

SHRI SATYA PAL MALIK: That is agreed.

MR. CHAIRMAN: With this understanding, I believe, everybody agrees. I have already spoken that the members of those parties who have not spoken will have an opportunity to speak, very briefly.

SHRI PIYARE LAL HANDOO (Anantnag): I want to make brief sub-missions. If any speech is allowed today, that will be of the members of those parties who have not yet spoken, not of those who have already spoken.

MR. CHAIRMAN: You have not listened to me. This is the proposal of the Government.

SHRISATYNARAYAN JATIYA (Ujjain): My name is there.

MR. CHAIRMAN: There are many names, not only yours.

SHRISATYNARAYAN JATIYA: Whenever my chance to speak comes, the debate ends there. Please allow me to speak.

SHRI RAM NAIK (Bombay North): Madam, it is a coincidence that it is always happening in his case. So, I request that he should be given more time to speak as others are given... (*Interruptions*)

MR. CHAIRMAN: I have given my ruling. It is the prerogative of the Chair. The Chair tries to accommodate all Parties and as far as possible the Members. Therefore, I have heard all of you. Tomorrow when it comes, whoever in the Chair will try to satisfy as many Members as possible.

Now, if the House agrees, then we shall take up the next Bill.

SEVERAL HON. MEMBERS: Yes.

MR. CHAIRMAN: With the unanimous consent of the House, I now call upon Shri Ram Vilas Paswan to move that the Bill

further to amend the Constitution of India be taken into consideration.

16.08 hrs.

CONSTITUTION (SIXTY-EIGHTH AMENDMENT) BILL

[*Translation*]

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): I beg to move:

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

[SHRI NIRMAL KANTI CHATTERJEE *in the Chair*]

16.08 1/2 hrs.

Mr. Chairman, Sir, many Hon'ble Members have expressed their views on Constitution (Scheduled Castes) Order (Amendment) Bill, 1990. Some of the Hon'ble Members will get an opportunity to speak on it tomorrow also. This Constitution Amendment Bill is also a very important Bill. (*Interruptions*)

All the Hon'ble Members of this House are aware that there has been a long standing demand to provide constitutional status, constitutional powers and statutory powers to the Scheduled Castes-Scheduled Tribes Commission and this Constitution Amendment Bill was presented in this House during the year 1978 also, but unfortunately it could not be passed at that time. Later on, in 1979 this Bill was presented again and discussion on it was to be held on 19.7.79 but again it could not be passed due to the downfall of the Government. Today after 11 years, this Constitution Amendment Bill has been brought in the House and I would like to say only this thing to the Hon'ble Members that the present Government is determined and I would like to say it clearly that if the Hon'ble

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Members and leaders of all the parties give their cooperation on these issues, I can say it with certainty that whatever suggestions they give in regard to the upliftment of Scheduled Castes and Tribes, weaker sections of the society, will be implemented. Because, on such policy matters, especially, on the matter of weaker sections, it has already been delayed very much. The period of 43 years is not a short time and it is not proper if after such a long time the people feel disappointed on this account. I think that it is dangerous not only for the Government but for the entire country if the people of Scheduled Castes, Scheduled Tribes, minorities, downtrodden deprived of their rights and if their is feeling of disappointment among them. Therefore, when discussion on this issue was held in the morning, and Prof. Ranga tried to link it with the other issue, that I felt all that time there has not been any change in the tradition of the Congress Party Particularly in regard to the people of these communities. But I feel happy...

[*English*]

PROF. P.J. KURIEN: We have made it absolutely clear....

MR. CHAIRMAN: Please sit down. You will have your say.

[*Translation*]

SHRI RAM VILAS PASWAN: I am giving my thanks for this only. Mr. Chairman, Sir, I was giving thanks for this. In the morning, when an effort was made to link this issue with the other issues I was little apprehensive. But the Government is happy that all the Members of ruling and opposition parties are unanimous on the issue of Schedule Castes and Tribes and weaker sections of the society. Therefore, I have stated that if all of you have been cooperating with the Government though I consider this thing that the Government do not have 2/3 minority, the Government will fulfil the promises made to the people by passing these Bills in the

