sell land anywhere in the country. This in itself is a product of feudal legacy. When this Bill was first introduced in 1913 its objective was to protect the privacy of people by not allowing strangers into the neighbourhood. Having read the entire background against which this Bill was introduced I am convinced that the conditions prevalent in 1913 are in no way relevant today. I have read the entire proceedings of the Rajya Sabha debate on this matter. Over there it was said that views of the minorities should be taken into consideration, because the minorities would be affected. But this will hardly affect any of the minority communities. Instead it is the poor who will be affected most as this Bill does not offer any scope for outsiders to buy land.

I congratulate the Government for the timely introduction of this Bill. If the law of pre-emption is in force in other parts of the country it should be withdrawn. Everyone in the country should be allowed to exercise his right of buying property. Fundamental rights should be honoured. I would say that this is a very progressive step. I request all minority communities to side with the Government in this matter. This Bill has been brought at the right time although its introduction earlier would have been much better. This law was withdrawn in Punjab a long time back. There is no point in continuing with it in Delhi and Chandigarh.

I whole-heartedly express my support for this Bill.

SHRI RAM NARAIN SINGH (Bhiwani)

Mr. Deputy-Speaker, Sir, I oppose the Punjab Pre-Emption Act, 1913. This Bill was passed during the time of Britishers to protect the property of small farmers and poor people. At that time farmers in Punjab took loans from money-lenders who in turn used to mortgage their land and then owned those lands. The Britishers felt that farmers should be protected as they were an arm of the Indian Army and assisted the Government during times of war. So the Pre-Emption Act, 1913 was enacted to save small farmers from the clutches of money-lenders. This law was enforced in the towns where it was useful as a protection against take-over of entire neighbourhood. But at the village level this Act was a means to thwart money-lenders from acquiring land belonging to farmers. If the need arose, the land was sold to people within the clan or to the person who owned the adjoining piece of land. The cultivators could also be given the right to purchase land. The Britishers made several other Acts besides this one. Previously, Haryana and a part of Himachal Pradesh were part of Punjab and this law was enacted to protect farmers over there. A Golden Act was also made for the farmers. As the fundamental rights have come into being it becomes all the more important to pass this Bill. This is the unanimous view of the entire House. But I personally feel that if this Bill is passed it will be detrimental to the interest of small farmers and poor people. Farmers of Delhi have only 3-5 acres of land and they will be subjected to injustice if this Bill is passed. The Government is turning a blind eye to this injustice. Members of the ruling party say in the House everyday that a maximum of Rs. 21/- is being paid as price for one square foot of land. Rs. 1.25 lakh are given for one acre of land. In other villages land cannot be bought for even Rs. 2,000 per square foot. Here land costs Rs. 10,000 per square foot. Villages have become slums and farmers have become labourers. Today farmers pull rickshaws otherwise they would have become millionaires. This point has been raised many times by members of the Congress (I) and other parties. Yet the injustice continues. Development or other charges may be taken but the rest of the amount

should be given to farmers. The Repeal Bill will be detrimental to the interest of small farmers. Some villages coming under Delhi and Chandigarh have been left. In other villages farmers have been put to a lot of trouble. This is the policy of a Government which calls itself pro-farmer. I oppose this Bill as it is detrimental to the interests of farmers and poor people.

[English]

SHRI G.M. BANATWALLA (Ponnani): Mr. Deputy-Speaker, Sir, the Bill seeks to repeal the law of Pre-emption and to provide that no court in the Union territories of Chandigarh and Delhi shall after the commencement of this Act pass a decree in any suit for pre-emption.

Sir, I submit that this Bill has been brought without any serious application of mind. There has been no serious application of mind with respect to the provision of law, which is sought to be repealed through this Bill. This is very obvious from the Statement of Objects and Reasons itself, and I quote

"The law of pre-emption is based on Mohammadan law and custom according to which strangers should not be allowed to own property in a Mohalla to maintain 'Purdah System'. This Act enables a person having preferential right to purchase all properties in a Mohalla. The custom of not allowing strangers to own property in a Mohalla to maintain 'Purdah System' has become out of date."

Such a thing goes on in the Statement of Objects and Reasons. I take a strong exception to this, which has been incorporated in the Statement of Objects and Reasons. It is totally misleading. I heard the hon. Members who spoke before me. I found that the Statement of Objects and Reasons has fully succeeded in misleading the various Members here.

Sir, the Statement of Objects and Reasons clearly shows that no attempt whatso-

[Sh. G.M. Banatwalla]

ever has been made to understand this law and the situation. The right of pre-emption is the right of a person to buy a land or a property in preference to another on the same terms, on the same genuine terms. But it is not a very general law so that our Government may come forward and say that a person may get up and buy all the properties in a Mohalla whatsoever. What is all this? It shows a total misunderstanding of the law of pre-emption. It should be understood that the land or the properties sold must be conjoined to the law of pre-emption. That is an essential condition for the application of this law.

The second essential condition is that there must be title of one partner in joint property to the share of another partner. It is only then this law come into force, and not that one Mr. X gets up, does not allow any stranger to come in a Mohalla, and buys all the properties of the Mohalla in preference to anybody else. I think, it is high time the Government should withdraw this particular piece of legislation that they have brought without understanding of the situation.

Sir, we are further told all sorts of things and wild attack has been made on the Muslim Law. The concept of pre-emption has been introduced by the Muslim law. Hamilton's *Hedaya*—*Hedaya*, of course, but I mean *Hedaya* as translated by Hamilton—Vol. III, page 591 says and I quote:

"Besides, according to our tenets, the grand principle of shufaa—this is just a pre-emption—is the conjunction of property, and the object... to prevent the vexation arising from a disagreeable neighbour..."

It is a doctrine of convenience. All sorts of things have been brought. Purdah system—it has gone outmoded. This law is to uphold purdah system which is all outdated. What is all this? This is where we have a doctrine of convenience. The law of pre-emption is founded on the doctrine of convenience and

this concept was introduced by the Muslim legal system.

In *Audh Behari Singh V. Gajadhar Jaipuria*, AIR 195, SC 417, the Constitution Bench of the Supreme Court observed: "The Courts in British India administered the Mohammedan law of pre-emption as between Mohammedans entirely on grounds of justice, equity and good conscience." So, here this is the question of partners. It is the question of a land or property which is conjoined to the land of the pre-emptor. It is the question of one partner in a joint property having legal title to the share of another person. Looking at this law of convenience, in course of time, Hindus also came to adopt pre-emption as a custom for reasons of convenience. This also was observed in the same case to which I have just referred. We are being told it is an outdated law, an outmoded law and all sorts of things. Does the hon. Minister know what our courts have said about this law and its grand principles? In several judgements our courts have come forward to pay tribute to this concept of pre-emption which is the concept of shufaa in the Muslim law, and they have said that it is a grand principle. They have praised this principle. They have said it is based on justice, it is based on the law of convenience, it is based on the law of equity. I may refer to the judgement of the Allahabad Court in *Sant Ram V. Labh Singh*, AIR 1962—this is AIR 1962; I am not referring to 1662—SC 199. Justice Srivastava observed and I quote:

"Harmonious enjoyment of the joint property, therefore, can be secured only if a co-sharer is given a preferential right to purchase the share of another co-sharer."

So, this is the principle. We are concerned with joint property. The law of pre-emption does not apply to any property and every property. It applies to only such categories of properties which are joint properties. There are co-sharers, one sharer having a preferential right to the purchase of the property over anybody else on the same genuine terms. And our courts have upheld the



constitutional validity of the same. They have also said that it is a principle based on the question of convenience, justice and equity.

From the same judgement, I quote:

"There appear to be good grounds for this attitude of society towards this law. Some of the advantages which accrue from it are summed up by Saxena in his *Muslim Law* 1954 Third Edition at page 667."

Then the judgment goes on listing the advantages of the principle of shufaa or the law of Pre-emption given to our country by the Muslim Legal system and which has been adopted even by the Hindus for the sake of convenience because of its nature. In the same judgment it is said and I quote this because it has just been said that the principle of pre-emption is not consistent with the modern society and modern times. The Government has also come with an attack on the Muslim legal system. It has also pleaded that it has gone out-molded. It is a universal law that holds good for all times to come. It did not befit this Government to come to this House with such types of pernicious statements about one legal system and without even seriously applying its mind to the question.

MR. SPEAKER: Please conclude now.

SHRI G.M. BANATWALLA: I wanted to say a lot but then I will respect your bell. I have already said that I want to quote from the same judgement and I quote:

"If in spite of all the advance which society claims to have made, these characteristics of human nature are still there, it is difficult to accept the contention that the law of pre-emption has become out-moded."

I quoted the judgment of the Constitution Bench of the Supreme Court. I quoted the judgment of the Allahabad High Court. There are several other judgments with me here. You please give me two, three hours to

go on elucidating this particular concept and how our courts of law have upheld this as a very glorious gem, as a gem in our legal concept in our history. It is unfortunate that linking it with all sorts of considerations, the Bill has been brought without any serious application of mind. I strongly object to the Bill. I strongly oppose the Bill. The hon. Minister has made the matters worse in his speech while piloting the Bill. In the Statement of Objects and Reasons, we are told that the concept has become out-moded and then while piloting the Bill he came forward with another statement of say that it is inconsistent with the principles of socialism and all sort of other things. I take strong exception to the light-hearted and callous manner in which the Bill has been brought forward. I am pained to see that because of the Statement of Objects and Reasons, even some hon. Members of this House have been misled. I appeal to the Government to withdraw this Bill. If the Government refuses to do so, I appeal to the House to throw it out lock, stock and barrel.

16.00 hrs.

[Translation]

SHRI BALWANT SINGH RAMOOWALIA (Sangrur): Mr. Deputy-Speaker, Sir, several hon. Members expressed their views or pre-emption. I am a product of the previous generation. Based on my experience I would say that it is very important to do away with this law. Many hon. Members are in favour of continuing with this law in Delhi and Chandigarh. But the real issue of the property owner and the farmer is being overlooked. We are all guilty of using the Government to exploit the farmer in an organised manner. Even the British did not act in this way. I am not blaming any one particular Government for this. In a family of four brothers if the family land is divided among the brothers and also the paternal uncles, a family member could challenge the sale of the land. This led to many disputes. In my village there are 50 civil suit's pending in the Court. This system was discontinued in Punjab a long time back. Governments, be it

[Sh. Balwant Singh Ramoowalia]

the Akali Dal or the A.G.P., are ruining the farmers by acquiring land for cities at throw-away prices. Hon. Shri. Ram Narain Singh rightly said that a number of laws were made in Punjab. One of the laws said that a non-farmer could not purchase land belonging to a farmer. Money-lenders exploited the farmers. One law was that the bullocks and the bullock-cart of a farmer could not be auctioned. They were safe. As compared to those times, today a person is at liberty to buy as much land as he desires. Farmers were given a mere pittance for their land where palatial mansion are built. We welcome the decision to withdraw this law. As it is the land is acquired against the wishes of the farmer and proper compensation also is not paid. It is really too much of an injustice with the farmer. Again I emphasise that the farmer should be fully compensated for the land acquired from him. With these words, I conclude.

16.05 hrs.

