

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,

because it is a Constitution (Amendment) Bill, every Member should be told that by and large the voting will take place at 3.30 P.M. It can be five to ten minutes this way or that way. That one can understand. But if seven members want to speak, then there is no question of voting taking place at 3.30 P.M.

But my submission is that, because the Business Advisory Committee has prescribed a certain time and that has been exceeded already, even after that we should confine it to 3.30 P.M.

SHRI P. R. KUMARAMANGALAM (Salem): Mr. Deputy Speaker, Sir, as per the Business Advisory Committee, an hour and 34 minutes are still in balance. There is still an hour and 34 minutes left on this topic for discussion. The time is not over. Whoever has told you has given you wrong interpretation.....(*Interruptions*)

PROF. P. J. KURIEN (Coimbatore): Let us go by the decision.(*Interruptions*)

MR. DEPUTY SPEAKER: You must address the Chair.

PROF. P. J. KURIEN : An hour and 30 minutes are there, yet to be finished, that is what I understand. We will go by that. Secondly, I want to make a submission through you again to the Government because we want to know what is the reaction of the Government on the points raised by Shri Dinesh Singh, Shri Sathe Ji and other hon. Members from this side, supported by hon. Shri L. K. Advani and Shri Somnath Chatterjee that the papers on Bofors, the Report pertaining to(*Interruptions*) We want to know the reaction of the Government on all this (*Interruptions*)

It was only made clear in the morning not only from this side but also from the other side that the Government should place on the Table of the House all the papers regarding Bofors and A the Table of the House all the papers regarding Bofors and A 320 and also announce the terms of reference with regard to the appointment of a Judge in the

Meham case (*Interruptions*) : The government can do anything. We demanded time and again that those papers should be placed on the Table of the House, the papers have been received by the Government. It has been admitted by the hon. Minister Shri P. Upendra and also by the Prime Minister that those papers have been received and we also said that we are prepared to cooperate with the Government. I do not know what prevents the Government from placing these papers on the Table of the House. (*Interruptions*)

15.00 hrs.

SHRI SOMNATH CHATTERJEE (Bolpur): You are trying to stop the passing of the Constitution Amendment Bill. This is your real object. You do not want this Constituent Amendment Bill to be passed. Sir, on these two important Bills, repeatedly they are raising the same questions(*Interruptions*)

SHRI VASANT SATHE (Wardha): We have said the we are willing to cooperate and uptill-now you have seen that on every issue, we are cooperating. Even on this issue, we are saying that we are willing to cooperate. But, the attitude of the Government is that they do not want to place any papers on the Table of the House.(*Interruptions*)

MR. DEPUTY SPEAKER: Please take your seats. Mr. Kurien, please take your seat.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE (Bolpur): You do not want this Constitution Amendment Bill to be passed. That is your real objective... (*Interruptions*)

MR. DEPUTY SPEAKER: Will you take your seat. Mr. Kumaramangalam? I would request you not to talk to yourself in this fashion because if you are talking to each other, well, I do not know who will control or regulate the proceedings of the House. So, if you have to make any point, please make that point through the Chair so that if there is

any reply to be given, it should be possible. Otherwise, if you go on talking to each other, it becomes very difficult to regulate the proceeding. I have allowed Mr. Kurien to make a point. If one or two Members want to reply, they would be allowed. But do not talk to each other please. Yes, Mr. Kurien, you complete your point quickly...

(Interruptions)

[Translation]

MR. DEPUTY SPEAKER: If you want that the proceedings of the House should continue then do not talk to each other. If you do not want it that is another matter.

[English]

PROF. P.J. KURIEN: Sir, we have offered to the Government our cooperation in passing the Bills and just now also...
(Interruptions)

MR. DEPUTY SPEAKER: Mr. Kurien, this has been very amply made clear. You please be brief now.

PROF. P.J. KURIEN: Sir, for the last one week, time and again, we have been asking in the House that these papers should be placed on the Table of the House. We further said that our cooperation is subject to Government's reaction to our request, which I hope everybody will agree is a genuine request. Hon. Advaniji also supported it. So, I would only like to say that as long as Government do not come forward with these papers and unless they are placed on the Table of the House, we reserve our right with regard to the cooperation we have already offered. That right we reserve. I would like to know what is the reaction of the Government in this regard.

SHRI P. UPENDRA: Sir, the hon. Members opposite raised the question of laying of certain papers in the morning, and the matter is under the consideration of the Government. We have not rejected the demand. There are certain developments

regarding the Bofors Report. We will take the Leaders of the various parties into confidence. If some Reports or some papers can not be placed on the Table of the House, we will explain it to them. We will take the Leader of the House into confidence. I have the impression that the Opposition Party is fully committed to passing these two Constitution Amendment Bills and I hope they will not give an impression that they want to make it a condition precedent that to pass the Bills, first the papers should be laid on the Table of the House. I do not think this is a correct attitude. It is not a constructive cooperation at all. Today we are determined to put the Bills to vote and if at all the Congress party wants to take a different attitude, they are free to do so. If the Bill falls through, the responsibility will be on them. As regards the time for this Bill, as I have already said, the earlier bill was allotted only 2 hours, but we have spent nearly four hours on that. Because we wanted to take up both the Bills together, I thought that the first Bill need not take so much time. Now, we have already spent about 1 1/2 hours and I think in another half-an-hour or 45 minutes we could complete the consideration of this Bill and take up the voting of this Bill, so that the Members will know what time they have to be present because it requires special majority. I would request the hon. Members of Kindly conclude this debate in half-an-hour or so and take up voting of the Bill.

MR. DEPUTY SPEAKER: Now, we have the sense of the House that the time allotted for this Bill was three hours and the time taken so far is one hour and 26 minutes. Now, I would say that the voting will take place at 4 O'clock and the Members may be present in the House at that time to vote.

SHRI P. UPENDRA: The second Bill is also pending. You may kindly inform the Members so that both these Bills will have to be passed and sent to the Rajya Sabha because they are scheduled to be taken up in the Rajya Sabha because they are scheduled to be taken up in the Rajya Sabha tomorrow and the House is sitting to receive

these Bills. By 6 O'clock, we will pass these two bills.

MR. DEPUTY SPEAKER: The voting on the second Bill will take place at 6 O'clock.

SHRI KUSUMA KRISHNA MURTHY (Amalapuram): Mr. Deputy-Speaker, Sir, the Constitution 68th Amendment Bill, 1990 is a very significant Bill during the last 40 years of our independence relating to the problem of Scheduled Castes and Scheduled Tribes. Sir, for that purpose, the Constitution Scheduled Tribes Orders Amendment Bill 1990 is equally significant and that Bill was introduced by the hon. Minister of Labour and Welfare. The discussion had already started yesterday and it was left in the middle and the present Bill has been taken up for discussion. Now, we can understand that when one Bill was introduced, without completing the discussion on that Bill, the second Bill relating to the problem of the Scheduled Castes and the Scheduled Tribes was taken up. From this, we can very well understand the haste with which the Constitution Amendment Bills are taken up.

15.13 hrs.

[SHRIMATI GEETA MUKHERJEE *in the Chair*]

Madam, this Bill, which was taken up for discussion yesterday but was left in the middle, has been completed today. This kind of exercise has started now. Madam, on the one hand they are shouting at the top of their voice that they are going to do a lot for the benefit of the Scheduled Castes and Scheduled Tribes, especially during the birth Centenary of Dr. Ambedkar and on the other the way in which this Constitution Amendment Bill has been treated in a very casual manner, shows the importance given to the problems of the Scheduled Castes and Scheduled Tribes. In fact, yesterday the hon. Minister made a long speech and he almost promised moon to the Scheduled Castes and the Scheduled Tribes through his measures. In fact, we will have a forum to work together in a Parliamentary Commit-

tee. The problems of Scheduled Castes and Scheduled Tribes are known to the hon. Minister, not that they are new to him. He comes from the State, that is, Bihar where millions of Scheduled Castes and Scheduled Tribes are suffering from various kinds of humiliations, oppressions and harassments and now he has brought forward one measure which is lop-sided and incomplete because you are depriving a section of Scheduled Caste converts from getting the same benefits as other get by not including them in this List. They have not committed any sin. Unless they are prompted by political motives, when you want to bring a Bill, you should bring a complete and comprehensive Bill and treat them all on par with them. When they bring a Bill like this, one more important thing to be taken into consideration is the census of these people. Already there is a hue and cry that when once a section of the people are included, the percentage needs to be increased. That step needs to be taken.

