

MR. SPEAKER : Please to not interrupt. You are very lucky that the Prime Minister is responding to you.

SHRI S. BANGARAPPA : It was a temporary order of the Tribunal relating to 11 TMC of water.

SHRI H.D. DEVE GOWDA : Only 11 TMC of water. That is all what I am saying. I have not said anything beyond that.

SHRI ANANT KUMAR : I request the Prime Minister to yield for a minute.

MR. SPEAKER : No. Please sit down. He is not yielding.

SHRI H.D. DEVE GOWDA : They have said that I have directed the State to release 5 TMC of water at the cost of Karnataka and 'let him go'. I have faced a many challenges. Do not be under that impression. I am a man coming from the Cauvery Basin...*(Interruptions)* Do not bother about all these things. I want to see that the farmers of both the States in good years will have the maximum amount of water and in bad years share the difficulties and distress. I do not want to go beyond this.

Even the Karnataka Chief Minister said that this month they must release 40 TMC water according to the interim award of the Tribunal, but there is no water in the reservoir. I told my colleagues, not only my colleagues, but also to the members of the delegation which came and approached me that there is no bar in visiting the dam. I requested them to personally go and see for themselves. There is no question of mixing politics here. As a sort of sharing whatever difficulties are there between the two States, the Karnataka Chief Minister has taken the decision to release 5 TMC of water because there is no water in the reservoir. Just because all the regional parties are with me, there is no need to mix politics. *(Interruptions)* I can understand why this matter was raised. I will tell you very frankly. I will assure one thing. There is no question of any injustice to anybody. We will try our level best to see that the matter is sorted out amicably.

14.58 hrs.

CONSTITUTION (SCHEDULED TRIBES) ORDER (AMENDMENT) BILL

[English]

MR. SPEAKER : Now Bill to be introduced. Shri Balwant Singh Ramoowalia

DR. JAYANTA RONGPI (Assam) rose-

MR. SPEAKER : Yes, you tell me

THE MINISTER OF WELFARE (SHRI BALWANT SINGH RAMOOWALIA) : I think he wants to raise an objection to the introduction of the Bill. But I have not yet sought leave to introduce the Bill. Let me move for leave to introduce the Bill and then he can raise the objection.

MR. SPEAKER : He is opposing the introduction of the Bill. So, you can ask for leave first.

SHRI BALWANT SINGH RAMOOWALIA : I beg to move for leave to introduce a Bill to provide for the inclusion of Koch-Rajbongshi in the list of Scheduled Tribes specified in relation to the State of Assam.

MR. SPEAKER : Motion moved :

"That leave be granted to introduce a Bill to provide for the inclusion of Koch-Rajbongshi in the list of Scheduled Tribes specified in relation to the State of Assam."

15.00 hrs.

DR. JAYANTA RONGPI (Autonomous District) : Mr. Speaker, Sir, with your permission, I rise here today to appeal to the Government and to the entire House to save Assam from the impending crisis, or rather, a very serious situation, if this particular Bill is introduced, considered and passed.

I am not sure whether the major Opposition parties or other big Parties have gone through the details of the Bill or they are aware of the implications of this Bill so far as Assam and North-East are concerned. Therefore, I think, it is my humble responsibility to apprise the House of the implications of this particular Bill so far as Assam is concerned.

MR. SPEAKER : Dr. Rongpi, at this stage, we cannot go into the merits of the Bill. We cannot go into the goodness or badness of the Bill at this point of time. You have to only point out whether this Parliament is competent to legislate it or not. That is the limited question you have to address. All the points that you are making now, that you intend to make now, will come at the time of discussion on the Bill. Whether Parliament is competent to pass the legislation is the only limited question at this stage.

DR. JAYANTA RONGPI : Mr. Speaker, Sir, I am aware of the procedure, but here, I want to point out that in the way the Bill has been introduced, there is a procedural problem.

MR. SPEAKER : You can point that out at the time of the debate. You can ask the Government to modify it, you can bring amendments, and you can ask the Government to withdraw the Bill. At point of time, it is only a question of competence of Parliament to

(Interruptions)

DR. JAYANTA RONGPI : Sir, that is only one aspect.