STATEMENT RE RELEASE OF FURTHER  
INSTALMENT OF DEARNESS  
ALLOWANCE TO CENTRAL GOVERNMENT  
EMPLOYEES

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B.K. GADHVI): Sir, I beg to make the following statement:—

On the basis of the recommendations of the Fourth Central Pay Commission, as accepted by the Government for Groups 'A', 'B', 'C' and 'D' of Central Government employees, dearness allowance at revised rates has become due for consideration with effect from 1.1.1989, on the basis of percentage increase in whole numbers in the twelve monthly average of All India Consumer Price Index Numbers for Industrial Workers

(General) (Base 1960=100) for the period ending 31.12.1988 over the index average of 608, the base figure to which the revised pay scales are pegged. The twelve monthly average Consumer Price Index for the period ending 31.12.1988 is 786.75 which works out to an increase of 29.39% over 608. Employees drawing basic pay upto Rs. 3500/- are to be allowed 100% neutralisation, those drawing basic pay between Rs. 3501/- and Rs. 6000/- 75% and those drawing basic pay above Rs. 6000/- 65% and are, therefore, entitled to revised D.A. of 29%, 22% and 19% of basic pay respectively with effect from 1.1.1989 as against 23%, 7% and 15% of basic pay respectively from 1.7.1988.

Government has decided to pay the instalment of dearness allowance due to Groups 'A', 'B', 'C' and 'D' employees from 1.1.1989 in cash. Orders in this behalf will be issued by the Ministry of Finance.

The annual cost of this instalment of D.A. payable to all Central Government employees with effect from 1.1.1989 is estimated at Rs. 425/- crores. However, during the financial year 1989-90, the additional expenditure on account of this instalment of D.A. will be Rs. 496 crores.

16.07 hrs.

PUNJAB PRE-EMPTION (CHANDIGARH  
AND DELHI REPEAL) BILL—CONTD.

[English]

MR. DEPUTY-SPEAKER: Let us now resume the debate on the Bill. Now, Mr. Syed Shahabuddin may speak.

SHRI SYED SHAHABUDDIN (Kishanganj). Mr. Deputy-Speaker, Sir, I fully and without any reservation endorse the views expressed by my learned colleague, the honourable Mr. G.M. Banatwalla with regard to the Bill which is before us. I oppose the Bill and I request the Government to withdraw the Bill for further consideration and if neces-

sary, refer the matter—the principle of pre-emption as applicable to modern conditions—to the Law Commission for consideration before coming back to the House.

Sir, the Statement of Objects and Reasons, as stated in this Bill—one wishes—were framed in a happier manner I think if the hon. Minister applies his mind, he would perhaps appreciate our sensitivity on the point. It raised some very far-reaching questions about the mind of the Government, about the line of its thinking, about the direction which it is proceeding.

Sir, there is a deep sense of insecurity about the future of Muslim Law in the country as established by law and as recognised and applied by our courts. One feels that the Muslim Law is under continuous attack, one feels that by various legislation it is being deliberately nibbled at and the manner in which the objects and reasons have been stated in this Bill simply serves to confirm this fear and to reinforce this apprehension.

Sir, I would not like to go into any details because I think Mr. Banatwalla has stated the case in a very comprehensive manner. The fact is that this doctrine of Islamic Jurisprudence was found acceptable even by non-Muslim communities not only in India but all over the world. In fact it is almost a universal piece of legislation where the right of the neighbour, the right of the partner, the right of the blood relative is recognised to have a superior claim to acquire if a property is under alienation and if it is available for sale. Sir, all this reference to Purdah system and so on is without any sense, but I would just like to summarise by saying that this Law of Pre-emption makes social sense from the point of view of desirability of harmony in a social environment. It makes legal sense from the point of view of justice and equity. It is in full conformity with the laws of natural justice and if I may say so, it also makes economic sense. After all, what is the law of consolidation of holdings, Pre-emption is an automatic consolidation of holdings, if one looks at it from that point of view. Therefore, Sir, I think the Government have obviously

brought this Bill Simply in an automatic manner without going into the question about the applicability of the principle of pre-emption all over the country. I do not think it is in conflict with the fundamental right. One may talk about the fundamental right of the rich to buy every available piece of property, but that is not the fundamental right to which we are wedded. In fact, the right to property stands repeated. It only means the right, as I said, of establishing a socially harmonious atmosphere. Therefore, I would suggest that the Government have a fresh look at the entire problem, understand the principles behind *Haq-e-shuffa* and at least clarify immediately that it is not intended to degrade the application of Muslim law, as established under the law of the land and as established under the Shariat Act of 1937.

Sir, once again, with every emphasis at my command I oppose this piece of legislation. It is pernicious, it is vicious, it is degrading to the Muslim community, it attacks the dignity of the community, it attacks an essential principle of Muslim law I request the Government to withdraw the Bill and refer the matter to the Law Commission for further consideration in its application to the national territory as a whole.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV): Sir, about this Bill, I thought the House would unanimously accept it. This is a simple Bill, a step forward towards the socialistic pattern of society and to repeal those laws which are archaic in today's time. As I said in my introduction, in 1973, it has been repealed in certain parts in Punjab. Mr. Banatwalla and Mr. Shahabuddin have placed certain views and similar views were placed by one or two members in the Rajya Sabha also. I did check up from the Delhi Metropolitan Council, from their office bearers and they told me that they had a discussion about it with the representatives of the various Muslim leaders and by and large, it has been accepted. I would not say that it was a unanimous recommendation from the Muslim community. There was reservation. Now, Mr. Shahabuddin has said

[Sh. Sontosh Mohan Dev]

that this is an attack on the Muslim law and on the sentiments of the Muslim community. I strongly refute this. I strongly refute this. We have no intention as such, in any way, to hurt the sentiments of any community. It is not the aim of the Bill. This particular law, as Mr. Banatwalla has cited, has certain decisions in favour, but he has not cited decisions against it also, given by various courts. Various courts have also recommended striking down certain provisions and even the law, itself. So, this is the position. I would like to quote here for his information what was quoted in Rajya Sabha by one of the hon. Members about two eminent Jurists' opinion about his. One is from Justice Ameer Ali:

"The right of pre-emption or *Shufaa* means the right possessed by one person to acquire a property sold to another in preference to that other by paying a price equal to that settled, or paid by the latter; and the Moham-medan system owes its origin to motives of expediency and a desire to prevent the introduction of a stranger among co-sharers and neighbours likely to cause inconvenience or vexation. The Sunni Hanafi Law of Pre-emption was introduced in India with the Mahaoodean Government, and in certain places, it has become a part of the *lex loci*; for example in Behar parts of the Punjab and the United Provinces, both Hindus and Mohammedans are entitled to claim the right of pre-emption. And so well-established is that right, that it is almost invariably recorded in greater or less detail in the village-administration-papers called the *Wajib-ul-Aruz*."

This is one opinion. Another opinion was given by Justice Mulla.

"The right of *shufaa* or pre-emption is a right which the owner of an immovable property possesses to acquire by purchasing another immovable property

which has been sold to another person."

These are the reasons; these are the Legislations which are hapening. We have no intention whatsoever to go against any particular type of people or religion. With all respect, I must say, we are a secular State.....

SHRI G.M. BANATWALLA: Then, why are such observations made in the Objects and Reasons.

SHRI SONTOSH MOHAN DEV: Hon. Members, when they go to the objects and reasons, perhaps have not gone through my speech in the Rajya Sabha. In my speech in Rajya Sabha, I had extended apology. I did say, it should not have been there. I did say what has been done is wrong and it should not have been done. Again I repeat it. I agree with Mr. Banatwalla that that cannot be the reason for introducing this Repeal Bill.

SHRI G.M. BANATWALLA: There is no application of mind. The Government is retracting its own statement of objects and reasons. That means, there is no application of mind seriously by the Government. Such a Bill should not be considered here.

SHRI SONTOSH MOHAN DEV: When I said, I am sorry for it.....

SHRI G.M. BANATWALLA: Let them withdraw the Bill and study the subject.

SHRI SONTOSH MOHAN DEV: When I said, I am sorry, one of the ex-Chief Justices of India said—I am wrong in saying so because *Pardah* system is definitely one of the reasons for it. Mr. Bahrul Islām said it.

So there is a difference of opinion. I am not saying it. We do not want go into this contradiction.

SHRI G.M. BANATWALLA: The Government is apologizing for the Statement of Objects and Reasons and insisting on the Bill. That is the contradiction we are having now.

SHRI SONTOSH MOHAN DEV: Sir, we have no desire to wound the sentiments of any particular community. If that has wounded the sentiments, we are sorry for it.

With these words, I request that the Bill may be passed.

SHRIG.M. BANATWALLA: We are not satisfied. Are you satisfied? It is a wonderful situation. (*Interruptions*)

MR. DEPUTY-SPEAKER: Mr. Banatwalla, please take your seat.

The question is:

"That the Bill to repeal the Punjab Pre-emption Act, 1913, as in force in the Union territories of Chandigarh and Delhi, as passed by Rajya Sabha, be taken into consideration"

*The motion was adopted*

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

*Clauses 2 and 3*

MR. DEPUTY-SPEAKER: The question is:

"That clauses 2 and 3 stand part of the Bill."

*The motion was adopted*

*Clauses 2 and 3 were added to the Bill*

*Clause 1 (Short title)*

*Amendment made:*

Page 1, line 4, —

for "1988" substitute "1989" (2)

(*Shri Sontosh Mohan Dev*)

MR. DEPUTY-SPEAKER: The question is:

"The clause 1, as amended, stand part of the Bill"

*The motion was adopted*

*Clases 1, as amended, was added to the Bill*

*Enacting Formula*

*Amendment made:*

Page 1, line 1, —

for "Thirty-ninth" substitute—

"Fortieth" (1)

(*Shri Sontosh Mohan Dev*)

MR. DEPUTY-SPEAKER: 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*

MR. DEPUTY-SPEAKER: The question is:

"That the Long Title Stand part of the Bill."

*The motion was adopted*

*The Lont title was added to the Bill*

SHRI SONTOSH MOHAN DEV: I beg to move.....

SHRI G.M. BANATWALLA: We are walking out in protest.

16.18 hrs.

*At this stage Shri G.M. Banatwalla and some other hon. Members left the House*

SHRI SONTOSH MOHAN DEV: 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*

16.20 hrs.

CENTRAL INDUSTRIAL SECURITY  
FORCE (AMENDMENT) BILL

[English]

MR. DEPUTY-SPEAKER: We go to the next item No. 6.

THE MINISTER OF STATE IN THE  
MINISTRY OF HOME AFFAIRS (SHRI  
SONTOSH MOHAN DEV): I beg to move:

"That the Bill further to amend the Central Industrial Security Force Act, 1968, as passed by Rajya Sabha, be taken into consideration."

In the context of the serious disturbance that took place in certain industrial areas in the early sixties, the need for creating an Industrial Security Force for the better protection of vital undertakings of the Central Government was keenly felt. Consequently, the Central Industrial Security Force was raised under the Central Industrial Security Force Act, 1968 for the better protection and security of the Central Government Industrial Undertakings. With the growth of the Force, the responsibilities of the Force also grew greatly in magnitude as well as complexity. In the year, 1983 the Central Industrial Security Force Act was amended by Act No. 14 of 1983, whereby CISF was declared as an Armed Force of the Union and some additional powers of arrest in cognisable

offences were given to make it a more effective instrument for providing security to vital industrial undertakings. The responsibility of security coverage to vital undertakings increased manifold and today CISF has been deployed in 187 Government/Public Sector Undertakings spread all over the country.

