

Fourteenth Lok Sabha

Session : 9

Date : 04-12-2006

Participants : [Meinya Dr. Thokchom](#), [Kumar Shri Shailendra](#), [Kyndiah Shri Paty Ripple](#), [Kyndiah Shri Paty Ripple](#)

an>

Title: Discussion on the motion for consideration of the Constitution (Scheduled Tribes) Order Amendment Bill, 2006. (Bill Passed).

MR. DEPUTY-SPEAKER: The House shall now take up Item No.12. Shri P.R. Kyndiah...
(Interruptions)

MR. DEPUTY-SPEAKER: Nothing else will go on record, except the hon. Minister's speech.

(Interruptions) ...*

THE MINISTER OF TRIBAL AFFAIRS (SHRI P.R. KYNDIAH): Sir, I beg move:

“That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Bihar, as passed by Rajya Sabha, be taken into consideration.”

Mr. Deputy-Speaker Sir, the issue under consideration is essentially to rectify the incorrect spelling of Lohara community as Lohar in the Hindi version of Scheduled Tribes List in Bihar by substituting it with Lohara.

This error came about with the passing of the Scheduled Castes & Scheduled Tribes Orders (Amendment) Act 1976.

Sir, the list of Scheduled Tribes in Bihar was first notified vide Constitution (Scheduled Tribes) Order 1950. Thereafter, the list was amended with the SC & ST Order (Amendment) Act 1956.

In both counts, the item under consideration stood as Lohara or Lohra at Item No. 20 of the List of Scheduled Tribes in Bihar. The change occurred only in the Act of 1976 in the case of Hindi version only and not in English. There was no insertion on conscious decision to make any change at all.

-
- Not recorded

The then Ministry of Welfare on 6.1.1995 issued a corrigendum to notify clarification to substitute the word Lohar by the word Lohara in the Hindi version. The matter came up in

the Supreme Court. During arguments, the Ministry of Tribal Affairs intimated that it would bring an appropriate Amendment in the Hindi version of SC & ST Order (Amendment) Act 1976 regarding Lohar community

Sir, Lohar is a distinct group falling under UBC and there has been consistent attempt by Lohars to be treated as Scheduled Tribes and obtain constitutional benefit meant for genuine Scheduled Tribes.

Thus, it became necessary to amend the Order as existing in Hindi notification No.108 of 1976 dated 18.9.1976 (published on 1.10.1979) to read as Lohara. [\[r14\]](#)

MR. DEPUTY-SPEAKER: Motion moved:

“That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Bihar, as passed by Rajya Sabha, be taken into consideration.”

... (*Interruptions*)

MR. DEPUTY-SPEAKER: Dr. Thokchom Meinya.

... (*Interruptions*)

उपाध्यक्ष महोदय : यह मुझे पता है कि एलाउ करना है या नहीं।

...(व्यवधान)

उपाध्यक्ष महोदय : आप क्यों बोल रहे हैं, यह रिकॉर्ड में नहीं जा रहा है।

(*Interruptions*) * ...

श्री बसुदेव आचार्य (बांकुरा) : महोदय, इसे रिकॉर्ड में जाना चाहिए।...(व्यवधान)

उपाध्यक्ष महोदय : इस बिल के बाद मैं आपको दो मिनट का समय दूंगा , तब आप अपनी बेंत कह लेना।

...(व्यवधान)

-
- Not recorded

MR. DEPUTY-SPEAKER: I have allowed him. It is the privilege of the Chair to allow or not to allow. Please sit down.

... (Interruptions)

DR. THOKCHOM MEINYA (INNER MANIPUR): Mr. Deputy-Speaker, Sir, I rise to support the Bill moved by the hon. Minister Shri P.R. Kyndiah further to amend the Constitution (Scheduled Tribes) Order, 1950, to modify the list of Scheduled Tribes in the State of Bihar, as passed by Rajya Sabha.

The Bill is very simple and explanation is very clear. It only means to substitute the word 'Lohar' by the correct one, that is, 'Lohara'. There is some mistake in spelling in two Tribes, namely, 'Lohara' and 'Lohar'. The Minister has proposed this Bill to remove this ambiguity and to rectify the mistake in spelling and thereby taking out the Tribe 'Lohar' which is in the OBC List.

Due to this misspelt word, there has been some attempt to misunderstand the difference between these two Tribes. Our country is very vast. There are many Tribes. In different parts of the country, different dialects are spoken. Once we write these dialects in English or in Hindi – while translating this into English or Hindi – certain mistakes are always there in spelling and these stand to be corrected so that there is no confusion while referring to items listed in Scheduled Tribes as well as in Scheduled Castes. This has to be rectified and this Bill proposes to do this simple thing. By passing this Bill, we will do a very good service to our brothers in Bihar who are otherwise misunderstood amongst themselves.

With these few words I conclude by saying that I support the Bill; the hon. Minister has done a right thing.