You can allow a debate later on, but on other aspects you can allow a Member to make his statement. I am not asking for a debate but what I want to state is that there are laid down procedures by which a community is included in the Scheduled Tribes list. One of the procedures is that the existing tribal bodies, the customary bodies of the tribals, the tribal authorities and other institutes are consulted. Here, in this particular case, there are so many customary tribal bodies and tribal development authorities, but they were not consulted. Secondly, even those institutes of Government of India and Government of Assam who are entrusted with the job of verifying whether a particular community is entitled for scheduling, like the Tribal Research Institute, have been ignored. The Scheduled Tribe Commissions have been ignored. All these procedures have been... (Interruptions)

MR. SPEAKER : Again, you are going into the merits of the Bill

DR. JAYANTA RONGPI : I am not going into the merits of the Bill

MR. SPEAKER : You are going into the merits of the Bill. You come to a constitutional provision whether this Parliament has the power to pass this legislation or not

DR. JAYANTA RONGPI : What I am saying is that the way the Bill has been placed, the Parliament has got the power... (Interruptions)

MR. SPEAKER : No, no I am sorry, you are wasting the time. I am overruling it. Your objection cannot be sustained. Yes, Mr. Ramoowalia

(Interruptions)

DR. JAYANTA RONGPI : Sir, it is a very serious matter. It will amount to... (Interruptions) I may be allowed to make a statement. I am not demanding a debate. This Koch-Rajbongshi, again, is misquoted. It is Koch-Rajbongshi Kshatriya Sammelan. This particular community has 90 lakh population in Assam. If the Yadav Community of Bihar is included in the Scheduled Tribes list, what will be the implication for Bihar? If the Vokkaliga and Lingayat communities of Karnataka are included in the Scheduled Tribes list, what will be the implication for Karnataka? (Interruptions) Yes, this particular community is a backward caste. Now, they are included... (Interruptions)

SHRI NITISH KUMAR (Barh) : Sir, we want to know that the actual position is, why the Government has brought this Bill. We want to know that. So, at least, allow him.

DR. JAYANTA RONGPI : If this Bill is introduced and passed, the majority in Assam will be Scheduled Tribes. And Assam has to be declared as a tribal State. More than sixty per cent seats are to be reserved for Scheduled Tribes and more than seven autonomous councils have to be constituted, whereas in the financial statement you have said not much financial involvement is there if the Bill is passed and whatever fund is allocated to the Welfare Ministry that would be enough. But it is not the case. If Koch-Rajbongshi Kshatriyas are made Scheduled Tribe, the Scheduled Tribe population of Assam would be larger than that of the general population and if you want to increase the proportionate quota of reservation, then you have to go beyond fifty per cent which the Supreme Court or the existing court order does not allow. You cannot go beyond fifty per cent. But if this community is included in the Scheduled Tribe, you will have to make sixty per cent reservation. There are so many other demands for including various castes and tribes in Assam in the Scheduled List but you have chosen the Government have chosen, the most advanced sections of the population to be included in the Scheduled Tribe. This is just for the information of the House. This is the community which has produced three Chief Ministers of Assam, namely Vishnuram Madhi, Sharat Chandra Sinha and Mahendra Mohan Choudhri. And this community is being included in the Scheduled Tribe. All the three Chief Ministers belong to the Koch community. I do not object to Rajbongshi. Here Koch community is also being included. Rajbongshi community is recognised as Scheduled Caste in Bengal and Tripura and only in Meghalaya the State to which the Speaker belongs to, Koch community is recognised as Scheduled Tribe. But that Koch community is different from that of Dibrugarh and Tinsukia. That is completely a different tribe. Only some Koch people are there bordering Meghalaya in Gholpura districts who are recognised as Scheduled Tribe in Meghalaya. That way it is a misnomer. Previously it was called Kshatriya Sammelan and the previous Government has said, if you say Kshatriya we will not be able to include in the Scheduled Tribe and so you drop this demand Kshatriya. Therefore, there will be administrative chaos because any Assamese speaking person who is not a Brahmin, who is not a Kayasth can claim himself to be a Koch-Rajbongshi and there are no criteria by which you can say that you are not. So, the entire Assam will be Scheduled Tribes. It has got serious implications. That is why I request the larger parties, bigger parties because mine is a lone voice from the North-East, because my voice is very lone, because my voice is very dim and my voice is feeble that it should not be hushed up. The truth must come to the Parliament. And everybody should support it.

otherwise the situation in Assam is already very fragile. By this you have to create seven more autonomous councils.