In view of the prevailing security environment in some parts of the country, CISF is hard pressed to provide security not only to the installations of the undertakings but also to officers and workers engaged in running the public sector undertakings.

In the present Act, CISF has limited powers under Section 11 (1) (iii) of the CISF Act, whereby CISF can act only at the time of "imminent danger". With these provisions under the present Act, CISF cannot exercise the limited power of arrest under this Section unless these conditions are fulfilled. The word 'imminent' qualifying the word 'danger' is a serious limitation upon the powers of CISF to act in the face of various threats. Such stipulation does not seem warranted in the prevailing security environment of our country. Therefore in the larger public interest, the word "imminent" should be deleted.

It is also considered appropriate to take this opportunity to substitute the word "removal" for the word "suspend" in clause (i) of Section 8. This will bring Section 8 of the Act, in conformity with the provisions contained in the Constitution of India and other service Rules governing the public servants.

This may give rise to misapprehension in certain quarters that CISF is being converted into a Police Force; but as it was made clear by the Government at the time when the CISF Amendment Act, 1983 was moved, there is no intention at all to make CISF a parallel police Force. Instead efforts are being made to make it a well-regulated, well-trained and well-equipped security Organisation on All India basis. Even today we would like to reiterate that there is no such intention of the Central Government to encroach upon the jurisdiction of the States, as provided under the Constitution of India. The only purpose of

the present proposal is to achieve the main objective i.e. to provide better protection and security to the Public Sector Undertakings by enabling the Force to provide timely protection and help to the officers and met at work. If we consider that protection of the employees of the undertakings would be conducive for better security of the undertakings, such vital power should not be left to remain unused in the domain of law and order and general policing because of the obvious constraints and heavy demands on the State Police forces and the law and order machinery. In any case, the investigation and prosecution of the offenders will continue to be the responsibility of the State Police.

16.24 hrs.

[SHRI SOMNATH RATH *in the Chair*]

With a view to making this Force, which has grown in strength and popularity during its existence, more effective and in order to achieve the purpose for which it has been created in the year, 1968, the present Amendment Bill is being introduced.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Central Industrial Security Force Act, 1968, as passed by Rajya Sabha, be taken into consideration."

SHRI K. RAMACHANDRA REDDY (Hindupur): Mr. Chairman, Sir, I rise to oppose this Bill on various considerations. By this Amending Bill, the Government is trying to seek amendments to Sections 2, 8, 10 and 11. These amendments apparently look innocuous but there is very great danger to the workers. This Bill will go against the workers to suppress their genuine dissent, genuine right to strike. So, I am opposing this Bill.

Before going into these sections, I would like to bring the history of this Act to the notice of this hon. House. In the year 1968, the Central Industrial Security Force has

been created with an idea of giving some protection and safeguard to the Central Industrial Institutions. At that time itself, the Bill was referred to the Selected Committee and the Select Committee, after due deliberations, had made a number of changes. Also, there were a number of objections filed at that time itself. Then, after due consideration, that Bill had been passed and the Act had been brought forward. The Government made some amendments to this Act in the year 1983. But now they are trying to meddle with this even still further. Even though these amendments apparently seem to be innocuous and not dangers but in actual practice, they are very dangerous. So, this Bill has to be rejected. It deserves only to be rejected. The villain of peace is Section 11. Here, Clause 5 has been introduced to amend Section 11. As far as Section 11, Amendment No. 1 is concerned, I don't think there is much danger. I do not know why it has been brought forward. Except one word, there is not much difference. If you compare this with the original Section, you will find that these Sections are the same except one word. It has been mentioned in this clause which is to be substituted:

"to any employee, referred to in clause (d) of section 10, or to him or any other member of the Force, in discharge of his duty as such employee or in execution of his duty as such member, as the case may be..."

Except one word, there is no change. I am not able to understand why this whole section has been quoted when only one word is to be added. I think the hon. Minister will explain the implication of this amendment No. 1. It is not intelligible. It is not definite.

As far as Amendment No. 3 is concerned, it is again the most dangerous amendment. They say that they are removing only the word "imminent". Section 7 gives the right of arrest to this CISF. It gives right of arrest. Even the private citizen has got the right of arrest. Police have got the right of arrest. It is in between the two. So, now the Government is trying to give the right of

[Sh. K. Ramachandra Reddy]

arrest to this Force through this Bill. Under Section 43 of the Cr. PC, a private person can also cause someone to be arrested. But the conditions are different. It has some strings attached to it. Some restrictions have been placed. It cannot act on its own free will. A man can be arrested only when an offence is being committed in the presence of the man who arrests. Force etc. It should be cognizable and non-bailable. Then only a person can be arrested. In the same way, some restrictions have been placed by Section 11. It is about the imminent danger. The personnel of the security force get the right to arrest when is imminent danger. It is not like what a person merely perceives or imagines. There must be imminent danger. That means, there are restricts on the powers of arrest. So, the framers of the Bill at that time had taken a lot of care to see that this Security Force do not go out of the way to arrest persons without any rhyme or reason. So, there are some restrictions placed on them. We have got a salutary provision by having these restrictions. Some strings have been placed on the security force. I have already submitted that they are not equivalent to the police force. They are entirely different. So, only in case of imminent danger to the installation or to industries or to persons, they get a right to arrest. Now, this salutary provision is sought to be taken away by this amendment. That is why, I say that though this amendment looks very innocuous, yet it is pregnant with danger. (*Interruptions*) I am not talking about the extraneous factors. I am talking only about the Bill and its clauses. Please give me some time. You want to remove the word imminent. You want to remove it in almost the same way as the police force had done. There are a number of central industries and public sector undertakings in the States also. Some of the States are ruled by non-Congress Governments. Police force is there. You are giving almost equal powers to this force. That means, you are creating a conflict between the forces. Is it correct? Now, when you are trying to create forces in the States like that, it is incumbent upon you to seek the opinion

of the State Government. You have not done so. Can you create such a force without the consent of the State Government? It is a question which, I think, the Minister will take some trouble to answer. I think, such a thing is not good. I request the Minister to be gracious enough. Do not think that you can rule this country for ever. This thing can be used by an unscrupulous Government.

SHRI THAMPAN THOMAS (Mavelikara): There is no other Government other than the unscrupulous Government.

S.K. RAMACHANDRA REDDY: There are number of occasions when workers go on strike. They make some demands. They go on strike. And they are arrested. This section can be used to cow-down workers, to intimidate them, to arrest them, to disturb the unity. It is a *Mala fide* intention with which this Bill has been brought forward.

Next is about the Clause 8. I am not able to understand why the Government has come forward with it. It says:

"Any supervisory officer may dismiss, suspend or reduce in rank any enrolled member whom he thinks..."

When the superior officers feel that one of the members of the force has committed an offence, it has got a right to dismiss him, suspend him or reduce him in rank. Now, out of these three things, the word 'suspend' is being taken away and the word 'removal' is there. What is the difference between dismissal and removal? Are they synonymous? Is there any difference? when the Centre has got the right to dismiss why do you want to this word 'suspend' to be substituted by the word 'removal'? Why do you want this word? Suspension means when a person is found to have committed an offence in the dereliction of his duty, he is entitled to an inquiry. During inquiry, he is suspended and then enquiry goes on. And if in the enquiry, allegations against him are proved, he is dismissed. But if in the enquiry, allegations are not proved, he is reinstated and his suspension is revoked. That is a salutary provision.



Now you are removing the word 'suspension'. In section 8, the word 'suspend' is substituted by the word remove. That means, nobody can suspend him. You can only remove him. And you will go with inquiry after removing him and then you will come forward and say whether the allegations are proved or not. When it is proved, you dismiss him. Is it the purpose of this amendment? I am not able to understand it. I am sure that this word 'suspension' and substituting it with 'removal' will put it into danger. I do not know why the Government has come forward with this amendment.

Under these circumstances, I am not able to support this Bill. I request the Government to reconsider this Bill. Do not rush it through. You please see what has been recorded while the Bill has been sent to the Select Committee and what were the objections? What were the reasons? Why do you simply interfere in this well-considered Bill that has been brought in 1968? You have not taken care of going through it.

With these words, I conclude my speech.

SHRI R.P. DAS (Krishnagar): Mr. Chairman Sir, I raise to oppose this Bill. When it was first tabled in this House it was opposed by all the Opposition leaders at that time. Even when it was sent to the Select Committee, the Opposition again in the Committee meetings opposed it. We have got no other alternative but to oppose this Bill in strong terms.

The very intention of this Bill is to encroach upon the rights of the States. The Bill also intends to curb the democratic rights of the workers and all the working force of the country. For these two reasons I oppose this Bill.

Although it may look very innocent, if we take these two provisions—one in Section 8 and another in Section 11—they will prove that the intention of the Government is not as innocent as it appears. In the first place, in Section 8 of the principal Act in clause (i) there was a provision for suspension of the

workers. But in this Bill it has been suggested that the word 'suspend' be substituted by the word 'remove'. This means that the Government intends to remove all the workers who would not toe the line of the management of the Government installations.

Just now the 4th Pay Commission award in respect of DA was announced in this House. The award was meant for the Central Government employees only. Nobody knows whether it will be extended to other Government undertakings also. Perhaps not; at least not for all the Government undertakings. This is one of the reasons for the grievance of the employees of different Government undertakings. For this reason they may go in for a strike. If the working force goes on strike and if they do not follow the line of the management of these Government undertakings and if any strike is staged in these undertakings, what will happen to the striking workers? Suddenly the management would think that they are hampering the working of the installations and they may even remove the striking workers.

In the earlier provision the management could only suspend the workers. But according to this amending Bill they can be removed summarily. This shows that the intention of the Government is *mal fide*. It does not even hide this intention which may go against the right of the workers who have been struggling for many years. Therefore to the extent we could say that it is anti-workers and anti-people Bill. That is why I oppose this Bill.

The second provision that has been given in Section 11 of the principal Act is that in clause (iii) the word 'imminent' shall be omitted. In the earlier provision the phrase was 'imminent danger'; thereby the word 'imminent' was a qualifying one. The word 'imminent' is a qualifying word to danger. But, here, in this amending Bill, it has been provided that the word 'imminent' should be omitted. By saying that, the very meaning of danger has been widened. But in the earlier provision, the danger was qualified by the

[Sh. R.P. Das]

word 'imminent'. That way, the CISF could take no action, until the danger was imminent. But, here, the word 'imminent' has been omitted. Therefore, Sir, now, the power of CISF has been widely enhanced, by which they could take any action against the striking workers. At the same time, I do not have any doubt the functioning of the management. But, whenever the management finds itself in trouble, it takes the help of the CISF by taking action against the unwanted striking workers. In that way, the CISF acts against the interests of the workers and the employees. Therefore, I think the very provision is anti-democratic and anti-workers. So, I oppose the amending Bill in its entirety.

[Translation]

SHRI AUUB KHAN (Udhampur): Mr. Chairman, Sir, I rise to support this Bill. The Central Security Force Act was enacted in 1968 for regulating the powers of the C.I.S.F. in the Public Undertakings. The present Bill has been brought with a view to remove certain shortcomings in the 1968 Act.

The amendments which have been proposed in this Bill are necessary. They are necessary for clarifying the powers of the C.I.S.F. For example.

[English]

In section 8 of the principal Act, in clause (i) for the word 'suspend' the word 'remove' shall be substituted.

