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Tuesday, May 29, 1960
Jyaishta 8, 1912 (Saka)

LOK SABHA DEBATES (English Version)

**Second Session
(Ninth Lok Sabha)**



सत्यमेव जयते

(Vol. VII contains Nos. 51 to 53)

**LOK SABHA SECRETARIAT
NEW DELHI**

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CONTENTS

[Ninth Series, Vol. VII, Second Session, 1990/1912 (Saka)]

No. 51, Tuesday, May 29, 1990/Jyaistha 8, 1912 (Saka)

	COLUMNS
Papers Laid on the Table	1—9
Messages from Rajya Sabha	9—10
Legislative Council Bill As passed by Rajya Sabha— <i>Laid</i>	10—50
Leave of Absence from the sittings of the House	50—51
Pettion <i>Re.</i> Closure of Refractory and Ceramic Units of Raniganj No.2 Works and Durgapur Works of Burn Standard Co. Ltd. West Bengal— <i>Presented</i>	52
Statement by Minister Licensing policy on steel	52—59
Shri Dinesh Goswami	
Matters Under Rule 377	59—64
(i) Need to set up an Atomic Power Plant in district Puri of Orissa at the place proposed by Site Selection Committee for Eastern Region	59—60
Shri Gopi Nath Gajapathi	
(ii) Need to include 'Gaund', 'Manjhi' and 'Panika' tribes of Uttar Pradesh in the list of Scheduled Tribes	60
Shri Mohanlal Jhikram	

(ii)

COLUMNS

- (iii) **Need to include the project of extension of metre gauge line upto Agartala, Tripura, in the 8th Plan** 61

Shri Sontosh Mohan Dev

- (iv) **Need to instal high power T.V. transmitter at Doordarshan Centre, Saharsa in Bihar** 62

Shri Surya Narayan Yadav

- (v) **Need to open a Central Research University in Utrakhand in Uttar Pradesh** 62

Shri M.S. Pal

- (vi) **Need for effective steps to check polution of water by effluents from various chemical and pharmaceuticals industries in Madhya Pradesh, particularly in Ratlam** 63

Dr. Laxminarayan Pandeya

- (vii) **Need to take steps to check the soil erosion caused by Ghaghra river in Azamgarh district, Uttar Pradesh** 63—64

Shri Ram Krishan Yadav

- (viii) **Neet to withdraw cases of victimisation against Railway employees and to remove Rule 14(ii) of the Railway Servants (Discipline and appeal) Rules, 1968** 64

Shri A.K. Roy

**Constitution (Scheduled Castes) Orders (Amendment) Bill
As Passed by Rajya Sabha** 65—107

Motion to consider

Shri Suresh Kodikkunnil 65—67

Shri Ramashray Prasad Singh 67—69

(iii)

COLUMNS

Shri P. Penchalliah	69—72
Shri Piyare Lal Handoo	72—74
Shri Satynarayan Jatiya	74—76
Shri N. Dennis	76—78
Kumari Bimal Kaur Khalsa	78
Shri B. Rajaravi Varma	79—80
Prof. K.V. Thomas	81
Shri Haribhau Shankar Mahale	81—83
Shri Peter G. Marbaniang	84
Shri Vamanrao Mahadik	84—85
Shri Palas Barman	86—88
Shri Ratilal Kalidas Varma	88
Shri Ram Vilas Paswan	88—96
Clauses 2 to 7 and 1	97—107
Motio to Pass	
Shri Ram Vilas Paswan	99—106
Constitution (Sixty-Eighth amendment) Bill	107—167
Motion to consider	
Shri Kusumā Krishna Murthy	113—116
Shri Ram Dhan	116—121
Shri Khemchandbhai Somabhai Chavda	121—124
Shri Uttam Rathod	124—128

(iv)

	COLUMNS
Shri Nani Bhattacharya	128—130
Shri K.D. Sultanpuri	130—132
Shri Santosh Bhartiya	132—133
Shri Chhaviram Argal	133—138
Shri Arvind Netam	138—139
Kumari Mayawati	139—140
Shri Girdhari Lal Bhargava	140
Shri Ram Lal Rahi	140—142
Shri Piyare Lal Handoo	142—144
Shri Haribhau Shankar Mahale	144—145
Shri Vishwanath Pratap Singh	145—146 149—159
Shri Vasant Sathe	147—148
Shri Ram Vilas Paswan	159—167
Constitution (Sixty-Sixth Amendment) Bill	167—174
Motion to consider	
Shri Upendra Nath Verma	167
Shri Guman Mal Lodha	167—174

LOK SABHA DEBATES

LOK SABHA

Tuesday, May 29, 1990/Jyaistha 8, 1912
(Saka)

The Lok Sabha met at
Eleven of the Clock

[MR. SPEAKER *in the Chair*]

PAPERS LAID ON THE TABLE

[*English*]

Review on the working of and Annual Report of National Hydroelectric Power Corporation Ltd. for 1988-89 and statement for delay in laying these papers and Report of Comptroller and Auditor General of India—Union Government — (No. 13 of 1989) (Commercial) — Neyveli Lignite Corporation Ltd.

THE MINISTER OF ENERGY AND MINISTER OF CIVIL AVIATION (SHRI ARIF MOHAMMAD KHAN): 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—

- (i) Review by the Government

on the working of the National Hydroelectric Power Corporation Limited for the year 1988—89.

- (ii) Annual Report of the National Hydroelectric Power Corporation Limited for the year 1988-89 along with Audited Accounts and comments of the Comptroller and Auditor General thereon.

- (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 1022/90]

- (3) A copy of the Report (Hindi and English versions) of the Comptroller and Auditor General of India—Union Government (No. 13 of 1989) (Commercial)—Neyveli Lignite Corporation Limited, under article 151 (1) of the Constitution. [Placed in Library. See No. LT 1023/90]

Notifications under Major Port Trusts Act 1963 and Highways Act 1956 and statement for delay in laying the Notification under National Highway Act 1956; Annual Administrative Report and Review on the Working of Pepsu Road Transport Corporation Patiala for 1987-88 etc.

THE MINISTER OF SURFACE TRANSPORT (SHRI K.P. UNNIKRIISHNAN): I beg to lay on the Table—

- (1) A copy of Notification No. G.S.R. 24 (E) (Hindi and English versions) published in Gazette of India dated the 22nd January, 1990 approving the Calcutta Pilot Service (other than Haldia Dock Complex) (Training, Grading and Seniority) Regulations, 1990 under sub-section (4) of section 124 of the Major Port Trusts Act, 1963. [Placed in Library. See No. LT 1024/90]
- (2) A copy of Notification No.S.O. 147(E) (Hindi and English versions) published in Gazette of India dated the 20th February, 1989 declaring five State Roads as National Highways together with a corrigendum thereto published in Notification No. S.O. 674 (E) in Gazette of India dated the 22nd August, 1989 under section 10 of the National Highways Act, 1956,
- (3) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (2) above. [Placed in Library. See No. LT 1025/90]
- (4) (i) A copy of the Annual Administration Report (Hindi and English versions) of the Pepsu Road Transport Corporation, Patiala, for the year 1987-88 under sub-section (3) of section 35 of the Road Transport Corporations Act, 1950, read with clause (c) (iv) of the Proclamation dated the 11th May, 1987 issued by the President in relation to the State of Punjab.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Pepsu Road Transport Corporation, Patiala, for
- the year 1987-88.
- (5) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (4) above. [Placed in Library. See No. LT 1026/90]
- (6) (i) A copy of the Annual Report (Hindi and English versions) of the Bombay Dock Labour Board for the year 1988-89 along with Audited Accounts under Section 5E of the Dock Workers (Regulation of Employment) Act, 1948.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Bombay Dock Labour Board for the year 1988-89.
- (7) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (6) above. [Placed in Library. See No. LT 1027/90]
- (8) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Port Management Madras, for the year 1988-89 along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the National Institute of Port Management, Madras, for the year 1988-89.
- (9) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (8) above. [Placed in Library. See No. LT 1028/90]
- (10) A statement (Hindi and English versions) explaining the reasons for not laying the Audited Ac-

counts of the Pepsu Road Transport Corporation, Patiala, for the year 1988-89 within the stipulated period of nine months after the close of the Accounting Year. [Placed in Library. See No. LT 1029/90]

(11) A copy each of the following Notifications (Hindi and English versions) under section 8A of the Dock Workers (Regulation of Employment) Act, 1948:

(i) The Calcutta Dock Clerical and Supervisory Workers (Regulation of Employment Amendment Scheme, 1989 published in Notification No. S.O. 1968 in Gazette of India dated the 26th August, 1989.

(ii) The Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1989 published in Notification No. S.O. 1969 in Gazette of India dated the 26th August, 1989.

(iii) The Calcutta Chipping and Painting Workers (Regulation of Employment) Amendment Scheme, 1989 published in Notification No. S.O. 2598 in Gazette of India dated the 14th October, 1989.

(iv) The Dock Workers (Regulation of Employment) Amendment Scheme, 1989 published in Notification No. S.O. 3139 in Gazette of India dated the 16th December, 1989. [Placed in Library. See No. LT 1030/90]

(12) A copy of the the Notification No. S.O. 680(E) (Hindi and English

versions) published in Gazette of India dated the 30th August, 1989, regarding exemption to tractors from the requirements of certain provisions of sub-section (3) of section 110 of the Motor Vehicles Act, 1988 issued under the said section of the Act.

(13) A copy of the Notification No. S.O. 766 (E) (Hindi and English versions) published in Gazette of India dated the 27th September, 1989 appointing the 1st March, 1990 as the date on which the provisions of sub-rule (i) of rule 115 of the Central Motor Vehicles Rules, 1989 shall come into force issued under sub-rule (3) of rule 1 of the said Rules.

(14) A copy of the Notification No. S.O. 896 (E) (Hindi and English versions) published in Gazette of India dated the 27th October, 1989 appointing the 1st April, 1991, as the date on which the provisions of sub-rules (3) and (4) of rule 115 of the Central Motor Vehicles Rules, 1989 shall come into force and the 1st day of April, 1992 as the date on which the provisions of sub-rule (5) of the rule 115 of the said rule shall come into force issued under sub-rule (3) of rule 1 of the said rules.

(15) A copy each of the following Notifications (Hindi and English versions) under sub-section(4) of section 212 of the Motor Vehicles Act, 1988:

(i) S.O. 681 (E) published in Gazette of India dated the 30th August, 1969 specifying the maximum safe laden weight of transport vehicles having two-axle rigid chasis with a maximum safe laden weight of 16.2 tonnes and

with a maximum safe laden weight of 6.0 tonnes shall be 15 per cent higher than the maximum safe laden weight specified in respect of such vehicles under the said notification.

- (ii) A copy of the Central Motor Vehicles (Amendment) Rules, 1989 published in Notification No. G.S.R. 933(E) in Gazette of India dated the 28th October, 1989 together with a corrigendum thereto published in Notification No. G.S.R. 132 (E) dated the 9th March 1990. [Placed in Library. See No. LT 1031/90]

Report of the Comptroller and Auditor General of India (No.5 of 1989) Union Government (Commercial)—National Mineral Development Corporation Ltd.

THE MINISTER OF STEEL AND MINES AND MINISTER OF LAW AND JUSTICE (SHRI DINESH GOSWAMI): I beg to lay on the Table a copy of the Report (Hindi and English versions) of the Comptroller and Auditor General of India (No. 5 of 1989)—Union Government (Commercial)—National Mineral Development Corporation Limited under article 151 (1) of the Constitution. [Placed in Library. See No. LT 1032/90]

Statement Correcting reply given on 17.5.1990 to USQ No. 9136 re: Sugar-cane Production

THE MINISTER OF ENERGY AND MINISTER OF CIVIL AVIATION (SHRI ARIF MOHAMMAD KHAN): On behalf of Shri Nitish Kumar I beg to lay on the Table a statement (Hindi and English versions) Correcting the reply given on 17th May, 1990 to Unstarred Question No. 9136 by Shrimati Basava Rajeshwari and Sarvashri Prakash V. Patil and G.S. Basavaraj regarding sugar-cane production. [Placed in Library. See No. LT 1033/90]

[*Translation*]

Indian Institute of Legal Metrology (Amendment) Rules, 1990 and Statement for delay in laying these papers

THE MINISTER OF STATE IN THE MINISTRY OF FOOD AND CIVIL SUPPLIES (SHRI RAM PUJAN PATEL): I beg to lay on the Table:

- (1) A copy of the Indian Institute of Legal Metrology (Amendment) Rules, 1990 (Hindi and English Versions) published in Notification No. G.S.R. 190 in Gazette of India dated 31st March, 1990 under sub-section (4) of section 83 of the Standards of Weights and Measures Act, 1976.
- (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 1034/90]

[*English*]

Annual Reports and Reviews on the working of National Institute of Public Cooperation and Child Development New Delhi for 1988-89 and Central Social Welfare Boards, New Delhi for 1988-89 and statements for delay in laying these papers

THE DEPUTY MINISTER IN THE DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF WELFARE (SHRIMATI USHA SINGH): I beg to lay on the Table—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Public Cooperation and Child Development, New Delhi, for the year 1988-89 along with Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the National Institute of Public Cooperation and Child Development, New Delhi, for the year 1988-89.
- (2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above. [Placed in Library. See No. LT 1035/90]
- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Central Social Welfare Board, New Delhi, for the year 1988-89 along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Central Social Welfare Board, New Delhi, for the year 1988-89.
- (4) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above. [Placed in Library. See No. LT 1036/90]

11.02 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 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Legislative Councils Bill, 1990 which has been

passed by the Rajya Sabha at its sitting held on the 28th May, 1990."

- (ii) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Union Duties of Excise (Distribution) Amendment Bill, 1990, which was passed by the Lok Sabha at its sitting held on the 24th May, 1990 and transmitted to 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."
- (iii) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Additional Duties of Excise (Goods of Special Importance) Amendment Bill, 1990, which was passed by the Lok Sabha at its sitting held on the 24th May, 1990 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."

11.02 1/2 hrs.

LEGISLATIVE COUNCILS BILL, 1990

As passed by Rajya Sabha

SECRETARY-GENERAL: Sir, I lay on the Table the Legislative Councils Bill, 1990, as passed by Rajya Sabha.

(Interruptions)

SHRIDINESH SINGH (Pratapgarh): Mr. Speaker, Sir, yesterday we had made our

[Sh. Dinesh Singh]

position clear regarding the difficulty we are facing in the absence of the Government not placing certain documents on the Table of the House. You are aware that for quite some time, allegations are being made against our party against individuals in the party on the basis of some information which the then opposition and now the Government seems to have. All this time we have been requesting them to let the House have that information, let the country have that information so that those responsible could be proceeded against speedily. On one pretext or the other, the Government is avoiding placing these papers on the Table of the House only to continue to create this illusion. Obviously, they have nothing specific against anybody in our party. Otherwise, they should have been the first to come out and place the papers and say that these are the facts. Even now, during the elections, they said that within 30 days we shall collect all this information and give it. Now six 30 days have passed and they have yet not revealed anything more than what we revealed earlier. They have been waiting to get some documents from Sweden. That document is also available to them. Now they are not willing to place it on account of some agreement, they say, they have made with the Government of Sweden not to make it public. As such, to this we take serious objection. It is on account of the resolution passed in Swedish Parliament that these documents should be made available to India. Before that the Government was not willing. It is the Parliament of Sweden that has made it available. Parliament of Sweden has said that this should be made available. But this Government is not willing to make it available to the Indian Parliament. This is our objection. This Government only wishes to conceal this and give an impression of a continuing doubt in public mind, while they have the document.

SHRI SOMNATH CHATTERJEE (Bolpur): Who says that there is a doubt? (*Interruptions*)

SHRI DINESH SINGH: You have been saying all the time. (*Interruptions*) Sir, first of all, our objection is, on their not placing certain documents. The documents we had asked for, were the documents in the Prime Minister's Secretariat, concerning Bofors. They have still not made it available to the House, despite a promise made by the Prime Minister himself in this House. This is the regard they show to their commitment to the House. They have not made that available. Now, they have the document from Sweden. They are not even willing to place it on the Table of the House. This is setting up a very dangerous precedent. The right of this Parliament to information is being curtailed by some excuse or the other of this Government. (*Interruptions*)

SHRI BASUDEB ACHARIA (Bankura): You please remember what you did when you were in the Government. (*Interruptions*)

SHRI P.R. KUMARAMANGALAM (Salem): Do you want to repeat it? (*Interruptions*)

SHRI DINESH SINGH: We did not refuse to place any document. In fact, we set up a Parliamentary Committee to look into it. So, our record, on that accounts, is absolutely clear. (*Interruptions*)

SHRI BASUDEB ACHARIA: A Parliamentary Committee with Shri B. Shankarnand as Chairman! (*Interruptions*)

SHRI DINESH SINGH: The Members of Opposition were invited to be on the Committee. Now, the question is, is it important to who head the committee is it important to be on the Committee to get information. This is the kind of excuse they made earlier which is the kind of excuse they are continuing to make. (*Interruptions*)

Sir, I am not going into that. My trouble is that the supporters of the Government are even more active in trying to conceal something. (*Interruptions*) All that we are saying is that apart from the commitment made by the Prime Minister to this House, this Gov-

ernment... (*Interruptions*)

SHRI SOMNATH CHATTERJEE: Why did you not get it in your time? (*Interruptions*)

SHRI DINESH SINGH: Apart from that, what is happening, now by not placing the document from Sweden is that the basic right of the House. (*Interruptions*)

[*Translation*]

MR. SPEAKER: Yesterday, he responded to your Questions.

[*English*]

The Parliamentary Affairs Minister Shri P. Upendra, I think, responded to your queries yesterday.

SHRI DINESH SINGH: He responded in a manner which left more doubts than any clarification he gave. But interestingly enough, he managed to get into the newspapers that he was willing to share all the information. Not only in the newspapers, but also in the TV and the Radio which is controlled by him. Now, you see, how free he wants the Press and the media to be! Having done that, if he is honest, he should now place it on the Table of the House. (*Interruptions*)

SHRIM. J. AKBAR (Kishanganj): Where is he? (*Interruptions*)

[*Translation*]

MR. SPEAKER: As Shri Satya Pal present in the House ?

(*Interruptions*)

[*English*]

SHRI DINESH SINGH: Sir, in the absence of the Minister and their intention to share the information with this House, we have only you to protect the rights of the House and the Members. Therefore, I would request you to direct the Government to

place all these papers on the Table of the house, immediately. (*Interruptions*)

[*Translation*]

SHRI VASANT SATHE: Sir, with your kind permission, I would like to place two important points before the House. The first point is that yesterday we had raised an issue about Punjab. The Minister of Home Affairs was also present and he had stated that a very wrong procedure has been started in Punjab and it has been increasing. The people have entered in the Gurudwaras with their guns and again Gurudwaras have been becoming military bases. It is a very serious issues. Today it has been reported that a large number of innocent people were murdered brutally. These persons were the labourers, who had come there from other states. I would like to ask the Minister of Home Affairs whether he still thinks that the Governor of Punjab has been working satisfactorily and trying to normalise the situation in order to create proper atmosphere for holding to election in Punjab. Why the Government is not recalling the Governor from the State?... (*Interruptions*) I would not like to say as to who wants to recall him, but the Deputy Prime Minister himself is in favour of recalling him. How long will the Government wait, how many people should be allowed to die then? When innocent people were murdered in the funeral procession of Maulvi Farooq in Kashmir, the Governor of the State was changed. Now the question is as to how many people should be allowed to be murdered in Punjab to replace the Governor of Punjab?... (*Interruptions*) ... The second point that has been stated just now very politely in the House and we are also saying this thing again and again that Parliament of the country, representative of the people are Supreme. The authority of the Parliament can not be done away with by any Government by entering into an agreement with any one. You may please listen to my point with patience (*Interruptions*) Your party was proclaiming about that as soon as it came to power, it will disclose the names within fifteen days. Shri Somnath Chatterjee a very powerful supporter of the present Govern-

[Sh. Vasant Sathe]

ment, is saying that the present Government has done that work which the previous Congress Government could not do. What has been done by the present Government? The Government got the documents from the Swedish Government. The present Government has done a good job. Now what will the Government do with the documents which it has received?... *(Interruptions)* ... Shri Somnath Chatterjee is going to tell us about it. You tell me as to what you will do with those documents? If the documents are of secret nature, if the Swedish Government have put any restrictions on our Government, the Government can not publicise it. How will the Government disclose the contents of those documents of CBI and to the investigators? In which enquiry will these documents be utilised? I do not understand whether these documents will be disclosed only to Shri Somnath Chatterjee or Shri Jaswant Singh To whom the Government will disclose the contents of these documents? . . . *(Interruptions)*

[English]

SHRISOMNATH CHATTERJEE: Does Mr. Sathe have any credibility on this issue? *(Interruptions)* Neither he nor his leader nor his party has any credibility on this issue. *(Interruptions)*

[Translation]

SHRIVASANT SATHE: I am saying this thing that this Government is not ready to disclose the contents of these documents even to the speaker The Government is not ready to tell even to the Head of the Sovereign Parliament Is the Government a slave of the Swedish Government? What has happened to this Government . . . *(Interruptions)* It is clear now that the Government is aware of one thing Even if a single members of our party would have been involved in it. . . *(Interruptions)* The leader of our party is not at all involved in it *(Interruptions)*

[English]

SHRI M.J.AKBAR: This will not come in the radio or Doordarshan. *(Interruptions)*

[Translation]

SHRI VASANT SATHE: It will not come in Doordarshan. *(Interruptions)* The present Government wanted to bring bad name to the leader of our party and his family members. They had been repeating this thing again and again and made propogandas during elections. I would like to make a request to you that these documents may not be concealed from the House and the people of the country, all these documents should be placed before the House. *(Interruptions)*

[English]

SHRI L.K. ADVANI (New Delhi): Mr. Speaker Sir, on Friday afternoon, there was a meeting in your Chamber of all the party leaders. I think this particular point which Mr. Dinesh Singh has raised, namely, that the Government should place before the House the papers pertaining the inquiry on Bofors, the Terms of Reference in respect of the inquiry proposed to be held about Meham and also about the airbus deal was discussed there. I think we need not subject the House to a repeat performance of all that because on that day, the Government had categorically assured that before the Session ends they will lay the papers on the Table of the House. I was not happy with the Statement made by the Minister of Parliamentary Affairs yesterday in which he referred to the Swedish Government agreeing with something. We have nothing to do with the Swedish Government and there are matters particularly pertaining to Bofors on which not only the Government but we all of us, who support the Government, have fought the election. It is on the basis of Bofors scandal, we have fought the election. And therefore, we owe it to the people to see that every available information with us is shared with the Parliament and the people. As I said the other day, very often the controversy

arises when we say and start underlining 'all papers' and by this, you are subjecting the House to a kind of agony which need not be inflicted on it. Therefore, I say that it is for the Speaker to decide as to what is relevant to be placed on the Table of the House. It is neither for the Opposition nor for the Government to decide as to what is really meant by 'all papers'. It is for the Speaker to decide. So, the assurance given by the Government is that before the House adjourns *sine die* they shall place the documents regarding the three issues before the House. I think we should be spared from this repeated on hour debate on this matter. (*Interruptions*)

SHRI DINESH SINGH: By 'all papers' we mean papers in the Prime Minister's Secretariat on Bofors, not other papers. (*Interruptions*)

[*Translation*]

SHRI BHAJAN LAL (Faridabad): Mr. Speaker, Sir I would like to say something about Punjab.

MR. SPEAKER: When issue of Punjab comes up, I will call you. Mr. Ranga.

(*Interruptions*)

[*English*]

PROF. N.G. RANGA (Guntur): Mr. Speaker, Sir, I request you not to take up this onerous responsibility... (*Interruptions*)... My honourable friend has made a gesture by placing the responsibility on you.

SHRI SOMNATH CHATTERJEE: Why not?

PROF. N.G. RANGA: He said that we all fought elections on these papers. You also fought this election on these papers and we have elected you as the Speaker. We do not want you to be a party to this.

SHRI SOMNATH CHATTERJEE: There is a precedent in the past also so far as such papers are concerned. They may be placed

before you Sir, and you can decide and ask the Leaders of different parties to come and see them. It has happened in the past. Why are you saying this? It is nothing new..... (*Interruptions*)

PROF. N.G. RANGA : No, no.

MR. SPEAKER: Let him have his say. Nothing is being decided like this. Let us hear him.

SHRI SOMNATH CHATTERJEE: If the Government feels that there is any difficulty in making the papers public, then it is for you to decide as the custodian of this House. But their object is not that. The object is to create a situation; they want a excuse not to pass the Constitution Amendment Bills. I charge them. This is their real excuse. They want to find out an excuse to go out of this House..... (*Interruptions*) . Shri Dinesh Singh clearly said: Even if it is the last day of the session, they would be happy. But why do they have to say this just now? He had earlier said that..... (*Interruptions*) . I am sure he will never deny that. They may be placed on the Table of the House on the last day of the present session. Why are they demanding it every day? Therefore, my feeling is that they want an excuse to go out and not to pass this Constitution Amendment Bill..... (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): Sir, there is absolutely no doubt that the opposition deserves cooperation from the Treasury Benches, because this House in this session has demonstrated the constructive cooperation that is available from the opposition. They thought the Finance Bill to be very important and allowed it to be passed without much discussion. That shows their sense of responsibility to the House and to the Treasury Benches.

I have no doubt in my mind, as Shri Advanji has put it, that the whole country deserves to know, not only the Members of Parliament, because we have gone across the towns and the countryside talking about Bofors, and, therefore, the entire country is

[Sh. Nirmal Kanti Chatterjee]

entitled to know, to the extent available, the facts of the Bofors case, which was not allowed to be done due to hon. Shri Shankaranand's eminent efforts.

I have also another thing in mind. It is not only important for the country as a whole, it has become very important for the opposition party also, because within their party there is a certain turmoil, there is the question about leadership and they also want to know to what extent they can pin him down. Therefore, I think the Treasury Benches should offer cooperation to the opposition benches also. My only doubt is, what is the root of cooperation? I have a lurking doubt in my mind whether or not, the best form of cooperation will be not to lay the papers on the Table of the House. Why I put it like that, is because if the papers are laid on the Table of the House, they will be forcing the opposition to get away from the consistent behaviour over the last forty years; they will have to pass this Ninth Schedule Amendment Bill, which they have refused to do upto now, they will have to allow the Constitution (Scheduled Castes) Order Amendment Bill to be passed. If these are passed, the Treasury Benches will force inconsistency on the present day opposition. Therefore, I am not sure, Sir, what exactly is the root of cooperation. We, on our part demand that all the papers should be laid. That is the consistency from our side but consistency from their side requires that the Government should cooperate so that they are not in trouble.

Lastly, Sir, I do reiterate that all papers, by all papers I mean papers which are not irrelevant, may be laid at your table and you may decide whether or not certain papers are relevant or not. All through the discussion we have discovered that they insist on irrelevant papers in particular. Whenever they say all, they underline the irrelevant papers. We know, Sir, there are many secrets involved. Can we or can they in their senses demand that such secrets be laid down? So, we support their contention and

we want them to support the proposal that all the papers be laid at your table. Let them see what are the relevant papers for exposition to the leaders and what can be the public property of the entire country.

[*Translation*]

SHRI HARISH RAWAT (Almora): Mr. Speaker, Sir, the news about atomic preparedness of Pakistan often appears in newspapers and concern is expressed over it inside and outside this House. A news has appeared recently that with the help of American Satellite, the Government of Pakistan has made a film which shows that special equipment are being installed in Mirage and F-16 planes to carry atom bomb manufactured at Kahuta Atomic Power Plant in Pakistan.

The present situation in Pakistan is of great concern. Conflict is going on between army and the Government of Pakistan. The Muslims, who had migrated from India are brutally murdered in Sind province. It is quite possible that Pakistan may use this bomb against India to divert the attention of its people from its internal matters and India will have to face destruction. What measures have been taken by the Government to face this situation? The House and the country should be taken into confidence about this issue because we are worried about it.

[*English*]

SHRI P. CHIDAMBARAM: Sir, the democracy has achieved another major victory at a time of historic change, all over the world. Burma after a momentous popular uprising which forced the military authorities to hold the first free elections in three decades, has convincingly rejected the promilitary National Unity Party and voted for the National League for Democracy. The people made light of the restriction, restraints and hurdles put in their way by the military authorities, and gave the forces supporting freedom and democracy an overwhelming mandate.

MR. SPEAKER: Are you reading a Statement?

SHRI P. CHIDAMBARAM: No, I am consulting my notes.

MR. SPEAKER: I think you will be more effective if you speak extempore.

SHRI P. CHIDAMBARAM: It is imperative that the military authorities transfer power at once to the elected representatives of the people, and release immediately all their leaders, who have been kept under arrest in a bid to intimidate them and the supporters of democracy. Any attempt to subvert the will of the people can only have the most tragic consequences for Burma.

Sir, I congratulate the people of Burma. We congratulate the National League for Democracy and we sincerely hope that the military authorities will transfer power to the elected representatives of the people of Burma and democracy will be ushered in Burma. We congratulate the people of Burma and I ask all our friends here to join us in congratulating the people of Burma.

[*Translation*]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Speaker, Sir, I would like to say that...

MR. SPEAKER: Mr. Madan Lal, please do not read out. You can speak extempore.

(*Interruptions*)

SHRI MADAN LAL KHURANA: Mr. Speaker, Sir, I will not read out, I would like to submit that a promise had been made in this House for providing statehood to Delhi. Every time this promise has been made. I would like to say that the hon. Prime Minister had stated on 12th April that statehood would be provided to Delhi within a day or two. Now only two days have left of this Session. I would like to know whether that Bill would be introduced or not. It should be passed in this Session. (*Interruptions*)

SHRI VASANT SATHE (Wardha): The situation remains the same, either it is 15 days or 2 days. (*Interruptions*)

SHRI MADAN LAL KHURANA: The Congress had not done anything about it during the last ten years. All of you know that some developments have taken place.

MR. SPEAKER: So are you happy?

(*Interruptions*)

SHRI MADAN LAL KHURANA: I would like to request that the Government should make an announcement to this effect that that Bill will be introduced and passed within this Session and the statehood will be provided to Delhi. (*Interruptions*)

MR. SPEAKER: The hon. Minister of Home Affairs wants to say something.

(*Interruptions*)

SHRI BHAJAN LAL (Faridabad): Mr. Speaker, Sir, I would like to say two points about Punjab before the statement of the hon. Minister of Home Affairs. (*Interruptions*)

MR. SPEAKER: Why are you making a noise? Mr. Khurana you have just now spoken. (*Interruptions*)

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): Mr. Speaker, Sir, in regard to statehood to Delhi... (*Interruptions*)

SHRI VASANT SATHE: He has raised an issue.

[*English*]

He is willing to respond.

[*Translation*]

It is partiality. It can not happen. (*Interruptions*)

MR. SPEAKER: I do not know what he is going today. The hon. Minister wants to say something. So I have called him.

[*English*]

I do not know what he going to say. I have allowed him. I do not know what he is going to speak. Let us hear him.