MR. CHAIRMAN: You please don't follow the Minister to make a long speech. The time is very short. There are many many Members to speak. (*Interruptions*) I have to give time to each one of them.

SHRI KUSUMA KRISHNA MURTHY: Made, yesterday I had to initiate this discussion. Rangaji made some observations. That is why I am speaking today. This a serious matter. This Bill was brought today and discussion started.

Madam Chairperson, the hon. Minister made a lot of observations and promises and he also knows specifically that even if we bring a thousand laws here, they will not touch even the fringe of the problem of Scheduled Castes unless two pre-requisites are fulfilled in this country. The first one is, unless there is a basic change in the attitude of the people of this country, nothing could be achieved. Secondly, to give minimum safeguards guaranteed in the Constitution, whenever there is a violation, unless punitive measures are taken, nothing can be achieved. He knows it. There is no dearth of

[Sh. Kusuma Krishna Murthy]

reports, there is not dearth of recommendations and there is no dearth of high level or low level committees. Plenty of them are there. By simply bringing constitutional status to this, it does not serve any purpose.

In the Bill it was mentioned that the Commission's objective is to investigate matters relating to the safeguards, evaluate the working of the safeguards, examine specific complaints, present reports and get the recommendations implemented. These kinds of things were given when the Commission was appointed and again when the same Bill was brought on 21.7.1978 by the Home Ministry's Resolution, the Commission was formed and all these objectives were there and all kinds of duties were also there.

MR. CHAIRMAN: Please be brief. Within two minutes you please conclude.

SHRI KUSUMA KRISHNA MURTHY: Simply by giving recommendations, the purpose will not be served. We have number of reports on the problems of Scheduled Castes and Scheduled Tribes. There is *Elai Perusal* Committee Report and there is the Shilo Oao Committee Report. I also had the opportunity to associate myself personally with the previous Chairman, late Mr. Bhola Paswan Shastri, late Mr. K. Rajamallu and the present Member of Parliament, Mrs. M. Chandrasekhar, and Mr. Bikabhai, and even the present Chairman who has been appointed to this Commission, Mr. Ram Dhan. I know their feelings and their reactions about this. Recommendations and reports do not serve any purpose. Unless the recommendations are made mandatory, we will not be able to achieve the objective for which this amendment is brought. By giving simply a constitutional status, Heaven is not going to fall, we are not going to achieve anything in this country. We have seen the plight of the millions of the people and simply because they are bringing a Bill and giving a constitutional status, the problem of Scheduled Castes are not going to be solved. If

they are really sincere, the recommendations should be made mandatory and whenever there is a violation in giving minimum safeguards to the people, punitive measures must be there. The hon. Minister promised this. If he brings this also, definitely it will go a long way in tackling the real problems of the Scheduled Castes. This is an important aspect. The reports and recommendations of this National Commission should be regularly discussed. Whenever there is a violation in the implementation of the recommendations, then necessary safeguards must be provided to take penal action.

MR. CHAIRMAN: Please conclude now.

SHRI KUSUMA KRISHNA MURTHY: In the Constitution, we have provided safeguards under Article 16(4). Still we have a huge backlog. The Minister has promised to wipe out the same. But he should remember that the implementing class is the same. We have not changed the bureaucratic set-up. They are there and they are the main stumbling block.

MR. CHAIRMAN: Please conclude. Now, I will call Mr. Ram Dhan. I have given you enough time.

SHRI KUSUMA KRISHNA MURTHY: I will conclude now. This National Commission and its recommendations should be mandatory and they should be provided with punitive measures for dealing with any violation. Then only, the purpose of this Bill will serve the interest of the Scheduled Castes and the Scheduled Tribes.

[Translation]

SHRI RAM DHAN (Lalganj): Madam Chairpersons, the doubt which was raised by the Constitution makers is being removed after 42 years. This point was raised in the Constituent Assembly and at that time the Convenor of the minority Committee, Sardar Vallabh Bhai Patel, had suggested appointment of special officer for minorities and after a request by Shri Anant Sayanan Ayyangar, Baba Saheb Ambedkar restricted it to Sched-

uled Castes and Scheduled Tribes only. In Clause 3, Anglo-Indian and other backward classes were mentioned but I do not want to go into it and I also do not want to report what happened at that time in this connection.

In 1978, the Janata Party was in power. The Janata party had mentioned in its manifesto that all the objectives are not met by appointment of Commissioner for Scheduled Castes and Scheduled Tribes and therefore, a national commission should be set up. In its resolution of 1987, the Congress Government added the word 'National' before 'Commission' and said that necessary change had been made. They added word 'National' only and did nothing.

SHRI HARISH RAWAT (Almora): It was your suggestion.

SHRI RAM DHAN: It was not our suggestion. If our suggestion had been accepted, things would not have deteriorated to this extent.

I want to say that the function of both were almost the same. Therefore, all the Members of Parliament, all the parties demanded again and again that commission should have enough teeth so that they can do something. This Bill has been brought in accordance with the election manifesto of the National Front Government. I do not want to go in other things but I want to say that about the Bill which has been introduced Shri Kusum Krishna Murti has said that it is totally a repetition I have the report of the commissioner for Scheduled Castes and Scheduled Tribes for 1978. The Chairman of this Commission, Shri Bholu Paswan Shastriji, had made some suggestions. The Government proposed to introduce the 46th Constitutional Amendment Bill, which provided nothing except making some recommendations. That Bill could not be introduced. A 51st Constitutional Amendment Bill was about to be brought but before this could be done the Government fell. I had said at that time also and today I want to say to the Hon. Minister of Parliament Affairs today that it should be ensured that every

member votes for this Bill, other wise we will have to face the some consequences. It will be known as to how many members are supporting the Bill and how many members are present in the House. All this will come on record and we will come to know how much cooperation they are extending and how many members are serious in passing such an important Bill. I wanted that the suggestion made by he Shastriji should be incorporated in the Bill as they were not provided therein in the Bill introduced earlier by hon. Minister. I talked to him in this regard, he said that secretaries do not agree with it. Later I talked to the Hon. Prime Minister in this regard. I want to share with you that when this proposal of accepting the chairmanship of National Commission was made, I said that I would accept the offer only if the Commission is conferred with meaningful powers. The Prime Minister intervened. The result is three of my amendments, have been accepted by the Government which have been brought before you as Government amendments.

Without taking much time of the House, I want to say one thing more. This Commission visited the Aarwal district in Bihar alongwith BPCC Members who is the president of it, there were members of commission and also of Parliament. An employee made a complaint before them. The Dy. S.P. who was with commission told the SDO to note down the name of the employee and said that they would deal with him after the commission has left. This is the status of the commission. In the same district the district officer said that he had no time to meet the commission and if the commission wants to meet us it should visit them on such and such date and such and such time, this the state of commission. The powers of the commission whether these are of States or of the centre, are limited up to making recommendations, they are only recommendatory and not mandatory. The Congress Government do diluted the 1978 proposal and made it a mere research body in 1987. Therefore we want to inform the House of the changes incorporated in the Bill introduced now. Present hon. Prime Minister has given full

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liberty to incorporate in the Bill mandatory powers for the Commission.

