

**Title:** Introduction of the Constitution Scheduled Castes Orders (Amendment) Bill, 2001.

**12.09 hrs.**

**MR. DEPUTY-SPEAKER:** Now, the House will take up item No. 20. Shrimathi Maneka Gandhi.

...(Interruptions)

**SHRI PRIYA RANJAN DASMUNSI (RAIGANJ):** Sir, this is an important Bill pertaining to the interests of Scheduled Castes. ...(Interruptions) The hon. Minister is conspicuously absent today. ...(Interruptions) The West Bengal's Government and the Assembly's unanimous recommendation to include chain community has not been accepted and it has been excluded from the list. ...(Interruptions) The Minister's total negligence towards this matter is evident now. ...(Interruptions) This is a Constitution Amendment Bill pertaining to the interests of the Scheduled Castes. ...(Interruptions)

**SHRI BASU DEB ACHARIA (BANKURA):** This is an important Bill. ...(Interruptions)

**MR. DEPUTY-SPEAKER:** If the House agrees, we will go to the next item.

...(Interruptions)

**MR. DEPUTY-SPEAKER:** We will take up next item.

...(Interruptions)

**श्री रामजीलाल सुमन (फिरोजाबाद) :** उपाध्यक्ष जी, यह डिपार्टमेंट एससीएसटी के सवाल पर कभी गंभीर नहीं हो पाता है।<sup>१</sup> (व्यवधान)

**डॉ. रघुवंश प्रसाद सिंह (वैशाली) :** उपाध्यक्ष जी, यह एससी से संबंधित विधेयक है और मंत्री जी उपस्थित नहीं हैं। लगता है सरकार इस सवाल पर गंभीर नहीं है।<sup>१</sup> (व्यवधान)

**श्री रामजीलाल सुमन :** उपाध्यक्ष जी, सरकार एससीएसटी के मामले में गंभीर नजर नहीं आती है।<sup>१</sup> (व्यवधान)

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**SHRI PRIYA RANJAN DASMUNSI :** If the Minister cannot come, then she should authorise some other Minister to introduce the Bill, under intimation to the hon. Speaker. ...(Interruptions) That is the practice. ...(Interruptions)

**MR. DEPUTY-SPEAKER:** The hon. Home Minister is on his legs.

...(Interruptions)

**MR. DEPUTY-SPEAKER:** Please hear the Home Minister.

...(Interruptions)

**SHRI PRIYA RANJAN DASMUNSI :** It shows the total negligence of the Minister herself towards the interests of Scheduled Castes. ...(Interruptions)

**MR. DEPUTY-SPEAKER:** Let us hear the hon. Minister.

...(Interruptions)

**SHRI PRIYA RANJAN DASMUNSI :** Sir, it shows the total neglect of the interests of the Scheduled Caste and Scheduled Tribes people by the hon. Minister herself. Why is she not present in the House at the time of introduction?... (Interruptions) We cannot agree to it. We want to know whether she sought advance permission from the Speaker or not.... (Interruptions)

**MR. DEPUTY-SPEAKER:** Kindly take your seats.

...(Interruptions)

**डॉ. रघुवंश प्रसाद सिंह :** उपाध्यक्ष महोदय, अनुसूचित जातियों से संबंधित मामले को सरकार गम्भीरता से नहीं ले रही है।<sup>१</sup> (व्यवधान)

**SHRI PRIYA RANJAN DASMUNSI :** Sir, kindly inform us whether she sought the special permission from the hon. Speaker for her absence at the time of introduction of such an important matter related to Constitutional Amendment. It is not a light matter. It is related to the Scheduled Castes and Scheduled Tribes.... (Interruptions) We cannot agree to it. If permission was sought, we will sit down. If permission is not sought, I feel it is a total neglect of the interests of the Scheduled Caste and the Scheduled Tribes by her.... (Interruptions)

**MR. DEPUTY-SPEAKER:** I will find out. I will inform you whether she has written to the hon. Speaker on that or not.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : I want to know from the Treasury Benches whether permission was sought from the hon. Speaker or not. That is all....(*Interruptions*)

SHRI MADHAVRAO SCINDIA (GUNA): This shows the total disregard to and contempt of the House....(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : This is contempt of the House. When it is listed in the Order Paper, she should have been present here.â€¦ (*Interruptions*)

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): Sir, I only want to apologise. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: He wants to apologise to the House. I am on my legs. Please take your seats.