House. There are two points, many of our friends are saying the points about which law has not been enacted. There is a need to enact the law. Secondly the law, that has been enacted, is not being implemented. So, it should be implemented. Thirdly, there is a need to bring about a comprehensive change in the view point of our society, about which our friends have stated that problem will not be solved only by enacting a law, rather our social outlook should be changed. The issue of Scheduled Castes, Scheduled Tribes and the weaker sections of society is not just an issue concerning their welfare, but it is a problem for the nation, it is a stigma on our society. We should see such problems in this prospective only we had promised in our election manifesto that if our party comes to power, constitutional status and statutory powers will be given to the Scheduled Castes and Scheduled Tribes Commission. When the issue to extend the reservation for 10 years was raised in the House for the first time, I had stated at that time also that the Government if firmly resolve to implement it I can say this thing that whether present Government have a five year's time or one year time, as a Minister of Welfare, Minister of Labour and as a part of the Government of India, I would like that we may fulfil the promises made to the the people within a year. I can count them one by one. We have submitted that reservation may be extended for 10 years, it has been increased by the cooperation of all of you. We seek the advice of Ministry of Law to enact Prevention of Atrocities Act for Scheduled Castes and Scheduled Tribes. They have advised us that the Central Government is not under any obligation to consult the State Governments, the Central Government can issue Notification. The Central Government house issued Notification. On 30th January that constitutional status may be given to the Scheduled Castes and Scheduled Tribes Commission. The Government have brought this in the Parliament and it would be passed if all of you Cooperate with the Government. Many of our friends are saying that reservation quota has not been fulfilled during the period of 43 years because none of the officer is afraid of any action. Eligibility

criteria is changed. Some times it is said that the height should be 5 foot 6 inches but the boy is of 5 foot 10 inches; the chest should be 32 inches but a boy having chest of 36 inches is available. Then they say that education Qualification should be matriculate but a boy having M.A. qualification is available.

Even after that it is being said that he is not suitable. It is also being said that he is not reliable and capable.

[*English*]

If the suitable candidates belonging to Scheduled Castes and Scheduled Tribes will not be available, the seat will be treated de-reserved.

[*Translation*]

I had said in the morning also that Dr. Ambedkar's birth centenary is being celebrated this year. While making an announcement to this office. We had made a resolve that no reserved vacancies to what even categories they might belong to, will remain unfilled by 14th April. We are bringing forward a Legislation which will specify that officers who will try to, de-reserve reserved vacancies' will be punished. Provisions relating to land reforms should be included in the Ninth Schedule. Poor people who are being given land deeds do not get the possession of the land. In order to check such propositions this Bill is being brought forward to amend the constitutions and incorporate the provisions in the Ninth Schedule. Once this Bill is passed the land will not be able to take recourse to the courts. The people will get the ownership of the land along with the land deed. Any problem in this connection will be looked after by the Government.

SHRI JAG PAL SINGH: I, would like to suggest that after giving the land deed to the poor man, it should be the responsibility of the Government to fight the case, if any in the court of Law and ensure that the poor people get the possession of the land in the right earnest.

SHRI RAM VILAS PASWAN: We will look into that point also. We will consider all the good suggestions which would come up from various quarters in this connection. We will implement the suggestions. Under the Prevention of Atrocities Act we have written to the State Government's to set up special courts in the 12,500 districts and there should also be separate courts at places where atrocities are committed on Scheduled Castes and Scheduled Tribes. We will see that special courts are set up in the remaining 30 per cent of the districts in Rajasthan by 15th June. We will see that special courts are set up in each and every district. Dr. Ambedkar has been honoured with "Bharat Ratna". It has upgraded Government's status. It is surprising that Bharat Ratna was not awarded for 43 years to the most deserving person who framed the constitution of India. It was the first and foremost duty of the Government and we did it. Dr. Ambedkar's portrait has since been displayed in the central Hall of the Parliament. We will accept the suggestions made by the hon. Members during the course of their speech. The safai Karmacharis are being addressed as bhangis in an abusive manner. They have not so far been given the status of Safai Mazdoors. They are still carrying night soil on their heads in all the 3900 cities in the country. After 43 years we have made a resolve to engage them in other jobs in the next three years. Even after this if there is still some menial work which they are required to do, we will stop that practice also, we will ensure that flush latrines and 'Sulabh Souchalayas' are built in all the places. We will root out the very cause for which they were made untouchables. One can see in Karol Bagh that the Shoe makers get only Rs. 25 for a pair of shoe they make. Out of this amount, the leather costs Rs. 12 and the remaining amount is their labour charge. But the same pair of shoes costs Rs. 150 in the market. Then who takes the difference of Rs. 100. In order to save the shoe makers from such an exploitation, we have decided to form co-operative societies and ensure that the actual profit reaches the pockets of the labourers and no middleman takes the lion's share. This will also help people in getting shoes as

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reasonable rates.