I want to say that even today the bureaucracy, behaved with the Commission in the same manner in which they behave with Scheduled Castes and Scheduled Tribes. I am constraint to report these things. I do not want to repeat what I have said earlier. Due to shortage of time. I would like to place a few points before you.

The Hon. Minister dealt with the revision of the Scheduled Castes and Scheduled Tribes list yesterday and today also he made a mention of it. Efforts were made twice, regarding revision of SC/ST lists, first when Shri P. Govind Menon was the Minister of Social Welfare and secondly when the Janata Party was in power in 1978. A Committee was constituted under the Chairmanship of Shri Surajbhanji. The Committee toured the whole country during these two years to identify as to which castes should be included in this list and which should be deleted from it and then it prepared a report. But by that time that Government fell and the report of that committee could not be presented. That report is lying in the waste paper basket today. We have been reminding the Minister of Welfare Shrimati Rajendra Kumari Vajpai that she should go through this report and revise the list accordingly. The Minister told us that first, the State Governments should send their suggestions and then it would be brought before the House and thereafter the list would be finalised, I want to say that if the present Government implements this report of Surajbhan Committee, many of problems being faced in this regard will be solved.

I would like to tell you how the commission is being treated. If any employee or officer has to be punished, he is posted in this Commission. Only those persons are posted in the Commission to whom other Departments want to give punishment. (*Interruptions*) This is a joint technical cadre. It consists of Director, Deputy Director, Assis-

tant Director, Senior Investigator and Investigator and they can be transferred. The office of the Commissioner also have the employees of the rave category and all of them can be transferred in other departments. All of them are working under a Joint Secretary of the Ministry of Welfare. Until this arrangement continues it will remain as a department of the Ministry of Welfare. Therefore, the Government should give it a status of an independent body like U.P.S.C. or C.A.G., only then required improvements can be made. Otherwise stagnation of the Ministerial Staff will continue. Even the Director and Deputy Director can not be transferred from one department to other department. The fact is this that this Commission does not have any effective cadre Controlling Authority. No action can be taken against a peon and only the Ministry of Welfare can take any action I would like to say that if such type of treatment is done with this Commission, it will be useless to bring amendments in the constitution. Some people have expressed their views about bureaucracy and I would also like to say something in this regard. Some hon. Members said yesterday that adverse remarks are made in the Confidential Reports. I do not want to say anything about suitable candidate or suitability. The Ministry is doing recruitment and promotions. (*Interruptions*) Shri Bala Subramanian is an investigator and it was agreed to transfer him. (*Interruptions*) Broof the Ministry said that Commission has not right to take decision about these issues. What is the position of this Commission today? I would like to say one more thing about this Commission that some Assistant Director or Deputy Directors are working an od-hoc basis for the last five or six years as stated by the members of the previous Government. The previous Government had said that ad-hocism would not continue and they would write to the U.P.S.C. for it. what has been done by the U.P.S.C. Only officers had been posted at Dandkaranya Project. There was a proposal to post the veterinary doctors as Assistant Directors there but the Commissioner refused to take them. Such type of things are happening there. I would like to thank the hon. Minister for accepting

my three amendments. I would like to move some more amendments, which I consider necessary for smooth functioning of this Commission. Therefore, I would request you to accept these amendments also. If you accepts all these amendments it can function more smoothly. I would like to say that if this Commission works as a department of Ministry of Welfare, then there is no use of passing constitution Amendment Bills.

I would like to say that until all the State Governments, the Ministries of the Central Government and Public Undertakings have any co-operation it will remain useless. I would like to request the hon. Minister again and again that all these suggestions should be accepted by the President while framing the rules because sometimes all these things are not provided under the rules and some things are not discussed during discussions on the Bill. Therefore, I feel that in the absence of these amendment the commission can not function effectively. With these words I thank you for providing me an opportunity to speak.

[English]

MR. CHAIRMAN: As a special case, I call upon Shri K.S. Chavda as his son is ill. But I request you to be brief.

SHRI KHEMCHANDBHAI SOMABHAI CHAVDA (Patan): Madam Chair-person, I rise to support the Constitution 68th Amendment Bill, 1990. while doing so, I would like to make some observations.

Madam, I was surprised yesterday and I am surprised today also to hear the senior hon. Member, Shri Ranga and hon. Member Shri Dinesh Singh saying that they would withdraw their cooperation, if the Government does not lay all on the Table of the House the papers pertaining to Bofors Gun deal and Air Bus deal.

(Interruptions)

SHRI HARISH RAWAT: Is this the special case?

(Interruptions)

MR. CHAIRMAN: Your turn will also come.

(Interruptions)

SHRI KHEMCHANDBHAI SOMABHAI CHAVDA: Madam, I am not yielding. They said if the Government does not lay all the papers relating to Bofors Gun deal and the A-320 Airbus deal they will not cooperate. Without the cooperation of the Congress (I) Members, the Constitution Amendment Bill for setting up the National Commission for Scheduled Castes Scheduled Tribes and the other Constitution Amendment Bill for land reforms cannot be passed which everyone knows in this House. It requires a majority of the total membership of the House and a majority of not less than two-thirds of the Members present and voting. Their behaviour shows that they are not serious. They show lip sympathy for scheduled Castes and Scheduled Tribes. (Interruptions)

SHRI UTTAM RATHOD: Don't cast aspersions. (Interruptions)

SHRI KHEMCHANDBHAI SOMABHAI CHAVDA: I am not casting aspersions. It is a fact. I am dissatisfied. I have been sitting here, throughout the Session and watching your performance. (Interruptions)

MR. CHAIRMAN: Please do not involve in cross-talks.

(Interruptions)

SHRI KHEMCHANDBHAI SOMABHAI CHAVDA: It is a matter of regret that even after 43 years of Independence, the Scheduled Castes and the Scheduled Tribes are not brought socially and economically at par with the rest of the society in our country. The scheme for the post-merit scholarship, the scheme for the reservation in admission to

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the institutional educations the scheme for the reservation in the recruitment to the Government service and posts and the Office of the Commissioner of Scheduled Castes/Scheduled Tribes had worked well for some years. But when the Deputy Zonal Directors working under the Commissioner were transferred to work under the General Secretary of the Department of Social Welfare, the Office of the Commissioner of SC/ST became very weak.

Secondly, in 1985, the work relating to the welfare of Scheduled Castes and the Scheduled Tribes was transferred from the Home Affairs Ministry to the Ministry of Social Welfare. And that is also the reason why, the work became very very slow. (*Interruptions*) There is a wide gap between their preaching and the practice of the Congress (I). I will tell you one example. Mochis are not untouchables in Gujarat. They do not live in the outskirts of the villages and the slums in the cities. They draw water from the same village common well. Even *Brahmins* perform religious ceremonies in the case of *Mochis* but not in the case of scheduled castes. And yet in 1976, the Congress (I) Government, by amending the Constitutional Order, included *Mochis* in the list of scheduled castes.

My friend, Shri Ratilal Kalidas Varma, just now said that they are not untouchables and, therefore, they should be excluded from the Constitutional Order. I would like to know from Shri Ram Vilas Paswan, whether he is going to exclude *Mochis* in Gujarat from the Constitutional (Scheduled Castes) Order, 1950 and, if so, when?

The House was kind enough to grant me leave to introduce a Bill for the exclusion of *Mochis* of Gujarat from the list of scheduled castes. (*Interruptions*) This is a very important point because I got 2,13,000 votes merely on this point. They are not untouchables. But still they are taking the benefits available to the scheduled castes. That is why I defeated Shri Yogendra Makwana and

got so many votes (*Interruptions*) I am repeatedly requesting the Government to bring forward a Bill as early as possible to exclude to *Mochis* from the scheduled castes.

Now I come to another point. The State Trading Corporation and all other public sector undertakings have devised a new promotion policy—which is not based on vacancies—in order to exclude the scheduled castes from the benefit of reservation in promotions. I would request the Government that the policy should be rejected by the Government at once and instructions should be sent to the authorities concerned to scrap this new policy.