[Translation]

The officers of this Force had the powers to suspend their subordinate but they did not have the powers to remove them. The powers do not become clear with the word 'suspend'. Therefore, it was essential to substitute the term 'suspend' with the word 'remove'. Similarly, the second amendment has been made in section 10 of the principal Act as under:

'English]

In section 10 of the principal Act for clause, (d), the following clauses shall be substituted namely:

'(d) to protect and safeguard the employees of the industrial undertakings and installations

[Translation]

Emphasis has been laid on this aspect only. But in the amended section it has been stated that:

[English]

'to protect and safeguard the employees of the industrial undertakings and installations referred to in clauses (b) and (c);'

[Translation]

This means that by this amendment the responsibility of safeguarding and protecting the employees and workers of the Public Undertakings has been fixed. It was necessary to make this amendment as well. Similarly, an amendment has been made in Section 11, of the principal Act. In this, the Government has given unlimited powers to every officer of the Force, which I think is not proper. These powers should be vested with an officer of a specified rank or level. Therefore, I would like to suggest that the Government should look into this amendment and see whether unlimited powers should be given at all levels. It should be kept in view that powers should not be given to every officer of the force and should be given at a specified level or rank.

With this suggestion, I support this amending Bill.

[English]

SHRI THAMPAN THOMAS (Mavelikara): Mr. Chairman, Sir, this Bill has got very serious consequences. It is in the garb of a lamb but it is a wolf. It is going to affect

seriously the industrial relations in the various public sector undertakings because involvement of CISF in strikes and without any inhibition and at their own choice is permitted by this Bill. The word 'imminent' when it is changed means these para-military forces can arrest a person without any other normal process of law. It can take cognizance of any offence and arrest them. They will utilise this Bill against the working class. Therefore, I oppose this Bill. Government must give the guarantee that it will not be used against the working class. I fear that it will be used against the working class.

The second point is that if we analyse the working of the CISF at present really it is some sort of a new kingdom established inside the State territories. Clashes between CISF and local police have been reported several times. Cases have been registered of these clashes and they are pending in Cochin port. In fact CISF clashed with the local police. This becomes a question of jurisdiction and law. What steps Government propose to take to streamline the CISF so that such clashes are avoided.

Another thing which I would like to point out is that along with this there is another set of private security force working in several public sector undertakings where CISF is enrolled. Similarly, there are so many agencies which are running private security service in various parts of the country. These agencies are looting money from the people. They register ex-servicemen and all that. They make a list and they say they are being sent to serve the public sector undertakings. I have come across several such instances. Therefore, I submit that in the name of security force there is exploitation by way of establishing private security force which should be checked. It seems Government has given licences to numerous such organisations. They wear the uniforms of some other colour. They also work along with CISF. I wonder although what will be the position if the number of workers in a factory may be less than the number of private security force and CISF. This anomaly will

have to be avoided and for that some coordination is necessary

At the end I would like to say that this Bill is very dangerous and I request that it may be withdrawn and Government may also make more inquiry into the working of CISF and private security force in this country.

[Translation]

**SHRI RAMASHRAY PRASAD SINGH** (Jahanabad): Mr. Chairman, Sir, I strongly oppose the Central Industrial Security Force (Amendment) Bill. The Government intends to make amendment in Section 11 of this Bill. On the face of it, it appears to be a very ordinary Bill but in reality, a very dangerous legislation is being proposed. It is an assault on the rights of the workers as it can be used to crush the strikes. This Act was amended in 1983 and it is being amended again. Clause 8 of the Act which provided for suspension, has been now substituted by removal. This is the most dangerous provision. Previously, in case of such charges, a worker was first suspended, thereafter, due enquiry was conducted and only after that the procedure for his removal was taken up. Now the procedure for removal will start directly. This is what is evident from the amending Bill. This exposes your real intentions. This Bill was opposed earlier also. Subsequently, it was referred to the Select Committee. In fact, the Report of the Select Committee should have been discussed before bringing this Bill in the House. On the one hand, the Government hails the democratic process and on the other the very system is being undermined. Sometimes the Government claims that it is taking measures for the decentralisation of power and sometimes over-Centralisation is resorted to. By this Bill the Central Government will take away the rights of the State Governments also. When the Government professes to uphold socialism and the democratic system then this Bill should be withdrawn. All the powers are already there. There is no need to make any amendments. Hence, I oppose the Bill.

**KUMARI MAMATA BANERJEE** (Jadavpur): Mr. Chairman, Sir, I support the Central Industrial Security Force (Amendment) Bill. This is a very important Bill, for the maintenance of industrial peace. Many hon. Members have submitted that the management is liable to misuse powers against the workers. Therefore, it is important to pay attention in that direction. In our country there is a common tendency to misuse power. The C.I.S.F. is engaged in industries and in the Punjab Sector Undertakings. The C.I.S.F. cannot take any action in a deteriorating law and order situation. The reserve forces engaged in the industries have to take instructions from outside. Law and order is a State subject. It should be made clear whether the C.I.S.F. can take action without the prior instructions from the State Government. This position should be clarified. In case there is a question of making arrests, it should be essential to consult the concerned Union. The management may misuse its powers during strikes and demonstrations of the workers. The management should not be given one-sided powers. The unions should be taken into confidence irrespective of whether the union workers have affiliations with the CPM or the HMT. Their opinion should be taken into consideration. The ex-servicemen should be recruited in the C.I.S.F. The people who have served the country should be given an opportunity in such services. It is important to recruit ex-servicemen also from the point of view of maintaining industrial peace. With these words, I conclude.

[English]

**DR. DATTA SAMANT** (Bombay South Central): Mr. Chairman, Sir, there are seventy thousand Central Industrial Security Force in 188 public sector undertakings. And recently, four hundred of them are being given black-cat training. I have gone through the report and I get an impression as if something is happening on the China front. According to the report, they have so far recovered stolen property worth Rs. 75.84 lakhs; some 1806 criminals have been arrested. You are spending a lot of money on

these seventy-thousand people. Have you made a study to find out how much they are helping for the national cause and to what extent they are protecting the public sector undertakings? Only day before yesterday, the Ordnance Factory at Nagpur had a big fire; some six thousand people were evacuated. Next day, again in Maharashtra in another Ordnance Depot at Pune there was fire. I want to know what is the contribution of this force in respect of assistance to the public sector undertakings. That must be mentioned in this House.

I am connected with some of the Union in Mazagaon Dock. In this public sector undertaking, the major culprits are big officers and bosses. They are draining away all the money; they are linked with some private sector people. In BHEL, in the last eight months, there is no work and contracts are being given outside. What is the use of bringing para-military force at the gate? Are they going to protect the workers? Sir, you are a union leader. Is there any fight among the workers? There are no fights. They are civilians, they are ordinary people. When such people are working there, at the gate and in the factory, you are bringing para-military force with first class training. What is the need? They can arrest anybody, if they find them assaulting. Have you got any instances of the workers fighting among themselves? Why are you giving them summary powers? Earlier, if there was imminent danger, they could arrest them; now they can arrest anybody. That is too much.

With applying its mind, this Government is bringing forward such type of legislation and unnecessarily incurring such type of expenditure. These workers are governed by the Industrial Disputes Act and the Standing Orders

Fourteen thousand workers come at different times to the Mazagaon Dock. You have para-military force at the gates. They do not have 303 rifles now, they have been given new machines. They are going to act at the gates as military men. I must tell you that this is definitely going to increase the labour unrest.

Then, the workers have got legitimate rights to resort to agitations, slow down, sit down, strike etc. What is the training of these people to handle such situations? Even Russia is considering of giving striking rights to the workers, but here you are going to have para-military forces with strengths in their hands.

**SHRI SONTOSH MOHAN DEV:** You mean to say that in India there is no striking right. But they have no right to damage the public property.

**DR. DATTA SAMANT:** What is the need to have military men with stenguns at the gate? I must say that this piece of legislation is unwarranted. It is not needed. As I said, such type of military force at the gate of the public sector undertakings is definitely going to increase the labour unrest. In Mazagaon Dock, we have strongly objected to this. They do not know how to deal with the workers. I am, therefore, totally opposed to this Bill.

17.00 hrs.

I totally oppose the second and the last amendment.

Then, it has been said that you remove the word 'suspend'. I think they are not going to suspend the workman; they are not going to suspend the follow workmen. So, all such types of words should be removed.

Many Members from the other side were saying that the retired military force should be used in the public sector units as they are better and more disciplined people. I would say that you please do not create this ghost in the industry. They may be good for the border but they are not required to serve at the gate.

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV):** Sir, I think, Mr. Datta Samant was the only person who opposed this Bill vehemently and the others opposed it for the sake of Opposition only.

His main criticism was that the workers should not be harassed; they should not be led to any undue harassment.

CISF, as you have rightly said, started its function in 1968 and subsequently the Act was brought in 1983. In the beginning, it was a force of only 3192 members and its membership now has grown to 63000 and odd. Not only that, they are now protecting about 182 installations all over the country. Government is trying to increase its capacity to see that about 200 installations are protected by the CISF. During the period from 1968 till now, CISF has done a very wonderful job.

I have my personal experience about it. I come from Assam and I have seen the Assam agitation days. You said that this force should be removed from the gate and they should not be kept there. But during the Assam agitation we have seen CISF doing a wonderful job of protecting the public sector undertakings and other refineries. They had done their work with a lot of responsibility.

**SHRI SATYAGOPAL MISRA (Tamluk):** It is not true in all the cases. In the case of some semi-conductor complex in Chandigarh...

**SHRI SONTOSH MOHAN DEV:** It is very difficult for us to satisfy all the unions. I know the unhappiness of CPM and Dr. Datta Samant because you always want to create agitation for some or the other reason. Government is not against the legitimate demands of the workers. They have been given the right to strike and for 100 hrs, 20 hrs and 15 hrs strikes have been called. Government has never gone against it. Recently in the Dock strike, you said that Government has negotiated with all the unions. The role of the security force is to secure the installations. It is wrong to say that when the security force protects any installation, it protects the interest of the workers alone; it protects the interest of the Government also because Government is also interested to protect the interest of the workers.

[Sh. Sontosh Mohan Dev]

So, our intention is not to do anything. These are very simple amendments. (*Interruptions*)

MR. CHAIRMAN: Please take your seat. Whatever you are saying will not go on record.

(*Interruptions*)\*

SHRI SONTOSH MOHAN DEV: I know that in certain areas even your Government has asked for the CISF. So, how can you say that that is not the thing? The amendments which have been brought are very simple amendments and the Government's intention is to see that the CISF could work effectively. It is not to harass any particular type of workers. As you very rightly said, suspension is not against the workers.

Then there has been a mistake in the original draft which has been corrected. The right of removal is always there. It is an inherent right and by amending it we are not trying to bring anything new. This was already there. I can say that the CISF is functioning very effectively and efficiently in protecting the installations. We have no reason whatsoever to go into confrontation with working class. Rather, we protect the interests of the labour. This is a very simple Bill and I hope you all will accept it.

MR. CHAIRMAN: The question is:

"That is the Bill further to amend the Central Industrial Security Force Act, 1968, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: The House will now take up Clause by Clause consideration of the Bill.

The question is:

"That Clauses 2 to 5, stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 5 were added to the Bill.*

MR. CHAIRMAN: The question is:

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

*The motion was adopted.*

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

SHRI SONTOSH MOHAN DEV: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRI K. RAMACHANDRA REDDY: I would like to know from the hon. Minister whether the power to arrest given to the CISF will not be used against the workers. Will you give a guarantee?