Similarly, tens and thousands of people are working in the cottage industry. But they are working there as labourers and not as owners. Government's intentions are very clear in this regard. We had made some commitments to the people. If we had the least intention to consume time, we would have taken six months to fulfil one commitment and in this way could have taken another 6 months for fulfilling the next item. Instead of doing that we are making all our efforts to fulfill the commitments at the earliest possible. For this purpose we have brought forward three Bills at a time. The Bills relate to granting of certain facilities to Neo-Buddhists and the Scheduled Castes and Scheduled Tribes and Land Reforms. Besides, these Bills relate to welfare of Scheduled Castes and Scheduled Tribes and those sections of the society who have been subjugated for thousand of years, who have been bound by fetter and whose voice has been suppressed. It is the labour class which has been denied the dignity of labour and have been made downtrodden with the result the growth of the country got hampered. We have, therefore, made a resolve that we will give them the dignity of labour. We stick to the slogan that people capable to earn will earn and people who indulge in exploration will totally be wiped and a new era will come. That is why this constitutional Amendment Bill has been brought forward which should grant statutory status to the commission of Scheduled Castes and Scheduled Tribes.

I had mentioned this very point in the House in last December also. Now two things are under consideration, one is the Commission of Scheduled Castes and Scheduled Tribes and the other is the office of the Commission of Scheduled Castes and Scheduled Tribes. But nothing substantial is being done. Though reports are being prepared honestly, the report is not being submitted to Parliament on time. Even if the report is submitted in the Parliament, no

discussion is being held on the report. Even if a discussion is held, the Commission has no powers to implement the discussions. For example a thief before proceeding to commit a chest, takes some chappatis with him. In case he encounters a dog which might bark at him, to divert his attention he drips some pieces of the chappatis before it. This helps the thief in committing the theft easily. Similar is the case with spending huge sums in the name of Scheduled Castes and Scheduled Tribes. A sum of Rs. 1000 crores was spent in the Fifth Five Year Plan followed by Rs. 5000 crores in Sixth Five Year Plan, Rs. 10,000 crores in Seventh Five Year Plan. Even after spending Rs. 16,000 crores during these Plan periods, we have not been able to list 16 lakh Adivasis above the poverty line. As such, we have decided that benefits of money being spent. On development work for Adivasis should reach them direct. I would like to cite one more example. In the national highway project, though there are ample avenues of employment, but the Adivasis cannot avail any such opportunity. Similarly, electricity is being supplied to Adivasis, but they do not get it. It is being diverted to other places and the Adivasis are being shown as beneficiaries paper only.

There is no dearth of leaders and policies in this country. But what is lacking, it is the intention. As long as intentions are not clear, nothing can be done. Now I would like to request the speakers to come up and count the achievements of the Government and thereafter make their suggestions. We will welcome them. With this thing in view we came with the Bill for making the Commission for Scheduled Castes and Scheduled Tribes more powerful. We have proposed to give the Cabinet Minister's status to its Chairman. Earlier it was only of the rank of a Secretary. Similarly we have proposed to give the status of a Minister of State to its Deputy Chairman. The Commission will not only enquire into the complaints, but also examine them. It can summon the parties. It will also send its representatives to participate in the meetings held by the Planning Commissions of various status and the Central Planning Commission while prepar-

ing plans for their respective spheres. We have already said that before taking up any major planning or project in the interest of the Adivasis, the proposal of the projects to be taken up will be discussed with the Adivasis and they will be duly consulted before taking a final decision in the matter. It should not be so that major projects will be taken up in various Areas like Dhanbad, Hazaribagh etc. and the Adivasis will be displaced from there in order to provide land for the projects. Neither they are being paid any compensation nor any employment. The people who land whose acquired became homeless. Such major project have become a course for them. The Commission has been given full authority to go into cases viz. Cases of atrocities, socio-economic matters, matters relating to reservation or other such discriminations. Some rights which have been left and have been listed and the President, from time to time.....