A new Ministry should be created for the welfare work relating to the scheduled castes and the scheduled tribes. It should be solely responsible for the welfare work for these people. If it is not possible, then put this welfare work under the Ministry of Home Affairs. It was very good when it was in the Home Ministry. But it was removed from the Home Ministry and put under the Ministry of Social Welfare.

I do not want to take more time as I have to go. I thank you, Madam for giving me a chance to speak.

SHRI UTTAM RATHOD (Hingoli): Madam Chairperson, it gives me a great pleasure to support this Constitutional Amendment Bill on this occasion. I do not agree with the hon. Member who just now spoke that the importance of the welfare of the scheduled castes and the scheduled tribes has been minimised by removing it from the Home Ministry to the Welfare Ministry. In the contrary, I say, the Minister, who is in charge of it, has been made responsible to look after this Ministry. It was Mr. Rajiv Gandhi who started it. I am happy that today not only a State-level Minister but a full-fledged Minister has been appointed as the Welfare Minister who is expected to look into the welfare of the scheduled castes and the scheduled tribes. The percentage of the total number of Scheduled Castes and Scheduled Tribes, as it stands today, is

21.46 per cent. Madam inspite of 43 years' efforts, we have not been able to achieve our target. He has rightly said that we could not bring them in the main stream. There is also a demand from other communities that they should be included either in the Scheduled Castes or Scheduled Tribes, especially the Vimuktha Jathis and the nomadic tribes. Though the Mandal Commission has recommended that the then communities should be included in the Scheduled Castes or Scheduled Tribes but that has not been taken care of. I want to bring to the notice of the hon. Minister and the House that so far we lost our lives, our caste men have lost their childhood. Can this House or can any Government think of bringing their childhood back so that they can go and educate themselves? No. It would not be possible and that is why, I say that all the efforts should be directed to see that by a specific, time-bound programme, all these people are brought in the national mainstream and to see that they also lead an honourable life. Yesterday when Mr. Bhartiya spoke, he said that he was very unhappy about the Congress rule. I was pained to hear that. Let me tell you that we had made a beginning at least. It was a beginning which we made. Do not expect that everything will be achieved in a time-bound programme. But at least, we did make an effort. I think Mr. Ram Vilas Paswan said that they have achieved 90 per cent of the target. May I tell Mr. Ram Vilas Paswan that the Harijan chief promoters of sugar factory are denied licences and the upper caste people are given licences during your period? Your own, Harijan brother have been denied the licences though they have got a High Court order with them. Our people have no time to look into that..

[*Translation*]

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): Who, during whose regime it was rejected?

[*English*]

SHRI UTTAM RATHOD: Mr. T.N. Sawant, the hon. Member of this House.

[*Translation*]

If we have rejected, you can set it right.

SHRI RAM VILAS PASWAN: We will do that. Why are you blaming us. The M.P. was of your party. You rejected.

[*English*]

SHRI UTTAM RATHOD: Recently, during the last one and a half months, the area of operation of this particular society was reduced and it was added to some other society and thus the licences were rejected. I would like to know as to what you are going to do about it. Secondly, fake certificates have been issued for SCs and STs. What are you going to do about it? Their appeals are pending in the High Court for more than two years. I think it is high time that the Welfare Minister takes up such issues and ask the State Governments and the High Court to expedite the judgement in such cases so that the rightful persons may not be deprived of their claims and the wrong persons who have fake certificates, which they obtain by dishonest means do not get the benefit. Fake certificates should not be allotted by the Welfare Ministry. Mr. Arvind Netam said sometime back that five tribes under Scheduled V are not properly looked after. I want the statistics of the people belonging to the tribes under Schedule V who have become IAS and IPS officers. You will find that mostly people belonging to the tribes of Scheduled VI are in these posts. There are very few in these posts from the tribes of Scheduled V. He was saying that in UP, they are not treated as STs. Madam, this is high time that they look into it and give more weightage to the tribes who are covered under Scheduled V. Some sort of accountability should be there. Mr. Ram Dhan also spoke in this regard. Let me hope that something will come up. Let me express my view. I do not mind you taking all the credit. But we should see that the poor people, the tribals, the down-trodden people, the backward people, the OBCs etc. are expecting justice from you and it should not be denied.

[Sh. Uttam Rathod]

Now, I want to speak something about the Mandal Commission. Unfortunately, action on the Mandal Commission report has been pending and I have been fighting for it since 1980. I am happy that the hon. Member who used to help me is now the Minister incharge of Welfare. Please do not wait any more. Our children are losing their age for education. Please see that something is done for them; some concession is given to them so that they can receive education and they make themselves able to have some sort of employment. Do not delay it; who knows even this Government may fall and we may again loss an opportunity. Shri Ram Dhan himself has said that twice we thought of amending the Scheduled Castes and Scheduled Tribes List, but on both the occasions, the Government fell and that is why, I am afraid, this could be that trick; for the third time it may happen. Let me hope that this would not happen and at least in the next Monsoon session, they would take it up.

Yesterday, the hon. Members, Shri Bhartiya said so many things. I was sorry that he criticised a senior Member of the stature of Prof. Ranga. We all were young at one time, as a Khalil Jibran's story goes—when you see the morning shadow, you feel that you are too big, but you realise your limitations in the afternoon, when you look to your shadow. I will only say, it was all right for his age, but do not tell it again. Do not cast aspersions on people who have fought for freedom, who have been fighting for these causes. Do not try to throw dirt at the doors of the previous Government. We have done enough. Let us try to be more sobre in the 43rd year of our independence. We are now more than forty years old.

[Translation]

We should have some sobriety. It is wrong to say that this Government is good and that Government was bad. Who are you to decide it.

[English]

Even Shri Ram Dhan says so many

things about the bureaucracy. I do not know what he was doing when he was a member of the ruling party. Why did he not raise it at that time?

MR. CHAIRMAN: Shri Nani Bhattacharya.

SHRI HARISH RAWAT: I rise on a point of order. When the time was extended, it was our impression that only Members from our side will be called, but what is now happening is that most of the extended time is being taken by the Members from the Treasury Benches. We have taken only sixteen minutes and our three Members are left. Kindly call them also.

MR. CHAIRMAN: You have fixed up the time. My policy is not to leave out any party. I am trying my level best to accommodate as many Members as possible. I am appealing to both sides also.

SHRI HARISH RAWAT: Out of the extended time, we have taken only sixteen minutes.

MR. CHAIRMAN: I know which parties have not spoken and they have to be given time.

Now, Shri Nani Bhattacharya.

SHRI HARISH RAWAT: I am not against them; kindly call them also.

SHRI NANI BHATTACHARAYA (Bengaluru): Madam, at the outset, I would express our support to this Constitution (Sixty-eighth Amendment) Bill. It is a welcome move by the National Front Government and I thank this Government for this, I particularly thank Shri Ram Vilas Paswan who has moved this Bill.

16.00 hrs.

If we go through the provision of the Bill, we see that certain safeguards were provided, certain welfare measures were made against the injustice being done with respect to the tribal people and SC/ST people.

Madam, we know fully well what is the position of the Scheduled Caste and Scheduled Tribe people in our country. They are subjected to...

MR. CHAIRMAN: The House seems to be in an unrest.

SHRINANIBHATTACHARYA: Madam, they are subjected to extreme form of exploitation, worst form of social oppression. That we all know. The other day I expressed my feeling with regard to their miserable plight. Even during the earlier regime, i.e. The Congress rule, certain measures to safeguard the interest of the Scheduled Tribes and Scheduled Caste people were taken but those measures proved to be failure. And, as you know, during the Congress regime, the atrocities were let loose by a section of upper class people against the harijans and against the SC/ST people. When Congress Government was there, many promises were made. When Congress was in the Centre, there were scenes of mass massacre of harijans, down trodden people and backward people. These were the scenes. The Congress Government at one time tried to appoint a special officer to provide protection to these Scheduled Caste and Scheduled Tribe people. But if you go deep into the problem, you will find that they took certain measures which remained on paper only and they were not implemented in practice.