DR. DATTA SAMANT: The Home Minister cannot give any guarantee. All these powers given to the CISF are only to suppress the working class movement in this country. I oppose this Bill and I walk out.

17.06/1/2 hrs.

[*At this stage. Dr. Datta Samant left the House*]

SHRI SONTOSH MOHAN DEV. Sir, I am not an astrologer. Sitting here I cannot visualise any situation that may emerge later. It is not possible for me to give any guarantee about it.

SHRI THAMPAN THOMAS: Sir, this Bill is against the interest of the workers...

(*Interruptions*)\*

MR. CHAIRMAN: No please. I cannot allow you. Nothing goes on record.

*(Interruptions)\**

SHRI THAMPAN THOMAS: This Bill is against the working class. I oppose it and in protest I walk out.

17.07/1/2 hrs.

*[Shri Thampan Thomas then left the House]*

SHRI SONTOSH MOHAN DEV: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

17.08 hrs.

*[English]*

#### DISCUSSION UNDER RULE 193

##### **Liberalisation of Order Improving Representation of Scheduled Castes and Scheduled Tribes in Central Government Services - Contd.**

MR. CHAIRMAN: Discussion under Rule 193. We will not take up further discussion on the Statement made by the Minister of State in the Ministry of Personnel, Public Grievances and Pensions in the House on the 19th April, 1989 regarding liberalisation of orders with a view to improving the representation of Scheduled Castes and Scheduled Tribes communities in Central Government Posts/Services, raised by Shri E. Ayyapu Reddy on 4th May, 1989

*[Translation]*

GESH (Chatral): Mr. Chairman, Sir, in connection with the discussion raised by Shri E. Ayyapu Reddy on the Statement made by the Minister of State in the Ministry of Personnel, Public Grievances and Pensions in the House on 19th April 1989 regarding liberalisation of orders with a view to improving the representation on Scheduled Castes and Scheduled Tribes communities in Central Government Posts/Services, I would like to submit that the Government is deeply concerned about the upliftment of these communities and is making all out efforts in that direction. A number of Acts and laws have been enacted to protect the interests of the adivasis and harijans and they are being strictly implemented. Shri Ayyapu Reddy belongs to the opposition which suffers from the habit of finding fault with every action of the Government. Therefore, when the Government initiated this progressive proposal first, the hon. Member raised this discussion with a view to get some credit out of it. Still the subject is very good and such a step had been essential not only from the point of view of our guiding principles and policies but also from the ethical angle as well. The Government's efforts regarding the liberalisation of the reservation policy with a view to improving the representation of scheduled castes and scheduled tribes in Central Government posts and services is praiseworthy. In this connection, I would like to submit that unless these downtrodden and suppressed people are involved in the development of the country and are made to participate in the developmental activities as a group, we cannot hope for the all round development of our country.

I would like to tell you that in good olden days, people used to say this very proudly that in the Mahabharata times, while the soldiers were fighting in the battles, the farmers were ploughing their fields undisturbed. This might be a subject of false pride but it could prove extremely dangerous and injurious if a war is

17.11 hrs.

**SHRI YOGESHWAR PRASAD YO-**

**[MR. DEPUTY SPEAKER in the Chair]**

\*Not recorded.

[Sh. Yogeshwar Prasad Yogesh]

going on and the masses do not have any interest in it. The country cannot progress in this way. This is why even though the freedom movement started in our country long ago, our country got independence only when there was full involvement of everyone in it and awareness dawned on the harijans, the adivasis, backward classes and the minority community people. We know that the freedom movement started by Rani Lakshmi Bai of Jhansi and Tipu Sultan could not succeed because of lack of involvement of the people belonging to all sections of society.

Mahatma Gandhi had recognised this very well. He was instrumental in encouraging the harijans, the adivasis and the ignorant people who hitherto indifferent to the freedom to movement, by creating awareness in them. In this way, the freedom movement got its full momentum and then alone did it truly bear fruit. Therefore, unless there is collective involvement of people working in the farms and forests, desired development of harijans cannot be achieved.

One of the psychological and practical reason for involving the harijans and the adivasis in the freedom movement would also be that there are bureaucrats in power who have a feudalistic outlook. These people belong to rich and prosperous classes and feel jealous of the progress of the poor sections. They lack the democratic outlook and the perspective of equality which should be present in them and therefore, they try to suppress people. But the harijan adivasis who are holding high posts, do not create obstructions in the way of the progress of other people because they possess the qualities of head and heart. They are not prejudiced against any one and they have no narrow considerations. It is the bureaucrats with feudal outlook who create obstructions in the progress of others. It has been our practical experience that the scheduled castes and the scheduled tribes people are not able to get the benefit of the 15 percent and 7 1/2 percent reservations made for

them. This is so either because they do not get an opportunity to reach that level or else they are lacking the required know-how. Therefore, their vacancies are not fulfilled. We also find that their vacancies are deliberately not filled, so that when such vacancies remained unfulfilled for 5 to 10 years, they get them dereserved to fill such posts with people from general category. Such persons are related to or in the good books of the bureaucrats who are appointed out of the general category. They somehow fulfill the qualifications and grab the position. Thus what happens is that there is big problem faced in the promotion avenues.

The Government has taken a very appropriate step to increase the percentage of vacancies reserved for the harijan adivasis. I feel that this is a practical step because only such people can prove successful in bureaucracy who have liberal outlook and who have no antipathy for the harijans and the adivasis. We have seen that the adivasis made significant contributions to the freedom movement. There has been a collective involvement in the adivasis areas as the king as well as the common masses fight together with full commitment. This is mentioned in history and I would like to draw your attention to one such adivasis area in Bihar called Palamau district. The king Medni of that district had fought with the Britishers and it was due to the feeling of team-spirit, dedication and sacrifice that the Britishers were defeated and they could not rule them. Thus these people do not have any feudalistic mentality, nor are they jealous of anybody's progress. Thus the harijan adivasis should enjoy an equal right in the administration and progress of this country not only from moral point of view but even justice advocates that they should be brought to the path of progress by all means. If they are lacking the know-how, it is the responsibility of the Government to take steps in this direction. Therefore, we want that the percentage of the reservation made for the harijan adivasis should be increased for their progress.

Besides, I would like to add that all the directions are required to be implemented



effectively in the Central Government. As some of my colleagues pointed out that the lacuna can be removed by filling the class 4 and class 3 vacancies by appointing the harijan adivasis without much consideration since these people have the calibre of qualifying the high posts in the I.A.S. and I.P.S. However, so far as the States are concerned, corruption is noticed there to such an extent, that most of the vacancies meant for the adivasis are not filled. It is alleged that the vacancies have not been filled because the number of applications from the harijans or the adivasis was inadequate. This does not mean that there is no problem of unemployment in the adivasis and the harijans. I would like to submit that some people opine that the involvement of harijan adivasis is not even considered in the semi-government. For example a discussion on Municipality and C.S.I.F. was also being made and we are not sure whether the position of reservation exists there or not. Some of the hon. Members submitted that ex-servicemen should be appointed there. This is all right as the ex-servicemen may be dedicated and disciplined and must be appointed. However viewing the problem of unemployment in the harijans adivasis, they too should be recruited in such places. A certain percentage should be reserved for them since all the adivasis who live in villages and forest areas are unable to get news papers, my suggestion is that the Government should take steps of a proper planning so that such people may be found and recruited for these vacancies. Those people should be given their due right in appointment.

SHRI DAL CHANDER JAIN (Damoh): Mr. Deputy Speaker, Sir, I welcome and support the statement made by the hon. Minister of State in the Ministry of Personnel, Public Grievances and Pensions on April 19, 1989 for liberalising the orders from the point of view of increasing the representation of the Scheduled Castes and Scheduled Tribes in the Central Government.

I feel that the results of the discussion initiated on this subject by Shri Ayappu Reddy will be positive. Our brethren belonging to

the scheduled castes and scheduled tribes are a prey to the set up created by our society. Today when our country and the whole world is heading towards progress, we have to destroy such a set-up. Mahatma Gandhi was the pioneer in raising voice against such a set up. Thereafter, Congress, the largest party which got independence to India, took steps for the prosperity of these backward classes. A certain percentage was fixed for giving them jobs in the Government services. Today the environment is not such that all the reserved posts may be filled. My suggestion is that such an atmosphere should be created amidst the people belonging to the backward classes and the adivasis, so that they may come in light. Besides, the Government should introduce a special training course for them so that vacancies meant for them which are laying unfulfilled may be filled by them. I would like to submit that the adivasis and the people belonging to backward classes were respected even in the time of Lord Rama Lord Rama had very kindly tasted the fruit plucked by Shabri. We all believe in Lord Rama who was known as the *Maryada Purushottam*. Today we worship him and follow his footsteps. Thereafter Mahatma Gandhi and now the Congress Party is propagating the same tradition. We should give full and active contribution for the upliftment of such people.

With these words I conclude while supporting the statement made by the hon. Minister.

[English]

SHRI SRIBALLAV PANIGRAHI (Bhubaneswar): I rise to support this Bill because the Government has come forward with this resolution after examining the *pros and cons* of it. Our objective is to bring about a parity in all spheres, in social sphere, in economic sphere. Since time immemorial there have been imbalances in our society. To remove those imbalances, when the society is full of inequalities, naturally to bring about a parity what is required is to give some special treatment to the weaker section, to the backward people; unless that is done, they will

[Sh. Sriballav Panigrahi]

never come up; they can never come at par with others. Therefore, there is much force behind this resolution. On the other hand, there is a plea taken by some people to divide from the provisions of any rule or law. People with vested interest take such a plea and defeat the purpose of the law. Therefore, the present provisions will go a long way to defuse that situation and to ensure that things are brought at par. But at the same I would bring to the notice of the hon. Minister that a situation should not be allowed to prevail in which the vacancies continue to be unfilled just because proper candidates are not available. For instance vacancies in a hospital or a college should be filled up urgently. If they are not filled up for a very long time, then the work will suffer and such a situation should not be created.

Another point I want to emphasise is that proper training also should be imparted so that the people working on their jobs can show improvement in their work. Suitable training courses should be there for candidates belonging to SC/ST categories so that they can be properly equipped to appear for examinations and they can come out with flying colours.

With these words I support fully the statement made by the hon. Minister, because, as I said, steps should be taken to fill up the vacancies so that the situation does not deteriorate and the work does not suffer. Therefore, there should be some period or time limit, keeping the interests of the weaker sections of the Scheduled Castes and Tribes in mind. We know that backwardness has been there for a long time, there were different types of atmosphere also and they cannot be cured overnight. It cannot be cured one hundred percent. As I said, I repeat, in a society full of inequalities the objective should be to give equality and naturally some differential treatment a preferential treatment is called for. But at the same time there should be training programmes, and emphasis should be on educating them and vacancies in colleges and hospitals should not be al-

lowed to continue unfilled indefinitely when the work suffers. Those vacancies should be filled up on the condition that when suitable candidates from the weaker sections and the Scheduled Castes and Tribes are available the incumbents will be replaced by candidates belonging to those sections. It can thus be ensured that work does not suffer. With these words, I support this statement.

MR. DEPUTY SPEAKER: Shri Thampan Thomas.