(*Interruptions*)

SHRI VASANT SATHE: Mr. Sathe, you can respond after his statement. (*Interruptions*)

MR. SPEAKER: He should should speak about all issues not on only one issue. (*Interruptions*)

MR. SPEAKER: Mr. Sathe, you can respond after his statement.

(*Interruptions*)

[*English*]

PROF. P.J. KURIEN (Mavelikara): Sir, I am on a point of order.

MR. SPEAKER: There is no point of order.

(*Interruptions*)

[*Translation*]

SHRI BHAJAN LAL: I do not want that the hon. Minister of Home Affairs speaks first. This is not the way. (*Interruptions*)

[*English*]

SHRI KAMAL CHAUDHRY (Hoshiarpur): Sir, people are migrating from Punjab. (*Interruptions*) You must also listen to us.

MR. SPEAKER: After hearing from Mr. Mufti, I am going to call you.

(*Interruptions*)

[*Translation*]

MR. SPEAKER: He is saying that he will answer your question also.

(*Interruptions*)

MR. BHAJAN LAL: I would like to say about Punjab issue. (*Interruptions*)

MR. SPEAKER: Several Members want to speak about Punjab, I will call all of them.

(*Interruptions*)

SHRI VASANT SATHE: Mr. Home Minister, you should have big heart because you are the Minister of Home Affairs. (*Interruptions*)

[*English*]

(*Interruptions*)

PROF. P.J. KURIEN: I am on a point of order.

ANHON. MEMBER: Under what rule? (*Interruptions*)

MR. SPEAKER: I have allowed Mr. Kurien to raise a point or order.

PROF. P.J. KURIEN: You are the custodian, Sir, of the rights of the Members of this House. Many Members are raising very important points. (*Interruptions*)

MR. SPEAKER: Which rule has been violated?

PROF. P.J. KURIEN: Please allow me to formulate...

MR. SPEAKER: I am allowing you, and hearing you.

PROF. P.J. KURIEN: Many Members are raising important matters, on which the reaction of the Government is needed. I am sorry to say that we, the Members of this House feel aggrieved... (*Interruptions*) We

feel aggrieved that the Home Minister is reactions only to a certain section. He is acting like an yes-man of the BJP. If he is reacting, he should reacts to similar requests from this side also. Otherwise, we cannot allow him to react. Punjab also is very important. So, let him listen to Mr. Bhajan Lal on Punjab issue, and listen to similar issues, and let him react then. He cannot react selectively. We cannot allow that.. (*Interruptions*) Sir, you should protect us.

MR. SPEAKER: I am going to protect you; you are well protected.

SHRI P.R. KUMARAMANGALAM: It is important to bring to the notice of the House that on the Punjab issue, two adjournment motions have been filed—one by a ruling party member Mr. Raj Mangal Mishra and one from the Opposition, Mr. Harish Rawat. There are two adjournment motion on this; it is such a serious matter, and we notice that that is not coming up today. Instead, he is standing to reply to a question which has been raised ten times, and been replied ten times. Every day, we are seeing this drama. We would like to have a clear statement on the Punjab, if he wants to make it. After all, there people are being killed. What is this drama every day? (*Interruptions*) What about the adjournment motions?

[*Translation*]

SHRI KALKA DAS (Karol Bagh): He is calling it a drama. Shri Kumaramangalam should apologies.

[*English*]

MR. SPEAKER: Order please.

[*Translation*]

Please take your seat. I am permitting Muftiji to respond to those issues which have been raised by you. Several Members have given notices about Punjab, I will call them also. After that he may reply to this issue also.

SHRI MUFTI MOHAMMAD SAYEED: The issues raised by some members are generally about laying of papers and about investigation of Meham episode. The Government cannot issue a notification until a judge of the Supreme Court is appointed... (*Interruptions*) The House was assured that a judge of the Supreme Court would be appointed to conduct an enquiry into this matter. (*Interruptions*)

MR. SPEAKER: Please take your seat.

[*English*]

(*Interruptions*)

SHRI VASANT SATHE: It is factually incorrect.

MR. SPEAKER: Mr. Sathe, listen to him. The Minister is not yielding. (*Interruptions*)

MR. SPEAKER: You can raise your point after he finishes.

Let him finish.

(*Interruptions*)

MR. SPEAKER: What is your point of order. Let me listen to the point he is making. Mr. Shankaranad, please be seated.

(*Interruptions*)

[*English*]

SHRI MUFTI MOHAMMAD SAYEED: Why don't you listen to me? (*Interruptions*)

MR. SPEAKER: He is not yielding, Dr. Shankaranand.

(*Interruptions*)

[*Translation*]

SHRI MUFTI MOHAMMAD SAYEED: Mr. Speaker, Sir. The sitting judge of Supreme Court was to be appointed for enquiry. I wrote a letter to the Chief Justice

[Sh. Mufti Mohammad Sayeed]

stating that a Supreme Court Judge is needed. *(Interruptions)*

[English]

The Chief Justice is not in town; he is in the north east; he is not available. *(Interruptions)* The terms of reference are with me. *(Interruptions)* But I cannot lay them on the Table of the House. It will be a bad precedent. *(Interruptions)* Please be seated. *(Interruptions)* If a Notification is to be issued by the Government to appoint a Supreme Court Judge to make an enquiry into the incident of Meham, we can issued the Notification if a Judge is available. But if the hon. members want to discuss the terms of reference, I am available; the terms of reference are with me. As far as Delhi Statehood is concerned, Delhi will be given the Statehood. Delhi will be a State like any other State in India. It will be given full Statehood. Delhi being the Capital, certain issues are related to the Central Government. We are bringing the Bill tomorrow; we are introducing the Bill tomorrow. We want this Bill to be passed.... *(Interruptions)*

MR. SPEAKER: Shri Babudeb Acharia.

(Interruptions)

SHRI P. CHIDAMBARAM: Nobody is quarrelling with the Home Minister about the Notification. The Notification appointing a Supreme Courts Judge can be issued only after the name of a judge is communicated. But he has not the terms of reference we demand that the terms of reference should be laid on the Table of the House. That has nothing to do with the Chief Justice of India. *(Interruptions)* Let him place them on the Table of the House. *(Interruptions)*

MR. SPEAKER: Shri Basudeb Acharia.

(Interruptions)

SHRI SOMNATH CHATTERJEE: It will

be an affront on the Chief Justice of India, *(Interruptions)*

SHRI BASUDEB ACHARIA: I would like to draw the attention of the House to a token strike by one lakh officers of the public sector undertakings. This token strike is part of an ongoing agitation pending for the last three years. The officers of the public sector undertakings are demanding scales of pay and DA which are given to the officers of the Central Government. Their case for getting DA and scales of pay at the rate of Central Government is pending for the last four years. The revision of their scales of pay and DA has not taken place. It is a matter of regret that, inspite of the recommendations made by a High Powered Committee and the Executives of 14 public sector undertakings, the Government has not yet decided about the revision of their scales of pay and Dearness Allowance. It is also surprising that when four Secretaries to the Government of India met the National Federation of the Officer's Association of the Central Public Sector undertakings, they categorically stated that they had no mandate from the Government to take any decision or make any concrete effort. If these officers decision to go on an indefinite strike, the loss to the exchequer would be much larger than the amount involved in the settlement of their pay revision.

PROF. N.G. RANGA: How many crores of rupees?

SHRI BASUDEB ACHARIA: I demand that the Government should make a statement on the delay in the revision of pay and Darness Allowance of the officers to the public sector undertakings and I request you to kindly direct the Government to come to a settlement with the officers of the Public Sector Undertakings so that the indefinite strike is averted and the revision of pay and allowances of the officers of the Public Sector Undertakings is settled without further delay.

MR. SPEAKER: Shrimati Geeta Mukherjee; do not take more than ten seconds please.

SHRIMATI GEETA MUKHERJEE (Panskura): Without wasting much time—I generally do not—I would say, I agree with Shri Basudeb Acharia.

I had also given a notice on the same subject and I fully support Basudebji in order not to repeat all those arguments. Today is the day of the token strike—twenty-ninth. Today is the day of the strike and naturally if the talks fail. This is a very justified demand. I hope that the Government will take into consideration this and avert the above situation by agreeing to it.

[*Translation*]

SHRI BHAJAN LAL: Mr. Speaker, Sir, I would like to draw the attention of the House and the Government towards the Punjab issue. I understand that the situation in Punjab has turned so grim that it will draw the concern of the entire House. Accumulation of arms and ammunitions has once again started in the Gurudwaras and we have come to know that the process of fortification has also started outside the Gurudwaras with a great deal of difficulty we had restored peace in the Gurudwaras but accumulation of arms and ammunitions and fortification has once again started, which is indeed an indication of danger. If this situation continues unabated, the situation in Punjab will turn very grievous. You must have read in today's newspaper and heard about the 13 poverty stick people who had come from Bihar to earn their wages, were made to stand in a line and gunned down. Apart from this 15-16 people were gunned down in separate incidents at various places. This has become a daily feature.

SHRI VASANT SATHE (Wardha): Why the M.P's from Bihar are not saying anything over this issue?

SHRI BHAJAN LAL: In Punjab there is not a single day when 25-30 people are not killed in separate incident. Firing takes place daily and the situation in Punjab has deteriorated to such an extent that people are evacuating that region in large numbers and

fleeing to Delhi and other towns of Haryana. People have started fleeing from there in large number. It has become difficult for anyone to survive there and there is no element of peace in that state. As such, I would request the Government to take concrete steps in this direction without any delay. Statement of the Home Minister and the Prime Minister have given, various assurances in this regard, but what Government is doing in this direction. (*Interruptions*)

MR. SPEAKER: Mr Bhajan Lal you may please resume your seat.

SHRI BHAJAN LAL: You kindly tell us what the Government proposes to do in this direction. If the Governor's work is not upto the mark then he should be replaced by a strong Governor. You are not fulfilling the promise that you had made during the election on the matter of Bofors.

MR. SPEAKER: Bhajan Lalji, you have raised the issue of Punjab and you have once again come back to the issue of Bofors. You please be seated. You have already expressed your views regarding Punjab.

SHRI BHAJAN LAL: The Government deliberately do not want to furnish the documents relating to Bofors, so that suspicion and doubts remain in the hearts of the people. If it was confidential then how did it come in the cabinet? When a matter comes to the cabinet, it no longer remains confidential. When the documents have reached the Government they loose their confidentiality. Mr. Speaker, Sir, they made a commitment before you and the House, 31st is fast approaching and the session is soon going to end when will they furnish them? (*Interruptions*)

MR. SPEAKER: You have already made your point regarding Punjab. No please take your seat. Uma Bharati.

(*Interruptions*)

KUMARI UMA BHARATI (Khajuraho): Mr. Speaker...

(*Interruptions*)

[*English*]

MR. SPEAKER: Let us hear the lady Members.

(*Interruptions*)

MR. SPEAKER: I do not ignore your lady Members also.

[*Translation*]

KUMARI UMA BHARATI: Mr. Speaker, Sir, I am thankful to you for having given me a chance to speak. Recently a five member Parliamentary delegation of B.J.P. had gone to Punjab. Here I am giving information regarding state of affairs in Punjab because such a reference has come. Bhajan Lalji, has also mentioned in this regard. I am not aware whether he has gone to those districts or he is saying simply on the basis of newspapers reports, but I had gone there and through you I want to place before the House border district, the situation prevailing there. We toured Amritsar, Gurdaspur, Ferozepur and Faridkot, where terrorist are very active. After going there we went round those villages and towns where guns following terrorists are virtually calling the shots. When we met people there and talked to them. Certain facts came to light and we have gathered those facts. I wish to summarise them and place all the facts before you. I also want the hon. Home Minister to pay attention to this and assure the people living in Punjab that they will be given protection. The most dangerous thing that has been narrate by the people in Tarantaran, Batala and Amritsar is that incidents of Kidnappings have increased to alarming proportions as compared to the incidents that Occurred one and a half years ago and still more dangerous is the fact that people involved in these incidents are well known to the police, since they live in cities and towns and this is an open secret. Mr. Speaker, Sir, it is a matter of great regret that even political personalities are involved as middlemen. It is not my job to inform as to which party they belong. It is Governments job to find t out. What will be left for the Government to do if I reveal the name of the party. As such it is the Government job to find

out the middlemen. The worst thing that has happened is this that even women arts being kidnapped. Mr. Speaker, Sir you are aware of the situation faced by a girl belonging to an Indian Society who is released by the abductors and the hurdless that are faced at the time of her marriage. In Taran-Taran I came across an old journalist named "Pagal". I asked him to tell something about the situation in Punjab. He told me only one thing saying that from this you will know the circumstances under which people in Taran Taran, Batala, Gurdaspur and Amritsar are living. He uttered just one sentence that he did not want to say anything since he wanted to survive and the person who openly states the facts is not allowed to survive. I think we cannot even imagine the terror faced by the people while sitting here in Delhi. The second thing we same and which has published in today's newspaper also, that labourers have been gunned down Prior to this incidents of abduction and attacks on Harijans and Scheduled Castes in Punjab were very few. The reason being that they are very poor and they felt that since they could not harm anyone no one would harm them and as such they were living in villages quietly. But now that thing is over. They are being attacked constantly irrespecting of the place. Bombs are being hurled on them and are being gunned down every day. When we went to Batala, we had the opportunity to meet these people. They said that were in grave danger because they assumed that since they do not harm anyone as they were poor and they were earning their livelihood by cleaning and sweeping they would not be attacked but at present they have also become their victims. I am surprised to see that a single person's death in Salaiah or Fetehpur raises lot of hue and cry but on the contrary no one is concerned about the large number of people who are brutally being gunned down in Punjab (*Interruptions*)

We are not so much distressed by the deaths at saliah or Fatehpur but are much more distressed to those whose by the fact that it is being politicised.

(*Interruptions*)

MR. SPEAKER: Umaji, please finish it now.

(Interruptions)

MR. SPEAKER: You please take your seat. I am calling you.

KUMARI UMA BHARATI: I am completing my statement and in the end I would like to request that elections should be held in Punjab, people in Punjab want elections and our party is also willing to have elections in Punjab. But my submission is this that election in Punjab should be held when peace is restored in that region. At present gun is dominant whether it is day or night. As such Mr. Speaker, Sir, my request to the Home Minister and to Shri I.K.Gujaral who is not present is this that, he should not mention time and again regarding holding of elections in Punjab as it affects the morale of the officers there because they are reluctant to arrest anyone for the simple reasons as to what will happen to them in case that person is elected as a legislate tomorrow. As such my submission is that there should be elections in Punjab, but not before the terrorists lay down their arms and stop their activities.

MR. SPEAKER: Umaji, it is over.

(Interruptions)

KUMARI UMA BHARATI: I am concluding my topic. it is a matter of great shame for us that we are not able to extend security to our brethren living in Punjab. *(Interruptions)* I am concluding in one sentence.

MR. SPEAKER: Please conclude in one sentence.

KUMARI UMA BHARATI: We feel a sense of pride when we see the people of Punjab. *(Interruptions)*

MR. SPEAKER: Please take your seat.

KUMARI UMABHARATI: Although they have suffered loss of life and property yet they are hearing close Hindi Sikh relations.

Therefore, I, through this House and on behalf of the Members present here, congratulate those Hindu and Sikh brothers of Punjab. *(Interruptions)*

MR. SPEAKER: Please take your seat. Now I will read out.

(Interruptions)

KUMARI UMA BHARATI: Hon. Home Minister is present here. He should give an assurance that before holding election in Punjab, activities to deal with the terrorist with a heavy hand will be initiated.

MR. SPEAKER: Umaji, please take your seat. With regard to the raised by Shri Bhajan Lal and Umaji, I want to inform the House that sand Shri Prem Kumar Dhumal, Janardan Yadav, Rasa Singh Rawat, Yuvraj, m Kashiram Rana, Madan lal Khurana and Satya Jatiya also want to speak on Punjab. I am not able to find time for them. The Minister of Home Affairs wants to say something about it. I want that he should clarify the whole position.

(Interruptions)

12.00 hrs.

MR. SPEAKER: Please take your seat. I have called the Hon. Home Minister. Let me conduct the House.

SHRI MUFTI MOHAMMAD SAYEED: Mr. Speaker, Sir, I have listened the views of the Members of Parliament very attentively and I appreciate the concern expressed by them over Punjab. Terrorism still continues there. Those who have read the news-papers, they must be aware that our security forces have captured a large number of weapons from the terrorists in the border areas of Kashmir, and Punjab. Just now Umaji said about the elections in Punjab. Whenever the prospects of elections in Punjab are discussed there, people express fear that terrorists who still reign there may get elected to the State Assembly and pose a danger to the country. Keeping in view of

[Sh. Mufti Mohammad Sayeed]

the prevailing law and order situation there, para-military forces —BSF, CRPF and outstanding officers of local police have been deployed there... (*Interruptions*) We have raised the fencing already done in 500 KW. We have also started giving identity-cards to the people on the left belt of the border and deployed army along with BSF because arms are being smuggled on large scale and terrorists are crossing over the border in Pakistan. Shri Mangat as additional DGP has been posted in the Gurudaspur and Amritsar districts to make best use of joint operation. Some labourers from Bihar were attacked. The terrorist make any person found walking their target. It is happened earlier too. (*Interruptions*)

SHRI KASHIRAM CHHABILDAS RANA (Surat): Police Stations are closed in Ferozpur after 6 PM, and terrorists do their job with impunity. (*Interruptions*)

SHRI MUFTI MOHAMMAD SAYEED: The Government has taken all step to deal with terrorism and there is no complacency in this regard. In order to normalise the situation the Government is doing what is humanly possible, whatever is in its power to mobilise the civil administration and to ensure coordination among various security forces. (*Interruptions*)

[*English*]

MR. SPEAKER: He is not yielding...

(*Interruptions*)

SHRI P. CHIDAMBARAM: Sir, will the hon. Minister confirm or deny that in the month of May the number of innocent people killed has crossed 200?

[*Translation*]

SHRI MUFTI MOHAMMAD SAYEED: We have taken all possible steps to contain terrorism. Before the Blue State Operation,

Golden Temple and other Gurudwaras were used by terrorists which later became a big challenge to the Government. Now our effort is not to allow gurudwaras to be made dens. Shri Simran Jeet Singh Mann tried to go inside the temple with his followers. He was not allowed to enter from the main gate, then he entered from other gate, from the back side. We have given instructions that nobody whether it is Mann Group or another Group should be allowed to enter the temple with arms.

SHRI BHAJAN LAL: The Home Minister has said that they entered from back gate, then what was the Government doing?

SHRI MUFTI MOHAMMAD SAYEED: I was saying that some of the followers of the Shri Simran Jeet Singh Mann had swords and "Kerpan" with them. (*Interruptions*) Please listen to me. Later they went back. None of them entered with arms. We will take care of its and there will be no compromise in this respect. The Government will not allow the Golden Temple to be reconverted into arms sanctuary. Presently none is inside with gun or pistol. All have gone from there.

AN HON. MEMBER: It there any one else.

SHRI MUFTI MOHAMMAD SAYEED: There is none from his followers. So far as the question of election is concerned, I want to say that... (*Interruptions*)

MR. SPEAKER: Bularaji he is not yielding, please take your seat.

SHRIMATI RAJINDER KAUR BULARA (Ludhiana): The Sikhs have the right to worship there. Every Punjabi has this right.

SHRI VASANT SATHE: With gun also.

SHRI RAJINDER KAUR BULARA: The CRPF people have been posted their with arms on behalf of Government, which is an insult of religion.

SHRI MUFTI MOHAMMAD SAYEED: I want to say that the people of Punjab are not with terrorists. They want peace. If you compare the figures of last year you will see that agriculture and industrial production in Punjab is more this year. I can give you the figures... (*Interruptions*)

MR. SPEAKER: Please take your seat.

SHRI MUFTI MOHAMMAD SAYEED: Agriculture and industrial production has increased in Punjab as compared to that of last year.

SHRI VASANT SATHE: It is happening due to hard work of the labourers of Bihar, credit should go to them. Do not say merely that production is increasing.

SHRI MUFTI MOHAMMAD SAYEED: I want to say that the people of Punjab are cooperating in normalising situation in Punjab.

SHRI VASANT SATHE: The people are cooperating.

SHRI MUFTI MOHAMMAD SAYEED: And it is our assessment... (*Interruptions*)

[*English*]

SHRI P. CHIDAMBARAM: Two hundred people have been killed in May, is it correct or not?

[*Translation*]

SHRI VASANT SATHE: With the increase in cooperation of the people, killings are also increasing. What is being done by the Government in this regard?

SHRI MUFTI MOHAMMAD SAYEED: The history of Punjab is known to you, how it happened and what happened and how the situation was brought in control, you know this also.

[*English*]

You have also been dealing with the situation.

[*Translation*]

Please listen to me. But I want to say that Political...

SHRIMATI BIMAL KAUR KHALSA (Ropar): Congress Party is fully responsible for the situation of Punjab. (*Interruptions*)

MR. SPEAKER: Bimal Kaurji, please take your seat.

(*Interruptions*)

SHRI MUFTI MOHAMMAD SAYEED: I mean to say that without the political process...

SHRI KAMAL CHAUDHRY: The ghost of Congress is still haunting them. They will know the reality when they would be beaten by them.

[*English*]

So long as these people are hobnobbing with the terrorists, the Punjab situation will continue. I know that they have been hobnobbing with them..... (*Interruptions*)

[*Translation*]

SHRI MUFTI MOHAMMAD SAYEED: In my opinion there is no substitute of political process. It is not possible for the police and army to run the state by themselves unless there is co-operation from the public. I observed that in Kashmir terrorism was dealt with in a co-ordinated manner because there was a total application of authority in that State. That type of co-ordination does not exist in Punjab. There is a need to revamp the State's administration to some extent. (*Interruptions*)

SHRI D.J. TANDEL (Daman & Diu): Mr. Speaker, Sir, on the 23rd I..... (*Interruptions*)

MR. SPEAKER: I have allowed Shri Tandel to speak. Please sit down.

(*Interruptions*)

[*English*]

SHRI KAMAL CHAUDHRY: Sir, you are allowing those members to speak. I should also be given a chance to speak. They are speaking loud by that is why you are allowing them to speak.

MR. SPEAKER: Please take your seat.

(*Interruptions*)

SHRI KAMAL CHAUDHRY: Mr. Speaker, Sir, they are speaking very loudly to attract your attention. I can also speak louder, But I am following the discipline and I do not want to break the rules.

MR. SPEAKER: You are an hon. Member and you will be given a change to speak.

(*Interruptions*)

[*Translation*]

SHRI D.J. TANDEL: Sir, on the 23rd we raised this issue with a number of administrators of Dadra and Nagar Haveli, Daman and Diu and placed before them our hardships. All the hon. Members know of it and today I shall relate the facts of the matter.

MR. SPEAKER: You have already told about that. What more is there to say.

SHRI D.J. TANDEL: I met you yesterday also and I have apprised the hon. Home Minister of the situation. (*Interruptions*)

SHRI VASANT SATHE: You can tell the hon. Home Minister, there is need to tell us. (*Interruptions*)

SHRI D. J. TANDEL: The hon. Home Minister gave an assurance that the problem would be solved in two days. We have approached him and hon. Shri Subodh Kant Sahay many times but they are not paying attention to our grievances. Efforts were made to solve the problem from here in consultation with the Chief Secretary of Daman and Diu and the Collector of Dadra and Nagar Haveli on our request, the hon. Home Minister sent a wireless message from here, the copy of which was taken from the police post by the AIGP to Bombay. The hon. Home Minister's wireless message related to the transfer of some low caste people of Daman and Diu. I even made the hon. Home Minister telephone the Chief Secretary. On 22nd again they refused to follow orders. Today those people have returned from Daman and Diu.

Even after receiving a wireless message from the Home Ministry or a telephone call from the Home Minister they do not follow orders. This is an insult to the Central Government and the hon. Home Minister. This could lead to a situation similar to that in Punjab and Jammu and Kashmir and we don't want such a thing to happen. I would call this a failure on the part of the Home Minister. We are extremely concerned about this as there has been no bloodshed in that area so far. If our voice is ignored today, this problem could snowball into a crisis in future. Earlier Punjab was a peaceful State but today it is in turmoil. Minor incidents can spark off a major crisis.

Our people have been beaten and harassed over there. We have promised them that we shall bring some instructions in regard to their problem. But our voice is not being heard here. We are not begging for anything, we simply want justice. Such officials should be suspended immediately. We want that a committee comprising of hon. Members of this House be sent these I request the hon. Home Minister to sack the Chief Secretary, Collector and the I.G.P. immediately and conduct an inquiry into their junctioning. Otherwise the situation will worsen. Why was I angry with my hon.

colleagues from the Congress? Those people are doing all this under the protection of the Governor Shri Khurshid Alam Khan who is a Congressman (*Interruptions*) So I had to stand against Congress and Janata Dal both of them I defeated in my election as an independent candidate. So this is creating a problem for me. I would ask hon Shri Muji Mohammad Sayeed to remove these officials immediately.

SHRI MOHANBHAI SANJIBHAI DELKAR (Dadra and Nagar Haveli): Mr. Speaker Sir...

MR. SPEAKER: Please take your seat. Whatever you have given in writing I have passed it on to the hon. Home Minister. So why are you raising this point again?

SHRI MOHANBHAI SANJIBHAI DELKAR: The hon. Home Minister sent a wireless messages that the transfer of 'C' class people from Diu and Daman be stopped. L.D.Cs and U.D.Cs were transferred from there. (*Interruptions*) They harassed the public and we had drawn Government's attention to it here. That day all hon. Members had supported me and the hon. Home Minister had given an assurance that an inquiry would be conducted and the guilty would be punished. After receiving this assurance I met the hon. Minister in his chamber and suggested that the concerned officials be suspended first and then an inquiry be instituted at the local level. The hon. Home Minister assured us that the suggested course of action should be followed. 4-5 days have passed since then but the officials have not been removed and the hon. Minister says that an inquiry is being conducted right now. But those very officials will conduct the inquiry and should one expect that those officers would write a report unfavourable to them? The official against whom the inquiry is to be conducted is going to write the report. Nothing is going to come out of it. Then the hon. Minister of State Shri Subodh ji also called me. I told him also that I had raised my voice in favour of the Adivasis. (*Interruptions*) That is why people are being harassed there. The State Home Minister said that the

Chief Secretary and concerned police officials were summoned. These officials said that three wireless messages were sent from here that no searches be conducted at the houses of these people. But the Chief Secretary said over there that no wireless message was received. Now the hon. Home Minister says that three wireless messages were sent but the local officials say that no wireless message was received (*Interruptions*) I have been deceived.

MR. SPEAKER: Please take your seat.

SHRI MOHANBHAI SANJIBHAI DELKAR: We received, an assurance from the hon. Home Minister. Who would have been held responsible if my house had been burnt or something had been placed in my house to harass me? The hon. Home Minister will have to reply to these questions today. If the State Home Minister can deceive me by making such misleading statements, he can do so with anybody else also. How can the Punjab Problem be solved that way. Some day the issue of Dadra and Nagar haveli and Daman will also become as grave as is the problem of Kashmir or Punjab. These Members, who are standing here, had seen my condition and they had visited me at my house also. They had apprised the hon. Home Minister about the condition of Mohanbhai. He is aware of it, but even then he says that he does not know about the problem in his constituency. There is no one to look into this report. We do not have any democratic ways. Enquiry report is asked only for those, against whom we raise voice and file a complaint. We cannot get justice in this way. Through you, I would like to submit before the House that firstly, the officer against whom the allegations have been made should be removed from there and then a Committee, constituted by this House should be sent there and the matter would be investigated. (*Interruptions*)

[*English*]

SHRI SOMNATH CHATTERJEE (Bolpur): Sir, these two hon. Members seem to be genuinely aggrieved. They have seri-

[Sh. Somnath Chatterjee]

ous charges as to how the things are running there and they are making specific complaints. I request the hon. Home Minister to take this very seriously. Let the two independent Members of this House do not have a feeling that their complaints are not being looked into and proper steps are not taken. Therefore, I request the Home Minister to take immediate action in the matter.

[*Translation*]

SHRI L.K. ADVANI: Mr. Speaker, Sir, it was on two occasions itself i.e. in the last week, these two independent Members, who have been elected from scheduled caste constituencies, had made specific complaints against some officials there. They alleged that these officials were preventing them from discharging their duties as a Member. Even though, this issue has not been raised here as the breach of privilege, I think that it is a very serious matter and the hon. Home Minister should take immediate action for the redressal of their grievances. (*Interruptions*)

[*English*]

SHRI SAMARENDRA KUNDU (Balasore): Mr. Speaker, Sir, the difficulty of the two hon. Members is a genuine one. They are telling the names of the officers also Whatever statement the Home Minister wants to make, let him make. (*Interruptions*) after you hear the Home Minister's statement, I would like you to order, on your own, two Members of the House to go there to study the situation and submit a report before you. (*Interruptions*)

SHRI DINESH SINGH: Mr. Speaker, Sir, while specific complaints of this nature are made, it is only appropriate that they should be properly looked into. It is not a Party matter. When a Member complains that he is prevented from discharging his duties and when there is undue harassment, then it is the right of this House to inquire into it. I would, therefore, request the Home

Minister either to make enquiries or then, it is up to you to see whether an inquiry from the House is necessary and that can be made, if necessary.

SHRI LOKANATH CHOUDHURY (Jagatsinghpur): The harassment meted out to two Members of the House was previously reported here. Then, the Home Minister assured that within two days, he would settle it. It seems either the Home Ministers is not working or the Home Minister himself is not serious. So, it is distressing. If the privileges of those members have been affected, a privilege motion should be brought against the Home Minister here. The administration should be warned that they should protect the privileges of the Members.

So, the Home Minister must take immediate steps to recall the officers or to transfer the officers immediately and thereafter the matter could be inquired into. This is my submission. It is not giving some explanation here one after another. I want to warn this Government that this way of administering the State will take this country to disaster. (*Interruptions*)

[*Translation*]

MR. SPEAKER: I have called the hon. Home Minister. He is going to make his statement. Please listen to him first. Please take your seat. (*Interruptions*)

SHRI MUFTI MOHAMMAD SAYEED: Mr. Speaker, Sir, two hon. Members have alleged that the Collector and the Additional Inspector General of Police of Dadra and Nagar Haveli and Deman and Diu have harassed them and their relatives. In my opinion, we should first enquire into the matter there. (*Interruptions*)

MR. SPEAKER: Please listen to what the hon. Minister is saying. Hon. Member, please take your seat.

(*Interruptions*)

SHRI MUFTI MOHAMMAD SAYEED: I

have asked the State Home Minister to look to it as to what complaints are there against the petty officials who have been transferred to the remote areas. He will also look in the complaints against the concerned officers. A Collector has already been transferred. (*Interruptions*) The transfer orders of an Additional Police Commissioner are being issued. However, if the hon. Member insists that it should be done today itself...