SHRI C.K. JAFFER SHARIEF (Bangalore North): We are happy to note the various right. Being granted to them. I want to old that they should be given the right to write confidential reports so that they can work better.

SHRI RAM VILAS PASWAN: All right you have said a right thing and I said the same thing before you came. At the same time we are making provisions for taking punitive measures against those officials who violate these instructions. Apart this a Committee has also been constituted under the Chairmanship of the Prime Minister. A committee has also been formed at the Secretaries' level. This Committee will monitor progress after every three months. We want to see that not a single seat is left dereserved on 14 April, 1991, the day of Dr. Ambedkar's birth centinory. Not a single backlog should be there. We are proceeding with this objective in view. The previous Government had claimed that they would fill up the backlog within 3 months. If the backlog could have been filled up within 3 months, why that work could not be completed during last 43 years? We have no apprehensions to your intentions. When we learnt that this work can be done within 3 months, our moral

get a boost and we set a target of 1 year to accomplish the task. Quarterly reviews will be made one after the another for class I, class II and class III posts and the number of employees in each category vis-a-vis the number of Scheduled Castes and Scheduled Tribes among them will be worked out. If the back log of posts in each category will be worked out and action will be taken to fill up all the reserved vacancies in each category.

There are a number of other castes also which have not been included in the list of Scheduled Castes and Scheduled Tribes. As you are aware, earlier the laws were being enacted by a notification from the President specifying that such and such castes in a particular States belongs to Scheduled Castes and Scheduled Tribes. For a subsequent amendments or for making any addition or deletion in the Parliament.

Due to some reasons the previous Government had taken decision that there was no need of it. But when I took charge as a Minister, I received many representations from various states stating that the condition of such and such castes was worst than that of the scheduled castes in their area and they had discriminated on the ground of caste. It was stated that although these caste belonged to Scheduled Tribes but due to some reasons they have not been included in the scheduled list. There is a general complaint of the people that some castes are included in scheduled caste in a particular district but not in other districts. Similarly, tribes in a particular district have been included in the list of Scheduled Tribes but not in other districts. The State Government have recommended to include them in the lists of S.C./S.T. and the same has been approved by the Registrar General of India. We are preparing the list and before finalising it, we have asked the Chief Minister of the States to reexamine the matter and furnish the lists of the castes which have been left out in order to facilitate us in taking decision in the matter. Besides this, if hon. Members have any additional information with them in

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respect of castes which deserve to be included in the list of Scheduled Castes and Scheduled tribes, their names should also be sent. We will definitely look into it as I promised earlier.

SHRI RAJENDRA AGNIHOTRI (Jhansi): Do you propose to complete this task within one year?

SHRI RAM VILAS PASWAN: We propose to complete this work by the end of December this year but it can be done only after receiving your suggestions in time.

SHRI RAJENDRA AGNIHOTRI : All official machinery is in your hands. I want that it should be completed under a time bound programme. (*Interruptions*)

SHRI HARBHAJAN LAKHA (Phillaur): There is a general complaint that their confidential reports are written by the officers belonging to caste Hindi such as Brahmins who are never fair to them in giving reports. It is, therefore, suggested that a provision should be made in this Bill to the effect that officers belonging to none other than that of S.C./S.T. should write the confidential reports of the employees belonging to Scheduled Castes and Scheduled Tribes.

SHRI RAM VILAS PASWAN: We have already taken decision in this regard that appropriate representation would be given to the people of the weaker sections of the society and scheduled castes and scheduled tribes at the places where policy matters are dealt with and appointments and promotions are made. We have already taken this decision. Even then, it is not the end of our goal. Now I beg to move the motion for considerations of the Bill. Discussion has to be taken on it also. If hon. Members continue to raise their individual queries then there will be no end of it. Hon. Members of all parties will speak on it and express their views. I will reply the points raised by them.

[English]

There is a reply to the debate.

[Translation]

SHRI RAM VILAS PASWAN: Now, I beg to move the motion for consideration of the Bill in the House.