[Translation]

SHRI BALKAVI BAIRAGI (Mondsaar): Mr. Deputy Speaker, Sir, Congratulate him today is his birthday.

[English]

SHRI THAMPAN THOMAS (Mavelikara): Thank you very much. Sir, this is also another gimmick when elections are coming. The statement made by the hon. Minister and also the publicity show that their intention is to protect the interests of the Scheduled Castes and Tribes and they want to gain popularity. That is one of the aims of this statement. I have reasons to say so.

PROF. N.G. RANGA (Guntur): Why? How?

SHRI THAMPAN THOMAS: I have reasons to tell. If the Government is *bona fide* interested in securing the posts for the Scheduled Castes and Tribes, I would like to ask, how many Managing Directors of Public Undertakings in the country are there now, belonging to the Scheduled Castes and Tribes. Is there any anyone?

PROF. N.G. RANGA: How many years has one public servant to go on in service in order to reach the Manager's position? At that time, were there good enough candidates to fill up those posts?

SHRI ANADI CHARAN DAS (Jaipur): Have you got a Managing Director in any

public undertaking?

**PROF. N. G. RANGA:** What was the position five years ago?

**SHRI THAMPAN THOMAS:** Rangaji, I am sorry to say that, if the Government can take people from anywhere else belong to the influential classes in this society, why could the Government of India not find out people from the Scheduled Castes and Tribes and such sections which are oppressed, to head at least some of the public undertakings? None! Still we found that these posts are being filled up by people who belong to the forward class and upper class.

In our political set up, how many SCs and STs were brought into lime light? Has anybody thought of making a Harijan as the Prime Minister or the President or the Vice President of the country? We never thought in that line. We find that no one has been encouraged or promoted in the political arena to take up such posts. If you are really interested in the upliftment of SCs & STs, then in the political set up that could have been done. It has not happened so. We have no will for that and we have never worked in that line. Just six months before the elections, you have come forward with a statement. What is the consequence of this statement, I do not know. Because of this statement, a few vacancies numbering about a hundred, will be created in Geology Department, Statistics Department and in some other small Departments. I understand that the Prime Minister will intervene tomorrow, and he may tell the entire nation that they are going to take up the cause of SCs and STs. This will only be an election propaganda. I would like to know from the Prime Minister when he intervenes or from the Minister when he replies, the exact number of persons, who are going to be benefited out of this Statement. For the past forty years, we were not able to bring up these downtrodden people to a normal level. We should admit our failure.

I would like to say one more point, to which I am directly connected. Harijans are

the result of exploitation for centuries. At one time every one was equal. Some people got the opportunity and exploited them. Therefore, the Harijans are the socio-economic result. When a Harijan leaves his faith and joins any other faith, he is deprived of the benefit of reservation. A Harijan joining Christianity or Muslim is only changing his faith. What is the criterion for a Harijan according to the Government? The denial of benefits to the Harijans who were converted to Christianity means the violation of the Helsinki Convention and the U.N. Charter. It is a violation of human rights. Nobody should be denied legal right on account of change of faith. I request that the converted Christians from Harijans should get the benefits of SCs and STs. The Government should clarify their stand on this point.

The need of today is that necessary reservation has to be made and necessary Constitution amendment will have to be made if you are really interested in the cause of the oppressed classes.

[Translation]

**SHRI MOHD. AYUB KHAN** (Jhunjhunu): Hon. Deputy Speaker, Sir, I support the Bill presented by Hon. Chidambaram which includes the recommendations made by Shri Ayyapu Reddy.

It is our responsibility to provide protection and to meet the social and moral needs of all the people of all castes and communities living in our country. There are a large number of Harijans and Adivasis in our country. Mahatma Gandhi lived with them and realised their difficulties. It is our responsibility to retain the reservation provisions and to fill up the quota prescribed for them. Vacancies reserved for them are not being filled up by the States on one pretext or the other. People of these communities are deprived of promotions for one reason or other. But, for how long are we going to keep these classes away from us. It is our duty to provide protection and to give proper respect to them. God has created no distinction between man and man, it is we who

[Sh. Mohd. Ayub Khan]

create such distinctions, one who creates such a distinction between man and man lacks sense of humanity. A class was kept oppressed for pretty long time but the time has now come when full respect should be given to our Harijan and Adivasi brothers. It is our duty to protect their rights. Percentage of reservation in the services for them should be filled by the candidates belonging to these communities and they should also be given some percentage in higher services in army etc. Some people want to exploit them in every way but there is a great awakening among them at present and they cannot tolerate such exploitation. I may go to the extent of saying that they should not be called Harijans, it is a matter of shame for us that we take some people as higher and some lower in our own country. It is our duty to give equal respect to all. It will happen only when we understand their problems by living with them, when we help them and remove the feelings of higher and lower from our minds.

A good number of scheduled castes and scheduled tribes people live in my area. They should get Bank facilities and housing facilities. The posts reserved for them in the services should be filled regularly by the candidates of scheduled castes and scheduled tribes. Strict action should be taken against those who try to hurt their religious sentiments. We should visit their establishments and homes in order to solve their problems. It should be our duty. They should get equal respect even on religion basis. All those people who go to the mosque are considered equal. No one is big or small. Similarly, they should not have the feelings that there is a different God for them. God has created all any every body has a right to worship Him. If somebody creates a difference, he I think, is devoid of human touch. If a section of our people remains backward, it is not in the interest of the nation also. We have to bring that section of people in the main-stream of the country. It is only then the country will gain its real strength. It will also contribute to the development of the

country. Most of the people of these communities are farmers and work in the fields. The improvement in the agriculture achieved by our country is due to the hard work done by these people. Today we have established our place in the field of agriculture. Our country stands second after China in the world in the matter of production of rice, groundnuts sugar cane fruits and vegetables. We have achieved fourth place, so far as production of wheat is concerned. This is the result of hard work done by these people and this cannot be ignored. Action should be taken against the people who are occupying high-positions and hate Harijans. Our Hon. Prime Minister has paid attention to their welfare. He said that people of these communities will be given full justice under Jawahar Rozgar Yojana. We should appreciate his feelings for backward classes. Reserved vacancies will be filled because of his instructions in this regard. We should give him full honour and respect. With these words, I conclude.

SHRI KEYUR BHUSHAN (Raipur): Mr. Deputy Speaker, Sir, the Government is going to adopt a liberal policy in order to increase the representation of scheduled castes and scheduled tribes in services. This step should be appreciated by all of us. We should give suggestions to make it more liberal. Shri Thomas criticised it a little while ago. He said that the Government wants to gain popularity because the elections are near. It is unfortunate that the opposition parties want to reduce its importance by calling it an election stunt. We thought that the members of opposition would like to discuss this matter in depth and suggest measures so that the facilities being provided by the Government may reach these people and these facilities can further be extended. This aspect should have been discussed. I understand that Ayyapu Sahib has brought this matter forward for discussion with the same object and he has thus discharged his responsibility towards the country. It is the responsibility of this House also to see that Adivasis and Harijans, who are the foundation stones of our country, progress. In the army we find them posted on the border. In the fields, in the cities, wher-

ever the development work as are being undertaken, people belonging to scheduled castes and scheduled tribes are found engaged in all the development works. What have we done for them? The steps administration is going to take are the results of the instructions given by the Prime Minister. I feel proud to say that he was really a great man who made it a matter of principle. We will implement the 'Anatyodaya' scheme and we will try to ameliorate the lot of the poorest of the poor. These are the views of Mahatma Gandhi and Shri Rajiv Gandhi is trying to give a practical shape to the views of Mahatma Gandhi. If you look to the efforts being made to establish peace in the world you will find that Rajiv Gandhi speaking the language of Gandhiji and the world is looking towards him. Mahatma Gandhi brought the ideal of world peace before the people and gave a new direction to the world. His second ideal was to raise the downtrodden people from their miserable conditions. Shri Rajiv Gandhi is trying to achieve that resolve. I and my party members are proud of it. Somebody said why other political parties did not make efforts in this regard and why Shri Rajiv Gandhi is very much particular about it. I think that those who did not work within regard looked understand. We take class as a base and our leftist friends also understand the importance of the class base. But, here caste has been the basis in our country. Baba Amedkar Sahib said that class basis has no significance where caste basis exists. Class basis is not being adopted here because caste basis exist, in our country. Shri Rajiv Gandhi has now realised that this will have to be removed. The Baba Sahib Amedkar and Mahatma Gandhi felt that this country will get complete freedom and will be reconstructed only when the lot of the poorest of the poor is ameliorated. Poona pact signed on 24 Dec. 1932 was a step in this direction. It was felt that the struggle for freedom will only be won if the entire society came forward. History of India changed after that. We got freedom. Baba Amedkar had certain apprehensions at that time that the upper classes might not let lower classes come up and they will remain deprived of all facilities because they have been poverty

ridden and still after independence they are leading the same type of life. It is, therefore, he emphasised the need of reservation facilities to be provided for these people.

Both Mahatma Gandhi and Baba Saheb Ambedkar were signatories to it. Even Madan Mohan Malviya who had deep knowledge of religion also accepted it. At that time it was claimed that within 10 years the different strata of society would be brought together. Till now we have been unable to do so. The reason for this is that we have not filled up the reservation quota in the Central Government services. To fill up that quota we need to bring about some changes in rules. But we are talking of the Central about the State Government and the Private Sector? In fact, the private sector offers 75% of the employment opportunities in the country. Will the policy of reservation not extended to that sector? Cement iron and such other industries in the private sector have been allowed a free hand in this matter. People belonging to the Scheduled Castes work as sweepers in Municipal Corporations. Why should the Scheduled Castes alone do this work? Why should they spend their lives cleaning drains and carrying sacks of garbage on their heads?

After all Mahatma Gandhi had something in mind when he said that all sections of society should work together and he put this into practice throughout his life. A number of women belonging to Scheduled Castes are not getting any facilities despite their having studied upto Matriculation or B.A. Level. Even with these qualifications they have to clear drains and carry garbage. How long will this go on? They should be given jobs in industrial and other sectors on a priority basis. No educated women belonging to Scheduled Castes should to carry garbage. Mahatma Gandhi wanted to uplift people belonging to the lowest strata of society. But today they continue to work as sweepers and their status is as low as before. There should be a change in this situation. And this change can be brought about by enacting new laws or by providing of more facilities to this section of society. The need of the hour is to increase reservation quota

[Sh. Keyur Bhushan]

and improve the lot of the people engaged in cleaning operations. There should be cent percent reservation for them till they are at par with other with other sections of society. All political parties should make joint efforts towards improving the social status of Scheduled Castes so that people belonging to this section feel proud of their place in the society. Today people belonging to Scheduled Castes do not want to be a part of that section because there has not been any significant change in their social status.

I hope that according to the wishes of the hon. Prime Minister every possible effort will be made to elevate the social status of Scheduled Castes and the Opposition will also co-operate in this matter.

SHRI HARISH RAWAT (Almora): Mr. Deputy-Speaker, Sir, I thank the hon. Prime Minister for his declaration that even after 1990 there would be suitable amendments in the Constitution to protect. The reservation provisions for Harijans, Girijans and Adivasis.

SHRI ANADI CHARAN DAS: The hon. Prime has not announced any extra benefits. As long as the Constitution is not changed the reservation facility for this section will remain as it is.