[*English*]

It needs a certain procedure. We have to follow certain procedures. (*Interruptions*)

I told them to speak to the Home Minister. He sorted out some matters. Then they came to me. I told them that generally every officer cannot be removed. Then they told me about one or two officers. I told them "I am removing them but while removing them, we have to be in search of a substitute who will be equally competent." I have them instructions. (*Interruptions*)

So, I took the complaint of the hon. Members very seriously. I spoke to Governor of Goa, Shri Kurshid Alam Khan that there are complaints and I gave orders to Home Secretary that these two officers should be removed and that we shall have to find a suitable substitute. (*Interruptions*) That I have done.

[*Translation*]

SHRI GUMAN MAL LODHA (Pali): Mr. Speaker, Sir, I would like to draw your attention towards the statement made by the self-styled commander of Jammu Kashmir Liberation Front, Shri Amanullah Khan in Islamabad that the general public in Jammu and Kashmir will be attached. Sir, for the last seven days, the Air Force of Pakistan has been smuggling missiles and nuclear bombs from Islamabad into that part of Indian territory. Recently, the Vice-Chancellor of Jammu-Kashmir University has been murdered on their directions. In this way, it has caused a serious threat to the security of our country. I would like to request that in view of

the probable nuclear attack of Pakistan on our country and constant threat to the security of this country, a red-alert should be declared for civil defence and efforts should be made to destroy the hideouts of Punjab and Kashmir terrorists in Pakistan by attacking them.

[*English*]

SHRI YADVENDRA DATT (Jaunpur): Sir, I am very thankful to you for giving me the chance and fulfilling your honourable words-late but nevertheless good one. I wish to draw the attention of this House and of the Home Minister to the danger arising in the two frontiers of our country. In the North-East, in the Tripura State, in Agartala, terrible amount of smuggling of raw material to build bombs and guns is being done...(*Interruptions*)

MR. SPEAKER: Please conclude within a minute.

SHRI YADVENDRA DATT: Give me at least some time.

MR. SPEAKER: You know the constraint of time.

SHRI YADVENDRA DATT: You have given my hon. friend twenty minutes.

[*Translation*]

MR. SPEAKER: We have to clear the passage of the Constitution Amendment Bill.

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): Let the Parliament work and get the Bills passed before 6 o' clock.

[*English*]

SHRI YADVENDRA DATT: The police and the administration know in Tripura who are the smugglers who are the makers of arms and ammunition, of bombs and guns. But they are taking no action. Why? Why are they not taking any action? Because the

[Sh. Yadvendra Datt]

Government there is giving protection to the smugglers and makers of arms and ammunition. I would like the Home Minister to look into it.

On the other hand, on the Western frontier, so called satellite pictures have been brought out where about fifty trucks of ten wheelers and sixteen wheelers have moved from Kahuta loaded with missiles and nuclear bombs to the advance airfields, war posts of the Indian border. I would like the Government to look into that matter also and find out if those stories in the *Sunday Times* are fraud or are facts. If they are facts, the Government should take immediate action for the defence of the civil population from the nuclear weaponry and be prepared with a nuclear weaponry clearly saying that if Pakistan starts it, she will be destroyed ten-fold by the nuclear weaponry. This policy must be brought out very clearly in this House and the nation must be taken into confidence. I hope, the Home Minister will respond to the Agartala affair and the Defence Minister will respond to this danger threatening our frontier. (*interruptions*)

SHRISOMNATH CHATTERJEE: When will the Constitution Bill be taken up and when will that be passed? Already two hours have gone. (*Interruptions*)

MR. SPEAKER: Mr. Paswan, what is your point of order?

[*Translation*]

SHRI RAM VILAS PASWAN: I am on a point of order. Telegrams were sent to the Members of all the parties and they were asked to suspend all their engagements and to make it a point that they attend the House. These are very important issues and we have to get the Constitutional Amendment Bill passed. There are a lot of devices for initiating a discussion in this House such as calling attention motion and the motions under rules 377, 193 and 184, under which discussions can be held in the House. I have

said it even earlier that important issues can be raised in the House under half an hour discussion. But all these discussions have been taking place for the last two hours. I don't think that the Members of either side do not want it to continue for an indefinite period. So kindly go in for voting on my two motions. (*Interruptions*)

[*Translation*]

SHRI L.K. ADVANI: There are two important Constitution Amendment Bills. The House should know about the timing of voting thereon.

MR. SPEAKER: Immediately after it.

SHRI L.K. ADVANI: You should inform us about its timing so that we may come here on time. (*interruption*)

[*English*]

SHRI A. CHARLES (Trivandrum): Sir, this is the fourth time he is speaking. This is a discrimination. you are allowing one particular Member always. (*Interruptions*)

MR. SPEAKER: I am not permitting you. Mr. Kumaramangalam, What is your point.

(*Interruptions*)

MR. SPEAKER: I do not know what has happened to him. I am not permitting him. Shri Chalers, please take your seat. Don't argue with the Speaker. I order you to take your seat.

(*Interruptions*)

MR. SPEAKER: Why should be threaten the Speaker like this? This is not the way to behave.

(*Interruptions*)

SHRI HARISH RAWAT: Sir, you please allow Shri Charles in place of Shri Kumaramangalam. (*Interruptions*)

SHRI P.R. KUMARAMANGALAM: Sir, you may please allow Shri Charles. (*Interruptions*)

PROF. P.J. KURIEN: Sir, he has withdrawn in favour of Shri Charles. You please allow Shri Charles.

(*Interruptions*)

SHRI A. CHARLES: Sir, I always respect and obey the Chair. Sir, the Government of Kerala has decided to start Plus II Course in 31 selected Government High Schools of the State from the academic year. It appears that this decision was taken as part of the implementation of the UGC scale of pay to the college teachers. But this has created serious problems both to the students and the teachers. If this decision is implemented there will be two parallel courses after Std. X. One is the existing Pre-Degree Course and other is the new Plus II. There is no guarantee that the University would ultimately permit the Plus II students to joint the graduate and professional course. There will also be the problem of assessing the *inter se* merits of student who come out successfully in the PDC and the Plus II Course. The PDC will be under the control of the University ad the Plus II is under the Department of Secondary Education. If the ultimate aim is to stop the pdc, then what would be the future of the college teachers now working in the colleges and what is the future of the Plus II students?

Thousands of students now take the PDC examination as private students. if PDC is stopped what will be the for private students? If this decision to start the Plus II Course is taken in a hastek, then this will certainly disrupt the entire educational system of the State. The required financial assistance for implementing the UGC scale of pay has to be released by the Ministry of Education. Hence, the Education Ministry has a responsibility to see that this scheme is implemented as per the guidelines of the UGC. The only possibility seems to be that, you have a separate Board for the PDC as has been done in some States. Sir, this is a very serious situation and I request the urgent intervention of the Government of India. (*Interruptions*)

12.45 hrs.

LEAVE OF ABSENCE FROM THE SITTINGS OF THE HOUSE

[*English*]

MR. SPEAKER: The Committee on Absence of Members from the Sittings of the House in their First Report presented to the House on 28th May, 1990, have recommended that leave of absence be granted to the following Members for the period mentioned against each:—

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- | | | | |
|-----|-------------------------------|---|---|
| (1) | Shri Sudam Dattatrya Deshmukh | — | 23.3.90 to 11.5.90 |
| (2) | Shri G. Krishna | — | 12.3.90 to 23.4.90 and
8.5.90 to 25.5.90 |
| (3) | Shri Brahm Dutt | — | 2.5.90 to 17.5.90 |
| (4) | Shri Rameshwar Patidar | — | 23.4.90 to 21.5.90 |
-

Is it the pleasure of the House that leave as recommended by the Committee be granted?

MR. SPEAKER: The leave is granted. The Members will be informed accordingly.

SEVERAL HON. MEMBERS: Yes.

(Interruptions)

MR. SPEAKER: Please take your seats. I know that there are Constitutional Amendment Bills.

*(Interruptions)**[Translation]*

SHRI DHARM PAL SHARMA (Udhampur): I would like to remind you as well as him that you are the custodian of the rights of every member. You have yourself said that you would give a chance to everyone who would give it to you in writing in your room. I have also given you written notices about four urgent matters of public importance...*(Interruptions)*

MR. SPEAKER: This is not a point of order. Sharma ji, please sit down.

SHRI DHARM PAL SHARMA: I would like to say...*(Interruptions)*

MR. SPEAKER: Shri Haradhan Roy.

12.46 hrs.

[MR. DEPUTY SPEAKER in the Chair]

SHRI DHARM PAL SHARMA: I have also given four points...*(Interruptions)**

MR. DEPUTY SPEAKER: Sharma ji, please be seated.

[English]

What he says, will not form part of record.

12.46 1/2 hrs.

PETITION

[English]

Re: Closure of Refractory and ceramic units of Raniganj no. 2 works and Durgapur Works of Burn Standard Co. Ltd., West Bengal

SHRI HARADHAN ROY (Asansol): I beg to present a petition signed by Shri Shib Kinkar Dey, Joint Secretary and Shri Vivek Hom Choudhary, Assistant Secretary of Refractory and Ceramic Workers' Union, Raniganj, district Burdwan, West Bengal and others regarding closure of Refractory and Ceramic Units of Raniganj No. 2 Works and Durgapur Works of Burn Standard Company Limited, West bengal.

12.47 hrs.

STATEMENT BY MINISTER

Licensing Policy on Steel*[English]*

THE MINISTER OF STEEL AND MINES AND MINISTER OF LAW AND JUSTICE (SHRI DINESH GOSWAMI): Sir, I find there is still scope for further streamlining the Licensing Policy governing the secondary sector steel industry in our country. This sector has played hitherto an important and complimentary role to that of the integrated steel Plants. The secondary steel sector should continue to do so and to expand smoothly filling up gaps in the supply-demand pattern for the numerous types of steel products including special steels. Considering that we have been importing steel worth about Rs. 1200 crores every year over the last many years, the secondary steel sector

requires to be supported to make a significant contribution to steel supply in the economy.

- (2) The basic principle underlying the streamlining of the Licensing Policy is that the secondary steel sector should be facilitated to integrate both backwards and forwards to improve the economic viability of individual units, many of which are too small considering the modern technological requirements. Investment decision in the private sector to produce a particular steel item or to locate the project at a particular place are basically commercial decisions and the private sector should be encouraged to take them as such, without creating an obligation on the part of Government to solve their raw material and marketing problems, as a pre-condition.
- (3) The new policy would thus provide to the following:
- (a) Modernisation of electric arc furnaces would be allowed liberally subject to the use of sponge iron being produced and/or used to reduce the burden on foreign exchange required for importing steel melting scrap.
- (b) Steel-making by the blast furnace route will also be allowed to the private sector but subject to the ceiling capacity limitation of 250,000 tonnes per annum for the present. This is essential because, as I said earlier, small blast furnace technology is now available within the country and there is no logical reason for shutting private sector out of this route for pig iron/steel making.

(c) Restrictive distinctions which

are currently prevalent in our Licencing Policy in different steel rolled commodities are being removed.

- (d) Units which have set up sponge iron making facilities will be freely allowed to increase their operation to produce finished steel.
- (4) Special provisions would continue for minimum economic capacity etc. for hilly and backward regions of the country considering the infrastructural problems that characterise such regions namely in Jammu & Kashmir, the north-eastern States, hilly regions of Uttar Pradesh, etc.
- (5) Members are aware of the difficult situation regarding the availability of electric power supply in many States in the country. New electric arc furnace units even of the modern large types which are energy and electricity efficient and which are high productive units should, therefore, be allowed with great caution. This matter is being separately considered.
- (6) I do trust that the secondary steel sector industry in our country will enthusiastically respond to the liberalisation that is being proposed now. Such response should be characterised by proper project preparation and viable investment without obliging the Government to provide raw materials or to safeguard the market for individual units. I hope that the new policy will provide a healthy climate for growth in the iron and steel sector which is basic to our economy and on which a good deal of our exports depend.

*(Interruptions)**

*Not recorded.

MR. DEPUTY SPEAKER: Nothing otherwise speaking will form part of the record. Mr. Upendra may speak now.

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER FOR PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Sir, many hon. Members were eager to know the time of voting of the Constitution (Amendment) Bills. The time allotted for the Constitution (Scheduled Castes) Orders (Amendment) Bill was two hours and we have already consumed three hours. So, there is no need for further discussion on this Bill. We can straightaway put the Bill to the vote of the House. And after that, I suggest that the voting of the Constitution (Sixty-eighth Amendment) Bill be taken at 2.30 PM and the voting of the Bill regarding land reforms be taken at 6 PM. After that, we can take up the Discussion under Rule 193 regarding the Kashmir issue. This is only the tentative programme.

(Interruptions)

SHRIMATI GEETA MUKHERJEE (Panskura): Sir, I want to seek a clarification. The Constitution (Amendment) Bill regarding setting up of a Commission for Scheduled Castes and Scheduled Tribes is a very important Bill. The major parties who have not spoken yet should have a chance to give their impression and ideas on it.

MR. DEPUTY SPEAKER: It is OK. Mr. K.S. Rao.

SHRI K.S. RAO: Sir, in regard to the Constitution (Scheduled Castes) Orders (Amendment) Bill, we have got some more speakers from our side. We do not want more time to be given. Four Members are left from our side. At least, each Member should be given five minutes and that comes to twenty minutes. You please allow us to speak. *(Interruptions)*

MR. DEPUTY SPEAKER: Mr. Upendra, do you agree to the suggestions made?

SHRIMATI GEETA MUKHERJEE: Our

party has not yet spoken on the Constitution (Amendment) Bill regarding setting up of a Commission. I want that our party should be allowed to speak. *(Interruptions)*

SHRI P. UPENDRA: Sir, the voting of the first Bill will be at 2.30 PM and they are requesting that 5.30 PM be the time of the voting for the second Bill. So, there are three hours. There will be enough time of speak. We will take up the other Bill right now, i.e., Constitution (Scheduled Castes) Orders (Amendment) Bill.

MR. DEPUTY SPEAKER: Now the House will take up Matters Under Rule 377. Mr. Gopinath Gajapathi.

(Interruptions)

SHRI SAMARENDRA KUNDU (Balasore): Sir, I am on a point of order.

MR. DEPUTY SPEAKER: When there is no business in the House, there is no point of order. There will be no point of order in the inter-session.

SHRI SAMARENDRA KUNDU: You are an experienced Speaker. You know that at every moment, there is a business before the House. The House always has a business before it. Now, I am talking to you. In fact, this is also a business of the House. I am appealing to you Sir, to kindly allow me to raise my point of order.

MR. DEPUTY SPEAKER: What is your point of order?

SHRI SAMARENDRA KUNDU: I have been sitting here for the last two hours raising my hand. But I was not called upon to speak. We know that you have been a very esteemed Speaker of Maharashtra and now the Deputy Speaker. We are all happy about the way in which you are conducting the House. I have given a privilege notice and for the last two days I have been raising my hand, but nobody has listened to me. This is one of the most sordid thing that has ever happened. It will rock India when the matter

is discussed here. It is regarding St. Kitts forgery case. The affair has been published in the newspapers and you must have seen how the most heinous conspiracy was hatched in the South Block. Half a dozen people are involved. They have brought contempt to the Parliament by their conduct outside and inside this House and the matter should be allowed to be discussed. I want to raise this matter in the House, but I am not being given an opportunity to raise it here.

MR. DEPUTY-SPEAKER: It is only when you get the permission from the hon. Speaker that you can raise it here. Your matter probably is pending with the hon. Speaker. You can meet him in his Chamber also. When the privileges matters are to be raised, you can meet the hon. Speaker in his Chamber also.

SHRI SAMARENDRA KUNDU: I have already met the Speaker.

MR. DEPUTY-SPEAKER: Please do it again.

SHRI VASANT SATHE (Wardha): On a point of clarification. It was just now said that as far as item 11 is concerned the voting will take up at 2.30 p.m.? Do we understand correctly?

SHRI P. UPENDRA: No, it will take place right now immediately after the matters under Rule 377.

SHRI VASANT SATHE: Those four people are not being allowed to speak.

SHRI P. UPENDRA: We have already exceeded the time.

SHRI VASANT SATHE: All right. Then on item 12, will there be a discussion or not?

SHRI P. UPENDRA: You have already consumed one and a half hours.

SHRI VASANT SATHE: Not on item 12.

SHRI P. UPENDRA: You have done that; record is there.

MR. DEPUTY-SPEAKER: Yes, it is one hour twenty five minutes.

SHRI VASANT SATHE: That means it will come at about 3.00 p.m. What about lunch? Are we having lunch hour or not?

MR. DEPUTY-SPEAKER: No lunch hour. That is already decided.

SHRI VASANT SATHE: But we have to tell our Members also.

SHRI P. UPENDRA: I mentioned before they left.

PROF. P. J. KURIEN: I take strong objection. If lunch hour has to be done away with, it should be proposed here and decided here. That has not been done. This is not the way. Do not take up for a ride like this. We have to tell our Members also.

SHRI P. UPENDRA: This was decided in the Business Advisory Committee and it is there in this Report of the Committee to skip the lunch hour.

PROF. P.J. KURIEN: You can kindly go through the Report. It says-if necessary. The House is the final authority. It is not that we are objecting, but the motion should be moved here and a decision take.

SHRI P. UPENDRA: All right; I am formally proposing now.

PROF. P.J. KURIEN: Secondly, yesterday it was announced by the Chair that on item No. 11, three minutes each would be allowed to three of our Members. Only one speaker on the constitution (Scheduled Castes) Order Amendment Bill has spoken from our side.

13.00 hrs.

MR. DEPUTY SPEAKER: I had indicated the time.

PROF. P.J. KURIEN: Time should be extended, that is what I am saying.

SHRI VASANT SATHE: Sir, we have already told our Members that there would be lunch hour and they have already gone.

MR. DEPUTY SPEAKER: Now, we are skipping the Lunch Hour.

SHRI HARISH RAWAT (Almora): Sir, problem is that we have already informed the Members and they have gone. It is an important Constitutional Amendment Bill.

SHRI P. UPENDRA: The first bill requires only simply majority. And it is the second Bill which requires a large majority.

PROF. P.J. KURIEN: Sir, we have not been informed about the skipping of the Lunch Hour.

MR. DEPUTY SPEAKER: All right, now let us start with 377.

13.01 hrs.

[English]

MATTERS UNDER RULE 377

- (I) **Need to set up an atomic Power Plant in District Puri, Orissa at the place proposed by site selection committee for Eastern Region**

SHRI GOPI NATH GAJAPATHI (Berhampur): Government of India have constituted a Site Selection Committee during the 7th Plan for selection of sites to set up Atomic Power Projects in different regions of the country. The Site Selection Committee for the Eastern Region has visited Orissa on different occasions and conducted preliminary investigation on different places in Orissa.

After thorough investigation and discussions with high-level officials of the gov-

ernment of Orissa, the Committee found suitable place near Bijipur in Bhapur Block of Puri district. State Government had also given assurance to the Committee for supply of water, land, power for construction and development of suitable infrastructure. The Committee has already submitted its report to the Nuclear Power Board. However, it is regrettable that the Government of India have not given due consideration to this proposal of vital importance for the country's economy.

I, therefore, urge the Government to take the decision in the matter forthwith, to enable setting up of the Atomic Power Plant in Orissa during the current financial year.

[Translation]

- (II) **Need to include Gaund, Manjhi, Panika, tribes of Uttar Pradesh in the list of Scheduled Tribes**

SHRI MOHANLAL JHIKRAM (Mandla): People of the ancient tribe of Gaund, who are residing in almost all the states, have been included into the list of Scheduled Tribes in the Constitution. But it is a lamentable fact that they have not been included in the Scheduled Tribes List of U.P. Government. Hence, it has violated their fundamental right. Not only this, by doing so they have neglected even this list given in the Indian Constitution.

I would like to request the Indian Government to look into this matter seriously and direct the Government of Uttar Pradesh to include Gaund tribes in its list of Scheduled Tribes.

Similarly, Manjhi and Panika communities should also be included in the list of Scheduled Tribes throughout the country because these have not been included in the list of Scheduled Tribes in certain states. Therefore, immediate steps should be taken to rectify the situation.

[English]

(III) Need to include the project of extension of metre gauge line upto Agartala, Tripura in 8th Plan

SHRI SONTOSH MOHAN DEV: (Tripura West): Consequent upon the partition of the country, Tripura was completely cut off from the rest of India being surrounded on three sides by East Pakistan new Bangladesh with geographical continuity, only to northern and with the Cachar district of Assam.

Originally, the railway stations in the surrounding district of Bangladesh were within stone's throw from some of the sub-divisional towns in Tripura and those were the main transport facility. As a result of partition these railway stations fell in Bangladesh and thereby disrupting communication system of Tripura with the rest of India.

The land locked Tripura, is presently served by a stretch of 45.5 Km of Metre gauge railway line under NF Railway extend upto Kumarghat in the North District of the State.

The economic development of the State has seriously suffered due to the absence of infrastructure.

For development of industrial sector, the extension of railway line in Tripura is essential.

According to the Traffic-cum-Engineering survey the construction cost of 120 Km line will be Rs. 153.0 crores with a financial return ranging from 0.82% to 1.27% only. In the meeting of Working Group held at Maligaon on 4.10.89 the extension of MG line upto Agartala was agreed. It was recommended by the Working Group that after examining the Bimodal study report of RITES, the Planning Commission would take up the extension of the Railway network from Kumarghat to Agartala (MG line) in the 8th Plan. I request the Government to include the above project in Eighth Plan.

[Translation]

(iv) Need to install high power T.V. Transmitter at Doordarshan Centre Saharsa in Bihar

SHRI SURYA NARAYAN YADAV (Saharsa): Mr. Deputy Speaker, Sir, the transmission capability of Doordarshan Centre, Saharsa is so low that its programmes cannot be seen within the entire area of Saharsa Municipal Corporation. As a result the people of Koshi and other tehsils of Saharsa district which are located at a distance of 100 KMS or more from Saharsa Division fail to view its programmes. As a result there is a great resentment among the local people. In Saharsa area the Doordarshan facility is poor even now while 80% area of the country enjoy it. Therefore, a powerful transmitter should be installed in place of the existing one of low-capacity.

Therefore, I would like to request that the Government should take immediate steps to facilitate installation of a high power transmitter at Saharsa Doordarshan Centre so that the people there are not deprived of entertainment and are able to view the programmes of Doordarshan and get benefit therefrom.

(v) Need to open a Central Research University In Uttarakhand In Uttar Pradesh

SHRI M.S. PAL (Nainital): Mr. Deputy Speaker, Sir, Uttarakhand region of Uttar Pradesh has unlimited natural resources and its climate is akin to that of Switzerland and Japan. Therefore the Central Government should explore the possibility of setting up a Central Research Centre in this region for the exploration of mineral wealth, to conduct research on the various species of plants available in forests, to put it to daily use as a source of alternative energy, to set up tourism industry and to set up industries based on Management of fruits and vegetables. Considering this situation a Central Research University should immediately be opened there.

(vi) Need for effective steps to check pollution of water by effluents from various chemical and pharmaceutical industries in Madhya Pradesh, particularly in Ratlam

DR. LAXMINARAYAN PANDEYA (Mandsaur): Mr. Deputy Speaker, Sir, in violation of Central Laws regarding pollution and environment many chemical and pharmaceutical industries located in Madhya Pradesh have not set up proper polluted water treatment plants as a result of which the life of people living around those industries has been endangered and it has caused adverse affect on their health.

In some areas located within a radius of 15-20 KMS the water has been polluted upto the depth of 200-300 fts. As a result there is an acute crisis of drinking water and birds and animals are dying. Particularly, the industries like Alcohol plant, Sajjan Chemicals, Jayna Vitamins and IFFCO Laboratories in Ratlam need special mention in this regard. Therefore, the Government should take immediate legal actions in this regard.

(vii) Need to take steps to check soil erosion caused by Ghaghra river in Azamgarh district in Uttar Pradesh

SHRI RAM KRISHNA YADAV (Azamgarh): Mr. Deputy Speaker, every year lakhs of people are rendered homeless due to floods in Ghaghra river and erosion caused thereby. It destroys the crops and other property worth crores of rupees and causes havoc. It creates a great problem of providing food and accommodation to people and fodder for animals. The entire area is submerged for a period of 3-4 months. Means of transport and communication are also thrown out of gear.

Every year hundreds of villages are washed away by flood and are swallowed due to the cyclonic erosion caused by that river. In this way this river causes great havoc. Every year crores of rupees are spent by Government to check the flood and soil erosion, but no permanent solution has been

possible uptill now.

The rainy season is about to start. The land between river and beridge be is a low lying area which always remain submerged. This area lies in my Parliamentary Constituency, Ajmagarh.

Therefore, I would like to request the Government to evolve a permanent solution to rescue that region from the meance of erosion and flood.

[English]

(viii) Need to withdraw cases of Victimisation against Railway employees and to remove Rule 14 (ii) of the Railway servants (Discipline and Appeal) Rules 1968

SHRI A.K. ROY (Dhanbad): While replying to the debate on the Railway Budget 1990-91 in Lok Sabha, the Minister of Railways assured the House that all cases of victimisation of Railway workers would be reviewed, and justice would be done. But till this date, nothing has done except an assurance that the 'review of cases under Rule 14(ii) of Railway Servants (Discipline and Appeal) Rules 1968 is an involved process'.

However, there are two categories of victimisation cases. One under Rules 14 (ii) as mentioned above, which should be summarily as withdrawn, Rule 14 (ii) itself is vindictive. Secondly, there was victimisation under the facade of normal disciplinary measures, causing demotion, transfer and even removal—but for trade union activities. The Ministry must form a Parliamentary Committee to screen that, or refer the matter to some Supreme Court Judge to screen such cases and give justice to them also.

Lastly, the Government should remove Rule 14 (ii) of the Railway Servants (Discipline and Appeal) Rules, 1968. An announcement to this effect may be made before the end of the present Session itself.

13.13 hrs.

CONSTITUTION (SCHEDULED CASTES)
ORDERS (AMENDMENT) BILL

As Passed by Rajya Sabha—Contd.

[English]

MR. DEPUTY SPEAKER: The House will now take up further consideration of the following motion moved by Shri Ram Vilas Paswan, on the 24th May, 1990, viz.:

"That the Bill further to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Castes) (Union Territories) Order, 1951 and to amend the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, the Constitution (Pondicherry) Scheduled Castes Order, 1964 and the Constitution (Sikkim) Scheduled Castes Order, 1978, as passed by Rajya Sabha, be taken into consideration."

Now Shri Suresh Kodikkunnil.

SHRISURESHKODIKKUNNIL (Adoor): Sir, I welcome this Bill. Through this Bill, a long-pending demand of the neo-Buddhists is being fulfilled. Non-inclusion of this section in the list of Scheduled Castes was perhaps an unfortunate omission, which is being corrected now. The circumstances which compelled the late Dr. Ambedkar and his followers to embrace Buddhism are known to everyone here. The Hindu society has never allowed the untouchables to live in honour. Disgusted with this state of affairs, Dr. Ambedkar adopted the more humane and just Buddhism. However, the attitude of the society does not change, nor does the socio-economic attitude of the society change, nor does the socio-economic condition change by a mere change of religion. Thus, the neo-Buddhists continued to suffer from the same social disabilities as their brothers and sisters in the Hindu society.

That is why they demanded that they be included in the lists of Scheduled Castes. Now that it has been accepted, I welcome and support it.

While expressing my support to this legislative measure, I must make it clear that by mere inclusion in the list, their socio-economic condition is not going to improve. What is the condition of the Scheduled Castes and Tribes today? In spite of the sincere efforts by the Government which remained in office during the past 40 years, the representation of SCs and STs in Class I and Class II Services is very negligible.

Our late Prime Minister, Smt. Indira Gandhi made all-out efforts to improve the lot of the SCs and STs. Similarly, the previous Government had in fact offered that the entire backlog be cleared within stipulated period. Massive recruitment was done last year. I don't know whether this Government will continue with the recruitment drive with the same sincerity as was done by the Congress Government.

Another important point I want to bring to the attention of the Government is about the demand of the Christian community to be treated as Scheduled Castes. This demand is perfectly legitimate. Who are these converts? They are the same Harijans with the same social and economic disabilities. Because of inhuman treatment from the upper castes in the Hindu society, these people walked into Christianity the same way as Dr. Ambedkar, along with his followers walked into Buddhism. But embracing another religion has not changed either their social status or economic condition. Rather, in the absence of any special dispensation from the Government, these people have remained more backward than their Hindu counterparts. Anyway, now that the Government has decided to confer the status of Scheduled Castes on Neo-Buddhists the demand from the Harijan Christian converts to should be favourably considered. From another angle too, this demand is quite legitimate. The Indian Constitution provides religious freedom to all citizens. It also proclaims

[Sh. Suresh Kodikkunnil]

that no citizen shall, be discriminated against on the ground of religion. If the State discriminates against a citizen merely on the ground of religion, the right to freely profess and practice any religion becomes meaningless. The Scheduled Castes Order of 1950 in effect does precisely that by conferring the special benefits only on Scheduled Castes among the Hindus and Sikhs. Here, religion becomes the sole criterion to decide whose will be eligible for the special favouring. I think it is against the spirit of the Constitution. I would, therefore, request the Government to take immediate steps to include the Scheduled Castes Christian convertees also in the list of Scheduled Castes. With these words, I conclude.

MR. DEPUTY-SPEAKER: Shri P. Penchalliah.

SHRI P. PENCHALLIAH (Nellore): I will speak in my mothertongue, Telugu.

[English]

MR. DEPUTY SPEAKER: Did you inform the House that you are going to speak in Telugu?

[Translation]

You do one thing; you please speak later after an arrangement for translation is made.

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Deputy Speaker, Sir, I thank you for giving me an opportunity to speak.

Sir, we have been debating this Bill since yesterday. The hon. Minister stated that this was the demand made by the neo-Buddhists and we are going to give upon them the concessions. His statement that this is being done after so many years smacks of something like a radical change that he is going to bring about. The first question is whether the beneficiaries to whom

such facilities and concessions are extended are really availing themselves of there, if they had been benefitted by these facilities then that would not have been this internal civil strife that has engulfed the whole of our country? The facilities and concessions provided in the name of the scheduled castes are being enjoyed and availed of by those who have already been uplifted and upgraded. All the facilities get concentrated in the hands of their children. The rest of the lot remains untouched. There is a provision to extend such facilities to the scheduled caste children studying in Primary and High Schools of rural areas but these facilities are extended to them after the expiry of their academic session. They are, therefore, hardly being benefitted by these facilities. I mean to say that it is only the children of I.P.S. Officers who qualify for I.P.S. and those of the Ministers who occupy higher positions in bureaucratic hierarchy. It should be our endeavour to extend such facilities to those who have remained deprived of these till now.