श्री शैलेन्द्र कुमार (चायल) : माननीय उपाध्यक्ष जी, आपने मुझे संविधान(अनुसूचित जनजातियां) आदेश संशोधन विधेयक, 2006 पर बोलने का अवसर दिया, इसके लिए मैं आपका आभारी हूँ।

संविधान (अनुसूचित जनजातियां) आदेश, 1950 के बिहार राज्य की अनुसूचित जनजातियों की सूची में परिवर्तन और संशोधन करने के सम्बन्ध में यह विधेयक है। जैसा अभी माननीय मंत्री जी ने इस विधेयक को संशोधन के रूप में रखा है। लोहार शब्द को इसमें संशोधित करके लोहारा करने के लिए यह विधेयक आया है। जहां तक लोहार जाति कि बारे में हमारी जानकारी है, हमारे उत्तर प्रदेश में जो लोहे का व्यापार करते हैं, विश्वकर्मा समाज के लोग हैं, उनको लोहार कहा जाता है और लोहारा जनजाति हो सकता है कि कोई जनजाति हो। मान लीजिए कि गलत तरीके से लोहार जाति को यह सुविधा मिली हो तो अगर इसे परिवर्तित करके लोहारा किया जाएगा तो उनकी भावनाओं को ठेस पहुंचेगी। यह बात सत्य है कि सभी माननीय सदस्यों के क्षेत्रों में लोहार कामगार हैं, जिनकी माली हालत खराब है। लोहे का सामान बनाकर अपना जीवनयापन करने के अतिरिक्त उनके पास कोई अन्य रोजगार नहीं है। ऐसे लोगों को भी इसका लाभ देना चाहिए और लोहारा जनजाति जो आदिवासी हैं, जो संशोधित किया जा रहा है, उनको भी इसका लाभ मिलना चाहिए ताकि इन दोनों जातियों को ठेस न पहुंचे और उनका जीवन सुधरे। माननीय मंत्री जी को यह देखना चाहिए कि इन दोनों जातियों को इसकी सुविधा मिले।

SHRI P.R. KYNDIAH: Mr. Deputy-Speaker, Sir, it is a clear case of an error which had been crept while passing the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976. This Bill is essentially to correct that mistake. We are all one with the hon. Member, and we have a regard for Lohar community. As of now, they fall under the category of 'Other Backward Classes'. If today, Lohar community would like to become the Scheduled Tribe or perhaps that is what they feel, then they could apply to us. The issue is open to us. But, as of now, we are just correcting the typographical mistake which had occurred.

Even the Supreme Court itself, while arguing, have given us some time to make the amendment because they said that we had done it generally in 1996, and that was not sufficient. As a result of which, the Supreme Court itself asked us to go to the House. That is why, we have come here today with this Bill.

I request the hon. Members to pass this Bill.

MR. DEPUTY-SPEAKER: The question is:

“That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Bihar, as passed by Rajya Sabha, be taken into consideration.”

The motion was adopted.

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

The question is:

“That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill

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

SHRI P.R. KYNDIAH: I beg to move:

“That the Bill be passed.”

MR. DEPUTY-SPEAKER: The question is:

“That the Bill be passed.”

The motion was adopted.

... (*Interruptions*)

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Sir, you kindly allow me now. You have said that you would allow me. ... (*Interruptions*)

SHRI BASU DEB ACHARIA (BANKURA): Sir, whatever Prof. Malhotra has stated here is untrue. Neither Shri Rajnath Singh has been arrested nor there has been any police firing on the farmers. ... (*Interruptions*)

उपाध्यक्ष महोदय: आप लोग पहले तय कर लें कि आप दोनों में से किसने बोलना है।

श्री समिक लाहिरी (झायमंड हार्बर): दोनों बोलेंगे।

उपाध्यक्ष महोदय: एक सदस्य बोलेगा। आचार्य जी, आप पड्डैसला कर लें कि कौन बोलेगा।

... (व्यवधान)

SHRI BASU DEB ACHARIA : Sir, the House should condemn what happened in the West Bengal Assembly on 30th of November, 2006. One Member of this House went inside the Assembly. * ... They destroyed the furniture. They attacked the MLAs, and six MLAs were injured and admitted into the hospital. ... (*Interruptions*)

उपाध्यक्ष महोदय: ढूँपया एलीगेशन न लगाएं। No allegation should go on record.

... (*Interruptions*)

SHRI BASU DEB ACHARIA : Sir, they destroyed the furniture. It is nothing but an attack on a democratic institution of our country. ... (*Interruptions*)

DR. SUJAN CHAKRABORTY (JADAVPUR): Sir, it is a fact. What is the allegation in it? ... (*Interruptions*)

SHRI BASU DEB ACHARIA : Sir, it is not an allegation. We have seen it over the television. In her presence, this destruction was carried out and this vandalism was carried out. The House should condemn what happened on the 30th of November in the State Assembly. It was a black day for the

democracy of our country. Sir, we should condemn what happened there. * ... So, we should condemn this incident. ... (*Interruptions*)

(i) Not recorded
MR. DEPUTY-SPEAKER: Please sit down.

... (*Interruptions*) [R15]

MR. DEPUTY-SPEAKER: Mr. Basu Deb Acharia, your point has come on record. Now, please sit down.

... (*Interruptions*)

SHRI BASU DEB ACHARIA : Sir, vandalism has been done. It is nothing but an attack on the democratic institution of our country. This House should condemn it.

... (*Interruptions*)

SHRI SUDHANGSHU SEAL (CALCUTTA-NORTH WEST): Sir, our names should also be associated.

उपाध्यक्ष महोदय : जिस-जिस ने एसोसिएट करना है वह अपने नाम की स्लिप दे दें।

... (*Interruptions*)

MR. DEPUTY-SPEAKER: The names of Shri Sudhangshu Seal, Shri Sunil Khan, Shri Prabodh Panda and Shri Hiten Barman may also be associated with what Mr. Acharia has submitted on this issue.