MR. CHAIRMAN: Please, hon. Members it seems that we are in a class room. You kindly keep quiet.

SHRIBHOGENDRAJHA (Madhubani): Madam, please don't insult the class room. We are slightly better than that.

SHRINANIBHATTACHARYA: So, the previous Government has failed miserably to provide safeguard as regards the protection of scheduled caste and scheduled tribe people, as regards preventing the atrocities let loose by a section of upper class people in connivance with the bureaucrats and the police.

As I said earlier, I welcome this Bill but still a lot remains to be done in this Bill. I welcome this Bill particularly because, now a National Commission will be set up according to the provisions of this Bill. That Commission will be appointed by the President of India. Naturally, the Cabinet, which represents the will of the country, have got ample opportunity to advise the President regarding the functioning of the Commission, powers and other duties of the Commission which are not stated in the Bill itself.

I will not take much time of the House because I was already asked to take only two minutes. So, that two minutes had already passed. So, again I will render my support to the Bill which was moved by Shri Paswanji and I think it is a move in the right direction. If it is properly implemented and if the National Commission properly works, then definitely, we shall be able to give some relief, some succour to the down-trodden section of the Indian people.

MR. CHAIRMAN: Now, Mr. Sultanpur and after that Mr. Argal will speak.

SHRI G.M. BANATWALLA (Ponnani): would literally get only one minute from the party point of view.

MR. CHAIRMAN: I will try my level best to give you time, if at least all the Members take only five minutes each.

SHRI A.K. ROY (Dhanbad): All of them will speak from the party point of view but I would like to speak on the non-party point of view for a few minutes.

MR. CHAIRMAN: We will see whether non-partisan people can also be accommodated.

[*Translation*]

SHRI K.D. SULTANPURI (Shimla) Madam Chairperson, I support the Bill which has been introduced by Shri Ram Vilas Paswan regarding the Commission. It has not been mentioned in this Bill that what will

[Sh. K.D. Sultanpuri]

be the powers of this Commission? I know it very well that a Commission had been constituted for the Scheduled Castes earlier also. A Commissioner had also been posted there. It became clear from the views of the hon. Members that that Commission did not prove to be of any use. There is a Parliamentary Committee on Scheduled Tribes also. Its recommendations, have not been implemented so far. I would like to say that when this commission has been constituted, it should be provided full rights. This Commission should be constituted in the states also. If an officer of the Centre will not be sent there it cannot function successfully because he has to go in each district. I visited many places and seen that where atrocities and injustice have been committed on Harijans they have not been able to take and remained helpless. There same people pretends to be well wishers of Harijans and claim that they are trying for the upliftment of Harijans and tribals, but I know that these people are committing atrocities on Harijans.

16.09 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Who are the people agitating for reservation? Who are helping them? As far as Harijan are concerned, they make bricks in villages and people, who are performing Shila Pujan, are prohibiting them from entering that premises. The Harijans break stones, construct houses and produce milk but others are enjoying the benefits of their labour. In this way have atrocities have always been committed on Harijans.

I would like to submit that if you want to uplift the Harijans, quota should be reserve from them even in the Council of States. They have their reserved quota of seats in the assemblies and in the Parliament but some quota of seats in Rajya Sabha should also be reserved for them.

Dr. Baba Saheb Ambedkar made a lot

of efforts to uplift the harijans and got a quota reserved for them in different institutions, but to this date that quota has not been completed. In many institution, the reserved vacancies continue to remain vacant. You are putting all the blame on our party. Those who have defected from the Congress and joined the other side, are also saying that nothing has been done to uplift the harijans. They had made promises to the people and had been elected to the Parliament on the basis of those promises but now they are not keeping their promises. It has become necessary to plug the loopholes plaguing the system today. However, I support the Bill brought forward by Shri Ram Vilas Paswan.

All the backlog of reserved vacancies in the public undertakings, in courts and in other institutions should be cleared. Efforts should also be made to remove the injustice, wherever it has been meted out to them.

I would like to know whether this Government is meant only for making speeches. The Minister give only fake assurances, but in fact, they have done nothing. The State Governments should be directed to remove the injustice, wherever it has been done to these people. Once it is done, only then there will be some utility of this Commission, otherwise it will remain only on the papers. Besides this, the Commission should be given sole authority. That is all what I had to submit. I hope that efforts will made to stand upto all those points I have raised here.

SHRI SANTOSH BHARTIYA (Farukhabad): Mr. Deputy-Speaker, Sir, for some time I had gone out of this House for some urgent work. The hon. Member Shri Uttam Rathod has said during his speech that I should not have cast as persons on Shri Ranga as he is a freedom fighter and has lived a very long life. I would like to submit that I have not cast any as persons against Shri Ranga yesterday. What I meant to say is that he stands for a generation and a system. That system has given us a country where the honour of Scheduled Castes and Scheduled Tribes is not secure. It is always a big personality who is selected to

symbolise a thing. So I chose to make Shri Ranga the symbol of that system, which has come down in this country during the last forty years. Personally, I have great respect for Shri Ranga. He is the senior most Member of this House. I am giving personal explanation. As a person he is respected everywhere, but the system, the atrocities and the injustice he is supporting, may be symbolised by a person no less than his stature. For that matter he stands on a very high pedestal and to choose him to symbolise that system is to hold him in high esteem. I didn't mean to level any allegations against him. Only this much I would like to submit.

SHRI CHHAVIRAM ARGAL (Morena): Mr. Deputy-Speaker, Sir, I fully support the 68th Constitutional Amendment Bill seeking to make a provision for the constitution of a high powered Commission for the welfare of Scheduled Castes and Scheduled Tribes. My party also supports this Bill. This Bill has been supported by one and all and it is a very courageous step. Earlier, the National Front Government had passed a bill seeking to provide political reservation and that bill was also supported by us.

It is something commendable that the National Front Government has unveiled a portrait of Dr. Baba Saheb Ambedkar in the Central Hall of the Parliament House and conferred on him the honour of 'Bharat Ratna' posthumously. I would like to congratulate the Government and the Hon. Prime Minister for that. But I would like to submit that regarding the political reservation, the National Front Government declared through the media that it has extended the provision of political reservation for another 10 years. Article 335 of the Indian constitution contains a provision for reservation in the services, but there is no mention of a time limit. The National Front Government has made a very big mistake and it should make it clear before the entire country that in this regard there is no provision for time limit. Article 338 of the Indian Constitution provides that "there shall be a Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President. It shall be the duty

of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament. In this article references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify." The Government propose to constitute a high power Commission by amending this article. It shall consist of one Chair-person, one Deputy-Chairperson and three other Members...

MR. DEPUTY SPEAKER: All these things are known.....

SHRI CHHAVIRAM ARGAL: I would like to submit that before this, there was an S.C., S.T. Commission which worked only as post office. There is a provision of reservation for the Scheduled Castes and Scheduled Tribes. But they were not benefited even by the 5 year plans. During the first, second, third, fourth, fifth and sixth five year plans, an amount of Rs. 30.04 crores, Rs. 79.41, Rs. 100.40 crores, Rs. 172.70 crores, Rs. 296.19 crores and Rs. 1337.21 crores respectively had been spent on the welfare of Scheduled Castes and Scheduled Tribes. That amount proved to be a drop in the ocean because a part of that amount went into the pockets of corrupt officials and some part of it was surrendered. There are some provisions in the Indian Constitution which seek to provide for the upliftment of those, who are economically, politically and socially backward. The list of castes specified under article 341 should be reviewed and the castes recognised as scheduled castes and scheduled tribes in respect of a particular district should be recognised as such for the entire state. The recommendations of Suraj Bhan Committee should be implemented.