SHRI PRIYA RANJAN DASMUNSI : Does he apologise to the House on behalf of the Minister concerned?...(*Interruptions*)

MR. DEPUTY-SPEAKER: Please hear him for a moment.

...(*Interruptions*)

SHRI ANIL BASU (ARAMBAGH): This is a constitutional amendment. The Minister should have been present here....(*Interruptions*)

MR. DEPUTY-SPEAKER: I will find out whether she has written to the hon. Speaker or not. He wants to say something now. Please hear him.

SHRI L.K. ADVANI: Mr. Speaker, Sir, I share the concern of the House. This is a lapse on the part of the Government. On behalf of the Government, I apologise for the absence of my colleague and Minister.

I would seek the indulgence of the House and your permission. We get her to attend. If she is not in a position to attend, we will get the authorisation for someone else to present this important Bill. This may be permitted.

SHRI MADHAVRAO SCINDIA : She must first express her regrets to the House.

SHRI L.K. ADVANI: I have already said it.

MR. DEPUTY-SPEAKER: We will go to the next item now.

**संचार मंत्री (श्री राम विलास पासवान)** : उपाध्यक्ष महोदय, सरकार की तरफ से एक महत्वपूर्ण बिल इंट्रोड्यूस होने जा रहा है। होम मिनिस्टर साहब ने रीग्रेट कर दिया है। मैं समझता हूँ कि आपको यह बिल इंट्रोड्यूस करने की परमिशन देनी चाहिए। **वे** (ब्यवधान) चेयर को यह अधिकार है कि वह इस बिल को इंट्रोड्यूस करने की परमिशन दे। **वे** (ब्यवधान)

MR. DEPUTY-SPEAKER: She has already come. She may introduce the Bill now.

**श्री सुन्दर लाल तिवारी** : उपाध्यक्ष महोदय, पहले वह माफी मांगें।

**उपाध्यक्ष महोदय**: वह एपॉलॉजाइज कर रही हैं और आप सुनते नहीं हैं।

SHRI PRIYA RANJAN DASMUNSI : We take into account the spirit of the hon. Home Minister's statement. The hon. Minister owes an apology to the House.

THE MINISTER OF STATE OF THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI MANEKA GANDHI): I apologise deeply for coming late....(*Interruptions*) For some reason, I was mistaken in believing that it would come up at 12.30 p.m. I apologise for that.

MR. DEPUTY-SPEAKER: Please listen.

SHRIMATI MANEKA GANDHI: Sir, I beg to move for leave to introduce a Bill further to amend the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962 and the Constitution (Pondicherry) Scheduled Castes Order, 1964.

I also inform the House that Clause 2 of the Bill, which is to be printed in thick type, inadvertently has not been printed.

MR. DEPUTY-SPEAKER : Motion moved :

"That leave be granted to introduce a Bill further to amend the Constitution (Scheduled Castes) Order 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962 and the Constitution (Pondicherry) Scheduled Castes Order, 1964."

**डॉ. रघुवंश प्रसाद सिंह :** उपाध्यक्ष महोदय, यह बिल अनुसूचित जातियों की भलाई के लिये लाया जा रहा है और इसके लिये सरकार से बहुत दिनों से आश्वासन मिल रहा था। बिहार और उत्तर प्रदेश में नोनिया जाति के लोग मिट्टी आदि का काम करते हैं जबकि मल्लाह जाति के लोग मछली मारने का काम करते हैं। इन दोनों की सामाजिक और आर्थिक स्थिति ऐसी है कि इनको अनुसूचित जाति में रखा जाना चाहिये। देश के अन्य राज्यों, यथा- पश्चिम बंगाल में दोनों जातियां अनुसूचित जाति की श्रेणी में हैं। इस संबंध में बार-बार लिखा-पढ़ी की गई है और विभाग से हमें आश्वासन भी मिला है कि इस पर विचार कर रहे हैं और इसे जल्दी ही करेंगे। इसके लिये राज्य सरकारों ने अनुशंसा भी की है। (व्यवधान)