MR. SPEAKER : Dr. Rongpi, you have made your point. We are running short of time.

DR. JAYANTA RONGPI : Sir, I am concluding. Therefore, I request the Government to defer this Bill. I request the hon. Minister to go to the spot, talk to the people, talk to the tribal bodies, talk to the tribal authorities, talk to the representatives of the people and then come out with a comprehensive Bill. That is why I request that the whole House should extend its support...*(Interruptions)*

MR. SPEAKER : Your notice was received very late. Next time you send the notice on time.

(Interruptions)

PROF. RASA SINGH RAWAT (Ajmer) : Sir, let me speak...*(Interruptions)*

[Translation]

SHRI NITISH KUMAR (Barh) : Mr. Speaker, Sir, on the basis of information given to this House by Dr. Rongpi and the demands raised by people, I would like to know the criteria for inclusion of any particular group of castes in the list of Scheduled Castes and Scheduled Tribes. There is a provision of reservation for the SCs and STs everywhere in the Constitution of India and that is provided in proportion to their population. New castes and a groups are included in the list of Scheduled Castes and Scheduled Tribes frequently but the percentage of reservation has not been increased and is still lying unchanged. A tendency is increasing to join that group of castes. The reason behind it is to get the benefit of reservation from the backlog of SCs/STs. Such a demand is made for this purpose and also to rectify the fault incurred in the beginning to include some castes in the above list. But Dr. Rongpi has said something. I do not know whether the Ordinance promulgated to include a group of Castes, for which now a Bill is being brought forward was promulgated by the previous Government it is the present Government, which is introducing the Bill. Have they applied their mind in this regard or not? If whatever Dr. Rongpi has said, is correct, it will develop a horrible situation *(Interruptions)* It also relates to a Constitutional point because as per the provisions of the Constitution, Scheduled Castes and Scheduled Tribes are provided the facility of reservation in proportion to their population. This provision is not applicable on OBC. OBC has been given more or less 50 percent weightage while SCs and STs have been given 100 percent weightage. Therefore, Constitutional Point is involved in it. If you included any particular caste in the list of SCs and STs, their population will increase but the percentage of the reservation remains the same. The percentage of reservation for SCs and STs is limited.

Therefore, if you intend to include any group of castes in the list, a comprehensive approach should be adopted. If, without taking all aspects into consideration, you include any prominent caste in the list, a horrible situation will emerge. Shri P.R. Dasmunsi is informing that these castes exist in Bengal also...*(Interruptions)*

[English]

MR. SPEAKER : A point can be raised at this stage, only by giving a proper notice. You cannot raise it just like that. Everybody cannot raise this issue.

[Translation]

SHRI NITISH KUMAR : I am concluding.

If such a tendency develops, will anybody remain in limit?...*(Interruptions)*

MR. SPEAKER : He has already given notice. Therefore, he is speaking. It cannot be allowed.

SHRI NITISH KUMAR : If a particular caste is included in the SC/ST list, a strange atmosphere and a strange situation will arise. Therefore, I would like to request you to ponder over the matter at your level as to what was Dr. Rongpi's as well as the Government's intention behind this statement. First, call a meeting of all the parties to discuss the matter, then introduce this Bill because heaven is not going to fall. Therefore, the Bill should not be introduced.