Mr. Deputy Speaker, Sir, through you .

[Sh. Chhaviram Argal]

I would like to request the Government that a 'Daridra Narayan Kosh' (Poor man's fund) should be created with an initial capital of Rs. 2000 crores for the upliftment of these classes, so that all the promises made under the India Constitution to bring all these backward classes at par with the upper castes within a period of 10 years, may be fulfilled. During the last 4 decades, the Congress Government has done, no doubt, some work for their development. However, I would like to submit to the hon. Minister that the Government wants to be given a period of only one year to complete that work. But we are ready to give it a period of 5 years. Shri Ram Vilasji, when you were in the opposition, you used to criticise the previous Government. Now when you are in the ruling party you should see to it that it does not happen that the work is not completed even in 5 years, left along one year.

Regarding the position in respect of reservation quota I would like to submit that their reserved quota in any of the categories i.e., scheduled castes and scheduled tribes has not been completed to prove my point. I can give you the figures...

MR. DEPUTY SPEAKER: Shri Argal, a lot of discussion has taken place in this regard. There is no need of insisting on all that what has been already said.

SHRI CHHAVIRAM ARGAL: The representation of Scheduled Castes in class I, Class II, Class III and Class IV, post in 4.95 per cent, 8.4 per cent, 13.44 per cent and 19.46 per cent respectively. Also the representation of Scheduled Tribes in class I posts in 1.29 per cent, in class II posts 3.90 per cent, and in class III posts 5.38 per cent only. Nothing can be done for the welfare of these socially and economically backward classes, until their quota reservation is fulfilled. During these last 4 decades no attention has been paid towards reservation. In respect of the P.Sc. and U.P.S.C. posts of short terms training, candidates of reserved categories are rejected on the ground that

they are not deserving. I would like to submit that wherever there is a vacant post, it should be filled by a Scheduled Caste candidate. You should pay attention towards clearing the backlog in the recruitment of Scheduled Castes and Scheduled Tribes to the posts reserved for them. I would like to tell the hon. Minister that the people belonging to the Scheduled Castes and Scheduled Tribes are ignored, even when one or two vacancies arise and they deserve to get it according to the roster. Similarly, promotion avenues are open for people who go on deputation, but the employees belonging to the Scheduled Castes and Scheduled Tribes are denied even that benefit. I would like to request the hon. Minister to concentrate his energies on removing all these disparities. This Government should not commit the mistake of not presenting the report of the Scheduled Castes and Scheduled Tribes Commissioner before the Parliament as done by the Congress party during 1988-89.....(Interruptions)... People belonging to the weaker sections, the Scheduled Castes and Scheduled Tribes and the depressed classes should be given equal opportunities for development. As far as the laws are concerned, they are not fully implemented as a result of which these people do not derive any benefit from it...(Interruptions)... I would like to reiterate that the Scheduled Castes and Scheduled Tribes Commissioner's report of 1988-89 was not presented in the House and the Congress Government did not take it up for discussion. The Congress party has no concern for this section of the society. Had the leader of the opposition Shri Rajiv Gandhi had any concern for this section of the society, he would have been present here today. He has no concern for the people belonging to the Scheduled Castes and Scheduled Tribes and he does not want to fulfil his responsibilities. I would like to tell the hon. Prime Minister that even he too should have been here today...(Interruptions)

MR. DEPUTY SPEAKER: You please conclude. The first and the second Bills have been taken up for discussion together. If there is any point, which you have not men-

tioned earlier, do mention it. There is no use repeating the same points. That is why these two Bills have been taken together. You please conclude within one minute.

SHRI CHHAVIRAM ARGAL: I want to say that posts reserved for the Scheduled Castes and Scheduled Tribes are not filled up. The population of the Scheduled Castes and Scheduled Tribes which was 23 per cent of the total population earlier, now stands at 26 per cent. Posts reserved for these people even in the Parliament Secretariats and the Secretariats of the State Legislative Assemblies and Council are not filled up. Similarly, the representation of the Scheduled Castes and Scheduled Tribes in Ambassadorial and Gubernatorial posts is not in proportion to their population. I would like to request to the leaders of all the political parties that they should pay attention towards this matter. Hon. Shri Ram Dhan said right now that no political party had nominated people belonging to the Scheduled Castes and Scheduled Tribes to the Rajya Sabha. I would like to tell him that the Bharatiya Janata Party is the only party which has nominated two persons belonging to the reserved category to the Rajya Sabha. They are Shri Sanghpriya Gautam from Uttar Pradesh and Shri Paswan from Bihar. Thus, what I want to say is that if there is any party which is a true well-wisher of the Scheduled Castes and Scheduled Tribes, it is the Bharatiya Janata Party. I would like to tell the leaders of all the parties that they should consider all these questions in earnest and keep it in mind that there are certain elements in this country, which are bell-bent upon creating a communal atmosphere in the country. Organisations like Jamat-e-Islami and Jammu Kashmir Liberation Front (JKLF) receive funds from foreign countries and with that fund they indulge in conversions—This should be thoroughly investigated and a blanket ban should be imposed on their activities. There should be a proper auditing of their account also... (*Interruptions*) All of us should work unitedly to protect the interests of the Scheduled Castes and Scheduled Tribes... (*Interruptions*)

Special attention should be paid towards the recruitment of people belonging to the Scheduled Tribes in Small-Scale industries and other small units. Banks should also be directed to make available loans facilities to these people without delay. (*Interruptions*)

[*English*]

MR. DEPUTY SPEAKER: Whatever you say further will not go on record.

[*Translations*]

SHRI ARVIND NETAM (Kanker): Mr. Deputy Speaker, Sir, I support the Bill moved by hon. Shri Ram Vilas Paswan. While introducing the Bill, he had said that powers would be given to the Commission, but I do not believe that the this Bill would in any way help the Commission to get more powers. However, if it gets and powers through this Bill, I support it from the core of my heart, I congratulate Shri Paswan, as there cannot be any doubts about his intentions. The problem is that it is useless to give any teeth, however strong to the Commission, unless and until you bring about changes in our system, which is controlled by the bureaucrats. The same sentiments were echoed by Shri Ram Dhan also. While drawing your attention to certain things, I would like to give you some suggestion. You are facing problems, because in the States you are either dependent on the State Governments or on your field staff. What do you propose to do about it? Unless you strengthen this machinery, the Commission would not be able to complete its task.

The second thing, I want to say is that the Government should consider setting up of a separate tribunal to look after and solve the manifold problems faced by officers and other employees belonging to the Scheduled Castes and Scheduled Tribes.

Thirdly, I want to say that there should not be any politicisation of the Commission. You should endeavor to keep it about petty politics, so that in future too, the commis-

[Sh. Arvind Netam]

sion's work does not suffer, irrespective of the Government in power.

I would like to see the establishment of strong and powerful commission. Just enlarging the composition of the commission would not do. I would consider your efforts successful, only if it works properly. That's all I have to say in this regard.

KUMARI MAYAWATI (Bijnor): Mr. Deputy Speaker, Sir, on my personal behalf and on behalf of my party, I support the 68th Constitution Amendment Bill, 1990. I would also like to thank the hon. Minister for accepting the suggestion for deleting the prefix 'Neo' attached before the term 'Buddhists' in the Scheduled Castes Order (Amendment) Bill, 1990.

I would like to give some suggestions with regard to the 68th Constitution Amendment Bill. This is an excellent Bill and is in the interest of the Scheduled Castes and the Scheduled Tribes, but I would also like to mention here that since independence, many Acts were passed and many Amendments made to safeguard the interests of the Scheduled Castes and Scheduled Tribes, but unless and until they are implemented, it would not benefit these people in any manner.