SHRI CHHAVIRAM ARGAL (Morena): Mr. Chairman, Sir, the situation has assumed such a pass that the people of Scheduled Castes Scheduled Tribes are not getting reservation in the Rajya Sabha, Legislative Councils and in legislative Assemblies in proportion to their population. Reservation quota for Scheduled Castes and Scheduled Tribes is not being filled up even in the Lok Sabha Secretariat, the President Secretariat, the Vice-President Secretariat and the Prime Minister office. When this is the situation in the offices located in the capital city of Delhi, how can you ensure reservations in other offices located at other places in the country?

SHRI RAM VILAS PASWAN: Mr. Chairman, Sir, similar views, as expressed by the hon. Member, have been expressed by some hon. Members belonging to the Congress Party and hon. Shri Hukumdeo Narayan Yadav. There are no two opinions about it that the Parliament is the supreme body and the Government has no objection in bringing a Bill on the line as suggested by the hon. Members provided all the political parties approve the proposal unanimously. So far we have moved forward taking all the political parties in confidence. Our position is just like that of a cricket player who has to make run as well as save the wickets also. So we have no objection. The hon. Members are requested to take up the matter with their respective parties and obtain their concurrence. If all the political parties, be it the Congress Party or the leftist parties or for that matter any other political parties, agree to the proposal, the Government has no objection to bring a bill providing reservation for the people belonging to S.C./S.T. in the Rajya Sabha and the Vidhan Parishads. We

are of the opinion that reservation should be provided in private sector also and all organisations which receive Government aids and assistance. But in order to do it, unanimity among the political parties is required.

SHRI CHHAVIRAM ARGAL: There seems to be no basis of the announcement being made by the hon. Minister in the House. There is no provision for reservation in the Rajya Sabha and other bodies. (*Interruptions*)

MR. CHAIRMAN: No, no. You please sit down.

(*Interruptions*)

MR. CHAIRMAN: You have to sit down. I am on my legs, you please sit down. There should be no more interruption. He will also reply to the debate. If all the questions are answered right now, there will be no need of any reply. Do you want like that? Right now there should be no interruptions till he concludes his speech. After that Member will be speaking, many questions will arise and the Minister will give reply.

[*Translation*]

SHRI CHHAVIRAM ARGAL: I want clarification on one point only.

MR. CHAIRMAN: No, you please sit down. Not like this.

SHRIRAM VILAS PASWAN: Mr. Chairman, Sir, I appreciate the feeling of the hon. Member. His expectations are very high and should be high also. But it is not possible to set the things right in one stroke. It is only six months ago we came in power. How do you expect from us to set the thing right within such a short span? The Government has open mind in this regard and we are prepared to take action on the suggestions of the hon. Members and various political parties. We will implement all our promises made in our manifesto bit by bit. This bill is

aimed at providing constitutional status to the Commission so that it could work more effectively. With this hope I urge upon the hon. Members to express their views rising above party line and offer their concrete suggestions as also lend their support to the passage of the amending Bill. This bill was first introduced in 1978 but at that it was not carried. Now after a gap of 12 years, we have brought this bill in a new form. I hope you will obliged us by lending your support to this Bill.

[*English*]

MR. CHAIRMAN: There is an amendment in the name of Shri Girdhari Lal Bhargava. Is he moving his amendment?

SHRI GIRDHARI LAL BHARGAVA: (Jaipur): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1990."

PROF. N.G. RANGA (Guntur): Mr. Chairman, Sir, the hon. Minister made some reference at the very beginning of his speech. I am afraid, he was under a misapprehension. It should not be understood that we are opposed to these Bills, the last one or the present one. We were opposed to the change in the programme. The Session was supposed to have ended by Friday last. We had to agree with the Government for its extension so that these Bills also could be considered and passed. They were expected to have been considered and passed earlier and it could not be done. Then, they wanted more time and we had to agree with them. We did; but subject to certain conditions. We stated here one of those conditions. We asked them to place those papers on the Table of the House and make it possible or make it cashier and convenient for us all to cooperate with the Government for the extension of the business of the House and its duration for the consideration of all these Bills. We were not supposed to be opposed to these Bills. It is wrong for him to say that.

I did not say that.