PROF. RASA SINGH RAWAT (Ajmer) : Mr. Speaker, Sir, before introducing this Bill, I would like to state that we also advocate for social justice and social equality but the Bill introduced by the party which claims itself to be the Champion of social justice is not the comprehensive one. It is said that several State Governments have written to the Union Government for inclusion of some castes and several castes and group of castes have demanded their inclusion in SC/ST list. Separate Bills for inclusion of separate castes are being introduced one by one. The honble Minister of Welfare, Shri Sitaram Kesri had given assurance that Scheduled Caste Commission or Scheduled Tribe Commission will visit every State in this regard and make a list of castes or group of castes to be included in the list of Scheduled Castes and Scheduled Tribes and only then a comprehensive Bill will be brought forward. Therefore, I would like to request you to bring a comprehensive Bill so that new problem may not arise everytime for inclusion of a particular caste and as my friend has said, full information should be given to all of us as to what necessity compelled you to bring this Bill. Therefore, this Bill should not be introduced today...*(Interruptions)*

[English]

MR. SPEAKER : This is a Bill which has to be introduced. A notice has been given by the hon.

Member, objecting to the introduction and so, I am allowing that. It is not a debate where I have to allow everybody. How can you do that? Shri Rawat has given a notice and therefore, I have allowed him to say his point. I cannot allow everybody to speak here.

Now, Shri Ramoowalia please.

SHRI BALWANT SINGH RAMOOWALIA : Sir, I have heard with rapt attention the views and concerns expressed by some of the hon. Members of the House about the inclusion of Koch-Rajbongshi people in the list of Scheduled Tribes. It can be considered at the time of consideration stage when the discussion will take place on the Bill, in the coming days. But you have directed me to briefly explain why the Government is introducing the Bill, so, I will not take much time of the House. I know the constraint through which we are to pass today because other issues are very important. (Interruptions) The Ordinance was issued on 27th January, 1996. As the period had expired, the Ordinance was promulgated again.

SHRI NITISH KUMAR (Barh) : Why?

SHRI BALWANT SINGH RAMOOWALIA : Because the Parliament was not in session.

[Translation]

SHRI NITISH KUMAR : Please tell us what is the urgency in it? The demand for inclusion has been made in the case of many other castes also.

MR. SPEAKER : Please listen to him.

(interruptions)

[English]

SHRI BALWANT SINGH RAMOOWALIA : Please listen to me. (Interruptions) Let me complete. I am coming to urgency.

Now if my Government allows the present Ordinance to lapse then after 3rd July, the Koch-Rajbongshi people would have neither been in the list of Scheduled Castes nor in the list of Scheduled Tribes. They would have been nowhere. So, I seek the permission of the House to introduce the Bill.

You have already directed the Government. I assure you that my Government will take into consideration the sentiments expressed by every member of the House during the discussion. The Government is not only concerned with but is also committed to the welfare of the Scheduled Castes and the Scheduled Tribes, so I may be allowed to introduce the Bill. (Interruptions)

MR. SPEAKER : I am helpless. Mr. Nitish Kumar, you have been presiding over this House for a long time.

[Translation]

SHRI NITISH KUMAR (Barh) : No, there is a point. If any caste is included in the list the population may increase but reservation is not being increased in that proportion.

MR. SPEAKER : Rule, 72 is very clear. At this stage, it can be opposed on the ground that the Bill initiates legislation outside the legislative competence of the House.

The matter has not been opposed on the ground of legislative competence of this House.

(Interruptions)

MR. SPEAKER : The Minister is permitted. Anyway it can be introduced with the leave of the House.

(Interruptions)

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for the inclusion of Koch-Rajbongshi in the list of Scheduled Tribes specified in relation to the State Assam."

The motion was adopted.

SHRI BALWANT SINGH RAMOOWALIA : I introduce the Bill.

MR. SPEAKER : At the time of discussion of the Bill, amendments can be brought.

15.19 hrs.

STATEMENT RE CONSTITUTION
(SCHEDULED TRIBES) ORDER (AMENDMENT)
THIRD ORDINANCE, 1996—LAID.

[English]

THE MINISTER OF WELFARE (SHRI BALWANT SINGH RAMOOWALIA) : Sir, I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Constitution (Scheduled Tribes) Order (Amendment) Third Ordinance, 1996.

15.20 hrs.

(Deputy Speaker in the Chair)

[Translation]

SHRIMATI SUSHMA SWARAJ (South Delhi) : Mr. Deputy Speaker, Sir, please allow me to speak only for two minutes. I would like to share my personal happiness with the House which I am feeling on