

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 convertes also in the list of Scheduled Castes. With these words, I conclude.

MR. DEPUTY-SPEAKER: Shri P. Panchalliah.

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 extent to it:—

"Kursi teri mahima ko, gata sab sansar
Tujh par bethe ek bar jo, uska beda
paar
Kamdhenuban jati usko, manvanchhit
fal deti hai!
Saat pusht ke daridra ko too, turant hi
dho deti hai!
Gannga Yamuna Saraswati too, vair
tarni kaliyug ki hai
dukh bhangan jpap harni, too hikhevan-
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 kaliyug 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 Saho- vigha 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.

*SHRI P. 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 per cent. 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 schedule, 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 along with 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 mentality 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 Mahatmajee 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 per cent.

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 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 passing 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 latrine 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

[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-

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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 to 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 imported 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.

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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 per cent 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 being 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,