I would like to quote an example before the House. I would like to draw the attention of the House towards the meeting organised in the premises of the Vithalbai Patel House on 25th May, under the leadership of Choudhary Brahm Prakash, regarding the implementation of the Mandal Commission Report. The Bahujan Samaj Party was represented at that meeting by its President. Choudhary Brahm Prakash invited the Prime Minister for that meeting, and the latter gave his assurance to that effect. As this episode is bound to cast its shadows on the implementation of the report, I would like to bring to the notice of this House that instead of attending the meeting personally, the Prime Minister conveyed his message through a letter which was read out at the meeting by

Choudhary Brahm Prakash. I was present at that meeting. In that letter, it was written that the recommendations of the Mandal Commission would be thoroughly examined before its implementation. When our party President said that the National Front in its manifesto had promised the immediate implementation of the Mandal Commission Report upon assumption of office and now it was talking of examining the report, the Prime Minister came to know about it and changed his letter. He wrote another letter in which he said that the Government would implement the recommendations of the Mandal Commission Report within two-three weeks. It is unpleasant to say that I am afraid that this bill may not meet the same fate as that of Mandal Commission report about which Prime Minister V.P. Singh made two statements within one hour. I also do not agree with Sri Ram Dhanji's suggestion to keep this Bill outside the jurisdiction of the Welfare Ministry. I would like to remind him that every issue concerning human life which is discussed in the House is associated with some Ministry. Therefore, I feel that it would not be in the interest of Scheduled Caste and Scheduled Tribe to keep it outside the jurisdiction of Welfare Ministry. The Commission should be given full powers and kept associated with Welfare Ministry so that it may work for the Welfare of the poor and Labourers.

SHRI GIRDHARI LAL BHARGAVA (Jaipur): I support the bill introduced by the Hon. Minister and heartily congratulate Mr. Paswan for the inclusion of my suggestion in the bill in the larger interest of the nation.

SHRI RAM LAL RAHI (Misrikh): Mr. Deputy Speaker, I had been waiting for a long time and I am grateful to you for having given me a chance to say something about this Constitution Amendment Bill. Sir, I was sitting here yesterday also and had listened to the speech delivered by Miss Bharati while Shri Paswan was introducing the bill. I noticed that there was a great resentment in her speech as she thought that Congress had done nothing for the Welfare of Harijans during the previous 43 years after independ-

ence. I pity her wisdom. I wonder whether she knows the history of previous Government and their attempts in this direction.

I would like to say that a Commission was already formed by Congress Government taking cognisance of the fact that seats reserved for Scheduled Castes and Tribes in Central Services are not being filled up. This bill seeks to give greater power to that very Commission. Some of the Hon. Members have raised the issued of non-implementation of the laws and provision meant for the amelioration of the suppressed, down-trodden and poor and slave like people of scheduled castes and tribes who are without rights in every sphere of humanlife like society, economy and education and also the issue of non-completion of almost all programmes meant for them under various rules. Who were the people responsible for implementing these measures? I would like to know from the present Government whether there have not been anti-reservation agitations in different parts of the country during last six months of he existence of the Government. (*Interruptions*) Whether this Government is not responsible for this.

Mr. Deputy Speaker, I would like to remind that all the previous Congress Governments be it the Government of Pt. Jawahar Lal Nehru or Indiraji or Rajivji, had done a lot for the social reformation and economic prosperty of these people and had also brought legislations for giving reservations and other facilities to them. It is true that some of the people sitting here in Opposition, who live in villages, are of feudal tendencies and support the feudal people. They eat into the vitals of Harijans and come in way of legal help to them by influencing the Government Machinery. They are responsible for it. The previous Congress Governments of Centre as well as of the states had done their best for getting the quotas reserved for these people fulfilled. Again this reservation was extended in promotions also so that these people may reach upto higher posts. But these efforts were obstructed. Who were these who did so?

Mr. Deputy Speaker, Sir, our Deputy Prime Minister is also sitting here. His statement has come in the Newspapers. But I have no time to go in details. However, I would like to affirm that he is one who was against increasing reservation for another 10 years. (*Interruptions*).

Mr. Devial who is the Deputy Prime Minister has given a public statement that there should be no more reservations for Harijans. (*Interruptions*) Therefore, it is such people who are the root cause of the hon-implementation of the various laws and schemes meant for the Harijans. These people are full of Hatred and are behind the failure of these laws and provisions. (*Interruptions*)

Mr. Deputy Speaker, Sir, I would like to emphasize that even the Chairman of this Commission Mr. Ram Dhan and Minister himself seem to be dissatisfied with the Commission as he is introducing new amendments every now and then. It seems that though he has been successful in getting them pressurised for the formation of a powerful Commission but still he is not sure about the possibility of the formation of a commission with desirable power. It looks that the people in Cabinet are not in perfect agreement with him. I doubt that under such circumstances the Commission is bound to fail in its objective to eliminate the poverty among Harijans, the menance of untouchability in far-flung villages and abolishing their backwardness.

Mr. Deputy Speaker, not with standing my doubts, I support this Bill and wish that it should be approved. Let us see the performance of these new persons also, provided they too are not ousted within 2-3 years like previous Janata Government and all is left undone.

With these words, I support the Bill.

[*English*]

SHRI PIYARE LAL HANDOO
(Anantnag): Sir, we have today on the anvil

[Sh. Piyare Lal Handoo]

an amendment to the Constitution. It is a Constitution Amendment which is different from the amendment of any other law.

At the outset I would say that in increasing the number of amendments to the Constitution, the present Government seems to be running with an unseemly haste. What is being attempted to be done today is substituting a Constitutional authority by another authority. Earlier, Article 338 of the Constitution envisaged the appointment of a Special Officer by the President with the special purpose of ensuring evaluation of the working of the safeguards guaranteed to the Scheduled Castes and Scheduled Tribes. Instead, we are now bringing into existence a National Commission for achievement of similar objectives. The change of nomenclature without giving to this Commission an independent existence and instruments for monitoring and enforcing implementation of safeguards perhaps will not carry us far. We have had support from every quarter from every section of the House for this Bill. But every quarter has equally expressed the apprehension that it may not be sufficient to help it to achieve the objectives. Unless you bring into existence a single authority, namely, a Special officer or a Commission as envisaged by Shri Ram Dhan, perhaps it will not be able to achieve the objectives. So, I would appeal to the hon. Minister who has love for this cause and who is basing the present Bill on their declaration in the Election Manifesto, to consider in depth and have a study made as to how the real objectives can be achieved. It is true that the appointment of such a Commission was envisaged in the Election Manifesto. But in principle, unless we evolve a process of implementation of the safeguards, this Constitutional provision itself will not do anything. Article 338 of the Constitution envisaged the appointment of a Special Officer by the President and a report by him to the President to be placed on the Table of the House. That is exactly what this Bill substituting the earlier 3-clause Bill again envisages. I would like to hear the hon. Minister tell us from the word-

ing of the present article substituting the earlier one what is it that will enable us to ensure not only monitoring, but also implementation of the safeguards guaranteed to the Scheduled Castes because the complaint is not that there are no safeguards envisaged in the Constitution or the normal laws of the land, the complaint is that implementation has not been successful. The insinuation is that either they have not implemented them properly or they have not monitored or enforced implementation. We must know how the present law will enable us to ensure that there is successful implementation and no continuance of the past failures.

I would like the hon. Minister, young as he is, dynamic as he is, honest and eager as he is, to ensure that we have an instrumentality which will ensure real implementation of the safeguards for the depressed classes. He should make a pre-study, pre-examination and evolve an authority on the basis of his earlier experience so that there are no failures.

These are my submissions.