SHRI HARISH RAWAT: My hon. colleague Shri Das is a Congressman to the core. Yet he has not understood what the hon. Prime Minister wants to convey. I have welcomed the hon. Prime Minister's statement keeping in mind the provisions existing in the Constitution. Probably hon. Shri Das is some that I thanked the hon. Prime Minister. Both the hon. Prime Minister and the Congress (I) truly deserve of praise. When this matter was raised in 1980 the late Prime Minister Shrimati Indira Gandhi categorically stated that reservation facility would remain there as long as Harijans Girijans and Adivasis do not come at par with other advanced strata of society.

Through a Constitutional amendment the reservation facility was extended upto 1990. Today the hon. Prime Minister stated that reservation facility for Harijans, Girijans and Adivasis will continue beyond 1990.

The statement given by the hon. Minister of State for Home Affairs is in consonance with the feelings of the hon. Prime Minister and the principles of Congress (I). I would say that the he was inspired by the hon. Prime to make that statement. These sections are not getting reservation quota in Government jobs according to vacancies reserved for scheduled Castes and Scheduled Tribes to the prescribed rules are not filled up and are kept vacant for some time. Later on these vacancies are filled up through the general category.

[English]

SHRI E. AYYAPU REDDY (Kurnool): That is not correct.

SHRI HARISH RAWAT (Almora): If this is not correct, I think I must thank you. From the opposition, you are saying that this is not the position.

SHRI E. AYYAPU REDDY: As per the Union Public Service Commission's report they have clearly stated; for one vacancy in the General Class there are 122 people; amongst the Scheduled Castes for one vacancy there are 120 applicants and amongst the Scheduled Tribes for one vacancy there are 173 applicants. Therefore, they have clearly stated that so far as the A, B, C categories are concerned, there is no necessity for reservation. As a matter of fact, more than the necessary quota is being filled up.

SHRI HARISH RAWAT: I am coming to that point.

[Translation]

Several times this matter has been raised. It is claimed that posts remain vacant because suitable candidates are not avail-

able I thanked the hon. Minister because he said that if a suitable candidate is not available the post will not be filled up through the general category. Vacancies of the reserved quota will be filled up by Harijan candidates only. This is the reason why I thanked the hon. Minister and I think there should not be any cause for complaint over this issue. To a certain extent I am a critic of the Government and I am speaking more or less in your line of thinking. At least this should make you happy.

Sir, the point I was coming to is that our services are influenced by the upper caste mentality. Reservation may have helped Harijans come into the services but the further progress in their careers is hampered by adverse entries in their Confidential Reports. Appropriate entries should certainly be made if a Harijan works inefficiently or indulges in misconduct. But I have seen Harijans working well, even better than their colleagues because they have to prove that they are in so way less efficient even if they come from a reserved category. I request the hon. Home Minister to take action against officials who deliberately make adverse entries in the Confidential Reports of people from reserved categories so that they are unable to come up in life. A strict warning should be issued to discourage such efforts by other officials also. Sir, many times it has also been seen.,

[English]

MR. DEPUTY SPEAKER: Now it is six O' clock. What about extending the House by half-an-hour?

SHRI HARISH RAWAT: It is upto the House. If you want, I can continue tomorrow.

THE DEPUTY MINISTER IN THE MINISTRY OF SURFACE TRANSPORT AND DEPUTY MINISTER IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI P. NAMGYAL): Sir, we can allow to few of them and we can continue the discussion tomorrow also.

MR. DEPUTY SPEAKER: Tomorrow

also we are having some other items under Rule 193. Therefore, at least it may take half-an-hour for some members to complete their speeches. The House is extended by half-an-hour. Please be brief.

SHRI HARISH RAWAT: Sir, within five or six minutes I will conclude.

MR. DEPUTY SPEAKER: No. there are already 10 members waiting. Please be brief.

[Translation]

18.00 hrs.

SHRI HARISH RAWAT: It is very often seen that of 40 vacancies exist, all the vacancies are not advertised at a time. Vacancies are advertised on piece-meal basis at the rate of 3 to 4 posts at a time. these piece-meal advertisements are aimed at circumventing the provisions relating to reservations. The recruiting authorities apprehend that if all the 40 posts are advertised at a time, the number of reserved posts will be higher than in case of advertisement for 3 to 4 posts at a time. Now this mentality is quite common in Government offices. Our Harijan brethren and the people from the villages have complained about it. I would like to request the hon. Minister of State in the Ministry of Home Affairs that all the vacancies likely to occur during a year, including those to be created, should be assessed in advance and all the vacancies should be notified through a single advertisement so that prescribed number of vacancies are reserved and reserved categories of people are actually benefited.

I would also like to submit that today there is discontent among the educated Harijan youths in the country that they have no land, no other means of livelihood, no money to set up industries because they are traditionally poor. Same is the position in regard to Adivasis. The number of such educated people has increased considerably and jobs are not available to them and Government service is the only means of



[Sh. Harish Rawat]

livelihood for them to fall back upon. I would like to say that a survey of these youths should be made. It is all right if we could provide them alternative employment, otherwise they should be provided *ad hoc* employment. We should try to absorb Harijans and tribal people against the daily wage posts so that discontent among them resulting from their miserable position could be removed.

Yesterday and earlier also some of my hon. friends raised the issue that the benefit of reservation should be made available to a person only once. I feel that it is a very delicate matter since son of a person, who has already availed the benefit of reservation, may have attained a specific standard to be in a position to be able to qualify for a higher post. But when we say that the benefit of reservation should be extended to one person only, his son will not be able to qualify for the next post. That is why the Government should categorically state that the benefit of reservation will continue to be made available to Harijans, Girijans and tribals uninterrupted as hitherto. Similarly the benefit for more than once should also continue. If there is any controversy on this point, it should be left to scheduled castes and scheduled tribes to sort it out as to how many times they could avail this benefit. Let them find an answer to it.

For quite some time a demand is being made to include certain castes in the list of scheduled castes and scheduled tribes, which were left out during the survey made at that time. In my own constituency also there are a number of castes which were left out. I repeatedly wrote to the Ministry of Welfare, Planning Commission and the Ministry of Home Affairs and I again make a fervent appeal here today that the *Gandharva* caste, who are now starving due to lack of protection and patronage to their traditional mode of making their living through singing and dancing, should be extended the benefit of reservation since they are Harijans. Then there are *Anwals* in my area,

in my area, who fully qualify to be declared a scheduled tribe. They should be given this status. Similarly survey has been conducted in respect of other castes also. I request that such tribals living in hill areas of Uttar Pradesh may also be granted the status of Scheduled Tribes.

With these words I support the statement made in the House by hon. Minister of State in the Ministry of Home Affairs. At the same time I again express my thanks to the hon. Prime Minister for his announcement in respect of Harijans and Girijans, which has solidly identified the Congress Government with the avowed policy of the Congress and the cherished principles of Gandhiji in this regard.

SHRI K.D. SULTANPURI (Simla): Mr. Deputy Speaker, Sir, I welcome the statement made by hon. Minister Shri Chidambaram on 19th April on which Shri Ayyapu Reddy has sought a discussion.

I feel that from the day the Congress party and especially truly Indian Government took over the reigns of the nation, enormous efforts have been made for the uplift of Harijans and Adivasis and it is the culmination of these efforts that we find full representation of Harijans and Adivasis in all the State Legislatures and Parliament. Similarly these communities enjoy representation in the I.A.S. and the I.P.S. In other words we can say that every effort has been made by the Government to provide them better facilities of education. No parallel to it is to be found in any other country. Our friends in the opposition made some suggestions here that the Prime Minister, the President of the country should be selected from among the Harijans and Adivasis. But there are no such provisions in our Constitution either debarring persons belonging to other castes from becoming Prime Minister or reserving it for a Harijan. The opposition in our country never gave a chance to a Harijan or a person belonging to a minority community to be appointed President or General Secretary of their party. You take up any party C.P.M., C.P.I. or for that matter any other party, no



Harijan has ever been made the party Chief. It is only the Congress party which made Babu Jagjiwan Ram as their national President. It is the same party which made Dr. Ambedkar as the Minister of Law of the country, who provided guidelines of the constitution to the nation. Today, our hon. Prime Minister took a very bold decision by establishing a University after the name of Dr. Ambedkar. I would like to congratulate him for showing concern for the Harijans and Adivasis. The opposition parties have been engaged in the exercise of somehow bringing the Harijans and Adivasis to their fold and exploiting them. You may recall that the hon. Member from Karnal, Shri Chiranjilal Sharma, was telling that the Government of Haryana, neighbouring the State of Punjab, bulldozed 120 houses. The hon. Member had raised this issue during the zero hour also.

SHRI HARISH RAWAT: The members of the Janata Dal are unhappy over the setting up of a University after the name of Dr. Ambedkar by the hon. Prime Minister. The Janata Dal people in Uttar Pradesh have criticised it.

SHRI K.D. SULTANPURI: Hon. Members occupying the opposition benches are very wise. Today only Shri Ayyapu Reddy raised the issue as to what could be done for the Harijans. We welcome it. He has crossed over from this side. We have to do lot of work in this direction and the opposition should extend its Co-operation in this respect. I would like to request the hon. Minister of Home Affairs, who is sitting here, to pay more attention to filling up the backlog of reserved vacancies, as pointed out by the hon. Member, Shri Harish Rawat. The Government should identify the nature of atrocities committed on Harijans. They are implicated in false cases of rape, dacoity and murder. I suggest that in such areas, in camp posts, police stations etc., I.P.S. Officers, Collectors, Superintendents of Police and other officers belong to Scheduled Castes should be posted to protect them from such atrocities. I share the views of Shri Rawat against advertising piecemeal 100 vacan-

cies in instalments of 4 or 5. Explaining it further he clarified that it was intended to deprive the children of Harijans their rightful share in Government jobs.

As regards public undertakings, large institutions like Air India, Railways, I had the opportunity to see their functioning. Representation of scheduled castes and scheduled tribes in jobs in these undertakings is not even 0.2 percent. When they are asked the reason for it, they say that they are not capable and they lack training. I, therefore, ask you to open training institutions for them so as to enable them to come up to your requirement. I want to tell you that people not in lakhs but in crores are available in the Employment Exchanges, who are capable to man these posts, but they are not appointed. I am very grateful to the hon. Prime Minister for taking for reaching decision that backlog of reserved posts would no more be carried over. Along with it he has taken one more decision that there will be 30 percent reservation for the Harijan women in the Jawahar Rozgar Yojana. The opposition parties go on saying that it is an election stunt. I would like to tell you that it is not at all an election stunt howsoever you may term it as election stunt. Our Hon. Prime Minister is working for taking the country forward, you should cooperate with him and help us in our efforts aimed at welfare of the people. You are yourselves indulging in election stunts. Every day you cast aspersion on the Prime Minister through newspapers and try to malign him. It lowers the dignity of the office of the Prime Minister of the nation in other countries. But he is unnerved by your tirade.

The focal point of our deliberations in this august House is the interest of the nation and these have international impact. I am grateful to the hon'ble Prime Minister for his endeavour to take democracy to the grass-root level and to uplift the weaker sections of the society. Our constitution provides for reservation for these people. Our hon'ble Prime Minister has taken a decision to continue it. When the Janata Government came into power, they did not extend it. But when our leader Shrimati Indira Gandhi came back

[Sh. K.D. Sultan Tanpur]

to power, she extended it for a further period of ten years. Today we are thankful to the Hon'ble Prime Minister for further extending this facility and he has also said that this provision will remain in force till poverty is removed and they are brought above the poverty line. I again thank him for this.