The second thing I would like to emphasize is that a comprehensive survey should be conducted to this effect. From the survey, it should be found out as to how many people have been uplifted through these facilities and brought at par with the rest of the society from social, educational and economic points of view. Such upgraded people should not be allowed these facilities which should instead be channelised towards those who have remained deprived of these till now. The children of such those families who have been denied these benefits are talking up arms in collusion with the terrorist elements and are drifting away from our national mainstream. The educated youth of Jehanabad are forced to do such menial jobs today as chopping of grass, digging the canal and taking the cattle for grazing. I have repeatedly been saying that they should be given the right type of employment. This is the question of this bread and butter. I am not opposed to the provision of such facilities but we will have to go beyond this. We should make arrangements for providing the means of earning bread and butter to the poor. I feel

that by doing this, we will be able, to a great extent, to bring down the rising militancy in our youth. I would like to recite a poem during the time you have granted me. Kindly extend to it:—

"Kursi teri mahima ko, gata sab sansar
Tujh par bethe ek bar jo, uska beda paar
Kamdhenu ban jati usko, manvanchhit fal deti hai!
Saat pusht ke daridra ko too, turant hi dho deti hai!
Ganiga Yamuna Saraswati too, vair tarni kaliyug ki hai
dukh bhangan jpap harni, too hi khevan-haar
Kursi teri mahima jane sab sansar!
Bade bade yogi aur bhogi, yug yug se hain tere divane
Sab ko hi too khel khilave, koi na mane haar
Phaldayini kalyug ki too, tere roop hain bade nirale
jis par hui meharban too, hote uske bhag ujale!
Kursi teri mahima jane sab sansar!

This is the main question today. The House should know this fact that the people who have nothing to eat and no house to live in are found in villages. I can say that in view of the ongoing movement in Jehanabad, I have received the news only yesterday that the militants have razed to the ground the house of Shri Nagina Yadav of village Sahovigha of the Ghosi block and dispossessed him of all his belongings. The militants resort to killing people there. Such incidents are a recurrent phenomenon. I would like to urge the Government to awaken and do something for the poor or else it is not going to last long.

*SHRIP. PENCHALLIAH (Nellore): Mr. Deputy Speaker, Sir, I support whole-heartedly the Constitution (Scheduled Castes) Orders (Amendment) Bill, 1990.

Sir, I complement the Hon. Minister for

moving this Bill to extend the reservation facilities which are now available only to Scheduled Castes to neo-Buddhists. The demand to include Neo Buddhists in the Scheduled Castes and thus extending of all the benefits provided in the Constitution to them is not new. It is a long standing demand. But unfortunately this genuine demand was put into cold storage for all these years. Sir, Neo Buddhists are cent per cent Scheduled Castes. Dr. Baba Saheb Ambedkar embraced Buddhism in 1956 at Deekshabumi in Nagpur along with his 5 lakh Scheduled Caste followers. Dr. Ambedkar has not taken this step to deprive them of their Constitutional rights. Certainly, it was not his intention to deprive these people of the benefits provided to Scheduled Castes under the Constitution. He was very much for the extension of these benefits to new buddhists. Sir, Buddhism is not alien to this land. After all, ours is the land of Buddha. In fact it was Dr. Ambedkar's intention to revive this religion of the land which just disappeared into history. He wanted to build more Viharas. He even wanted separate university for Budhistic studies. Unfortunately Dr. Ambedkar expired on 6th December, 1956. With his demise, all his ambitions to revive buddhism in the land of its birth remained unfulfilled. All his followers became orphans.

Sir, what are the reasons behind this large scale conversions. Dr. Ambedkar or for that matter entire scheduled castes are aboriginals. They are the real sons of soil, for, they had been here since the time immemorial. The Aryans, Dravidians and others who invaded the country later on, had driven these people out to jungles and hills. Later on upper castes heaped humiliation after humiliation on them. This is the history precisely. When, there were many kingdoms ruled by upper caste Hindus, these people were treated with utter contempt. During the rule of Mohammadans the situation was no better. During the days of British, their plight remained the same. The Scheduled Castes contributed to the freedom movement with

[Sh. P. Penchalliah]

the hope that in a free and democratic India, the situation would be different. In independent India, they thought, they could live with dignity and self respect. They participated in the freedom movement in lakhs and crores. They were jailed. They were lathi charged. They made every sacrifice one could think of. The moment of independence arrived. Dr. Ambedkar became the Chairman of the Constitution drafting body. It is because of him, that this depressed oppressed and utterly neglected sections were given certain benefits in the Constitution. But, again, though protection was provided to them in the Constitution, they were not implemented in letter and spirit. Governments have come and governments have gone. There was no change in their status. Dr. Ambedkar carried on his relentless struggle till the end. But he could not succeed much in this upper caste dominated Hindu society. Still the Scheduled Castes are subjected to innumerable atrocities. Dr. Ambedkar took to Buddhism after coming to the conclusion that survival of the Scheduled Castes is very difficult in the Hindu society. In India, one can not live without religion. Ours is a caste based society. Hence there was no other go to Dr. Ambedkar but to bid good bye to hinduism. Hinduism is not for the Scheduled Castes, he thought. Sir, neo buddhists are none other than Scheduled Castes and Scheduled Tribes. All of them have one and the same blood.

[*English*]

MR. DEPUTY SPEAKER: Mr. Penchalliah you must conclude now. I am going to call the other Member now.

[*Translation*]

*SHRIP. PENCHALLIAH: Sir, now there is a demand to include converted Christians in the Scheduled Caste list. These Christians are also scheduled Castes. There are several other communities which are un-

touchable. Hence a comprehensive amendment Bill should be brought forward to include them all in the Scheduled Caste list.

Sir, with the inclusion of neo buddhists and others the present quota of reservation will not be sufficient enough. Hence I appeal to the Hon. Minister to enhance the the quota of reservation from the present fifteen percent. Sir, with these words I conclude my speech thanking you for the opportunity you have given me to speak.

(*Interruptions*)**

[*English*]

MR. DEPUTY SPEAKER: What Mr. Panchalliah says will not form part of the record.

(*Interruptions*)

MR. DEPUTY SPEAKER: This is not the way you should speak in the House.

SHRI PIYARE LAL HANDOO (Anantnag): Before I make observations about the merits of the Bill I would like to make a comment on one part of the Bill which concerns the State of Jammu & Kashmir vide this amendment to Jammu & Kashmir Scheduled Castes Order, 1956 also suffers an amendment. This problem does not very much exist in the State. But there are some exclusions which require to be looked into. I would request the hon. Minister that he may find some time and to attend to some of the pressing problems which are pending in his own Ministry about a category of Scheduled Castes who have been suffering despite the Scheduled Castes Order of 1956. In Doda District despite the fact that a caste is scheduled, in some revenue papers, for a number of people, there is the sub-caste attached to that Scheduled Caste. As a result of that addition of sub-caste with the Scheduled Caste, more than 15,000 people of Scheduled Castes do not get the benefit of the

*Translation of the speech originally delivered in Telugu.

**Not recorded.

same caste what otherwise would accrue to them. I would like you to attend to this because the matter has already been brought to the notice of the Ministry and those people who in fact are part of Scheduled Castes and because at point one point of time that have been in the revenue papers shown as a sub-caste of that Scheduled Caste, they are not given the benefit of that caste.

Now I come to the merits of the Bill. I would like only to mention that the Minister has said that this amendment has become necessary because of a declaration in the manifesto of his Party prior to the election. This should have been in fact on the basis of a study in respect of all converts from Hinduism to Christianity, to Buddhism or to Islam. If you accept the principle that caste travels along with the convert into the religion of his adoption, then you cannot confine it to Buddhist alone and refuse it to converts to Christianity or to those who are converts to Islam. I would like you in reply to indicate why this matter of conversion to Buddhism lone be regarded as sufficiently compulsive to grant these safeguards which are otherwise capable of being available to Schedule Castes in the Hindu society. There has been a study no doubt. There is no doubt that all converts from Hindu religion Scheduled Castes people do not immediately thereafter change the quality of their life. They continue to remain socially and educationally backward and need safeguards. They need safeguards. But, before you identify the kind and quality of safeguards for the converts, you must conduct a study and see if caste travels even after conversion. If you come to the opinion that caste travels with them then perhaps conversion itself will become less tempting, conversion will lose its meaning. With the literature that became available to us in 1956 at the time of conversion to Buddhism led by great Dr. B.R. Ambedkar, we find that conversion was resorted to, to escape the stigma of the caste which is recognised in Hindu society. Associating the concept of Scheduled Castes with these converts would be something foreign to it. If, after conversion, they continued to be Scheduled Castes, then the escape of stigma would not have

been advocated as cause for conversion. But, if it is not so, then the question of restricting Scheduled Castes statuts to converts to Buddhism alone is not understandable. Then, its refusal to those who are converted to Islam or Christianity would neither be just nor proper. It is true, further, that mere conversion does not change the quality of their life. They continue to be backward socially and educationally, and safeguards are due to them. But, this can be given under Articles 25 (2), Article 15 and even Article 17, but not as Scheduled Castes. And in case it is given to any category of converts as Scheduled Castes, then it can not be refused to others. In that case it should be extended to convert from Hinduism to any other religion. This is my submission.

[*Translation*]

MR. DEPUTY SPEAKER: Hon. Members, you can make very good points in the least possible time. Kindly make proper use of time.

SHRI SATYANARAYAN JATIYA (Ujjain): Mr. Deputy Speaker, Sir, I appreciate your good intention and this Bill has also been brought here in the same spirit. The amendment is not a major one. The neo Buddhists have been included in it alongwith the Sikhs. What was the purpose of including the neo-Buddhists in it? Things were settled in 1950 and in 1956 conversion of neo-buddhists had taken place under the leadership of Dr. Ambedkar. They did not get the benefits due to them. They might have acquired the wisdom of Buddhism in these 25 years but they could not achieve the desired economic equality. They might have become moneyed once but they did not achieve social dignity and status. We will have to find out the reasons behind this. Before embracing Buddhism, this section of our society might have perceived that they would get rid of the dissimilarity and antipathy after conversion. But this did not facility. This clearly indicates that the social mentally did not change at all. It has been clearly enumerated in our constitution that the people of India

[Sh. Satyanarayan Jatiya]

want to constitute India into an integral, sovereign, socialistic, secular, democratic republic. We aspire for a non-sectarian secular state. Then, we have said that there is the freedom of religion and expression. Despite all these provisions, we feel constrained to rethink that the people who thought, while embracing neo-Buddhism, that their social status will undergo an improvement did not see any radical transformation in it. The obscure social trend of not taking everybody into confidence has been deeply rooted into our society. There can be many aspects with regard to the religion but the real religion is that which does not bind its followers. Religion implies duty.

"Dharma yo badhte dharmon,
sa dharmah kuwartamatat,
avirodhattu yo dharmah,
sa dharmah satya vikram,"

The true religion is that which is not hostile to other religion. Those who have embraced Buddhism are our own people. This comes within the purview of Hinduism itself. The politicians have turned Hindus into communal is. In fact, Hindu is not a communal but rather a tolerant and a submissive one. We have had such a great tradition and we know that:

"Bhulok ka gourav prakriti ka punya
leela sthal khahan!
pheila manohar giri Himalay aur ganga
jal jahan!!
Sampoorn deshoon se adhik kis desh
ka utkarsh hai!
Uska hie jo rishi bhoomi hai voh kaun
bhjaratvarsh hai!

Haan vrid bharatvarsh hi sansar ka
sirmour hai!
aisa puratan desh vishwa main koi our
hai?
Bhagwan ki bhavbhootiyoon ka pra-
tham yahi bhandar hai!
Vidhi ne kiya nar srishti ka pahale
yahin vistar hai!"

"Shaiva yamisham shiv ityavochan,
yam vaishnava vishnuriti stuvanti,
Buddastaha vadanti bodh jainah, sat
shree akaleti cha sikh santah."

Buddhism is not alien to us and the Bodh brethren are our part and parcel. There is a sacrosanct dictum in Islam that says that "Alhamdul lillah-e-rabbil almin". He, the protection of the universe does not belong to a particular community alone. In this religion as also in Christianity, there is no social inequality or disparity. Because of the disparity prevalent in Hinduism we have again included the neo-buddhists in it because the social inequality they have to face. We support this Bill.

[English]

SHRI N. DENNIS (Nagercoil): Sir, the Bill is to include the Neo-Buddhists in the list of Scheduled Castes. Thus, apart from Hindus and Sikhs, Neo-Buddhists also would be included in the list of Scheduled Castes and they would also be getting the benefits and assistance like the Scheduled Caste Hindus and the Scheduled Caste Sikhs. This should be a turning point in their socio-economic condition and there is general welcome of this measure. There would have been greater appreciation and better welcome if the Scheduled Caste persons professing other religions were also included in the list of Scheduled Castes. They have also been subjected to the same problem, same discrimination and same socio-economic disabilities. The Christian Scheduled Castes ought to have been proposed for inclusion in the list of Scheduled Castes. In the Statement of Objects and Reasons, it is stated that change of religion has not altered the socio-economic condition of the Neo-Buddhists. The same is the case with Scheduled Caste Christians. Change of religion to Christianity has not altered the Socio-economic condition of the Scheduled Caste Christians. This is the view expressed by great leaders like Mahatmaji and Dr. Ambedkar.

Another point mentioned in the State-

ment of Objects and Reasons is that the demand is made by Neo-Buddhists for their inclusion in the list of Scheduled Castes. The very same demand is made by Scheduled Caste Christians through Bishops and also by all Christian leaders, without any denominational difference. It is the most important united common issue of all the Christians. When there are atrocities committed on Scheduled Castes, they are committed against all Scheduled Castes, irrespective of their religion, with the same force, but the Untouchability Act and other connected Acts protect the Scheduled Caste Hindus and not Scheduled Caste Christians. So, even if a grave offence is committed against a Scheduled Caste Christian law does not protect Scheduled Caste Christians as if the law protects the Scheduled Caste Hindus.

Religious organisations cannot satisfy the demands and needs of the Scheduled Caste Christians because their resources are limited. I would like to point out that the financial commitment to the Government on this account will be very small. The total number of Scheduled Caste Christians is estimated to be 8 million out of the total number of 16 million Christians. The estimated total number of Christians in the entire country works out to only 2.4%. The number of Scheduled Castes is estimated at 105 millions. So, compared to this figure, the number of Scheduled Caste Christians is limited. I would like to point out that the secularism is practised in our country. As per Article 15 of the Constitution. There should not be any discrimination on grounds of religion. Article 25 of the Constitution guarantees Right to freedom of religion. So, discrimination on grounds of religion is violation of secularism as enshrined in Article 25 of the Constitution and also Article 18 of the Universal Declaration of Human Rights.

In this connection, I would like to state that the demand of Sikhs have been conceded and the demands of the Neo-Buddhists have also been conceded and so, the Government be pleased to concede the demand of the Scheduled Caste Christians

also in this regard by including them in the List of Scheduled Castes so that they would also get the same benefits and privileges as Scheduled caste Hindus and Sikhs get.

[*Translation*]

SHRIMATI BIMAL KAUR KHALSA (Ropar): I would like to welcome the Bill which seeks to include the Neo-Buddhists in the list of Scheduled castes and Scheduled Tribes. In fact, this Bill should have been brought forward much earlier. I am distressed to say that the Scheduled Castes who adopted Sikhism were called Majhabi Sikhs or the Ramdasiye Sikhs. They are still being treated as aliens among the other castes. The Ramdasiye Sikhs and the Majahabi Sikhs belong to the Scheduled Castes. Inclusion of Neo-Buddhists in the list of Scheduled Castes and Scheduled Tribes is also a discrimination against the Buddhists because it gives a separate identity to the Neo-Buddhists from the Buddhists and they will always be alienated from the Buddhist because of their Scheduled Caste Origin. In connection with the present amendment I would like to say that there should be no mention of the word 'Neo'. It should be mentioned as Buddhists only so that both the groups could live in peace and amity. The Mohammedan Scheduled Castes and the Christian Scheduled Castes should also be included in the list of Scheduled Castes. I would like to add that the percentage of reservation was fixed with proportion to the size of the population. As per the statement of the Central Government, percentage of reservation for the Scheduled Castes is 22 whereas their numerical strength is 33 per cent. I would like to make an appeal that the percentage of reservation should be increased from 22 1/2 per cent to 30 percent.

Secondly, I would like to submit that the Mohammedans, Christians and the neo-Buddhists should be extended the facilities of reservation and the percentage of reservation should be increased by making amendments in article 340 of the Constitution.

[English]

SHRI B. RAJARAVI VARMA (Pollachi):
Sir, I thank you very much for providing me an opportunity to speak on the Constitution (Scheduled Castes) Orders (Amendment) Bill, 1990.

While I would like to call this historic measure, I would also like to say that this is an incomplete measure. After a very long time, that means, after around 33 years since the first wave of conversions of Scheduled Castes under the leadership of Dr. Babasaheb Ambedkar, the demand of the neo-Buddhists are being met today. I do not like to go into whether this Bill is being brought forward for political reasons or not. But I would definitely say that like demands from many oppressed sects of society are not being met.

In Tamil Nadu there is a community called Kurumas. These Kurumas are included as backward castes. But their social and economic conditions are poorer than Scheduled Castes. Their number is also sizeable and I would request the hon. Minister to undertake a survey on the number, social and economic condition of Kurumas and include them in the Scheduled Castes list. If their lot is to be improved, this has to be done imperatively.

Barbers and Dhobies are presently included in the backward classes list. These two communities are still being socially secluded. We have passed many laws against oppression of lower communities, but in effect, the social taboos attached to them are continuing. In fact, liberation of the oppressed and suppressed communities is possible only if they are assisted to improve their economic condition. I, therefore, request the hon. Minister to include barbers and dhobies in the Scheduled Caste list.

Sir, the main motive behind conversion of Scheduled Castes to some other religion is to escape social oppression, seclusion and contempt. The year 1956 sent a wave of conversions of SCs to Buddhism because of

this reason only. Scheduled Castes also convert themselves to Christianity. I, therefore, strongly urge upon the Minister to include converted Christians also in the Scheduled Caste list.

If this is clear that Scheduled Castes convert themselves to some other religion to escape social taboos, then the conversion protects them socially. But what about their economic condition? The Government should step forward and protect them economically. I, therefore, request the hon. Minister to include a general provision in the Bill for providing Scheduled Caste status to all those belonging to the community and converted to some other religion.

Sir, in certain States Scheduled Tribes are included as most backward community. For example, Namikuravas, Vettaikaran, Malaikuravan, Kurumans, Kattunayakkan, Gariyan, Irular, Vedan, Chittanar and Kuravan—all these communities are included as most backward communities in Tamil Nadu. In this respect, the above said communities have formed an association as Tamil Nadu Tribal Federation and are fighting for their demands to be fulfilled. But the Tamil Nadu Government pays no attention to their appeal and welfare so far. The Government of India must order a general survey to find out the Scheduled Tribes who are being treated as most backward in some States and bring them in the Scheduled Tribes list.

I take this opportunity to draw the attention of the hon. Minister to the fact that vacancies reserved for SCs and STs are not being filled in the Government Departments promptly. The Minister must ensure that vacancies are advertised, re-advertised and requirements relaxed in certain cases, so that the oppressed and suppressed are inspired to join Government establishments in more numbers. Similar reservation facilities must be mandatorily provided in every private organisation which runs on Government and public financial assistance. This should be considered by the Minister.

With these words, I conclude.

13.54 hrs.

PROF. K. V. THOMAS (Ernakulam): Sir, at the outset, I would like to point out that this Constitution Amendment is a dilution of the secular nature of our country. Sir, in a secular State all the citizens have the right to follow the religion of their choice. So, harijans should not be deprived of this right. So, irrespective of the religion the harijans belong to, they should get all the rights and privileges that have been given to them. In Kerala, about 15 lakhs of 'Kudumbi' community people are there. I request the hon. Minister to include them in the Scheduled Casts and Scheduled Tribes. Then the fishermen community as a whole, whether they go to the sea for fishing or they go for inland water fishing, should be considered as Tribe. This request has come from different parts of the country and from different organisations. So, my request to the hon. Minister is that a comprehensive amendment to include all the harijans in the SC/ST list irrespective of the religion they prefer as well as to accept the requests from different States to include certain castes as harijans should be considered by the Government, if the Government is very serious in helping the harijans so that their genuine problems are settled.

[Translation]

SHRI HARIBHAU SHANKAR MAHALE (Malegaon): Mr. Deputy Speaker, Sir, I would like to express my thanks to you for proceeding me an opportunity to speak on this Bill. At the same time I would like to thank the hon. Minister also for bringing forward this Bill, because the introduction of the Bill coincides with Budha Purnima, Baba Saheb Ambedkar's birth Centenary and Mahatma Jyotirao Phule's memorable death centenary. This Bill comes up at the confluence of these three sacred occasions. As such this Government deserves our congratulations. Mr. Deputy Speaker, Sir, fortunately you are in the chair at the moment. At the time Baba Saheb Ambedkar was initiated into Buddhism, I was a boy of 16 years and was present on the occasion. At that time also I had a cap on my head. Though I had suffered

head injuries having been hurt by a stick, I had put on the cap. During those days nobody was allowed to wear a cap. In spite of all these, at the age of 35 Baba Saheb addressed his followers in a village in Yehula Tehsil. He vowed that though he was born as a Hindu, it was not necessary that he should die as a Hindu. He told the people that he had come here to fulfil that vow. He called upon the people to follow him if they so wish. He will welcome them. He totally ruled out forcible conversion. I can say that a religious personality like Dr. Ambedkar has neither so far been born in the country nor such a person would take birth in future. As such conversion cannot be made by the force of the sword. It is an open temple. Anybody who has such a wish can come into its "fold."

I have highest regards for Shri Banatwala. In 1977 I was with him in Huguni. I was one of his fellow members in the committees. I always exchanged views with him. I am of the view that he is an elderly person and a very good man. In connection with the point he raised yesterday I would like to say that there is a difference between the police coming nearer to him and to me. While their coming closer to him will mean that they are coming to welcome him, their coming nearer to me will mean that they are coming to arrest me. Now this Bill will give protection to us and after the posing of the Bill even if the police come towards us, they will not come to put us behind the bars. So far conversion of people into Islam and Christianity, is concerned, the situations vary from person to person under which they got themselves converted to other religions.

People who were considered as untouchables from the very beginning were converted into Islam. Some of these untouchables accepted Christianity. Circumstances differ from person to person which compelled them to change their religion to Islam or Christianity. I would like to give an example in this connection. There were some illiterate persons in the country who changed their religion and there were other such untouchables who accepted Islam. If I am allowed to make the point more clear I would

[Sh. Haribhau Shankar Mahale]

give an example here. Suppose three persons belonging to three different religions are asked to go and defecate people who accepted Islam will take clean water to the Catrine and maintain cleanliness after

14.00 hrs.

defecation. The Christians will also maintain cleanliness. But the illiterate people will use stones after defecation. This is the difference. In my constituency, initially, there were untouchables. They work with others in the society. The Muslims also link with the society. But the people who accepted Buddhism are still being treated as untouchables. As such the socialistic view has not reached the minds of the people. It is therefore necessary to extend the facilities to them. What does a mother do? The mother showers much affection on her youngest child and thinks about the elder a bit later. These are the reasons that the Government brought forward this Bill so as to extend the reservation facility to neo-Buddhists who have not so far got these facilities. This is a very important Bill and it has been brought forward after careful consideration. I support this Bill. Mr. Deputy Speaker, Sir, I would like to thank you for providing me an opportunity to speak.

MR. DEPUTY SPEAKER: Mahale ji, whenever you speak, the Hindi language becomes richer.

(Interruptions)

MR. DEPUTY SPEAKER: Please take your seat. It would not do. I have already called the hon. Members from your party whose names had been sponsored by you. If new faces will come after every one hour, how to manage the work. Hon. members, whose list you had given first, have since spoken.

(Interruptions)

MR. DEPUTY SPEAKER: It is all right. I will give you a chance to speak on any condition. You will have to make new points and would not speak on old points.

[English]

SHRI PETER G. MARBANIANG (Shillong); Sir, I have moved an amendment to this Bill which has been printed separately. In that management, I have specifically put that the Scheduled Castes converted to Christianity should also be extended the reservation facilities, for which the benevolent Government has brought forward this Bill.

Let me tell the House that the leaders of the Churches in India have met the Government and the hon. Minister has given an assurance that he would consider the matter. I do not know why the same facilities have not been extended to the Scheduled Castes converted into Christianity. Therefore, I would request the hon. Minister who is here to consider the Scheduled Castes converted into Christianity should also be given the same facilities.

I want that the Minister should give a definite assurance on that point.

[Translation]

SHRI VAMANRAO MAHADIK (Bombay South Central): Mr. Deputy Speaker, Sir, this Bill seeks to provide various facilities which are admissible to Scheduled Castes to those people who got themselves converted as neo-Buddhists from Hinduism at the instance of Baba Saheb Ambedkar. But the word Buddhist has been spelt wrongly of course, there is no such mistake in the "objects and reasons" part of the Bill. But writing 'Budha' in the body of the Bill is not proper. It is because when Baba Saheb Ambedkar separated 10 crores untouchables from Hinduism he went to Sant Gadge Maharaj and sought his guidance as to what religion he should accept.

MR. DEPUTY SPEAKER: Please speak on the Bill and not against his speech.

SHRI VAMANRAO MAHADIK: When there is a mention like this, what can I do. I am speaking in Hindi only. In spite of that minor mistakes will be there Gadge Ma-

haraj advised him to accept a religion which ensures to country's integration and advised him not to accept any other religion. Therefore he accepted Buddhism. Mr. Deputy Speaker, Sir, have are proposals to extend the facilities of reservation to people who were Hindu Scheduled Castes and who have Converted themselves as Muslims and Christians. But it is wrong. The reason behind hating the people who were converted into neo-Buddhism is that they adopted coersive tactics against people by the force of sword and other bethal weapons to change their religion.

MR. DEPUTY SPEAKER: Please leave these things. Speak on the Bill and not on conversion.

SHRI VAMANRAO MAHADIK: There have been three types of conversion. In connection birth the new proposal inane in their regard, I would like to suggest that a new class called the economically backward class should be constituted and the poor people should be included in this category. I support the view that people who were converted as neo-Buddhists by Boba Saheb should be extended the reservation facilities. Now let me take up the other point. The neo-Buddhists who were Hindus initially were given the rights first. People who continued to be Hindus and did not convert themselves as neo-Buddhists, that number of such scheduled Castes should be identified. There should be no encroachment on the rights of these people. I would also not like to favour the view that. The reservation facilities should be extended to these Scheduled Castes who have become rich, officers, doctors etc. These facilities should be extended to backward people among the Scheduled castes. It will be appreciated if such an assurance in given.

SHRI MAHADEO SHIWANKAR (Chimur): I am on a point of order. My point is that discussion on the amendment Bill should be held later on. I would like to know whether my name is there is the list or not.

MR. DEPUTY SPEAKER: A discussion is taking place on this subject.

*SHRI PALAS BARMAN (Balurghat): Sir, I rise to support this Bill which has been brought-forth by Hon. Shri Paswan Ji in the centenary year of Dr. Ambedkar. This Bill will fulfil the dream and aspirations of Dr. Ambedkar by including the weak and backward neo-Buddhists in the list of Scheduled Caste/ Scheduled Tribe and thus providing them special safeguards and protection. While supporting this Bill, I will like to say a few things before this august House. I will like to say that we should also think about those economically, socially and educationally backward brothers and sisters who on account of the orthodoxy of the Hindu religion got themselves converted to Christianity or Islam and till this day have not been included in the list of SC/ST. Their case should also be considered by Govt. for providing safeguards to them too.

Our country consists of the collection of all these people. This great person (Dr. Ambedkar) who was educated in the western system of education, got converted to Buddhism with sorrow in his heart because he could not tolerate the orthodoxy of the Hindu society and religion. Sir, this country of ours is the birth place of many great and noble persons like Gautam Buddha, Sri Chaitanya, Vivekananda, Rabindranath, Nazrul Islam, Mahatma Gandhi etc. The message of their life was:

'Udar Charitramanta Vasudhyba Kutumbakam.'

Gautam Buddha's violence (ahimsa), Sri Chaitanya's love for all living beings, for Swami Vivekananda all the illiterate poor, the untouchable low caste people of that age were like his brothers, Ghandhiji carried on a lifelong war against untouchability.

Inspite of so many noble example being before us, the extreme orthodoxy and conservatism of the Hindu religion has not gone

*Translation of the speech originally delivered in Bengal.

[Sh. Palas Barman]

away Except West Bengal, it is present in all other States.

Sir, our country is the great meeting ground of the Aryans, non Aryans, the Dravidians, the 'Pathans, the Moghuls etc. That is why Kaviguru Rabindranath Tagore said, come oh. Brahmins, come with a pure heart and hold the hands of all others." He wanted to build a strong India. He wanted to worship mother India, his motherland with the water purified by the touch of all. But unfortunately even today the orthodoxy and conservations of the Hindu religion and the distinction between the high and low castes have not gone, they are still continuing in the society. This blot in the social, economic and educational field shall have to be removed. Control has to be exercised firmly.

Education shall have to be made compulsory and universal. Reservation and other safeguards shall have to be implemented firmly. Land has to be given in the hands of the actual tiller, through land reforms. Agricultural loans, foodgrain and other essential commodities of daily need should be provided at subsidised rates.

In the congress regime during the past 42 years 16,000 crores of rupees have been spent for the SC/ST people. But no benefit has reached their thatched huts. You shall have to see that this situation is not repeated.

Sir, in my constituency there was a community called 'Kolkamar'. Their name has been changed to 'Vishwa Karmakar' and thereby they have been deprived to the benefits available to SC/ST people. There is another class called 'Deshia'. Their life style and social customs etc. are identical to that of the 'Raj-banshi' and 'Polia' communities. Rajbanshi and Polia communities' are included in the SC/ST list in West Bengal whereas the Deshia community is not so included. They are very backward educationally also. I request that these Viswakarmakar and Deshia communities may also be

included in the SC/ST list for safeguarding their interests. With that Sir, I conclude. Thank you.

SHRI RATILAL KALIDAS VARMA (Dhanduka): Mr. Deputy Speaker, Sir, I would like to congratulate the hon. Minister for bringing forward this legislation. When atrocities are being committed on the Scheduled castes in Gujarat their brothers Muslims and Christians never come forward to their rescue, but when the question of receiving benefits comes up there communities are trying to pose themselves as Scheduled castes. They have never been subjected to any atrocity.

Today the cobbler community in Gujarat is not considered untouchable and treating them as Scheduled caste, is resulting in great injustice to the people as in the services only the cobblers are being recruited. If other castes are included in the list of Scheduled Castes, it will be great injustice to the Scheduled castes.

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): Mr. Deputy Speaker, Sir, I would like to express my thanks to the hon. Members for their valuable suggestions on the topic. I have got a list of 28 hon. Members who participated in the debate. Most of the hon. Members made a demand and also gave their amendments that the benefits of reservation should be extended not only to the neo-Buddhists but also to people belonging to other religions who converted from Scheduled castes and Scheduled Tribes. I had said in the Rajya Sabha yesterday also that the Government does not have any negative attitude in the matter. The Government is sympathetically considering it, but there are some problems in this regard. Our hon. friends from the opposition are sitting here. They must have had some problems, otherwise, having got 3/4th majority in the House they should have brought forward a legislation to this effect. There are also problems before us. As long as a general consensus is not achieved in the matter. We do not consider it proper to bring forward such a

legislation. Yesterday also I had said that. I have no intention to play politics in such a delicate matter, neither our Government has any such intention. We are introducing only those points in the House in regard to which there is general consensus. On the basis of general consensus only we are taking up those cases pertaining to welfare of Scheduled Castes and Scheduled Tribes and the weaker sections of society which may have unanimous approval of all parties. So far as the case of different religious groups is concerned, you must have seen in the House also that there are divergent views in the matter. In spite of that after the session is over, I shall convene a meeting of all the political parties in this connection and shall see that a general consensus is arrived at and they are taken up for final decision. But one thing I would like to say that the Government has no negative approach in the matter. (*Interruptions*) ...