**उपाध्यक्ष महोदय :** रघुवंश प्रसाद जी, अभी बिल इंट्रोडक्शन स्टेज पर है, इस पर आब्जेक्शन हो तो कहिये, अभी बिल पर बोलना नहीं है।

**डॉ. रघुवंश प्रसाद सिंह :** उपाध्यक्ष जी, इस बिल में पान,सावासी, पनर जातियों का जिक्र है लेकिन नोनिया और मल्लाह जातियो को छोड़ दिया गया है। यहां बार-बार आश्वासन मिलने के बाद भी इन दोनों जातियो को अनुसूचित जाति की श्रेणी में सम्मिलित नहीं किया गया है। इसलिये मैं इस बिल का प्रतिवाद करता हूं। सरकार स्पष्ट करे कि इन दोनों जातियों को इस विधेयक में शामिल किया जायेगा। (व्यवधान) उपाध्यक्ष जी, सरकार स्पष्ट करे कि वस्तुस्थिति क्या है और इन दोनों जातियो को क्यों छोड़ दिया गया है?... (Interruptions)

MR. DEPUTY-SPEAKER: Shri Adhir Chowdhary, you cannot speak at this stage.

...(Interruptions)

MR. DEPUTY-SPEAKER: Shri Basu Deb Acharia, you are a senior Member.

...(Interruptions)

MR. DEPUTY-SPEAKER: He has expressed his objection in writing.

...(Interruptions)

MR. DEPUTY-SPEAKER: You have to give it in writing to speak at the introductory stage. It is only at the introductory stage. You can speak at the time of discussion. Do not do this now?

...(Interruptions)

MR. DEPUTY-SPEAKER: Shri Dasmunsi, you would have given your objection in writing to speak at the introductory stage.

...(Interruptions)

MR. DEPUTY-SPEAKER: Hon. Members have full liberty to participation in the discussion, but not at this stage. The Bill is at the introductory stage.

...(Interruptions)

MR. DEPUTY-SPEAKER: Shri Basu Deb Acharia, you cannot speak at this stage. What is this?

...(Interruptions)

SHRI BASU DEB ACHARIA : The Government should have brought a comprehensive Bill. ... (Interruptions)

MR. DEPUTY-SPEAKER: Shri Adhir Chowdhary, this is at an introductory stage. You can participate in the discussion later.

...(Interruptions)

MR. DEPUTY-SPEAKER: Will you please resume your seat?

...(Interruptions)

MR. DEPUTY-SPEAKER: Dr. Raghuvansh Prasad Singh, you have already stated what you wanted to say.

...(Interruptions)

SHRIMATI MANEKA GANDHI: Sir, even though at this stage, I should be just asking leave to introduce the Bill, I would like to say something for two minutes before I ask for leave.

Many Members are going to say, namely, Dr. Raghuvansh Prasad Singh, that did you not include this and did you not include that. In 50 years, there was really no inclusion of any sort because there were no modalities worked out on as to how a particular caste should be included or unincluded. In 1998, when I became the Minister, for the first time, modalities were made.

After this, modalities are simple now. A request comes from the State and that the same is immediately sent to the Registrar General of India (RGI). When the RGI passes it, it goes to the Commission. As soon as the Commission

clears it, it comes to us. This has been a longish procedure which we have been trying to tackle as quickly as we can. Some States have sent their full list but the RGI does not have staff to look at them. Sometimes, the RGI says 'yes' but the Commission says 'no'.

Then, it gets reverted back to the State. So, I assure you that each caste and community is being pursued actively. In fact, the Registrar General said, "I do not have an anthropologist to study it." He did not have expert people in this field. ...*(Interruptions)* Then, I gave him consultants from my side last year so that he could do this very quickly.

We have tried to do something that has not been done for the last 50 years. In this connection, there will be a series of Bills coming in. This is the first lot that has been cleared by all three and by the Cabinet. Now, it has been brought here as quickly as possible.

SHRI BASU DEB ACHARIA : When would the next lot come? ...*(Interruptions)*

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution (Scheduled Castes) Order 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962 and the Constitution (Pondicherry) Scheduled Castes Order, 1964."

*The motion was adopted.*

**SHRIMATI MANEKA GANDHI:** I introduce\* the Bill.

\* Introduced with the recommendation of the President.

**1221 hrs**