I would like to say something about banks. As regards appointments in the banks against the reserved quota for Scheduled Castes and Scheduled Tribes backlog continues year after year. There is a shortfall in the reserved posts for Scheduled Castes and Scheduled Tribes in the State Boards also. I would say with all emphasis at my command that when you have issued guidelines for the whole nation, the orders regarding reserved posts should be implemented uniformly in all our institutions. Besides, there are people who are not given lease of land and who are not given possession of land allotted to them. The number of people who violate laws regarding land, whosoever they may be, should be identified and they should be punished. The poor people have not been allotted land. Therefore, I would like to say that the decisions taken by us should be lawfully implemented. These people should also be helped in setting up industries upto maximum possible extent. I hope that our hon'ble Home Minister would implement these decisions fully and see that the people belonging to Scheduled Castes and Scheduled Tribes are benefited.

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

SHRI ANADI CHARAN DAS (Jaipur): Mr. Deputy Speaker, Sir, the Hon'ble Home Minister has given a statement banning de-reservation of posts but I would like to submit that there are a lot of drawbacks in the existing reservation policy and therefore, the whole policy should have been listed for discussion in the House. Adivasis and Harijans are not getting the benefit under the policy and on the pretext of non-availability of suitable candidates belonging to these categories

persons belonging to the general categories are appointed.

I would like to refer to a circular issued by the Director in the Department of Personnel, which required an Adivasi or Harijan candidate to have obtained the same percentage of marks as prescribed for general candidates to make him eligible to apply for a post under the Government. They can apply only if they have obtained that very percentage of marks and then only their cases can be considered. I want to know whether you have withdrawn the above circular or not. Unless this circular is withdrawn, the Harijan and Adivasi candidates can not apply for the posts because many institutions mention in their advertisements that candidates should have obtained 50 per cent marks and if any Harijan or Adivasi candidate has obtained 35 per cent marks, he can not apply for such a post. Department of Personnel had issued this circular in the past. You have not withdrawn it so far and many undertakings still specify this minimum percentage of marks in their advertisements. So the very first thing I want to know is that whether you have withdrawn this circular or not?

I have many other questions to ask but if I ask all the questions, the discussion would be prolonged. We do not know exactly what the reservation policy is and the brochure on reservation policy is too long. There are many things in the brochure about the reservation policy and some point or the other continues to be raised and people take them to High Courts and Supreme Court and the number of cases go on piling up there. Even today 100 cases about reservation are pending in the various High Courts and the Supreme Court. I would like to suggest that you should set up a Tribunal to hear and decide cases of scheduled castes and scheduled tribes so as to ensure their speedy disposal. You have mentioned just now about de-reservation but you have not specified the number of years the policy will remain in force. Will you kindly specify the period?

I would like to submit one more point.

When recruitment is made only 50% of the backlog is covered. I would like to know about the policy regarding the remaining 50% posts which are carried forward. These things can not be discussed here properly and these can be better discussed across the Table. People belonging to scheduled castes and scheduled tribes are not going to be very much benefited by the statement made by you. You will have to think as to how these people can be provided more jobs. Therefore, the statement made by Shri Chidambaram appears to me to be \*\*... Harijans and Adivasis will be the losers and the do not stand to benefit in any way. (*Interruptions*)

[*English*]

MR. DEPUTY SPEAKER: That word will not go in record.

SHRI C. MADHAV REDDI (Adilabad):  
\*\*... It is not unparliamentary.

MR. DEPUTY SPEAKER: If it is unparliamentary, it will not go on record.

[*Translation*]

SHRI BAPULAL MALVIYA (Shajapur):  
He has changed after crossing the floor.

SHRI ANADI CHARAN DAS: That is why I want to know as to how long will you carry forward this backlog?

My second question is that the Prime Minister made a statement on 12.4.89 that serve action would be taken against those who did not fill up the reservation quota. I would like to know the follow up action taken by you in pursuance of the statement of the Prime Minister.

[*English*]

The Prime Minister had announced that Government would take tough action if the reservation quota for the SC and ST were not filled. I would like to know whether any Government Order has been issued to this effect. If not, how the Government propose

to take tough action against the defaulters? What steps do you propose to take?

The Government has provided suitable relaxation in qualification and experience and standard of suitability for SC and ST candidates in direct in recruitment. Why such relaxations are not advertised while calling for applications to fill the posts? At that time itself this relaxation should be there. In that context what steps do you propose to take?

There are nearly 240 public sector undertakings in the country. May I know in how many of these undertakings the Chairman and Managing Directors belonging to SC and ST have been appointed? What steps the Government propose to take in this regard?

It is a well established practice that sweepers' posts who clean toilets etc. should be given to SC only. It is the policy of the Government previously. Now-a-days even the upper caste people are applying and are getting these posts. In that context what steps do you propose to take? There are many high caste people who are also applying and getting these posts.

A number of scientific and technical posts have been kept outside the purview of reservation. It was probably done in 1960. I would like to know whether you propose to take action to revise this so that some Adivasi and Harijans can also be accommodated in these posts. You have given a very long list. I want to know whether a new list can be published so that Adivasi and Harijans will also get those posts.

It has been provided in reservation rules that a reserved vacancy be filled up by a general candidate if suitable SC or ST candidate is not available. Under the garb of suitability, even the suitable candidates are rejected to accommodate the general candidates even for stereotyped jobs like clerks and peons. What suitable steps do you propose to take in this regard?

There are many cases pending in the

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\*\*Expunged as ordered by the Chair.

[Sh. Anadi Charan Das]

courts. How do you finalise all these cases? I would like to know whether a tribunal can be appointed for SC and ST candidates to represent their cases and where their cases will be settled in a few days' time. There are some rules about application for SC and ST candidates. When they apply, you have to give them TA and DA. Now it is given only if it is more than 80 kilometres. I would like to know whether you are going to relax this rule so that Harijans and Adivasis can come from 20 Kms. or 30 kms. distance also to appear in the interview and get their TA and DA. Like that, the huge backlog of reserved posts as on 1.4.1989 will be dereserved or carried forward. Will these posts be filled up by Scheduled Caste and Scheduled Tribe candidates? This is a very vital question. You may reply to this. Like this, there are many other points. But I do not want to raise all those points. I have already referred to all those points. The Government should give proper thought to it so that the Scheduled Caste and Scheduled Tribe people will get benefit. The reservation policy should be discussed thoroughly, so that they will get the benefit, out of it. Old policy is there and a new thought should be given to this effect.

MR. DEPUTY SPEAKER: Just a minute. The word used by Shri Anadi Charan Das, according to our bulletin, is unparliamentary.

SHRI K. PRADHANI (Nowrangpur): Mr. Deputy Speaker, Sir, I rise to congratulate the personnel Ministry for having made a statement, banning the dereservation of the quota reserved for Scheduled Castes and Scheduled Tribes.

Secondly, he has applied the formula of promotion of reservation to the posts where the recruitment percentage has gone upto 75%. I congratulate the personnel Ministry for giving this privilege to the Scheduled Castes and Scheduled Tribes.

First of all, I would like to mention something, about Shri E. Ayyapu Reddy's state-

ment. He stated that a large number of people have applied for the UPSC for only one post and many people were left without employment. I would like to say that it is only in the case of UPSC Class A and Class B Services in which so many people have applied and only some people have got it. During the last five years, in UPSC, cent percent of the posts reserved for Scheduled Castes and Scheduled Tribes had been filled up by the UPSC, only out of the pressure given by the Home Ministry and the Prime Minister. It is not so with the other Departments. I will read out a statement about the employment position in Madhya Pradesh.

SHRI E. AYYAPU REDDY: It is for the Union Services.

SHRI K. PRADHANI: I have already said that. I agree with your statement. In UPSC, only 100 to 200 persons are recruited every year and that will not satisfy our position. A large number of people are employed by the State Governments, public undertakings, banks and the railways.

I will read out a statement about the employment position in Madhya Pradesh. In Madhya Pradesh, the reservation quota for Scheduled Castes is 15% and for Scheduled Tribes is 18%. The present strength of Scheduled Castes in Class I is 2.13; in Class II is 5.31; in Class III is 9.17 and Class IV is 11.75. For Scheduled Tribes, it is Class I - 1.04; Class II - 2.44; Class III - 9.45 and Class IV - 8.67. These figures are by 1.1.1986. I am quoting this from the report of the Commission for Scheduled Castes and Scheduled Tribes. I mean to say that there is a large gap between the reserved quota and the achievement of the reserved vacancies of Scheduled Castes and Scheduled Tribes in States and many other Departments of Government of India, except UPSC. That is why, there should be some method to fill up the gap. There is a rule that after every three years, the posts carried forward from the vacancies of backlog will be dereserved and transferred to the general quota. That has, now, been ended. The Government has banned dereservation of posts; no post will

be dereserved; any post lying vacant against the quota of Scheduled Castes and Scheduled Tribes will be filled up only by the Scheduled Castes and Scheduled Tribes. This is a very great advantage for the scheduled castes and scheduled tribes. On the whole I would like to say that in Class III and Class IV there should be some policy change regarding recruitment. I agree that literacy percentage of tribals as a whole is worse than the scheduled castes. It is because scheduled castes people are spread throughout the country in a uniform way whereas scheduled tribe people are concentrated in certain areas. Further education of the children of the tribals is very poor because of poverty. Even when their children get the facility of boarding, lodging and staying in residential schools these children do not want to stay there as their parents are poor and they want to employ them for collecting fuel and grazing cattle. I understand the Ministry of Welfare has introduced a scheme to give some incentives to their parents also. It is a very good scheme. I welcome this proposal. I would like this scheme to be applied throughout the tribal areas so that the poor parents do not try to engage their children in collecting fuel or grazing cattle and on the other hand send them to schools to pursue their education. This incentive money should be paid to the parents and residential schools should be increased in tribal areas so that their education percentage gets increased.

As far as recruitment policy is concerned I wish there is a change especially in respect of Class 'C' and 'D' posts. Shri Ayyapu Reddy mentioned that whereas there are large number of applicants for Class 'A' and

'B' posts why there are not sufficient applications for Class 'C' and 'D' posts when a large number of vacancies are lying in backlog in every State for these categories of posts. The filling up of vacancies in Class III is to the tune of only 9.45% against the quota of 18% and in Class IV it is 8.64% against the quota of 18%. Do you mean to say that there are no candidates ready to be employed for Class III and IV posts? The candidates are there but they do not like to go to places outside the district. They are concentrated in certain parts of the State and they do not want to go to other places to serve as peons or clerks. They are ready to go to serve in Class I and II posts. Here I would like to mention about Orissa. In Orissa we have 13 districts and in five districts they are concentrated where their percentage is 50 to 73 percent. In our Tribal Advisory Council in Orissa the Chief Minister was kind enough to adopt district reservation policy and according to the percentage of the population we give reservation in the district. Of course it is subject to the maximum of 50 percent. In the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1984 it is mentioned that if this district formula is adopted in every district then even the scheduled tribes quota will be filled up in Class III and IV posts. Personnel Ministry should take up this matter and issue guidelines to the State to adopt this district reservation system.

18.35 hrs.

*The Lok Sabha then adjourned till Eleven  
of the Clock on Friday, May 12, 1989/  
Vaisakha 22, 1911 (Saka)*