[*English*]

SHRI S. BENJAMIN (Baptala): Sir, there is a consensus so far as the converted christians are concerned. After having heard all these things may I ask.....(*Interruptions*)

[*Translation*]

SHRI RAM VILAS PASWAN: I am also saying the same thing. I am saying that cases of both the converted Christians and the converted Muslims will be considered. Yesterday, you heard Shri Banatwala and other hon. Members in this connection.

SHRI RAM DHAN (Lalganj): Has the Government taken any decision? If not, why are you saying all these things?

SHRI RAM VILAS PASWAN: The Government held consultations with all concerned parties and after taking into account their unanimous views, it has been decided to extend the benefits of reservation to the neo-Buddhists. In our election manifesto also we had given an assurance that after coming to power we will do this thing. As regards the other suggestions, I definitely

said that the Government has no negative approach in this regard, but until a general consensus is arrived at in the matter, the Government is helpless to do anything. We will convene a meeting of the leaders of all the concerned parties and hold consultations with them. Several hon. friends have given divergent views in the matter.

Mayawati Ji.....

SHRI KAPIL DEV SHASTRI (Sonapat): Has anything been said to enact a uniform law for the whole country with regard to privileges being made available to the Scheduled Castes?

SHRI RAM VILAS PASWAN: I shall come to all the points one by one. (*Interruptions*) That would not do, please let me speak. Thereafter, if there is any need for some clarifications on the subject, I shall clarify. Please do one thing. First let me speak and let me touch all the points. Even after that if any point remains untouched, you can take up that. Some of our friends have raised an objection to.....(*Interruptions*)

[*English*]

PROF. P. J. KURIEN (Mavelikara): Please do not talk like that. To ask questions is the right of the Members. (*Interruptions*)

[*Translation*]

MR.. DEPUTY SPEAKER: Why are you doing all this?

SHRI RAM VILAS PASWAN: Some of our hon. Members have expressed the views that mention of the word 'neo' will lower the dignity of the neo-Buddhists. But it is not like that you must have gone through the Bill. There is no mention of neo-Buddhist at any place in the Bill, word Buddhist has been written in the Bill. In the constitution there are words Hindu, Sikh and Buddhist. Benefits of reservation are being extended to those people only who have been enlisted in the category of Scheduled Castes and Sched-

[Sh. Ram Vilas Paswan]

uled Tribes. The same thing is applicable to neo-Buddhists. Though benefits of reservation will be extended to neo-Buddhists only the word "Buddhist" will be written. This is the Constitutional amendment. Thereafter our friends said that.....(*Interruptions*) It would not do. First listen, please.

SHRI RAM LAL RAHI (Misrikh): Sir, I am on a point of order.

MR. DEPUTY SPEAKER: Nothing has gone out of order. Why do you raise the point of order unnecessarily. Please let him speak. Do not do so.

SHRI RAM LAL RAHI: The hon. Minister said that it will be written as "Buddhist" and the benefits will be extended to neo Buddhists only. How can it be, please clarify.

SHRI RAM VILAS PASWAN: Please clarify it later on. (*Interruptions*)

MR. DEPUTY SPEAKER: He is not-yielding.

SHRI RAM VILAS PASWAN: There were mainly two suggestions. I have dealt with these two points in my speech. Thereafter, different suggestions came up from various quarters. Some of the hon. friends suggested that there should be a separate Ministry for the Scheduled Castes. As all of you are aware, the entire work with regard to welfare of Scheduled Castes and Scheduled Tribes was being looked after by the Ministry of Home Affairs. During those days we used to sit in the opposition. The Ministry of Home Affairs dealt with the work upto 1980. But after some thought the Government entrusted this work to the Ministry of Welfare. I am of the view that allotting this work to any of the Ministries does not make any difference, unless there is dedication and willpower with the Government to do something. The main thing is to see whether the Government wants to do anything concrete in this regard or not. Secondly, several of the hon. Friends said that it would not serve any purpose and

development must be carried out simultaneously. Socio-economic programmes should be taken up. In this regard I had made an elaborate statement, yesterday. We are taking all possible measures to ensure social and economic development. Not only we are doing, but also we are bringing forward new legislations for this. We are bringing forward a Bill to give statutory status to this commission on Scheduled castes and Scheduled Tribes. There is also a proposal to include the provisions of land reform in the ninth Schedule of the Constitution. It is definitely a step forward in this direction. At the same time we have to ensure that not only money is sanctioned for the development of Schedule Castes, Scheduled Tribes and the Adivasis but the sanctioned amount is also properly utilised. I had said this thing yesterday also. As a remedial measure we have decided to find out whether the funds given to various institutions under the Ministry of Welfare were being utilised properly or not. We have also decided to provide funds to those institutions only which would do some concrete work in this regard. For example, there are a number of Welfare measures- viz-education, removal of untouchability etc. Untouchability cannot be removed by displaying posters on the walls. Untouchability cannot be removed by publishing posters. Sometimes a sum of Rs. 2 lakhs is spent on this work or arranging lunch etc. In order to remove untouchability socio-economic programmes will have to be accelerated. We shall bring social, political and cultural awareness in the society and for this education is a very important tool. If the people are imparted education, they become self-reliant and if they are given maximum employment opportunities in Government and non-Government services they will definitely become self-reliant and untouchability will be removed totally. It is very essential to have a change in social outlook for this purpose.

I would like to express my thanks the hon. Members including the hon. Members, Shrimati Bimal Kaur Khalsa who has proposed to increase the percentage of reservation because of the inclusion of neo-Buddhists in the list of Scheduled Castes and

Scheduled Tribes. It is definite that the Scheduled Castes and Scheduled Tribes population will become more in 1991 than what it was at the time of 1981 census. The hon. Members have desired to know as to what the Government is going to do in this regard? In this connection I would like to tell the hon. Members that the Constitutional provisions are very clear in this regard. The constitution clearly states that with the rise in the population of Scheduled castes and Scheduled Tribes the percentage of reservation will also increase. The Government will definitely take steps in this direction. It will see that percentage of their representation is also increased in those Government and non-Government establishment, when reservation is provided. One of the hon. Members has desired to know as to whether the ongoing special recruitment drive has been stopped. In this connection I would like to inform him that none of the programmes has been stopped.

On the contrary, as I had stated yesterday, special recruitment drive is still continuing and the Government have been accelerating this drive. As I had stated yesterday, it will be accelerated so much that the backlog is being removed in all the categories of posts within a year, i.e. upto 14th April. The Government would be required to open training centres to remove the backlog. There are many technical posts such as Pilot. There are certain other such fields. The Government is making efforts to provide training facilities in such technical Departments under this programme, so that the Scheduled castes and Scheduled Tribes who are not considered to be qualified, may not be unfit. When they have been imparted training they will also come in the Merit list. The Government will make arrangement to impart them Training.

So far as the system of carrying night-soil on head is concerned, several hon. Members have referred to the problem. As I told you yesterday, a programme has been chalked out by the Government and efforts will be made under this programme that not only the practice of carrying night-soil on

head is abolished but the people who are engaged in this work, are provided some other good job also, so that they do not come back to this work again. When they do not get other work, they come back to do this work. Several hon'ble members have stated that only implementing of reservation in Government services will not serve the purpose. Rather reservation should be extended to all other sectors also. Yesterday, one of our colleagues demanded that it should be implemented in Rajya Sabha and Legislative Councils also. I had stated yesterday and I am saying today also that their number is adequate in Lok Sabha but not in Rajya Sabha. Similarly their number is adequate in Legislative Assemblies but not in Legislative Councils. Certainly, there are no two opinions about it. We can ensure adequate representation in other House only if we change our political approach. Then some law will have to be enacted to ensure adequate representation there also. But as I have stated what is needed today is that while we issue in the House in our own way.....(*Interruptions*)..... I am replying as a Minister of Labour. One of our colleagues has said that the Government have enhanced the amount of Scholarship. Although the amount of scholarship has been increased but I think this increase is not commensurate with the increase in prices. The Ministry of Welfare has to look to the interest of 75 percent people of our country. But as much Budget allocation has not been made for this Ministry as is required. Consequently, we are not able to attend to all the aspects, whether they pertain to scholarship, Hostels and other infrastructural work.

Many Hon'ble Members have made their suggestions. Shri K. S. Rao, Shri Chand Ram, Shri Faleiro, Kumari Mayawati, Shri Jag Pal Singh, Shri Hukumdeo Narayan Yadav, Shri Kundu and all other hon'ble Members have given their suggestions. I have listened very carefully the views expressed by these members in the House. All these suggestions are recorded. I have asked my Ministry to examine all the suggestions and points made by the Members.

[Sh. Ram Vilas Paswan]

Again, I would like to tell you that I am also very much worried and distressed in this regard. The Government is also proceeding on these lines. I can say with pride that 90 percent of the commitments, that we made to the people, have been fulfilled within the last six months and the remaining ten percent will be fulfilled during the coming months.

Mr. Deputy Speaker, Sir I thank all the members for participating in the debate and urge them to pass this Bill unanimously as has been done by Rajya Sabha and withdraw all the amendments(Interruptions)

[English]

MR. DEPUTY SPEAKER: I will allow only one or two questions to be asked. Mr. Kurien.

PROF. P. J. KURIEN (Mavelikara): The hon. Minister Mr. Ram Vilas Paswan was kind enough to say that the Government will hold a meeting of the leaders of all the parties in order to decide as to whether the Harijans and some other religions will be included in the Scheduled Castes or not. I welcome this but what is the Govt's view in this regard?

[Translation]

SHRI RAM VILAS PASWAN: The Government have endeavoured to achieve unanimity in to the matters brought before the House.

SHRI RAM KRISHAN YADAV (Azamgarh): When will the Bill to implement the report of Mandal Commission be brought before the House?

[English]

MR. DEPUTY SPEAKER: It has no relevance.

[Translation]

SHRI SURYA NARAYAN YADAV (Saharsa): Mr. Deputy Speaker, Sir, I would

like to tell the Minister that the Satna Caste in Bihar (*Interruptions*) is a Scheduled Caste. Now it has been included in backward classes. The Bihar Government have recommended that the Him caste, which is found in UP and Haryana also should be included in the list of Scheduled Castes. Whether Government propose to include it in the list of Scheduled Castes at the earliest?

SHRI RAM VILAS PASWAN: It is a matter about which the President has the power under Article 341 (i) of the Constitution to include any caste in the list of Scheduled caste and Scheduled Tribes and once a list of the States has been prepared, approval of Parliament is necessary to amend that list in. A list of SC/ST has been prepared by the order of the President for all the states. Now if any other caste has to be included in the list a Bill would have to be brought in the Parliament in this regard and as I stated yesterday, complaints from various states have been coming to the Government about it that such and such castes which were left out should be included in the list of Scheduled castes and Scheduled Tribes. The Government is examining this issue.

Yesterday, I told the hon'ble Members that many members have been writing letters to me in this regard. So you may also write to the Government. But our difficulty is that it has to be approved by Parliament after due recommendations are received from the concerned State Government and Registrar General. The Government is examining the matter and we will make efforts to bring a comprehensive Bill in the coming session or any other appropriate time.

[English]

MR. DEPUTY SPEAKER: The question is:

"That the Bill further to amend the Constitution (Scheduled Castes) Orders, 1950 and the Constitution (Scheduled Castes) (Union Territories) Order, 1951 and to amend the Constitution (Jammu

and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, the Constitution (Pondicherry) Scheduled Castes Order, 1964 and the Constitution (Sikkim) Scheduled Castes Order, 1978, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted

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

Clause 2

Amendment of the Constitution (Scheduled Castes) order, 1950

SHRI G. M. BANATWALLA (Ponnani): I beg to move:

Page 1, line 6,—

for", the Sikh or the Buddhist" *substitute*-

"the Sikh, the Buddhist, the Christian or the Muslim" (1)

SHRI S. BENJAMIN (Baptala): I beg to move:

Page 1, line 6,—

for", the Sikh or the Buddhist" *substitute*-

"the Sikh, the Buddhist or the Scheduled Caste convert Christian" (7)

SHRI SHIKIHO SEMA (Nagaland): I beg to move:

Page 1, line 6,—

for", or the Buddhist" *substitute*—

", the Buddhist or the Christian" (19)

SHRI RAM NAIK (Bombay North): I beg to move:

Page 1, line 6,—

after "Buddhist" *insert*—

"including neo-Buddhist" (25)

SHRI N. DENNIS (Nagercoil): I beg to move:

Page 1, line 6,—

for", the Sikh or the Buddhist" *substitute*—

"the Sikh, the Buddhist or the Christian" (61)

SHRI G. M. BANATWALLA (Ponnani): Mr. Deputy Speaker, Sir, the educational and economic status of person does not change overnight as a result of conversion. Now, from a social point of the view though Christianity, Islam, Buddhism etc. don't recognise caste or untouchability yet those who practise untouchability continue to preach these converts and make their lives miserable hence the need for this amendment.

Now, if the hon. Minister is going to repeat his appeal to the House to withdraw amendments because he will consider them at a later date then at least one point I must bring to him and that is that hitherto the Scheduled Caste converts to Buddhist, we are extending the benefits of non-statutory schemes as distinct from legal reservation though there were no legal reservation yet. Only the Bill is there today. But before the Bill, non-statutory benefits were also given to the Buddhists convert through executive orders. In the similar manner executive order can be immediately issued with respect to Scheduled Caste converts to Christian and Islam. Sir, I would request the hon. Minister to accept my amendments here and now itself. Why should social justice be made to wait? I, therefore, request that the amendments be accepted by the House.

SHRI S. BENJAMIN (Bapatla): Sir, I have got full respect for the Minister.

MR. DEPUTY SPEAKER: You please come to the point.

SHRI S. BENJAMIN: The concept of consciousness has to be implemented. With that confidence the same benefits that were given to one convert will be extended to others in future, at least within a short time, as has been promised by the hon. Minister. With that request, of course, I withdraw my amendment.

MR. DEPUTY SPEAKER: Are you going to request the Members to withdraw their amendments?

[*Translation*]

SHRI RAM VILAS PASWAN: I have already made a request to withdraw the amendments.

[*English*]

SHRI A. CHARLES (Trivandrum): From the Statement of Object and Reasons it can be clearly seen that the Government has brought forward a legislation on the ground that the change of religion does not alter the socio-economic condition of a person. I fully agree and support it. But while giving this concession I strongly plead that the same concession may be given to....

MR. DEPUTY SPEAKER: Why are you repeating it again?

SHRI A. CHARLES: Sir, I would just like to quote one statement. Shri T.T. Krishnamachari while speaking on Article 19 said, and I quote:

MR. DEPUTY SPEAKER: You don't have to quote. It has already been discussed very extensively.

SHRI A. CHARLES: Sir, you just give me a few minutes. I quote "I have no doubt, Sir, we have come to a stage when it does

not matter to what religion a man belongs; it does not matter to what sub-sect or community in a particular religion a man belongs. He will be equal in the eyes of law and in society and in regard to the exercise of all rights that are given to those who are more fortunately placed. So, I feel that any undue influence might be brought to bear on people to change their religion or any other extraneous consideration in discarding their own faith in any particular religion and accepting another faith will no longer exist and in the circumstances I think it is only fair that we should take the *status quo* as it is in regard to religion and put it into our fundamental rights, giving the same right to every religionist." So, I plead with the hon. Minister....(*Interruptions*)

I am here as a Member of Parliament. You cannot cow me down. (*Interruptions*)

Sir, I personally met the Hon. Minister Mr. Paswan some two days back and he told me that he is opening the door. So, the door has been just opened. It will not be opened for ever. You will have to close the door. I plead, please do not close the door. Each Article—articles 14, 15 and 16 may be considered and equal treatment may be provided to them. You also provide equal treatment to the harijans who are converted into christians. So, I press my Amendment.

MR. DEPUTY SPEAKER: I would like to bring to the notice of all the hon. Members in the House that we have sixtysix Amendments which were given by the hon. Members. It would not be necessary for the Members to repeat the points which have already been made when they were discussing the entire Bill as such. So, only if it is necessary to point out as to how that Amendment is different, may be allowed to be explained on the Floor of the House. Please help us. Co-operate with us. Don't repeat those points which have already been made so that we would be able to dispose of Amendments as well as the Bill.

Now Mr. P. C. Thomas, not here. Shri Y. S. Rajasekhar Reddy, absent. Shri Shikiho

Sema, are you speaking on your Amendment?

SHRI SHIKIHO SEMA: I beg to move:

"Page 1, line 6,—

for "or the Buddhist" *substitute*—
",the Buddhist or the Christian" (19)

Mr. Deputy Speaker, Sir, I have also expressed my position to the Government for including neo-Buddhists in this Constitution (Amendment) Bill. But I found here, unfortunately, the christians are discriminated. One example you would see is this. Our Deputy Prime Minister had said that "Christians have no business of staying in India and they should go to other countries." He had never denied it. Such statements have been given by a Deputy Prime Minister. Now, we have moved an Amendment for the inclusion of Christians also.

SHRI RAM NAIK (Bombay North): I have a point of order.

MR. DEPUTY SPEAKER: What is your point of order?

SHRI RAM NAIK: My point of order is this. He has alleged something about the Deputy Prime Minister. In that regard he had made certain statements. If an allegation which the Deputy Prime Minister had already refuted outside and now again if the hon. member wants to make that allegation today, then he should give a notice. Without giving a notice, he cannot make such an allegation.

MR. DEPUTY SPEAKER: Your point of order is upheld. Now, you will not make any allegation against any member without giving any notice.

SHRI SHIKIHO SEMA: Mr. Deputy speaker, Sir, the Deputy Prime Minister is also an hon. Member here. Why should I give my notice? He has to deny it from here.

MR. DEPUTY SPEAKER: You have to

give a notice. You have to give a notice, if it is allegatory or defamatory.

SHRI SHIKIHO SEMA: But he is an hon. Member of this House. He has an opportunity to rebut it here. (*Interruptions*)

MR. DEPUTY SPEAKER: Now, I would request the hon. members, please allow me to conduct the business, otherwise, if there is a cross talk, then it will be very difficult for me to conduct the business.

(*Interruptions*)

SHRI SHIKIHO SEMA: Then, my point will be like this. Secularism should not only be in the Constitution but it should be implemented. So also this Constitution Amendment should not only be an Amendment, it should be practised. Today, why the backward class people, the harijans and others the Scheduled Castes and Scheduled Tribes are not coming up? It is because, these are not implemented with sincerity. Therefore, I move this Amendment that Christians should also be included. I request all the Members to support this Amendment. If you stand for the minority communities or the minority religions, you should support this Bill.

I request all the hon. Members also to support my amendment.

[*Translation*]

SHRI RAM NAIK: I beg to move,

page 1, line 6, after 'Buddhist' insert 'including Neo-Buddhist'.

Mr. Deputy speaker, Sir, in my amendment I have requested that words "including Neo-Buddhist" should be inserted after Buddhist mainly because nowhere in the School registers the religion is mentioned. Then now can they get the benefits? In Maharashtra in the birth registers maintained by Gram Panchayat, Municipal Committees and Municipal Corporations, the word "Newo Buddhist" is invariably written. The school certificates and Gram Panchayat certificates

[Sh. Ram Naik]

are seen to ascertain as to which religion a person belongs to. If the word "Neo Buddhists" is not inserted the "Buddhist" will continue to get the benefits and the "Neo-Buddhists" will continue to be deprived of these benefits. Some officers can make this kind of interpetition. Therefore my suggestion is that the words including "Neo-Buddhists" should be added after the word "Buddhists" so that the "Neo-Buddhist" may not face social deprivation. This is my amendment and I hope that the hon. Minister will accept it.

[English]

MR. DEPUTY SPEAKER: Mr. Peter G. Marbaniang and Mr. Palai K. M. Mathew are not present. Mr. Harish Rawat.

SHRI HARISH RAWAT (Almora): I am not moving my amendment.

MR. DEPUTY SPEAKER: Mr. Eduardo Faleiro is not here. Mr. Charles has spoken. Mr. Dennis is not here.

Now, is it the wish of the House, and of those Members who have moved their amendments, that their amendments should be put together, or separately?

SOME HON. MEMBERS: Separately.

(Interruptions)

SHRI G. M. BANATWALLA: In view of the repeated assurance of the hon. Minister, I would like to seek leave of the House to withdraw my amendment.

MR. DEPUTY SPEAKER: Has Mr. Banatwalla the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes

Amendment No. 1 was, by leave, withdrawn

(Interruptions)

[Translation]

SHRI RAM VILAS PASWAN: Mr. Naik you are a Constitutional expert. In the constitution 'Hindu' word was written. Later the word 'Sikh' was added and now 'Buddhist' word is being added. A separate definition of caste has been given there. The benefits will go to those people who have been included in a separate list of Scheduled Castes. Similarly benefits will be given to the people who have converted to 'Neo Buddhist' from Scheduled Castes. Yesterday Mayawati ji had also said that by adding the word 'Neo-Buddhist' people will come to know that these people belong to the Scheduled Castes, but it can have an affect in other way also. Therefore in constitution, first the word 'Hindu' then the word 'Sikh' were mentioned and now the word 'Buddhist' has been added. They will now get the facilities available to Scheduled Castes.

SHRI RAM NAIK: On the basis of the assurance given by the Hon. Minister that this facility will be given to 'Neo-Buddhists,' I would like to withdraw my amendment.

SHRI RAM VILAS PASWAN: These will be given to 'Neo-Buddhists' only.

[English]

MR. DEPUTY SPEAKER: Has Mr. Ram Naik the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes

Amendment No. 25 was, by leave, withdrawn

MR. DEPUTY SPEAKER: Now I will put all other amendments together to the vote of the House, viz amendments No. 7, 19, and 61:

Amendments Nos. 7, 19 and 61 were put and negatived

MR. DEPUTY SPEAKER: The question is:

"That Clause 2 stand part of the Bill."

The Motion was adopted

Clause 2 was added to the Bill

MR. DEPUTY SPEAKER: There are amendments to clause 3 by Shri Banatwalla and others. Is Mr. Banatwalla moving?

SHRI G. M. BANATWALLA: In view of the assurances by the hon. Minister, and in the hope that they will have the courage of conviction, I do not press or move any of my amendments to this and all other clauses.

SHRIS. BENJAMIN: An assurance was given by the Minister as the chief guest during one occasion in New Delhi itself. I request that that assurance which was given by the hon. Minister may be kept.

With these remarks, I say that I am not moving my amendment no. 2

MR. DEPUTY SPEAKER: A number of members have given notices of amendments, but they are either not moving their amendments or are not present in the House. I shall, therefore, put Clause 3 to the vote of the House. The question is:

"That clause 3 stand part of the Bill."

The motion was adopted

Clause 3 was added to the Bill

MR. DEPUTY SPEAKER: A number of members have given notices of amendments, but they are either not moving their amendments or are not present in the House. I shall, therefore, put Clause 4 to the vote of the House. The question is:

"That Clause 4 stand part of the Bill."

The motion was adopted

Clause 4 was added to the Bill

MR. DEPUTY SPEAKER: A number of members have given notices of amendments,

but they are either not moving their amendments or are not present in the House. I shall, therefore, put Clause 5 to the vote to the House. The question is:

"That Clause 5 stand part of the Bill."

The motion was adopted

Clause 5 was added to the Bill

MR. DEPUTY SPEAKER: A number of members have given notices of amendments, but they are either not moving their amendments or are not present in the House. I shall, therefore, put Clause 6 to the vote to the House. The question is:

"That Clause 6 stand part of the Bill."

The motion was adopted

Clause 6 was added to the Bill

MR. DEPUTY SPEAKER: A number of members have given notices of amendments, but they are either not moving their amendments or are not present in the House. I shall, therefore, put Clause 7 to the vote of the House. The question is:

"That Clause 7 stand part of the Bill."

The motion was adopted

Clause 7 was added to the Bill

MR. DEPUTY SPEAKER: The question is:

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

The motion was adopted

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

SHRI RAM VILAS PASWAN: I beg to move:

"That the Bill be passed."

MR. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted

14.56 hrs.

CONSTITUTION (SIXTY-EIGHTH AMENDMENT) BILL—*CONTD*

[*English*]

MR. DEPUTY SPEAKER: We now take up further consideration of the following motion moved by Shri Ram Vilas Paswan, on 28th May, 1990, namely:-

"That the Bill further to amend the Constitution of India, be taken into consideration."

(*Interruptions*)

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Sir, earlier, we understood that the voting on the Constitution (Amendment) Bill will be once at 2.30 P.M. and at 5.30 P.M. for the second time. I think we are going to take up voting on the first Bill at 3.30. Is there any change now?

MR. DEPUTY SPEAKER: After you have made the announcement I have received a letter from some hon. members.

SHRI P. UPENDRA: We have discussed the matter.

MR. DEPUTY SPEAKER: I do not know what happened. You discussed with them and I do not know what the discussion was

SHRI P. UPENDRA: It was agreed to have the voting at 3.30 and 5.30 P.M.

SHRI HARISH RAWAT (Almora): Are

you taking up Item No. 12? (*Interruptions*)

PROF. P. J. KURIEN (Mavelikara): That means only half an hour is left for discussion. No. We want more time. The voting cannot be at 3.30 P. M. We cannot agree to it.

SHRI P. UPENDRA: We have already discussed the matters about Scheduled Castes and Scheduled Tribes very extensively. I do not think that there is any thing more to be discussed.

SHRI HARISH RAWAT: There are a lot of hon. members who want to express their views on this.

MR. DEPUTY SPEAKER: I had thought that you, the hon. members and the leaders in the House had discussed and decided upon the time when the voting would take place. I do not know as to how you want to go about it. We will start with the discussion. You can discuss it. Tentatively, we will take it that the voting will take place at 3.30 p.m. It seems that the hon. members are eager to speak. But it should also be taken into account that hon. members have spoken on this Bill and they have made some points and probably it may not be necessary to make long speeches. In view of this, let few of you sit together and you may decide and let us know. And afterwards the Presiding Officer would see at what time exactly the voting could take place. Tentatively 3.30 p.m. would be the time.

SHRI L. K. ADVANI (New Delhi): Mr. Deputy Speaker, there is another dimension to this issue, that the Business Advisory Committee allotted certain time and that time allotted time was two hours. I am told that the discussion has already taken place for three hours. It is entirely up to you. But there ought to be some method by which we regulate our proceedings and in this case, even though in the morning it was announced that the voting will take place at 3.30 P. M. we are willing to go by the latest announcement. But there should be no flexibility even beyond that. Then it becomes absolutely absurd. My submission is that in this case,

because it is a Constitution (Amendment) Bill, every Member should be told that by and large the voting will take place at 3.30 P.M. It can be five to ten minutes this way or that way. That one can understand. But if seven members want to speak, then there is no question of voting taking place at 3.30 P.M.

But my submission is that, because the Business Advisory Committee has prescribed a certain time and that has been exceeded already, even after that we should confine it to 3.30 P.M.

SHRI P. R. KUMARAMANGALAM (Salem): Mr. Deputy Speaker, Sir, as per the Business Advisory Committee, an hour and 34 minutes are still in balance. There is still an hour and 34 minutes left on this topic for discussion. The time is not over. Whoever has told you has given you wrong interpretation.....(*Interruptions*)

PROF. P. J. KURIEN (Coimbatore): Let us go by the decision.(*Interruptions*)

MR. DEPUTY SPEAKER: You must address the Chair.

PROF. P. J. KURIEN : An hour and 30 minutes are there, yet to be finished, that is what I understand. We will go by that. Secondly, I want to make a submission through you again to the Government because we want to know what is the reaction of the Government on the points raised by Shri Dinesh Singh, Shri Sathe Ji and other hon. Members from this side, supported by hon. Shri L. K. Advani and Shri Somnath Chatterjee that the papers on Bofors, the Report pertaining to(*Interruptions*) We want to know the reaction of the Government on all this (*Interruptions*)

It was only made clear in the morning not only from this side but also from the other side that the Government should place on the Table of the House all the papers regarding Bofors and A the Table of the House all the papers regarding Bofors and A 320 and also announce the terms of reference with regard to the appointment of a Judge in the

Meham case (*Interruptions*) : The government can do anything. We demanded time and again that those papers should be placed on the Table of the House, the papers have been received by the Government. It has been admitted by the hon. Minister Shri P. Upendra and also by the Prime Minister that those papers have been received and we also said that we are prepared to cooperate with the Government. I do not know what prevents the Government from placing these papers on the Table of the House. (*Interruptions*)

15.00 hrs.

SHRI SOMNATH CHATTERJEE (Bolpur): You are trying to stop the passing of the Constitution Amendment Bill. This is your real object. You do not want this Constituent Amendment Bill to be passed. Sir, on these two important Bills, repeatedly they are raising the same questions(*Interruptions*)

SHRI VASANT SATHE (Wardha): We have said the we are willing to cooperate and uptill-now you have seen that on every issue, we are cooperating. Even on this issue, we are saying that we are willing to cooperate. But, the attitude of the Government is that they do not want to place any papers on the Table of the House. ...(*Interruptions*)

MR. DEPUTY SPEAKER: Please take your seats. Mr. Kurien, please take your seat.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE (Bolpur): You do not want this Constitution Amendment Bill to be passed. That is your real objective... (*Interruptions*)

MR. DEPUTY SPEAKER: Will you take your seat. Mr. Kumaramangalam? I would request you not to talk to yourself in this fashion because if you are talking to each other, well, I do not know who will control or regulate the proceedings of the House. So, if you have to make any point, please make that point through the Chair so that if there is

any reply to be given, it should be possible. Otherwise, if you go on talking to each other, it becomes very difficult to regulate the proceeding. I have allowed Mr. Kurien to make a point. If one or two Members want to reply, they would be allowed. But do not talk to each other please. Yes, Mr. Kurien, you complete your point quickly...

(Interruptions)

[Translation]

MR. DEPUTY SPEAKER: If you want that the proceedings of the House should continue then do not talk to each other. If you do not want it that is another matter.

[English]

PROF. P.J. KURIEN: Sir, we have offered to the Government our cooperation in passing the Bills and just now also...
(Interruptions)

MR. DEPUTY SPEAKER: Mr. Kurien, this has been very amply made clear. You please be brief now.

PROF. P.J. KURIEN: Sir, for the last one week, time and again, we have been asking in the House that these papers should be placed on the Table of the House. We further said that our cooperation is subject to Government's reaction to our request, which I hope everybody will agree is a genuine request. Hon. Advaniji also supported it. So, I would only like to say that as long as Government do not come forward with these papers and unless they are placed on the Table of the House, we reserve our right with regard to the cooperation we have already offered. That right we reserve. I would like to know what is the reaction of the Government in this regard.

SHRI P. UPENDRA: Sir, the hon. Members opposite raised the question of laying of certain papers in the morning, and the matter is under the consideration of the Government. We have not rejected the demand. There are certain developments

regarding the Bofors Report. We will take the Leaders of the various parties into confidence. If some Reports or some papers can not be placed on the Table of the House, we will explain it to them. We will take the Leader of the House into confidence. I have the impression that the Opposition Party is fully committed to passing these two Constitution Amendment Bills and I hope they will not give an impression that they want to make it a condition precedent that to pass the Bills, first the papers should be laid on the Table of the House. I do not think this is a correct attitude. It is not a constructive cooperation at all. Today we are determined to put the Bills to vote and if at all the Congress party wants to take a different attitude, they are free to do so. If the Bill falls through, the responsibility will be on them. As regards the time for this Bill, as I have already said, the earlier bill was allotted only 2 hours, but we have spent nearly four hours on that. Because we wanted to take up both the Bills together, I thought that the first Bill need not take so much time. Now, we have already spent about 1 1/2 hours and I think in another half-an-hour or 45 minutes we could complete the consideration of this Bill and take up the voting of this Bill, so that the Members will know what time they have to be present because it requires special majority. I would request the hon. Members of Kindly conclude this debate in half-an-hour or so and take up voting of the Bill.

MR. DEPUTY SPEAKER: Now, we have the sense of the House that the time allotted for this Bill was three hours and the time taken so far is one hours and 26 minutes. Now, I would say that the voting will take place at 4 O'clock and the Members may be present in the House at that time to vote.

SHRI P. UPENDRA: The second Bill is also pending. You may kindly inform the Members so that both these Bills will have to be passed and sent to the Rajya Sabha because they are scheduled to be taken up in the Rajya Sabha because they are scheduled to be taken up in the Rajya Sabha tomorrow and the House is sitting to receive

these Bills. By 6 O'clock, we will pass these two bills.

MR. DEPUTY SPEAKER: The voting on the second Bill will take place at 6 O'clock.

SHRI KUSUMA KRISHNA MURTHY (Amalapuram): Mr. Deputy-Speaker, Sir, the Constitution 68th Amendment Bill, 1990 is a very significant Bill during the last 40 years of our independence relating to the problem of Scheduled Castes and Scheduled Tribes. Sir, for that purpose, the Constitution Scheduled Tribes Orders Amendment Bill 1990 is equally significant and that Bill was introduced by the hon. Minister of Labour and Welfare. The discussion had already started yesterday and it was left in the middle and the present Bill has been taken up for discussion. Now, we can understand that when one Bill was introduced, without completing the discussion on that Bill, the second Bill relating to the problem of the Scheduled Castes and the Scheduled Tribes was taken up. From this, we can very well understand the haste with which the Constitution Amendment Bills are taken up.

15.13 hrs.

[SHRIMATI GEETA MUKHERJEE *in the Chair*]

Madam, this Bill, which was taken up for discussion yesterday but was left in the middle, has been completed today. This kind of exercise has started now. Madam, on the one hand they are shouting at the top of their voice that they are going to do a lot for the benefit of the Scheduled Castes and Scheduled Tribes, especially during the birth Centenary of Dr. Ambedkar and on the other the way in which this Constitution Amendment Bill has been treated in a very casual manner, shows the importance given to the problems of the Scheduled Castes and Scheduled Tribes. In fact, yesterday the hon. Minister made a long speech and he almost promised moon to the Scheduled Castes and the Scheduled Tribes through his measures. In fact, we will have a forum to work together in a Parliamentary Commit-

tee. The problems of Scheduled Castes and Scheduled Tribes are known to the hon. Minister, not that they are new to him. He comes from the State, that is, Bihar where millions of Scheduled Castes and Scheduled Tribes are suffering from various kinds of humiliations, oppressions and harassments and now he has brought forward one measure which is lop-sided and incomplete because you are depriving a section of Scheduled Caste converts from getting the same benefits as other get by not including them in this List. They have not committed any sin. Unless they are prompted by political motives, when you want to bring a Bill, you should bring a complete and comprehensive Bill and treat them all on par with them. When they bring a Bill like this, one more important thing to be taken into consideration is the census of these people. Already there is a hue and cry that when once a section of the people are included, the percentage needs to be increased. That step needs to be taken.

MR. CHAIRMAN: You please don't follow the Minister to make a long speech. The time is very short. There are many many Members to speak. (*Interruptions*) I have to give time to each one of them.

SHRI KUSUMA KRISHNA MURTHY: Made, yesterday I had to initiate this discussion. Rangaji made some observations. That is why I am speaking today. This a serious matter. This Bill was brought today and discussion started.

Madam Chairperson, the hon. Minister made a lot of observations and promises and he also knows specifically that even if we bring a thousand laws here, they will not touch even the fringe of the problem of Scheduled Castes unless two pre-requisites are fulfilled in this country. The first one is, unless there is a basic change in the attitude of the people of this country, nothing could be achieved. Secondly, to give minimum safeguards guaranteed in the Constitution, whenever there is a violation, unless punitive measures are taken, nothing can be achieved. He knows it. There is no dearth of

[Sh. Kusuma Krishna Murthy]

reports, there is not dearth of recommendations and there is no dearth of high level or low level committees. Plenty of them are there. By simply bringing constitutional status to this, it does not serve any purpose.

In the Bill it was mentioned that the Commission's objective is to investigate matters relating to the safeguards, evaluate the working of the safeguards, examine specific complaints, present reports and get the recommendations implemented. These kinds of things were given when the Commission was appointed and again when the same Bill was brought on 21.7.1978 by the Home Ministry's Resolution, the Commission was formed and all these objectives were there and all kinds of duties were also there.

MR. CHAIRMAN: Please be brief. Within two minutes you please conclude.

SHRI KUSUMA KRISHNA MURTHY: Simply by giving recommendations, the purpose will not be served. We have number of reports on the problems of Scheduled Castes and Scheduled Tribes. There is *Elai Perusal* Committee Report and there is the Shilo Oao Committee Report. I also had the opportunity to associate myself personally with the previous Chairman, late Mr. Bhola Paswan Shastri, late Mr. K. Rajamallu and the present Member of Parliament, Mrs. M. Chandrasekhar, and Mr. Bikabhai, and even the present Chairman who has been appointed to this Commission, Mr. Ram Dhan. I know their feelings and their reactions about this. Recommendations and reports do not serve any purpose. Unless the recommendations are made mandatory, we will not be able to achieve the objective for which this amendment is brought. By giving simply a constitutional status, Heaven is not going to fall, we are not going to achieve anything in this country. We have seen the plight of the millions of the people and simply because they are bringing a Bill and giving a constitutional status, the problem of Scheduled Castes are not going to be solved. If

they are really sincere, the recommendations should be made mandatory and whenever there is a violation in giving minimum safeguards to the people, punitive measures must be there. The hon. Minister promised this. If he brings this also, definitely it will go a long way in tackling the real problems of the Scheduled Castes. This is an important aspect. The reports and recommendations of this National Commission should be regularly discussed. Whenever there is a violation in the implementation of the recommendations, then necessary safeguards must be provided to take penal action.

MR. CHAIRMAN: Please conclude now.

SHRI KUSUMA KRISHNA MURTHY: In the Constitution, we have provided safeguards under Article 16(4). Still we have a huge backlog. The Minister has promised to wipe out the same. But he should remember that the implementing class is the same. We have not changed the bureaucratic set-up. They are there and they are the main stumbling block.

MR. CHAIRMAN: Please conclude. Now, I will call Mr. Ram Dhan. I have given you enough time.

SHRI KUSUMA KRISHNA MURTHY: I will conclude now. This National Commission and its recommendations should be mandatory and they should be provided with punitive measures for dealing with any violation. Then only, the purpose of this Bill will serve the interest of the Scheduled Castes and the Scheduled Tribes.

[*Translation*]

SHRI RAM DHAN (Lalganj): Madam Chairpersons, the doubt which was raised by the Constitution makers is being removed after 42 years. This point was raised in the Constituent Assembly and at that time the Convenor of the minority Committee, Sardar Vallabh Bhai Patel, had suggested appointment of special officer for minorities and after a request by Shri Anant Sayanan Ayangar, Baba Saheb Ambedker restricted it to Sched-

uled Castes and Scheduled Tribes only. In Clause 3, Anglo-Indian and other backward classes were mentioned but I do not want to go into it and I also do not want to report what happened at that time in this connection.

In 1978, the Janata Party was in power. The Janata party had mentioned in its manifesto that all the objectives are not met by appointment of Commissioner for Scheduled Castes and Scheduled Tribes and therefore, a national commission should be set up. In its resolution of 1987, the Congress Government added the word 'National' before 'Commission' and said that necessary change had been made. They added word 'National' only and did nothing.

SHRI HARISH RAWAT (Almora): It was your suggestion.

SHRI RAM DHAN: It was not our suggestion. If our suggestion had been accepted, things would not have deteriorated to this extent.

I want to say that the function of both were almost the same. Therefore, all the Members of Parliament, all the parties demanded again and again that commission should have enough teeth so that they can do something. This Bill has been brought in accordance with the election manifesto of the National Front Government. I do not want to go in other things but I want to say that about the Bill which has been introduced Shri Kusum Krishna Murti has said that it is totally a repetition I have the report of the commissioner for Scheduled Castes and Scheduled Tribes for 1978. The Chairman of this Commission, Shri Bhola Paswan Shastriji, had made some suggestions. The Government proposed to introduce the 46th Constitutional Amendment Bill, which provided nothing except making some recommendations. That Bill could not be introduced. A 51st Constitutional Amendment Bill was about to be brought but before this could be done the Government fell. I had said at that time also and today I want to say to the Hon. Minister of Parliament Affairs today that it should be ensured that every

member votes for this Bill, other wise we will have to face the some consequences. It will be known as to how many members are supporting the Bill and how many members are present in the House. All this will come on record and we will come to know how much cooperation they are extending and how many members are serious in passing such an important Bill. I wanted that the suggestion made by he Shastriji should be incorporated in the Bill as they were not provided therein in the Bill introduced earlier by hon. Minister. I talked to him in this regard, he said that secretaries do not agree with it. Later I talked to the Hon. Prime Minister in this regard. I want to share with you that when this proposal of accepting the chairmanship of National Commission was made, I said that I would accept the offer only if the Commission is conferred with meaningful powers. The Prime Minister intervened. The result is three of my amendments, have been accepted by the Government which have been brought before you as Government amendments.

Without taking much time of the House, I want to say one thing more. This Commission visited the Aarwal district in Bihar alongwith BPC Members who is the president of it, there were members of commission and also of Parliament. An employee made a complaint before them. The Dy. S.P. who was with commission told the SDO to note down the name of the employee and said that they would deal with him after the commission has left. This is the status of the commission. In the same district the district officer said that he had no time to meet the commission and if the commission wants to meet us it should visit them on such and such date and such and such time, this the state of commission. The powers of the commission whether these are of States or of the centre, are limited up to making recommendations, they are only recommendatory and not mandatory. The Congress Government do diluted the 1978 proposal and made it a mere research body in 1987. Therefore we want to inform the House of the changes incorporated in the Bill introduced now. Present hon. Prime Minister has given full

[Sh. Ram Dhan]

liberty to incorporate in the Bill mandatory powers for the Commission.

I want to say that even today the bureaucracy, behaved with the Commission in the same manner in which they behave with Scheduled Castes and Scheduled Tribes. I am constraint to report these things. I do not want to repeat what I have said earlier. Due to shortage of time. I would like to place a few points before you.

The Hon. Minister dealt with the revision of the Scheduled Castes and Scheduled Tribes list yesterday and today also he made a mention of it. Efforts were made twice, regarding revision of SC/ST lists, first when Shri P. Govind Menon was the Minister of Social Welfare and secondly when the Janata Party was in power in 1978. A Committee was constituted under the Chairmanship of Shri Surajbhanji. The Committee toured the whole country during these two years to identify as to which castes should be included in this list and which should be deleted from it and then it prepared a report. But by that time that Government fell and the report of that committee could not be presented. That report is lying in the waste paper basket today. We have been reminding the Minister of Welfare Shrimati Rajendra Kumari Vajpai that she should go through this report and revise the list accordingly. The Minister told us that first, the State Governments should send their suggestions and then it would be brought before the House and thereafter the list would be finalised, I want to say that if the present Government implements this report of Surajbhan Committee, many of problems being faced in this regard will be solved.

I would like to tell you how the commission is being treated. If any employee or officer has to be punished, he is posted in this Commission. Only those persons are posted in the Commission to whom other Departments want to give punishment. (*Interruptions*) This is a joint technical cadre. It consists of Director, Deputy Director, Assis-

tant Director, Senior Investigator and Investigator and they can be transferred. The office of the Commissioner also have the employees of the rave category and all of them can be transferred in other departments. All of them are working under a Joint Secretary of the Ministry of Welfare. Until this arrangement continues it will remain as a department of the Ministry of Welfare. Therefore, the Government should give it a status of an independent body like U.P.S.C. or C.A.G., only then required improvements can be made. Otherwise stagnation of the Ministerial Staff will continue. Even the Director and Deputy Director can not be transferred from one department to other department. The fact is this that this Commission does not have any effective cadre Controlling Authority. No action can be taken against a peon and only the Ministry of Welfare can take any action I would like to say that if such type of treatment is done with this Commission, it will be useless to bring amendments in the constitution. Some people have expressed their views about bureaucracy and I would also like to say something in this regard. Some hon. Members said yesterday that adverse remarks are made in the Confidential Reports. I do not want to say anything about suitable candidate or suitability. The Ministry is doing recruitment and promotions. (*Interruptions*) Shri Bala Subramanian is an investigator and it was agreed to transfer him. (*Interruptions*) Broof the Ministry said that Commission has not right to take decision about these issues. What is the position of this Commission today? I would like to say one more thing about this Commission that some Assistant Director or Deputy Directors are working an od-hoc basis for the last five or six years as stated by the members of the previous Government. The previous Government had said that ad-hocism would not continue and they would write to the U.P.S.C. for it. what has been done by the U.P.S.C. Only officers had been posted at Dandkaranya Project. There was a proposal to post the veterinary doctors as Assistant Directors there but the Commissioner refused to take them. Such type of things are happening there. I would like to thank the hon. Minister for accepting

my three amendments. I would like to move some more amendments, which I consider necessary for smooth functioning of this Commission. Therefore, I would request you to accept these amendments also. If you accepts all these amendments it can function more smoothly. I would like to say that if this Commission works as a department of Ministry of Welfare, then there is no use of passing constitution Amendment Bills.

I would like to say that until all the State Governments, the Ministries of the Central Government and Public Undertakings have any co-operation it will remain useless. I would like to request the hon. Minister again and again that all these suggestions should be accepted by the President while framing the rules because sometimes all these things are not provided under the rules and some things are not discussed during discussions on the Bill. Therefore, I feel that in the absence of these amendment the commission can not function effectively. With these words I thank you for providing me an opportunity to speak.

[English]

MR. CHAIRMAN: As a special case, I call upon Shri K.S. Chavda as his son is ill. But I request you to be brief.

SHRI KHEMCHANDBHAI SOMABHAI CHAVDA (Patan): Madam Chair—person, I rise to support the Constitution 68th Amendment Bill, 1990. while doing so, I would like to make some observations.

Madam, I was surprised yesterday and I am surprised today also to hear the senior hon. Member, Shri Ranga and hon. Member Shri Dinesh Singh saying that they would with—draw their cooperation, if the Government does not lay all on the Table of the House the papers pertaining to Bofors Gun deal and Air Bus deal.

(Interruptions)

SHRI HARISH RAWAT: Is this the special case?

(Interruptions)

MR. CHAIRMAN: Your turn will also come.

(Interruptions)

SHRI KHEMCHANDBHAI SOMABHAI CHAVDA: Madam, I am not yielding. They said if the Government does not lay all the papers relating to Bofors Gun deal and the A-320 Airbus deal they will not cooperate. Without the cooperation of the Congress (I) Members, the Constitution Amendment Bill for setting up the National Commission for Scheduled Castes Scheduled Tribes and the other Constitution Amendment Bill for land reforms cannot be passed which everyone knows in this House. It requires a majority of the total membership of the House and a majority of not less than two-thirds of the Members present and voting. Their behaviour shows that they are not serious. They show lip sympathy for scheduled Castes and Scheduled Tribes. (Interruptions)

SHRI UTTAM RATHOD: Don't cast aspersions. (Interruptions)

SHRI KHEMCHANDBHAI SOMABHAI CHAVDA: I am not casting aspersions. It is a fact. I am dissatisfied. I have been sitting here, throughout the Session and watching your performance. (Interruptions)

MR. CHAIRMAN: Please do not involve in cross-talks.

(Interruptions)

SHRI KHEMCHANDBHAI SOMABHAI CHAVDA: It is a matter of regret that even after 43 years of Independence, the Scheduled Castes and the Scheduled Tribes are not brought socially and economically at par with the rest of the society in our country. The scheme for the post-merit scholarship, the scheme for the reservation in admission to

[Sh. Khemchandbhai Somabhai Chawda]

the institutional educations the scheme for the reservation in the recruitment to the Government service and posts and the Office of the Commissioner of Scheduled Castes/Scheduled Tribes had worked well for some years. But when the Deputy Zonal Directors working under the Commissioner were transferred to work under the General Secretary of the Department of Social Welfare, the Office of the Commissioner of SC/ST became very weak.

Secondly, in 1985, the work relating to the welfare of Scheduled Castes and the Scheduled Tribes was transferred from the Home Affairs Ministry to the Ministry of Social Welfare. And that is also the reason why, the work became very very slow. (*Interruptions*) There is a wide gap between their preaching and the practice of the Congress (I). I will tell you one example. Mochis are not untouchables in Gujarat. They do not live in the outskirts of the villages and the slums in the cities. They draw water from the same village common well. Even *Brahmins* perform religious ceremonies in the case of *Mochis* but not in the case of scheduled castes. And yet in 1976, the Congress (I) Government, by amending the Constitutional Order, included *Mochis* in the list of scheduled castes.

My friend, Shri Ratilal Kalidas Varma, just now said that they are not untouchables and, therefore, they should be excluded from the Constitutional Order. I would like to know from Shri Ram Vilas Paswan, whether he is going to exclude *Mochis* in Gujarat from the Constitutional (Scheduled Castes) Order, 1950 and, if so, when?

The House was kind enough to grant me leave to introduce a Bill for the exclusion of *Mochis* of Gujarat from the list of scheduled castes. (*Interruptions*) This is a very important point because I got 2,13,000 votes merely on this point. They are not untouchables. But still they are taking the benefits available to the scheduled castes. That is why I defeated Shri Yogendra Makwana and

got so many votes (*Interruptions*) I am repeatedly requesting the Government to bring forward a Bill as early as possible to exclude to *Mochis* from the scheduled castes.

Now I come to another point. The State Trading Corporation and all other public sector undertakings have devised a new promotion policy—which is not based on vacancies—in order to exclude the scheduled castes from the benefit of reservation in promotions. I would request the Government that the policy should be rejected by the Government at once and instructions should be sent to the authorities concerned to scrap this new policy.

A new Ministry should be created for the welfare work relating to the scheduled castes and the scheduled tribes. It should be solely responsible for the welfare work for these people. If it is not possible, then put this welfare work under the Ministry of Home Affairs. It was very good when it was in the Home Ministry. But it was removed from the Home Ministry and put under the Ministry of Social Welfare.

I do not want to take more time as I have to go. I thank you, Madam for giving me a chance to speak.

SHRI UTTAM RATHOD (Hingoli): Madam Chairperson, it gives me a great pleasure to support this Constitutional Amendment Bill on this occasion. I do not agree with the hon. Member who just now spoke that the importance of the welfare of the scheduled castes and the scheduled tribes has been minimised by removing it from the Home Ministry to the Welfare Ministry. In the contrary, I say, the Minister, who is in charge of it, has been made responsible to look after this Ministry. It was Mr. Rajiv Gandhi who started it. I am happy that today not only a State-level Minister but a full-fledged Minister has been appointed as the Welfare Minister who is expected to look into the welfare of the scheduled castes and the scheduled tribes. The percentage of the total number of Scheduled Castes and Scheduled Tribes, as it stands today, is

21.46 per cent. Madam inspite of 43 years' efforts, we have not been able to achieve our target. He has rightly said that we could not bring them in the main stream. There is also a demand from other communities that they should be included either in the Scheduled Castes or Scheduled Tribes, especially he Vimuktha Jathis and the nomadic tribes. Though the Mandal Commission has recommended that the then communities should be included in the Scheduled Castes or Scheduled Tribes but that has not been taken care of. I want to bring to the notice of the hon. Minister and the House that so far we lost our lives, out caste men have lost their childhood. Can this House or can any Government think of bringing their childhood back so that they can go and educate themselves? No. It would not be possible and that is why, I say that all the efforts should be directed to see that by a specific, time-bound programme, all these people are brought in the national mainstream and to see that they also lead an honourable life. Yesterday when Mr. Bhartiya spoke, he said that he was very unhappy about the Congress rule. I was pained to hear that. Let me tell you that we had made a beginning at least. It was a beginning which we made. Do not expect that everything will be achieved in a time-bound programme. But at least, we did make an effort. I think Mr. Ram Vilas Paswan said that they have achieved 90 per cent of the target. May I tell Mr. Ram Vilas Paswan that the Harijan chief promoters of sugar factory are denied licences and the upper caste people are given licences during your period? Your own, Harijan brother have been denied the licences though they have got a High Court order with them. Our people have no time to look into that..

[*Translation*]

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): Who, during whose regime it was rejected?

[*English*]

SHRI UTTAM RATHOD: Mr. T.N. Sawant, the hon. Member of this House.

[*Translation*]

If we have rejected, you can set it right.

SHRI RAM VILAS PASWAN: We will do that. Why are you blaming us. The M.P. was of your party. You rejected.

[*English*]

SHRI UTTAM RATHOD: Recently, during the last one and a half months, the area of operation of this particular society was reduced and it was added to some other society and thus the licences were rejected. I would like to know as to what you are going to do about it. Secondly, fake certificates have been issued for SCs and STs. What are you going to do about it? Their appeals are pending in the High Court for more than two years. I think it is high time that the Welfare Minister takes up such issues and ask the State Governments and the High Court to expedite the judgement in such cases so that the rightful persons may not be deprived of their claims and the wrong persons who have fake certificates, which they obtain by dishonest means do not get the benefit. Fake certificates should not be allotted by the Welfare Ministry. Mr. Arvind Netam said sometime back that five tribes under Scheduled V are not properly looked after. I want the statistics of the people belonging to the tribes under Schedule V who have become IAS and IPS officers. You will find that mostly people belonging to the tribes of Scheduled VI are in these posts. There are very few in these posts from the tribes of Scheduled V. He was saying that in UP, they are not treated as STs. Madam, this is high time that they look into it and give more weightage to the tribes who are covered under Scheduled V. Some sort of accountability should be there. Mr. Ram Dhan also spoke in this regard. Let me hope that something will come up. Let me express my view. I do not mind you taking all the credit. But we should see that the poor people, the tribals, the down-trodden people, the backward people, the OBCs etc. are expecting justice from you and it should not be denied.

[Sh. Uttam Rathod]

Now, I want to speak something about the Mandal Commission. Unfortunately, action on the Mandal Commission report has been pending and I have been fighting for it since 1980. I am happy that the hon. Member who used to help me is now the Minister incharge of Welfare. Please do not wait any more. Our children are losing their age for education. Please see that something is done for them; some concession is given to them so that they can receive education and they make themselves able to have some sort of employment. Do not delay it; who knows even this Government may fall and we may again lose an opportunity. Shri Ram Dhan himself has said that twice we thought of amending the Scheduled Castes and Scheduled Tribes List, but on both the occasions, the Government fell and that is why, I am afraid, this could be that trick; for the third time it may happen. Let me hope that this would not happen and at least in the next Monsoon session, they would take it up.

Yesterday, the hon. Members, Shri Bhartiya said so many things. I was sorry that he criticised a senior Member of the stature of Prof. Ranga. We all were young at one time, as a Khalil Jibran's story goes—when you see the morning shadow, you feel that you are too big, but you realise your limitations in the afternoon, when you look to your shadow. I will only say, it was all right for his age, but do not tell it again. Do not cast aspersions on people who have fought for freedom, who have been fighting for these causes. Do not try to throw dirt at the doors of the previous Government. We have done enough. Let us try to be more sobre in the 43rd year of our independence. We are now more than forty years old.

[*Translation*]

We should have some sobriety. It is wrong to say that this Government is good and that Government was bad. Who are you to decide it.

[*English*]

Even Shri Ram Dhan says so many

things about the bureaucracy. I do not know what he was doing when he was a member of the ruling party. Why did he not raise it at that time?

MR. CHAIRMAN: Shri Nani Bhattacharya.

SHRI HARISH RAWAT: I rise on a point of order. When the time was extended, it was our impression that only Members from our side will be called, but what is now happening is that most of the extended time is being taken by the Members from the Treasury Benches. We have taken only sixteen minutes and our three Members are left. Kindly call them also.

MR. CHAIRMAN: You have fixed up the time. My policy is not to leave out any party. I am trying my level best to accommodate as many Members as possible. I am appealing to both sides also.

SHRI HARISH RAWAT: Out of the extended time, we have taken only sixteen minutes.

MR. CHAIRMAN: I know which parties have not spoken and they have to be given time.

Now, Shri Nani Bhattacharya.

SHRI HARISH RAWAT: I am not against them; kindly call them also.

SHRI NANI BHATTACHARAYA (Bengaluru): Madam, at the outset, I would express our support to this Constitution (Sixty-eighth Amendment) Bill. It is a welcome move by the National Front Government and I thank this Government for this, I particularly thank Shri Ram Vilas Paswan who has moved this Bill.

16.00 hrs.

If we go through the provision of the Bill, we see that certain safeguards were provided, certain welfare measures were made against the injustice being done with respect to the tribal people and SC/ST people.

Madam, we know fully well what is the position of the Scheduled Caste and Scheduled Tribe people in our country. They are subjected to...

MR. CHAIRMAN: The House seems to be in an unrest.

SHRINANI BHATTACHARYA: Madam, they are subjected to extreme form of exploitation, worst form of social oppression. That we all know. The other day I expressed my feeling with regard to their miserable plight. Even during the earlier regime, i.e. The Congress rule, certain measures to safeguard the interest of the Scheduled Tribes and Scheduled Caste people were taken but those measures proved to be failure. And, as you know, during the Congress regime, the atrocities were let loose by a section of upper class people against the harijans and against the SC/ST people. When Congress Government was there, many promises were made. When Congress was in the Centre, there were scenes of mass massacre of harijans, down trodden people and backward people. These were the scenes. The Congress Government at one time tried to appoint a special officer to provide protection to these Scheduled Caste and Scheduled Tribe people. But if you go deep into the problem, you will find that they took certain measures which remained on paper only and they were not implemented in practice.

MR. CHAIRMAN: Please, hon. Members it seems that we are in a class room. You kindly keep quiet.

SHRI BHOGENDRAJHA (Madhubani): Madam, please don't insult the class room. We are slightly better than that.

SHRI NANI BHATTACHARYA: So, the previous Government has failed miserably to provide safeguard as regards the protection of scheduled caste and scheduled tribe people, as regards preventing the atrocities let loose by a section of upper class people in connivance with the bureaucrats and the police.

As I said earlier, I welcome this Bill but still a lot remains to be done in this Bill. I welcome this Bill particularly because, now a National Commission will be set up according to the provisions of this Bill. That Commission will be appointed by the President of India. Naturally, the Cabinet, which represents the will of the country, have got ample opportunity to advise the President regarding the functioning of the Commission, powers and other duties of the Commission which are not stated in the Bill itself.

I will not take much time of the House because I was already asked to take only two minutes. So, that two minutes had already passed. So, again I will render my support to the Bill which was moved by Shri Paswanji and I think it is a move in the right direction. If it is properly implemented and if the National Commission properly works, then definitely, we shall be able to give some relief, some succour to the down-trodden section of the Indian people.

MR. CHAIRMAN: Now, Mr. Sultanpur and after that Mr. Argal will speak.

SHRI G.M. BANATWALLA (Ponnani): would literally get only one minute from the party point of view.

MR. CHAIRMAN: I will try my level best to give you time, if at least all the Members take only five minutes each.

SHRI A.K. ROY (Dhanbad): All of them will speak from the party point of view but I would like to speak on the non-party point of view for a few minutes.

MR. CHAIRMAN: We will see whether non-partisan people can also be accommodated.

[Translation]

SHRI K.D. SULTANPURI (Shimla) Madam Chairperson, I support the Bill which has been introduced by Shri Ram Vilas Paswan regarding the Commission. It has not been mentioned in this Bill that what will

[Sh. K.D. Sultanpuri]

be the powers of this Commission? I know it very well that a Commission had been constituted for the Scheduled Castes earlier also. A Commissioner had also been posted there. It became clear from the views of the hon. Members that that Commission did not prove to be of any use. There is a Parliamentary Committee on Scheduled Tribes also. Its recommendations, have not been implemented so far. I would like to say that when this commission has been constituted, it should be provided full rights. This Commission should be constituted in the states also. If an officer of the Centre will not be sent there it cannot function successfully because he has to go in each district. I visited many places and seen that where atrocities and injustice have been committed on Harijans they have not been able to take and remained helpless. There same people pretends to be well wishers of Harijans and claim that they are trying for the upliftment of Harijans and tribals, but I know that these people are committing atrocities on Harijans.

16.09 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Who are the people agitating for reservation? Who are helping them? As far as Harijan are concerned, they make bricks in villages and people, who are performing Shila Pujan, are prohibiting them from entering that premises. The Harijans break stones, construct houses and produce milk but others are enjoying the benefits of their labour. In this way have atrocities have always been committed on Harijans.

I would like to submit that if you want to uplift the Harijans, quota should be reserve from them even in the Council of States. They have their reserved quota of seats in the assemblies and in the Parliament but some quota of seats in Rajya Sabha should also be reserved for them.

Dr. Baba Saheb Ambedkar made a lot

of efforts to uplift the harijans and got a quota reserved for them in different institutions, but to this date that quota has not been completed. In many institution, the reserved vacancies continue to remain vacant. You are putting all the blame on our party. Those who have defected from the Congress and joined the other side, are also saying that nothing has been done to uplift the harijans. They had made promises to the people and had been elected to the Parliament on the basis of those promises but now they are not keeping their promises. It has become necessary to plug the loopholes plaguing the system today. However, I support the Bill brought forward by Shri Ram Vilas Paswan.

All the backlog of reserved vacancies in the public undertakings, in courts and in other institutions should be cleared. Efforts should also be made to remove the injustice, wherever it has been meted out to them.

I would like to know whether this Government is meant only for making speeches. The Minister give only fake assurances, but in fact, they have done nothing. The State Governments should be directed to remove the injustice, wherever it has been done to these people. Once it is done, only then there will be some utility of this Commission, otherwise it will remain only on the papers. Besides this, the Commission should be given sole authority. That is all what I had to submit. I hope that efforts will made to stand upto all those points I have raised here.

SHRI SANTOSH BHARTIYA (Farukhabad): Mr. Deputy-Speaker, Sir, for some time I had gone out of this House for some urgent work. The hon. Member Shri Uttam Rathod has said during his speech that I should not have cast as persions on Shri Ranga as he is a freedeom fighter and has lived a very long life. I would like to submit that I have not cast any as persons against Shri Ranga yesterday. What I meant to say is that he stands for a generation and a system. That system has given us a country where the honour of Scheduled Castes and Scheduled Tribes is not secure. It is always a big personality who is selected to

symbolise a thing. So I chose to make Shri Ranga the symbol of that system, which has come down in this country during the last forty years. Personally, I have great respect for Shri Ranga. He is the senior most Member of this House. I am giving personal explanation. As a person he is respected everywhere, but the system, the atrocities and the injustice he is supporting, may be symbolised by a person no less than his stature. For that matter he stands on a very high pedestal and to choose him to symbolise that system is to hold him in high esteem. I didn't mean to level any allegations against him. Only this much I would like to submit.

SHRI CHHAVIRAM ARGAL (Morena): Mr. Deputy-Speaker, Sir, I fully support the 68th Constitutional Amendment Bill seeking to make a provision for the constitution of a high powered Commission for the welfare of Scheduled Castes and Scheduled Tribes. My party also supports this Bill. This Bill has been supported by one and all and it is a very courageous step. Earlier, the National Front Government had passed a bill seeking to provide political reservation and that bill was also supported by us.

It is something commendable that the National Front Government has unveiled a portrait of Dr. Baba Saheb Ambedkar in the Central Hall of the Parliament House and conferred on him the honour of 'Bharat Ratna' posthumously. I would like to congratulate the Government and the Hon. Prime Minister for that. But I would like to submit that regarding the political reservation, the National Front Government declared through the media that it has extended the provision of political reservation for another 10 years. Article 335 of the Indian constitution contains a provision for reservation in the services, but there is no mention of a time limit. The National Front Government has made a very big mistake and it should make it clear before the entire country that in this regard there is no provision for time limit. Article 338 of the Indian Constitution provides that "that shall be a Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President. It shall be the duty

of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament. In this article references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause(1) of article 340, by order specify." The Government propose to constitute a high power Commission by amending this article. It shall consist on one Chair-persons, one Deputy-Chairperson and three other Member...

MR. DEPUTY SPEAKER: All these things are known.....

SHRI CHHAVIRAM ARGAL: I would like to submit that before this, there was an S.C., S.T. Commission which worked only as post office. There is a provision of reservation for the Scheduled Castes and Scheduled Tribes. But they were not benefited even by the 5 year plans. During the first, second, third, fourth, fifth and sixth five year plans, an amount of Rs. 30.04 crores, Rs. 79.41, Rs. 100.40 crores, Rs. 172.70 crores Rs. 296.19 crores and Rs. 1337.21 crores respectively had been spent on the welfare of Scheduled Castes and Scheduled Tribes. That amount proved to be a drop in the ocean because a part of that amount went into the pockets of corrupt officials and some part of its was surrendered. There are some provisions in the Indian Constitution which seek to provide for the upliftment of those, who are economically, politically and socially backward. The list of castes specified under article 341 should be reviewed and the castes recognised as scheduled castes and scheduled tribes in respect of a particular district should be recognised as such for the entire state. The recommendations of Suraj Bhan Committee should be implemented.

Mr. Deputy Speaker, Sir, through you .

[Sh. Chhaviram Argal]

I would like to request the Government that a 'Daridra Narayan Kosh' (Poor man's fund) should be created with an initial capital of Rs. 2000 crores for the upliftment of these classes, so that all the promises made under the India Constitution to bring all these backward classes at par with the upper castes within a period of 10 years, may be fulfilled. During the last 4 decades, the Congress Government has done, no doubt, some work for their development. However, I would like to submit to the hon. Minister that the Government wants to be given a period of only one year to complete that work. But we are ready to give it a period of 5 years. Shri Ram Vilasji, when you were in the opposition, you used to criticise the previous Government. Now when you are in the ruling party you should see to it that it does not happen that the work is not completed even in 5 years, left along one year.

Regarding the position in respect of reservation quota I would like to submit that their reserved quota in any of the categories i.e., scheduled castes and scheduled tribes has not been completed to prove my point. I can give you the figures...

MR. DEPUTY SPEAKER: Shri Argal, a lot of discussion has taken place in this regard. There is no need of insisting on all that what has been already said.

SHRI CHHAVIRAM ARGAL: The representation of Scheduled Castes in class I, Class II, Class III and Class IV, post in 4.95 per cent, 8.4 per cent, 13.44 per cent and 19.46 per cent respectively. Also the representation of Scheduled Tribes in class I posts in 1.29 per cent, in class II posts 3.90 per cent, and in class III posts 5.38 per cent only. Nothing can be done for the welfare of these socially and economically backward classes, until their quota reservation is fulfilled. During these last 4 decades no attention has been paid towards reservation. In respect of the P.Sc. and U.P.S.C. posts of short terms training, candidates of reserved categories are rejected on the ground that

they are not deserving. I would like to submit that wherever there is a vacant post, it should be filled by a Scheduled Caste candidate. You should pay attention towards clearing the backlog in the recruitment of Scheduled Castes and Scheduled Tribes to the posts reserved for them. I would like to tell the hon. Minister that the people belonging to the Scheduled Castes and Scheduled Tribes are ignored, even when one or two vacancies arise and they deserve to get it according to the roster. Similarly, promotion avenues are open for people who go on deputation, but the employees belonging to the Scheduled Castes and Scheduled Tribes are denied even that benefit. I would like to request the hon. Minister to concentrate his energies on removing all these disparities. This Government should not commit the mistake of not presenting the report of the Scheduled Castes and Scheduled Tribes Commissioner before the Parliament as done by the Congress party during 1988-89.....(Interruptions)... People belonging to the weaker sections, the Scheduled Castes and Scheduled Tribes and the depressed classes should be given equal opportunities for development. As far as the laws are concerned, they are not fully implemented as a result of which these people do not derive any benefit from it...(Interruptions)... I would like to reiterate that the Scheduled Castes and Scheduled Tribes Commissioner's report of 1988-89 was not presented in the House and the Congress Government did not take it up for discussion. The Congress party has no concern for this section of the society. Had the leader of the opposition Shri Rajiv Gandhi had any concern for this section of the society, he would have been present here today. He has no concern for the people belonging to the Scheduled Castes and Scheduled Tribes and he does not want to fulfil his responsibilities. I would like to tell the hon. Prime Minister that even he too should have been here today...(Interruptions)

MR. DEPUTY SPEAKER: You please conclude. The first and the second Bills have been taken up for discussion together. If there is any point, which you have not men-

tioned earlier, do mention it. There is no use repeating the same points. That is why these two Bills have been taken together. You please conclude within one minute.

SHRI CHHAVIRAM ARGAL: I want to say that posts reserved for the Scheduled Castes and Scheduled Tribes are not filled up. The population of the Scheduled Castes and Scheduled Tribes which was 23 per cent of the total population earlier, now stands at 26 per cent. Posts reserved for these people even in the Parliament Secretariats and the Secretariats of the State Legislative Assemblies and Council are not filled up. Similarly, the representation of the Scheduled Castes and Scheduled Tribes in Ambassadorial and Gubernatorial posts is not in proportion to their population. I would like to request to the leaders of all the political parties that they should pay attention towards this matter. Hon. Shri Ram Dhan said right now that no political party had nominated people belonging to the Scheduled Castes and Scheduled Tribes to the Rajya Sabha. I would like to tell him that the Bharatiya Janata Party is the only party which has nominated two persons belonging to the reserved category to the Rajya Sabha. They are Shri Sanghpriya Gautam from Uttar Pradesh and Shri Paswan from Bihar. Thus, what I want to say is that if there is any party which is a true well-wisher of the Scheduled Castes and Scheduled Tribes, it is the Bharatiya Janata Party. I would like to tell the leaders of all the parties that they should consider all these questions in earnest and keep it in mind that there are certain elements in this country, which are bent upon creating a communal atmosphere in the country. Organisations like Jamat-e-Islami and Jammu Kashmir Liberation Front (JKLF) receive funds from foreign countries and with that fund they indulge in conversions—This should be thoroughly investigated and a blanket ban should be imposed on their activities. There should be a proper auditing of their account also... (*Interruptions*) All of us should work unitedly to protect the interests of the Scheduled Castes and Scheduled Tribes... (*Interruptions*)

Special attention should be paid towards the recruitment of people belonging to the Scheduled Tribes in Small-Scale industries and other small units. Banks should also be directed to make available loans facilities to these people without delay. (*Interruptions*)

[*English*]

MR. DEPUTY SPEAKER: Whatever you say further will not go on record.

[*Translations*]

SHRI ARVIND NETAM (Kanker): Mr. Deputy Speaker, Sir, I support the Bill moved by hon. Shri Ram Vilas Paswan. While introducing the Bill, he had said that powers would be given to the Commission, but I do not believe that the this Bill would in any way help the Commission to get more powers. However, if it gets and powers through this Bill, I support it from the core of my heart, I congratulate Shri Paswan, as there cannot be any doubts about his intentions. The problem is that it is useless to give any teeth, however strong to the Commission, unless and until you bring about changes in our system, which is controlled by the bureaucrats. The same sentiments were echoed by Shri Ram Dhan also. While drawing your attention to certain things, I would like to give you some suggestion. You are facing problems, because in the States you are either dependent on the State Governments or on your field staff. What do you propose to do about it? Unless you strengthen this machinery, the Commission would not be able to complete its task.

The second thing, I want to say is that the Government should consider setting up of a separate tribunal to look after and solve the manifold problems faced by officers and other employees belonging to the Scheduled Castes and Scheduled Tribes.

Thirdly, I want to say that there should not be any politicisation of the Commission. You should endeavor to keep it about petty politics, so that in future too, the commis-

[Sh. Arvind Netam]

sion's work does not suffer, irrespective of the Government in power.

I would like to see the establishment of strong and powerful commission. Just enlarging the composition of the commission would not do. I would consider your efforts successful, only if it works properly. That's all I have to say in this regard.

KUMARI MAYAWATI (Bijnor): Mr. Deputy Speaker, Sir, on my personal behalf and on behalf of my party, I support the 68th Constitution Amendment Bill, 1990. I would also like to thank the hon. Minister for accepting the suggestion for deleting the prefix 'Neo' attached before the term 'Buddhists' in the Scheduled Castes Order (Amendment) Bill, 1990.

I would like to give some suggestions with regard to the 68th Constitution Amendment Bill. This is an excellent Bill and is in the interest of the Scheduled Castes and the Scheduled Tribes, but I would also like to mention here that since independence, many Acts were passed and many Amendments made to safeguard the interests of the Scheduled Castes and Scheduled Tribes, but unless and until they are implemented, it would not benefit these people in any manner.

I would like to quote an example before the House. I would like to draw the attention of the House towards the meeting organised in the premises of the Vithalbhai Patel House on 25th May, under the leadership of Choudhary Brahm Prakash, regarding the implementation of the Mandal Commission Report. The Bahujan Samaj Party was represented at that meeting by its President, Choudhary Brahm Prakash invited the Prime Minister for that meeting, and the latter gave his assurance to that effect. As this episode is bound to cast its shadows on the implementation of the report, I would like to bring to the notice of this House that instead of attending the meeting personally, the Prime Minister conveyed his message through a letter which was read out at the meeting by

Choudhary Brahm Prakash. I was present at that meeting. In that letter, it was written that the recommendations of the Mandal Commission would be thoroughly examined before its implementation. When our party President said that the National Front in its manifesto had promised the immediate implementation of the Mandal Commission Report upon assumption of office and now it was talking of examining the report, the Prime Minister came to know about it and changed his letter. He wrote another letter in which he said that the Government would implement the recommendations of the Mandal Commission Report within two-three weeks. It is unpleasant to say that I am afraid that this bill may not meet the same fate as that of Mandal Commission report about which Prime Minister V.P. Singh made two statements within one hour. I also do not agree with Sri Ram Dhanji's suggestion to keep this Bill outside the jurisdiction of the Welfare Ministry. I would like to remind his that every issue concerning human life which is discussed in the House is associated with some Ministry. Therefore, I feel that it would not be in the interest of Scheduled Caste and Scheduled Tribe to keep it outside the jurisdiction of Welfare Ministry. The Commission should be given full powers and kept associated with Welfare Ministry so that it may work for the Welfare of the poor and Labourers.

SHRI GIRDHARI LAL BHARGAVA (Jaipur): I support the bill introduced by the Hon. Minister and heartily congratulate Mr. Paswan for the inclusion of my suggestion in the bill in the larger interest of the nation.

SHRI RAM LAL RAHI (Misrikh): Mr. Deputy Speaker, I had been waiting for a long time and I am grateful to you for having given me a chance to say something about this Constitution Amendment Bill. Sir, I was sitting here yesterday also and had listened to the speech delivered by Miss Bharati while Shri Paswan was introducing the bill. I noticed that there was a great resentment in her speech as she thought that Congress had done nothing for the Welfare of Harijans during the previous 43 years after independ-

ence. I pity her wisdom. I wonder whether she knows the history of previous Government and their attempts in this direction.

I would like to say that a Commission was already formed by Congress Government taking cognisance of the fact that seats reserved for Scheduled Castes and Tribes in Central Services are not being filled up. This bill seeks to give greater power to that very Commission. Some of the Hon. Members have raised the issued of non-implementation of the laws and provision meant for the amelioration of the suppressed, down-trodden and poor and slave like people of scheduled castes and tribes who are without rights in every sphere of human life like society, economy and education and also the issue of non-completion of almost all programmes meant for them under various rules. Who were the people responsible for implementing these measures? I would like to know from the present Government whether there have not been anti-reservation agitations in different parts of the country during last six months of the existence of the Government. (*Interruptions*) Whether this Government is not responsible for this.

Mr. Deputy Speaker, I would like to remind that all the previous Congress Governments be it the Government of Pt. Jawahar Lal Nehru or Indiraji or Rajivji, had done a lot for the social reformation and economic prosperity of these people and had also brought legislations for giving reservations and other facilities to them. It is true that some of the people sitting here in Opposition, who live in villages, are of feudal tendencies and support the feudal people. They eat into the vitals of Harijans and come in way of legal help to them by influencing the Government Machinery. They are responsible for it. The previous Congress Governments of Centre as well as of the states had done their best for getting the quotas reserved for these people fulfilled. Again this reservation was extended in promotions also so that these people may reach upto higher posts. But these efforts were obstructed. Who were these who did so?

Mr. Deputy Speaker, Sir, our Deputy Prime Minister is also sitting here. His statement has come in the Newspapers. But I have no time to go in details. However, I would like to affirm that he is one who was against increasing reservation for another 10 years. (*Interruptions*).

Mr. Devilal who is the Deputy Prime Minister has given a public statement that there should be no more reservations for Harijans. (*Interruptions*) Therefore, it is such people who are the root cause of the non-implementation of the various laws and schemes meant for the Harijans. These people are full of Hatred and are behind the failure of these laws and provisions. (*Interruptions*)

Mr. Deputy Speaker, Sir, I would like to emphasize that even the Chairman of this Commission Mr. Ram Dhan and Minister himself seem to be dissatisfied with the Commission as he is introducing new amendments every now and then. It seems that though he has been successful in getting them pressurised for the formation of a powerful Commission but still he is not sure about the possibility of the formation of a commission with desirable power. It looks that the people in Cabinet are not in perfect agreement with him. I doubt that under such circumstances the Commission is bound to fail in its objective to eliminate the poverty among Harijans, the menace of untouchability in far-flung villages and abolishing their backwardness.

Mr. Deputy Speaker, not with standing my doubts, I support this Bill and wish that it should be approved. Let us see the performance of these new persons also, provided they too are not ousted within 2-3 years like previous Janata Government and all is left undone.

With these words, I support the Bill.

[*English*]

SHRI PIYARE LAL HANDOO (Anantnag): Sir, we have today on the anvil

[Sh. Piyare Lal Handoo]

an amendment to the Constitution. It is a Constitution Amendment which is different from the amendment of any other law.

At the outset I would say that in increasing the number of amendments to the Constitution, the present Government seems to be running with an unseemly haste. What is being attempted to be done today is substituting a Constitutional authority by another authority. Earlier, Article 338 of the Constitution envisaged the appointment of a Special Officer by the President with the special purpose of ensuring evaluation of the working of the safeguards guaranteed to the Scheduled Castes and Scheduled Tribes. Instead, we are now bringing into existence a National Commission for achievement of similar objectives. The change of nomenclature without giving to this Commission an independent existence and instruments for monitoring and enforcing implementation of safeguards perhaps will not carry us far. We have had support from every quarter from every section of the House for this Bill. But every quarter has equally expressed the apprehension that it may not be sufficient to help it to achieve the objectives. Unless you bring into existence a single authority, namely, a Special officer or a Commission as envisaged by Shri Ram Dhan, perhaps it will not be able to achieve the objectives. So, I would appeal to the hon. Minister who has love for this cause and who is basing the present Bill on their declaration in the Election Manifesto, to consider in depth and have a study made as to how the real objectives can be achieved. It is true that the appointment of such a Commission was envisaged in the Election Manifesto. But in principle, unless we evolve a process of implementation of the safeguards, this Constitutional provision itself will not do anything. Article 338 of the Constitution envisaged the appointment of a Special Officer by the President and a report by him to the President to be placed on the Table of the House. That is exactly what this Bill substituting the earlier 3-clause Bill again envisages. I would like to hear the hon. Minister tell us from the word-

ing of the present article substituting the earlier one what is it that will enable us to ensure not only monitoring, but also implementation of the safeguards guaranteed to the Scheduled Castes because the complaint is not that there are no safeguards envisaged in the Constitution or the normal laws of the land, the complaint is that implementation has not been successful. The insinuation is that either they have not implemented them properly or they have not monitored or enforced implementation. We must know how the present law will enable us to ensure that there is successful implementation and no continuance of the past failures.

I would like the hon. Minister, young as he is, dynamic as he is, honest and eager as he is, to ensure that we have an instrumentality which will ensure real implementation of the safeguards for the depressed classes. He should make a pre-study, pre-examination and evolve an authority on the basis of his earlier experience so that there are no failures.

These are my submissions.

[*Translation*]

SHRI HARIBHAU SHANKAR MAHALE (Malegaon): Mr. Deputy speaker, Sir, I recall a day in 1975 when the then Deputy Speaker, Shri Gore Murari occupied this chair in the House. He had allotted me half an hour's time to speak but despite the non-availability of time today, you gave me an opportunity to speak. I feel highly grateful to you for this. Alongwith this, I recall one more thing that the owl is blind to the daylight and a crow is unable to see things at night but the Congressmen can see things neither in the broad day light nor at night. This is the only apathy. What is this Bill all about? There was no debate, what so ever, in 1972 and 1975 even when the commission submitted its report. No discussion took place and they have done the wonderful thing in just one year. The commission has been diluted now. They have, therefore, brought in the Bill and this too is full of lacunae. I would like to convey it

to the hon. Minister that this is the question of the scheduled castes and the scheduled tribes. The scheduled tribes who live in jungles and can be found in rural suburban areas as well but they are predominantly found in jungles. The scheduled castes are found in urban as well as in rural areas. Viewing from the educational point of view, the literacy rate of the scheduled castes is more than that of the tribes who are more backward than the farmer. Therefore, more attention should be paid to them. I tender an apology to Shri Sathe as a large police station area was given the status of a district and I was a member thereof. There was a large scale fraud there. The Central Minister of Scheduled Tribes Social Welfare Department was deputed to conduct an enquiry there. The Bofors issue was in the offing at that time. He came to know that the defaulters were the followers of the Congress and then he said O.K. Close the chapter; let them enjoy. Some of the Congressmen were my friends. They aid that it was truly in the context of Bofors. Only they were saying it. Therefore, I thank you once again and maintain that we are ready to support this Bill. Justice may be delayed in Heavens but it is never denied. I, therefore, urge upon the hon. Minister to give more emphasis to Social Welfare but it would have been better if this work is brought under the jurisdiction of the Ministry of Home Affairs. I have been an M.L.A. for a full decade. I have been associated with the Social Welfare activities and the Scheduled Tribes committees. The committees other than the ST&SC committees were very well managed but little attention was paid to the SC&ST Committee. Therefore, I urge that it would be in better if this is brought under the Home Ministry rather than the Social Welfare Ministry and the Commission set up with regard to this Act will make it more forceful in favour of the scheduled castes and the scheduled tribes and that will be a very good thing. This is my humble demand.

THE PRIME MINISTER (SHRI VISHWANATH PRATAP SINGH): Hon. Sir, we have brought this legislation in order to give statutory status to the Scheduled Caste

Scheduled Tribes Commission and to give it more powers, in view of this year being celebrated as the year of Social Justice in the memory of Bharat Ratna Baba Saheb Bhimrao Ambedkar for such socially and economically oppressed people upon whose shoulders the whole burden of the socio-economic infrastructure lies. It further provides that the Land Reform Acts should be included in the 9th schedule of the Constitution. The marginal tillers get lease deeds and papers of ownership of land but they barely get the possession thereof. This ownership of land is one of the dreams of these hard working people of the scheduled castes and scheduled tribes and that is going to be realised through this legislation. The issue of the poor is not a party issue. That is not the question of a particular party. I remember well that the members of all the political parties were present here at the time of installation of the portrait of Bharat Ratna, Baba Saheb Ambedkar and I would like to urge and request you all to treat the Bills with the same feelings and the same honour. I will not take much time but will, surely, submit to the members sitting on the opposition benches that they should not make the poor people victims of their grudges and grievances they might be having against the Government. You may punish us but our scheduled tribe brothers living in the villages today nourish certain expectations from this House. It is my humble submission to you not to act against their interest and take a decision after keeping this in mind.

SHRI VASANT SATHE (Wardha): Mr. Deputy Speaker, Sir, just now we listened to a very sentimental speech of the hon. Prime Minister..... (*Interruptions*)..... Be patient please.

MR. DEPUTY SPEAKER: Kindly be patient.

(*Interruptions*)

SHRI BHOGENDRAJHA (Madhubani): Mr. Deputy Speaker, Sir, we should not have the right to vitiate the atmosphere. One is unable to know what is being said.

[English]

MR. DEPUTY SPEAKER: I agree with you.

(Interruptions)

MR. DEPUTY SPEAKER: You are not helping the House. Please keep quiet. Please help the House to run smoothly.

SHRI VASANT SATHE: Mr. Deputy Speaker, Sir, I would like to make it very clear at the outset that so far as the question of the protection of right of the weaker sections of our country is concerned, I do not understand that anybody can claim that people like Mahatma Gandhi, Jawaharlal Nehru and Indira Gandhi, to whom our hon. Prime Minister himself. ... (Interruptions)..... considers his leaders and who have been his ideals for his political thought, were, in any way, less concerned about supporting and upholding the cause of the weaker sections of our society. We do not, at any cost want to oppose the Bill that has been brought before the House now nor we are opposing it. We want to go it on record. (Interruptions)

Mr. Deputy Speaker, Sir, we agree that one of the dreams of the esteemed Baba Saheb Ambedkar has very recently come true in the shape of the Amendment Order Bill, brought in the House by Shri Paswan, about giving more rights to the neo-buddhists. So far as the question of conferring more powers upon their Commission is concerned, I would like to make it clear that nobody will be more pleased than us if, under the leadership of Shri Ramdhan, more powers are conferred upon the Commission and a statutory status is given to it. (Interruptions) Similarly, we agree that the land reform laws are related to the farmers of this country and specially the small farmers are going to be benefited by the same. We also support the second bill moved by the Deputy Prime Minister and we want it to be incorporated in the Ninth Schedule and we wish to pass this also. We do not oppose that also. I would like to make a request to the Prime Minister regarding the discussion that is going

on in the House for the last so many days and he as well as the entire country are aware that on account of the corruption and Bofors issues he could get the office of the Prime Minister. His image has been built on account of the Bofors issue and it was built on only one issue, we have no objection to that, it is proper, it is good... (Interruptions)

SHRI VISHWANATH PRATAP SINGH: I want to say that they should not do injustice to the poor just because of their anger against the Government.

SHRI VASANT SATHE: We well know what kind of relations they have with the poor. The fact is that the name of the former Prime Minister and the leader of our party has been continuously subjected to character assassination for the last three years and the pretext of Bofors issue. (Interruptions)

SHRI MADAN LAL KHURANA (South Delhi): Do not link Bofors with the poor.

SHRI VASANT SATHE: We are not preventing you, we are simply expressing our views. (Interruptions) Mr. Deputy Speaker, Sir, it was widely proclaimed that as soon as they came to power and further in all his speeches the Prime Minister said that he would name the person within ten to fifteen days and bring everything to light. (Interruptions)

Not to talk of fifteen days, 160 days have since elapsed and despite this the names have not been disclosed till date. The second thing that I wish to say is this that all the secrets and documents are with the Swedish Government and the allegation was that we have failed in procuring them. (Interruptions)

[English]

I need time. I have taken not even five minutes.

SHRI SAIFUDDIN CHOUDHURY (Katwa): I am on a point of order.

MR. DEPUTY SPEAKER: I am allowing Mr. Choudhury to raise the point of order.

SHRI SAIFUDDIN CHOUDHURY: What we have been debating and on the verge of voting is the Constitution Amendment Bill on the Scheduled Castes Commission. Now, how all those other things, Bofors and corruption, are coming, I just want to know. It is very bad dilatory tactics. I warn the Congress-I Party that it will expose their true colours before the country.

SHRI BASUDEB ACHARIA (Bankura): Already exposed.

SHRI BHOGENDRA JHA: The procedure has been violated. I am on a point of order.

MR. DEPUTY SPEAKER: What procedure has been violated?

[*Translation*]

SHRI BHOGENDRA JHA (Madhubani): Mr. Deputy Speaker, Sir, my submission is that they too have no objection in passing the Constitution Amendment Bill so we may pass it and I will request the Prime Minister, who is present here that he may make a brief statement here on Bofors..... (*Interruptions*)

SHRI VASANT SATHE: Mr. Prime Minister, Sir, it is your great achievement that you have been able to get that report. My submission is that the report may be placed on the table of the House. Today we are being informed.... (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: Separate discussions may be held on this as well as that topic.... (*Interruptions*)

[*English*]

SHRI SOMNATH CHATTERJEE (Bolpur): This is totally irrelevant so far as the subject which we are discussing is concerned. (*Interruptions*)

MR. DEPUTY SPEAKER: Well, I think Members are trying to agree and trying to help each other. That is what I am under-

standing. But, at the same time, Mr. Vasant Sathe, you have made the point very cogently and very forcefully. I think the Members are trying to say "Let us discuss only that which is pertinent to this thing."

SHRI A.K. ROY: I am on a point of order.

MR. DEPUTY SPEAKER: O.K. Shri A.K. Roy. I am hearing your point of order.

SHRI A.K. ROY: My point of order is on the basic condition. I want to have your ruling on whether any hon. Member because he sits on the front bench has got his inherent right to stand up and say anything out of context. -

17.00 hrs.

MR. DEPUTY SPEAKER: Mr. Roy, if you want a ruling, please take your seat. I am giving a ruling. I did not want to overrule you. In the interest of the business in the House, we can conduct the business in a fashion that Members do agree. If you say that let us talk which is relevant to the subject, I think, you are not off to the mark. The Member is trying to say something. Let us understand it and the House can decide later on. (*Interruptions*)

[*Translation*]

SHRI MADAN LAL KHURANA: I have a point of order. You had fixed 2.30 PM for its voting. Act present the discussion is in respect of harijans and as such how has the question of brokerage in Bofors deal cropped up here? If someone has taken brokerage in the Bofors deal how these poor people figure in it? (*Interruptions*)

[*English*]

MR. DEPUTY SPEAKER: I think, Mr. Khurana will insist on a decision from the Chair. My decision is, your point of order is not in order. (*Interruptions*) If you do not speak, I will be passed early.

(*Interruptions*)

MR. DEPUTY SPEAKER: I have given a hint to him. You are not helping in curtailing the time taken for discussion. Please try to understand.

(Interruptions)

[*Translation*]

SHRI VASANT SATHE: I simply want to say that our Government and Parliament cannot be a slave or be guided by some other country. The plea taken by the Government is that they do not have the permission of Swedish Government and as such it cannot be presented. This is not acceptable to us. There goes a saying in English..... (*Interruptions*)

MR. DEPUTY SPEAKER: There is no need to quote any saying.

SHRIVASANT SATHE: Those who are born due to Bofors if they say that they will not place the papers, is not acceptable to us. Still, if the Prime Minister commits that he is willing to hand over the papers to the Speaker than we will agree. But if he is not willing to do even this much then it will not be acceptable to us. (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: Sir, Hon. Satheji has raised the issue relating to the laying of papers pertaining to Bofors. I think that this issue can be discussed separately. You allot time, the Government is prepared for a debate on it. The entire House..... (*Interruptions*) But the poor people belonging to SC/ST have no role to play in the Bofors issue, by discussing it here why should they be punished. Let us first of all serve them and thereafter we will jointly talk about Bofors.

[*English*]

SHRI VASANT SATHE: I am sorry. If this is the attitude of the Government, we are walking out.

17.05 hrs.

At this stage, Shri Vasant Sathe and some other hon. Members left the House

SHRI R. MUTHIAH (Periyakulam): Sir, we, the members of the AIADMK Party, are not in any way against the passing of this Scheduled Castes/Scheduled Tribes Bill. But, in protest against the attitude of the Government in denying to place on the Table of the House certain documents relating to Bofors we are also walking out.

17.05 1/2 hrs.

At this stage, Shri R. Muthiah and some other hon. Members left the House

[*Translation*]

SHRI RATILAL KALIDAS VERMA (Dhandhuka): Mr. Deputy Speaker, Sir, they are not interested in the welfare of SC/ST communities and they are their enemies. (*Interruptions*)

[*English*]

SHRI SOMNATH CHATTERJEE (Bolpur): Sir, I want to speak.

Sir, we cannot but condemn most strongly, the despicable attitude taken up by the Congress Party as the Opposition in this House.

Sir, when the entire House has supported this measure, now with a view to white wash the tarnished image of their leader, they are prepared to sacrifice the interests of the weakest class in this country—the Scheduled Castes and the Scheduled Tribes, for whom they had been shedding copious tears during the discussion on this Bill. And knowing the present composition of the House and the necessity of their participating in the voting for the purpose of passing this Amendment Bill, knowingly they have let down the people of this country. As I apprehended earlier, they are holding the

country to ransom. Now my apprehension has proved to be true. We must all unitedly condemn most strongly the most despicable, anti-people, unpatriotic attitude on the part of the Congress (I) Opposition in this country. (*Interruptions*)

[*Translation*]

PROF. VIJAY KUMAR MALHOTRA (Delhi Sadar): Mr. Deputy Speaker, Sir, the manner in which congress party has behaved today, the entire House deplors it. If we look at the list of the people who have jointed Congress Party in the walk out then we come to know that all members of Congress Party, Muslim league and National Conference have staged a walk out. What sort of links the Congress Party is having, who are the people involved, what is their concept of secularism can be clearly seen from this episode. Despite the Prime Ministers' appeal with folded hands that they should support the bill that has been introduced relating to the poor, SCs' and STs' and that they should not bring in other issues in it, they did not bother. The sort of black-mailing and terrorising atmosphere that they have tried to create, the people of this country will never forgive them. This bill could have been passed with the help of their votes but they tried to create such a position. Unfortunately people of this country have given them so much strength. But if their attitude did not change then in times to come they will not command so much power. I want to say that the House should unanimously condemn this behaviour. (*Interruptions*)

[*English*]

SHRIMATI GEETA MUKHERJEE (Panskura): Sir, I feel extremely sorry because I was one of those who appealed to the Congress party, instead of condemning them, because whatever Papers about Bofors they are wanting now, they had ample opportunity to do it. Without doing that, after losing the power and also their credibility now they, in the name of Bofors papers, want to put an obstacle to this very Bill which is

intended for the upliftment of our most oppressed classes. It is a pity. I am sure, all those who voted for the Congress in the last elections, will not vote on this count. Let them understand this. Since they did not agree even to the appeal, they will have to pay a much bigger price than they have paid already.

SHRI CHITTA BASU (Barasat): The entire country, particularly this 70 per cent of our great country, was looking at this Parliament today because the Bill for land reforms and also the Bill for giving statutory recognition to the Commission for the Scheduled Castes and the Scheduled Tribes, are nothing but a great step forward to remove the poverty of our country on the one hand and to bring about socio-economic transformation of the country on the other.

It is shameful, it is reprehensible, it is condemnable that those, who have been voted by the people, have not that amount of moral courage to discharge their moral responsibility to their electorate. It is the larger part of the electorate who wants this. (*Interruptions*)... They have taken a wrong attitude, a condemnable attitude and they want to hold the entire country to ransom and I appeal to the people outside. It is not only these 193 Members in this House who can hold the country to ransom but their people outside will move and they will see that this kind of Bill is passed as soon as possible. Therefore, I have also a very reprehensible expression to make. (*Interruptions*) It is a spectacle which we have been witnessing that some Members have been wilfully filibustering. Sir, the rule does not provide filibustering by any Member. We have given enough scope for them to speak but in order to better the cause of the people of our country, they have undertaken this shameful act for which the entire country and this House should condemn them without any reservation.

[*Translation*]

KUMARI MAYAWATI (Bijnor): Mr. Deputy Speaker, Sir, I would like to submit

[Kumari Mayawati]

that though I do not support the National Front Government, yet so far as the welfare of the poor and the deprived people is concerned, I am distressed to note the attitude of the Congress Party. On 25th May a meeting of the leaders of all the political parties, where I was also present, was convened to extend the sittings of the House by 4 days. In the said meeting a proposal was mooted that this Bill would be introduced in the House during this extended period. At the instance of Shri Ram Vilas Paswan, Shri Dinesh Singh, on behalf of the Congress Party, had said that his party would extend its support to all the three Bills relating to welfare of Scheduled Castes and the Scheduled Tribes and Land Reforms and would not make its stand clear with regard to other Bills. But the party did not stand by their words.

I would like to make yet another submission. Of course neither I do not support or oppose any party. I do not notice any difference between Shri Devi Lal's attitude and that of the Congress Party. *(Interruptions)* My point is worth noting. Just as the Congress Party had said... *(Interruptions)* Please listen. The Congress Party had said that it would extend its support to the Bills provided the Government laid on the table the papers relating to Bofors. Similarly the Deputy Prime Minister, Shri Devi Lal who was invited by Choudhary Brahma Prakash on 24th May to discuss the Mandal Commission Report put a condition before Shri Brahma Prakash that he would help implement the Mandal Commission Report provided the Jats were also brought within the ambit of the Mandal Commission Report. As such, I do not see any difference between the Congress Party and Shri Devi Lal.

THE DEPUTY PRIME MINISTER AND MINISTER OF AGRICULTURE (SHRI DEVI LAL): Mr. Deputy Speaker, Sir, it is a baseless charge against me. I am not against Mandal Commission Report, rather I support it. What I say is that there is no difference between the Jats and other agriculturists. So, please extent the benefits of the Mandal

Commission Report also. I shall support Mandal Commission Report as and when it Comes before the Cabinet and shall also try to see that Jats are included in the report. *(Interruptions)*

KUMARI MAYAWATI: Government should implement the Mandal Commission Report. And you should tell all these things to the Prime Minister. There is no use of saying the same in the House. *(Interruptions)*

[English]

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): Mr. Deputy Speaker, if I rise to make a submission, I do it not with anger but with pain. I wish to draw the attention of this House that we are going to celebrate the centenary of late Dr. B.R. Ambedkar this year, the greatest spokesman of the weaker sections in this country. Unfortunately, on such an occasion that the Congress Members should choose to divide this House on an issue which is extraneous to the question of Scheduled Castes and Scheduled Tribes is most disgusting and most condemnable. But whatever be their attitude, our attitude is more liberal because the entire country and the weaker sections are not interested in the type of internal battle we are carrying out in this House. The weaker sections will be interested in seeing that their interest are defended and protected. Therefore, we shall totally condemn their attitude. But at the same time, we shall act in such a manner that we will not allow this measure to be defeated inspite of their manipulative politics.

SHRI VISHWANATH PRATAP SINGH: Sir, it is a matter of great anguish that today the poor have been kept as political hostage for achieving certain goals and selfish motives. The House and the Members have rightly condemned the action of the Congress (I) and other Members walking out. I do not want, as all the other Members also wish, to drag on the issue. I will plead with you that we take up the other Bill also today for discussion and both the Bills could be put for the vote of the House tomorrow simulta-

neously. I want to share certain information so that your judgement is not vitiated. On 26th May, 1990 itself, the Government took up with the Swedish Government that we wanted to put all the papers on the Table of the House. This is what we have said. This is our telex:

"The Ministry of External Affairs, Government of India, present its compliments to the Swedish Embassy in New Delhi and has the honour to refer to the Note No. 49 dated 23rd May, 1990 from the Swedish Embassy, conveying the decision to provide to the Government of India the full text of the report by the Swedish National Audit Bureau dated 1st June 1987 on the Bofors affair. This positive decision of the Swedish Government is deeply appreciated by the Government of India.

The Ministry of External Affairs has the honour to draw the attention of the Swedish Embassy to the Note Verbale dated 21st April, 1987, from the Embassy of India, Stockholm, to the Swedish Ministry of Foreign Affairs, requesting for investigation into the position in regard to the middle-men in connection with the negotiation and implementation of the Bofors contract and indicating that the Government of India would wish to use this information in the Indian Parliament. Further more, vide Aide Memoire dated 21st August 1987, the Swedish authorities had been requested to give the complete report of the Swedish National Audit Bureau, including the portions that had not till the been made available to the Government of India."

"The Government of India are convinced that the entire text of the report of the Swedish National Audit Bureau should be placed before the Parliament of India."

We have made this point. Further:

"There has also been widespread

demand in the Parliament of India that the full report should be placed before Parliament."

We expressed the sentiments of the Members.

"Keeping all the above considerations in mind, the Government of India propose to place the entire text of the Swedish National Audit Bureau report dated 1st June, 1987 before Parliament.

The Ministry of External Affairs, Government of India, avails itself of this opportunity to renew to the Swedish Embassy in New Delhi the assurances of its highest consideration."

This is the reply that we got from Sweden that very day, 26th May:

"The Swedish Government takes a serious view of the statement by the Government of India that it proposes to place the full text of the classified Swedish National Audit Board report into the Bofors affairs before the Indian Parliament. As the Swedish Ambassador made clear when he transmitted the report to the Government of India on 23 May, 1990, the portions of the report which were not made public in 1987 by the Swedish Government remain secret under the Swedish laws of secrecy and may not now be made public. The reason for the secrecy classification is that the report contains sensitive economic information collected by the Bank of Sweden, the official release of which will harm important Swedish foreign trade interests.

If in spite of this the Government of India goes ahead and publicises the secret portions of the Swedish National Audit Board report, the Swedish Government will have to regard this as a serious breach of trust. This will undoubtedly affect the ability of the Swedish Government to transmit the

[Sh. Vishwanath Pratap Singh]

classified or sensitive documents to the Government of India, as requested in the Indian note and Letters Rogatory of 2 April, 1990."

Now, Sir, the Government did make the fullest effort to bring to Parliament the papers, to which this is the reply. The point arises that now we have asked further questions in our investigation. It is a clear indication that if we violate it, that information will not flow and this is precisely what the Members opposite want. This is the pressure to stop the CBI inquiry, to stop, to dry up the sources of information and that in our investigation, the Swedish Government does not cooperate with us and our information dries up. That is the whole purpose of it and for this the poor people are being made to pay. If they were so sincere, they could have placed it when they were in power, and today the precise reason is to dry up our sources of information and for this crores of poor people are paying today for what has happened.

MR. DEPUTY SPEAKER: I think, the hon. Minister has not yet replied. I do not know whether he would be interested in making the reply, but before he starts, his reply, a suggestion has come that your Bill as well as the next Bill may be discussed and we can take up voting on these two Bills at one and the same time, maybe today or tomorrow. Maybe we do it tomorrow because you have the time to sort it out and arrive at some procedure.

First of all, I would allow the hon. Minister to make his reply and then we would take up the second Bill.

[Translation]

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): Mr. Deputy Speaker, Sir, Shri Dinesh Singh and Shri Vasant Sathe represented the Congress Party in the All Party meeting. During the course of the meeting both these leaders had given an assurance that. Their

party would not pose any obstacle in passing the Bills relating to welfare of Scheduled Castes and Scheduled Tribes and the Bill relating to inclusion of Land Reform in the Ninth Schedule of the Constitution and that after both the Bills are passed they would hold discussion with the Government in regard to other matters. But I am distressed to say that due to indifferent attitude of the opposition these important Constitutional (Amendment) Bills on which crores of people across the country are pinning that hopes, have been stalled. The hon. Prime Minister rightly said in this connection that we do not want to play politics in such matters. Nor do we want to make it a prestige issue for the Government. On the contrary we want the welfare of crores of people in the country. The Bill will now be taken up tomorrow.

As per your orders, I am required to put forth the laws of the Government in response to in points raised by hon. Members Mr. Deputy Speaker, Sir, a large numbers of hon. Members of those opposition are not present now who made a charge against us that in our capacity as the Prime Minister or as Ministers, we only speak in or one side the House, but actually do not translate that into action. In this connection, through you, I would like to tell the august House that one of the 9 commitment's we made to the people, we have already fulfilled 7 commitment's. Firstly, our commitment was that we would extend the reservation for Scheduled Castes and Scheduled Tribes by another 10 years. That is already done. Secondly, we promulgated Prevention of Atrocities Act. A notification to this effect has been issued on 30 January. Thirdly, a Bill relating to extending the reservation facilities to neo-Buddhists has since been passed by both the Houses of Parliament. It has been given a legal status. Now the neo-Buddhists will start getting the same benefits as are being enjoyed by the Scheduled Castes and Scheduled Tribes. Dr. B.R. Ambedkar was not conferred the Bharat Ratna award for 43 years. Our Government conferred the Bharat Ratna award on Dr. Ambedkar. The whole of this year will be observed as the year of social justice. At the same time socio-eco-

conomic programmes meant for the Scheduled Castes and the Scheduled Tribes will be completed. Similarly, backlog of reserved vacancies in various categories will also be filled up this year. It is the firm commitment of the above Dr. Ambedkar's portrait has since been displayed in the Central Hall of the Parliament. We have since completed these 5 items of work any 2 remains to be done. These two important items should have been passed in the House today. One of these two Bills relates to conferring statutory status to the Commission for Scheduled Castes and Scheduled Tribes and the other relates to inclusion of Land Reforms in the Ninth Schedule of the Constitution. Had all the hon. Members of opposition supported these Bills, both the Bills could have been passed by the House.

I hope that they will be passed by tomorrow or the day after. It will prove to be of a major help to the poor people and to the Scheduled Castes and Scheduled Tribes when these Bills become Bills. They will be beneficial to the teeming millions of this country. We have completed the jobs I mentioned just now. A large number of hon. Members have demanded that provisions of reservation should be implemented strictly. In response to their demand I told them that not only we will implement the provisions strictly, but also we are bringing forward a legislation for this purpose. With the passing of this legislation all the backlogs of reserved vacancies meant for Scheduled Castes and Scheduled Tribes will be filled up and the provisions of reservation will be implemented strictly.

So far as carrying night soil on head is concerned, I would like to repeat what it had said yesterday that we will remove this practice through a time-bound programme in a phased manner.

Mr. Deputy Speaker, Sir, I would not like to take much time of the House. A Bill to confer statutory status to the Commission for Scheduled Castes and Scheduled Tribes has been brought forward now. Unfortunately, it could not be passed in 1978. It has

come up after a gap of 12 long years and is still pending. In this connection I would like to state that so far as this Bill is concerned, none of the hon. Members had any opposition to it. None of the hon. Members pointed out any deficiency in this Bill. Still it is pending. We received several suggestions from various quarters. One of these suggestions was that the Commission should be made more powerful. We accepted those suggestions and made suitable amendments in the Bill. I am say that it will a most important commission. It has been given enormous powers with the help of which it will be able to check the tendency depriving crores of people of their legitimate rights which they have been denied for centuries and make enquiries of such cases. It will not only conduct hearing of cases of defaulting officials but also examine them.

References have also been made to Count of Inquiry. Though there is no such mention in the Bill, the Commission will enjoy the same powers as are being enjoyed by a Count of Inquiry. As regards remaining powers, it has been clear by spelt out in the Bill that the President of India shall have the powers to make further laws and rules to provide for more powers if necessary.

Several of the hon. Members have made many other points. While replying to the debate in regard to neo-Buddhists I have already covered most of these points. Now I would like to reiterate that if both of these Bills are passed, we will be fulfilling our commitments hundred per cent as far as the question of welfare of Scheduled Castes and Scheduled Tribes is concerned. It does not mean that we have reached our destination. We will proceed ahead. Of course, I am not going to make a commitment here. There is no magic hand with us with the help of which we will be able to fill all the past backlogs within six months' period. But one thing I shall say definitely that today's boycott staged by the opposition is indicative of the fact that their tactics of keeping people as bonded labourers and enjoying at their cost would no longer work. Now they are stunned out of their wits. Today, the oppressed class,

[Sh. Ram Vilas Paswan]

the Scheduled Castes and Scheduled Tribes, the minorities and the labour class have alienated themselves from the Congress. The little respect they had is no more there now. They used to talk of Mahatma Gandhi and their ideologies. With this boycott all their claims have proved hollow. It has been proved that. This party has succumbed to the pressures of reactionary forces. It only sees votes and billionaires like the Tatas and Birlas. The hon. Prime Minister has rightly said in connection with kickbacks in Bofors gun deal that it is not the Scheduled Castes and Scheduled Tribes and the poor people who got their dividends from the Bofors kickbacks, but they are paying for it. But a time will also come when this case will also be decided. We also come from the grass-root level. We will go to the nook and corners of the country. Through you, Sir, I would like to tell the House that people throughout the length and breadth of the country remain anxious from early morning till the evening to know the outcome of today's proceedings of the House. They are trying to blackmail the Government. They would have taken the same stand in the case of neo-Buddhist had they come to know that the Bill would not be passed without their support. They would stall all those proposals which could be held up without their cooperation.

Mr. Deputy Speaker, Sir, I would like to tell the hon. Members that no purpose could be solved by merely enacting laws and setting up Commissions. We have to implement them in letter and spirit with a view to up lifting the poor sections of the society. We have come to power, but it is not a bed of roses for us. It is just like an instruments for us. I would like to assure the august House that. We will use this instrument for the uplift of crores of poor people in the country.

I challenge the people of the Congress Party that if they have courage they should give suggestions in respect of work which has not been done by them. The Government will do it. That is why I have stated that the Government is determined to do it and

will certainly achieve its objective. We seek your cooperation and support to achieve our objectives. As per the promise made by the Government, a Central Committee has already been set up under the chairmanship of the Prime Minister to celebrate Dr. Ambedkar birth centenary. The Government will chalk out programmes for one year in the next meeting of the Committee. Many socio-economic programmes will be launched to bring social revolution. The Government will undertake new programmes and ensure as to whether the poor people who have been suppressed since long, have been brought at par or not with other sections of the society in matter of development. The Government wants not only to ensure their progress but also to bring them into the mainstream of the country.

With great hope and expectation, the suggestions have been made by the hon. Members. With reference to their suggestions, as I said earlier and again I would like to assure them that the suggestions made by them will be forwarded to the officers of the Ministry for consideration and action will be taken by the Ministry accordingly. After six months, we will hold a meeting again and definitely all the problems will be solved. With these words, I thank all the hon. Members of the House who took part in the discussion and lent their support to the Bill.

AN HON. MEMBER: You have stated in your speech that money has been misutilised and the amount has not been spent properly. Will you lay a statement in the House in this regard?

SHRI RAM VILAS PASWAN: Yes, I made a mention of it and I would like to say again that not only sufficient amount will be provided for the Scheduled Castes and the Scheduled Tribes, but its proper utilization will also be ensured. Orders have been issued in this regard. Enquiry has been ordered. Officers found to be guilty will be punished. No body will be allowed to play with the interests of the people belonging to weaker section.

SHRI KHEMCHANBHAI SOMABHAI CHAVDA (Patan): Baudhs are not treated as untouchable in Gujarat.... (*Interruptions*)...

SHRI RAM VILAS PASWAN: Under Article 341(A) of the Constitution, the President is empowered to specify the castes deemed to be Scheduled Castes and Scheduled Tribes. In order to include or exclude the castes from the list of S.C./S.T., a Bill is required to be brought before the Parliament. As I have already stated that the Government is preparing a comprehensive Bill for this purpose. After in production of the Bill will in the Parliament, all the Members will be allowed to offer their suggestions. The ultimate decision will be taken by the Parliament.

SHRI CHAND RAM (Hardoi): Mr. Speaker, Sir, some of the members in their speeches called the Harijans as "Bechare Harijan" and 'Bechare Garib'. This is an insult to them as they are not being provided any charity. The country has an obligation to do so under the Poona Pact because they have been subjected to atrocities from the centuries. It is the duty of the Government to bring them into main stream. As the Hon. Prime Minister just now stated that they are the toilers of the country and they have right to equality. Therefore, mere setting up a Commission for them will not serve the purpose. The Government will have to allocate sufficient amount of money in the budget for them as also land should be allotted to them. With these words, I conclude.

[English]

SHRI A.K. ROY: I thank you for depriving me my right to speak earlier. Now I thank you second time for allowing me to speak.

MR. DEPUTY-SPEAKER: You don't have to thank me nor have you to object for the time given or not given to you.

SHRI A.K. ROY: The Special Officer under Article 338 of the Constitution had to some extent a reporting role. He could inves-

tigate a matter and send its report to the President. That report used to come before the Parliament and we used to debate on that. But he had got no direct authority to implement something or redress something. His role was advisory reporting. Now, instead of that Special Officer, we are having a Commission of five officers. They may investigate it more thoroughly and submit a more comprehensive report. But how can they directly help the poor Harijans who will be under oppression and exploitation? I want some clarification on their role. How would the role of this Commission be qualitatively different from that of the Special Officer?

[Translation]

SHRI HAMENDRA SINGH BANERA (Bhilwara): Mr. Speaker, Sir, will the hon. Minister congratulate the Government of Rajasthan for unearthing a case of misappropriation of money amounting to Rs. 140 lakh by the persons including some I.A.S. Officers? Some arrests have also been made in the case.

MR. DEPUTY SPEAKER: This is not a clarification.

SHRI RAM VILAS PASWAN: As suggested by Shri A.K. Roy, the Commission for Scheduled Castes and Scheduled Tribes is being vested with power under Article 338 of the Constitution. The Commission is also being vested with power under the Commission of Enquiry Act. If hon. Members have any concrete suggestion, they should move amendments on the clauses of the Bill. I think the Government has given power to the Commission to the extent permissible under the Rules. If the hon. Members still think that more powers should be given to the Commission, their suggestions are invited. We will consider them. There is provision for it in the Bill. The President is empowered to review the situation from time to time. The Commission has been given powers to investigate into the matter and summon the officials. The Chairman of the Commission will be consulted in preparation of schemes by the Central and the State Governments.

[Sh. Ram Vilas Paswan]

Thus we have left no scope or loopholes. This is my assurance to the House.

17.39 hrs.

CONSTITUTION (SIXTY-SIXTH AMENDMENT) BILL

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF RURAL DEVELOPMENT IN THE MINISTRY OF AGRICULTURE (SHRI UPENDRA NATH VERMA):
On behalf of Shri Devi Lal, I beg to move:

"That the Bill further to amend the Constitution of India, be taken into consideration."

[Translation]

Mr. Deputy Speaker, Sir, land reform has been a matter of discussion since independence. The bill is being moved for consideration of the hon. Members of the House.

[English]

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration."

[Translation]

SHRI GUMAN MAL LODHA (Pali): Mr. Deputy Speaker, Sir, this constitution (Amendment) Bill will be written in the golden letters in the history of land reforms. Agriculture is the mainstay of the people our country. Unfortunately, farmers have been exploited from the very beginning. When our constitution came into being, many land reform laws were made to abolish Zamindari and Jagirdari systems in the country. Unfor-

tunately, court struck many land reform laws on ground of violation of fundamental rights granted to the citizens under the constitution. This Bill has been brought with an intention to nullify the courts' orders. A provision was made under Article 31A of the constitution that no law can be declared void simply on the ground that adequate compensation has not been paid.

Mr. Deputy Speaker, Sir, in order to save the people from exploitation of the vested interests, our constitution was amended a number of times. 25th and 42nd constitutional amendments were made for this purpose. But the most important amendment was 31B and 31C in the 9th Schedule. Under this amendment, courts were debarred to nullify any progressive laws on technical grounds.

Sir, it is most unfortunate that our farmers and tillers have not got any benefit from the laws. A number of land reforms laws to be included in the 9th schedule have either been declared null and void by the High Courts and the Supreme Court or pending decision thereon. This amending bill has been brought for purpose of including all those land reforms laws in the 9th Schedule of the Constitution so as to provide protection under Article 31 B of the constitution and Article 39 (b) of the Directive Principle of the constitution which provides that the ownership and control of the material resources of the community are so distributed as best to subserve the common good. Sir, this amendment in the 9th schedule is a welcome step. Therefore, I would like to say that while dealing with many cases including that of Vamanrao, Keshavbharati, Bhim Singh etc., the Supreme Court has said every now and then that whenever laws are enacted for the prosperity and well-being of the poor, to accelerate the developmental process and to usher in social justice, the courts should see to it that they are declared constitutionally valid, as far as possible. Mr. Deputy-Speaker, Sir, an unfortunate situation has developed in the country, although several judgements, including landmark ones like the one in Keshavananda Bharati case were

passed by the courts, in those judgements, the learned judges had observed that Constitutional validity would not be granted to any law, how so ever important it is, if it is found to be violative of the basic features of the Constitution. There has been a lot of debate here on the basic features. Justice Krishna Iyer and other legal luminaries have even gone to the extent of saying that Keshavananda Bharati case is like a ghost which haunts the Supreme Court even today in the form of petitions challenging the validity of that judgement, yet, I am not demanding any review of the judgement here. However, I would certainly like to say one thing here that now the time has come for the thinkers, intellectuals and the elected representative of the people, who believe in some or the other political philosophy to stop thinking on the lines that prevailed 40-45 years back and which was in tune with the needs and necessities of that time. Although, forty years have passed since we attained independence, yet we have not been able to alleviate poverty from the soil of this country. Even today, there are millions of landless people in this country. A poet, Shri Mahipal Bhandari has written a beautiful poem about the farmers. In that poem, he says that the farmer tills the soil, sows the seeds, puts in his sweat and blood, bears the brunt of the weather and thus dedicates his whole life to produce crops, yet when he goes to the market to sell his produce, he does not get his due return from it. This results in the starvation and the resultant death of his own and his family members. The poem reads as follows:

"Oonchi dhoti, adhkhole paon, Kandhe par gaj bhar tukda Sar par pagdi, kar mein lakdi, tanka kapdachithda chithda Khane ko muththi bhar dane, thukrata maal khaz anon ko, Uski maati me hans kar ke, hansata jag ke diwanon ko, Khai khadd nal nalon ko, Sookhe talon ko seench-seench, Aage jaata, peeche aata, Dheete bailon ko kheench kheench, Jo jag ko ann pradan kare, jag usko hai thukrata, Uski haddi ko nonch-nonch, jag Vaibhav bhawan banata, Jag ki joothan ke thall

bhare, bekaar bhale hi yon jaati, Rote ke khaatir rig rig kar, uske bachche hain mar jaate."

Mr. Deputy-Speaker, Sir, this pain and agony, this anguish, this pathetic and touching story is that of the Indian farmer. While welcoming the proposal to make an amendment in the ninth schedule of the Constitution, I would like to submit that just making an amendment would not serve any purpose. It is also essential to examine the results of the earlier amendments. The land Ceiling Law was passed in this country to provide land to the landless people but who were the actual beneficiaries of that surplus land? Here, I would like to tell you a story from Rajasthan but unfortunately those people for whom I wanted to tell it have left the House. However, considering the fact that farmers and the Scheduled Castes and Scheduled Tribes have always been exploited and used as a vote bank ever since independence, it is no wonder that today those exploiters do not have the courage to come to the House and support this Amendment Bill. Now, coming to the story, I would say that there was a Minister from Rajasthan, who after the passage of the Land Ceiling Act, posed as a landless person and in order to circumvent the provisions of the Act, he got his entire land transferred in the names of his cattle and domestic animals, as the owners of his land. In this manner, he continued to occupy his land as a result of which no landless person could get even an inch of his land. Even today, the condition of the landless people continues to be the same. Mr. Deputy-Speaker, Sir, I was the Chairman of the committee on Partitions of the Rajasthan Legislative Assembly and in that capacity, once I visited Kota. The 'Sahariyas' live in Kota and I myself observed during my visit that although the land records showed the 'Sahariyas' as the owners of the land, but actually they were not in possession of that land. Their land was occupied by some big landlords of the Punjab. When in my capacity as the Chairman of the Committee on Petitions, I asked a person who did not have adequate clothes and food to keep his baby and soul together, about the position of the

[Sh. Guman Mal Lodha]

land allotted to him. He replied that the land was, no doubt, written in his name in the record but he was unable to speak further and remained dumb like a dove thereafter. Mr. Deputy-Speaker, Sir, I asked the District Magistrate about the reason for the sudden silence on the part of that person. He said that Sardar Swaran Singh who has forcibly occupied the land of the 'Sahariyas' enjoys the blessings of big shots and he gets recommendations from the Central Government and various Ministers as a result of which he is able to forcibly occupy the land of the Sahariyas and deny them their rights. Therefore, it was but natural that in the face of such a powerful person, the poor landless fellow had no option but to remain silent and even suppress his anger and anguish. At that moment, he could just tremble and even his tears had gone beyond melting point.

Mr. Deputy Speaker, Sir, the factual position is that most of the land ceiling laws passed in the country, have not been strictly implemented. I would like to congratulate the West Bengal Government for their splendid performance in this regard because in that State, most of these laws have been implemented in right earnest, but unfortunately in other States, a large number of land disputes are still pending in the courts. Number of such cases runs into ten to twenty thousand in many States and in Karnataka, it has touched the mark of even seventy thousand. In such cases, stay orders are a regular feature. As a result of all this, the same land is allotted and re-allotted not only once or twice but ten times and even after the land has been allotted to the landless farmers, the farmers are unable to get the possession, as writ petitions are filed before their occupying it. The filthy rich and moneyed people file writ petitions and on the basis of arguments advanced by the eminent lawyers engaged by these people, they easily obtain stay orders from the courts and as a result thereof, the landless farmers continue to remain landless. The landless farmers do not have adequate resources to fight their cases filed either under section 145 or their writ peti-

tions. Procrastination has always been the hallmark of the working style of the Public Prosecutors as a result of which stay orders continue to remain in force upto ten, twenty and even twenty-five years. Then from the blue, an amendment comes into effect and the cases start moving from the S.D.M's court to the Tehsildar's court and it takes twenty five years for such cases to reach the Supreme Court.

Mr. Deputy Speaker, Sir, in the presence of Chaudhary Sahib and other hon. Ministers, I would like to tell the Government that they should strengthen their political will to ensure that land is properly distributed to the landless farmers, who toil hard to feed the nation, and that they get the actual possession of land. In the preamble to our Constitution, we have laid down that "WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a..... and to secure to all its citizens: JUSTICE, social, economic and political..... do hereby adopt, enact and give to ourselves this Constitution." and swearing by the names of Mahatma Gandhi, Pandit Nehru, Sardar Patel, Netaji Bose and Chaudhary Charan Singh, we proclaim aloud to other countries of the world that ours is a country of farmers, but hon. Mr. Speaker, Sir, please tell us if it is true in this case. Mr. Deputy-Speaker, Sir, if you go to our villages, you will find that in this country, the greatest frauds have taken place under the cover of Land Ceiling Laws. If any law has been grossly violated in this country, it is the land ceiling law. Despite the existence of land ceiling laws, even today you will find mechanised farmers in this country, they exist in gross and unscrupulous violation of law and it is on that account that benami transactions take place. Their judicial process also takes place in a wrong manner. Mr. Deputy-Speaker, Sir, I will give here an example. Landless farmers who are given land are not permitted to sell it according to the rules. This provision is there to ensure that they do not dispose it off for money again to become landless, but in fact these people enter into an agreement with the farmers and are somehow able to have their consent

before the courts. Then these farmers are dispossessed of their land by the vested interests and once again, that farmer becomes landless with no option, but to be-moan and cry hoarse.

Mr. Deputy Speaker, Sir, when I was a judge, I had observed in my judgement on Mirdha versus Bhondu case that if any landless person or anybody belonging to the Scheduled Caste or Scheduled Tribe is deprived of his or her land through some illegal transactions or persuasions then that person need not obtain any decree from the court to reclaim his land. Moreover, even the provision of time bar would not be applicable in his case, even after fifty years and that it is the bounden duty of this Socialist Government to get back his land to him.

Mr. Deputy-Speaker, Sir, unless and until, we earnestly implement the land reform laws in the country, further enactment of laws would not serve any purpose as they would prove to be nothing, but mere paper tigers. Therefore, before concluding, I would

like to make a submission which is a matter of national resolve. Mr. Justice Krishna Iyer, while giving his judgement in Bhimsingh versus Union of India case in 1981 had raised this issue and said that the founding fathers of our Constitution, had observed at the time of drafting the Constitution that..... *(Interruptions).....*

MR. DEPUTY SPEAKER: Mr. Lodha, you may continue tomorrow.

[English]

SHRI GUMAN MAL LODHA: Sir, I will continue tomorrow.

MR. DEPUTY SPEAKER: The House stands adjourned to reassemble tomorrow at 11.00 A.M.

18.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, May 30, 1990/Jyaistha 9, 1912 (Saka)