[*Translation*]

SHRI HARIBHAU SHANKAR MAHALE (Malegaon): Mr. Deputy speaker, Sir, I recall a day in 1975 when the then Deputy Speaker, Shri Gore Murari occupied this chair in the House. He had allotted me half an hour's time to speak but despite the non-availability of time today, you gave me an opportunity to speak. I feel highly grateful to you for this. Alongwith this, I recall one more thing that the owl is blind to the daylight and a crow is unable to see things at night but the Congressmen can see things neither in the broad day light nor at night. This is the only apathy. What is this Bill all about? There was no debate, what so ever, in 1972 and 1975 even when the commission submitted its report. No discussion took place and they have done the wonderful thing in just one year. The commission has been diluted now. They have, therefore, brought in the Bill and this too is full of lacunae. I would like to convey it

to the hon. Minister that this is the question of the scheduled castes and the scheduled tribes. The scheduled tribes who live in jungles and can be found in rural suburban areas as well but they are predominantly found in jungles. The scheduled castes are found in urban as well as in rural areas. Viewing from the educational point of view, the literacy rate of the scheduled castes is more than that of the tribes who are more backward than the farmer. Therefore, more attention should be paid to them. I tender an apology to Shri Sathe as a large police station area was given the status of a district and I was a member thereof. There was a large scale fraud there. The Central Minister of Scheduled Tribes Social Welfare Department was deputed to conduct an enquiry there. The Bofors issue was in the offing at that time. He came to know that the defaulters were the followers of the Congress and then he said O.K. Close the chapter; let them enjoy. Some of the Congressmen were my friends. They said that it was truly in the context of Bofors. Only they were saying it. Therefore, I thank you once again and maintain that we are ready to support this Bill. Justice may be delayed in Heavens but it is never denied. I, therefore, urge upon the hon. Minister to give more emphasis to Social Welfare but it would have been better if this work is brought under the jurisdiction of the Ministry of Home Affairs. I have been an M.L.A. for a full decade. I have been associated with the Social Welfare activities and the Scheduled Tribes committees. The committees other than the ST&SC committees were very well managed but little attention was paid to the SC&ST Committee. Therefore, I urge that it would be in better if this is brought under the Home Ministry rather than the Social Welfare Ministry and the Commission set up with regard to this Act will make it more forceful in favour of the scheduled castes and the scheduled tribes and that will be a very good thing. This is my humble demand.

THE PRIME MINISTER (SHRI VISHWANATH PRATAP SINGH): Hon. Sir, we have brought this legislation in order to give statutory status to the Scheduled Caste

Scheduled Tribes commission and to give it more powers, in view of this year being celebrated as the year of Social Justice in the memory of Bharat Ratna Baba Saheb Bhimrao Ambedkar for such socially and economically oppressed people upon whose shoulders the whole burden of the socio-economic infrastructure lies. It further provides that the Land Reform Acts should be included in the 9th schedule of the Constitution. The marginal tillers get lease deeds and papers of ownership of land but they barely get the possession thereof. This ownership of land is one of the dreams of these hard working people of the scheduled castes and scheduled tribes and that is going to be realised through this legislation. The issue of the poor is not a party issue. That is not the question of a particular party. I remember well that the members of all the political parties were present here at the time of installation of the portrait of Bharat Ratna, Baba Saheb Ambedkar and I would like to urge and request you all to treat the Bills with the same feelings and the same honour. I will not take much time but will, surely, submit to the members sitting on the opposition benches that they should not make the poor people victims of their grudges and grievances they might be having against the Government. You may punish us but our scheduled tribe brothers living in the villages today nourish certain expectations from this House. It is my humble submission to you not to act against their interest and take a decision after keeping this in mind.

SHRI VASANT SATHE (Wardha): Mr. Deputy Speaker, Sir, just now we listened to a very sentimental speech of the hon. Prime Minister..... (Interruptions)..... Be patient please.

MR. DEPUTY SPEAKER: Kindly be patient.

(Interruptions)

SHRI BHOGENDRAJHA (Madhubani): Mr. Deputy Speaker, Sir, we should not have the right to vitiate the atmosphere. One is unable to know what is being said.

[English]

MR. DEPUTY SPEAKER: I agree with you.

(Interruptions)

MR. DEPUTY SPEAKER: You are not helping the House. Please keep quiet. Please help the House to run smoothly.

SHRI VASANT SATHE: Mr. Deputy Speaker, Sir, I would like to make it very clear at the outset that so far as the question of the protection of right of the weaker sections of our country is concerned, I do not understand that anybody can claim that people like Mahatma Gandhi, Jawaharlal Nehru and Indira Gandhi, to whom our hon. Prime Minister himself. ... (Interruptions)..... considers his leaders and who have been his ideals for his political thought, were, in any way, less concerned about supporting and upholding the cause of the weaker sections of our society. We do not, at any cost want to oppose the Bill that has been brought before the House now nor we are opposing it. We want to go it on record. (Interruptions)

Mr. Deputy Speaker, Sir, we agree that one of the dreams of the esteemed Baba Saheb Ambedkar has very recently come true in the shape of the Amendment Order Bill, brought in the House by Shri Paswan, about giving more rights to the neo-buddhists. So far as the question of conferring more powers upon their Commission is concerned, I would like to make it clear that nobody will be more pleased than us if, under the leadership of Shri Ramdhan, more powers are conferred upon the Commission and a statutory status is given to it. (Interruptions) Similarly, we agree that the land reform laws are related to the farmers of this country and specially the small farmers are going to be benefited by the same. We also support the second bill moved by the Deputy Prime Minister and we want it to be incorporated in the Ninth Schedule and we wish to pass this also. We do not oppose that also. I would like to make a request to the Prime Minister regarding the discussion that is going

on in the House for the last so many days and he as well as the entire country are aware that on account of the corruption and Bofors issues he could get the office of the Prime Minister. His image has been built on account of the Bofors issue and it was built on only one issue, we have no objection to that, it is proper, it is good... (Interruptions)

SHRI VISHWANATH PRATAP SINGH: I want to say that they should not do injustice to the poor just because of their anger against the Government.

SHRI VASANT SATHE: We well know what kind of relations they have with the poor. The fact is that the name of the former Prime Minister and the leader of our party has been continuously subjected to character assassination for the last three years and the pretext of Bofors issue. (Interruptions)

SHRI MADAN LAL KHURANA (South Delhi): Do not link Bofors with the poor.

SHRI VASANT SATHE: We are not preventing you, we are simply expressing our views. (Interruptions) Mr. Deputy Speaker, Sir, it was widely proclaimed that as soon as they came to power and further in all his speeches the Prime Minister said that he would name the person within ten to fifteen days and bring everything to light. (Interruptions)

Not to talk of fifteen days, 160 days have since elapsed and despite this the names have not been disclosed till date. The second thing that I wish to say is this that all the secrets and documents are with the Swedish Government and the allegation was that we have failed in procuring them. (Interruptions)

[English]

I need time. I have taken not even five minutes.

SHRI SAIFUDDIN CHOUDHURY (Katwa): I am on a point of order.

MR. DEPUTY SPEAKER: I am allowing Mr. Choudhury to raise the point of order.

SHRI SAIFUDDIN CHOUDHURY: What we have been debating and on the verge of voting is the Constitution Amendment Bill on the Scheduled Castes Commission. Now, how all those other things, Bofors and corruption, are coming, I just want to know. It is very bad dilatory tactics. I warn the Congress-I Party that it will expose their true colours before the country.

SHRI BASUDEB ACHARIA (Bankura): Already exposed.

SHRI BHOGENDRA JHA: The procedure has been violated. I am on a point of order.

MR. DEPUTY SPEAKER: What procedure has been violated?

[Translation]

SHRI BHOGENDRA JHA (Madhubani): Mr. Deputy Speaker, Sir, my submission is that they too have no objection in passing the Constitution Amendment Bill so we may pass it and I will request the Prime Minister, who is present here that he may make a brief statement here on Bofors..... (Interruptions)

SHRI VASANT SATHE: Mr. Prime Minister, Sir, it is your great achievement that you have been able to get that report. My submission is that the report may be placed on the table of the House. Today we are being informed.... (Interruptions)

SHRI VISHWANATH PRATAP SINGH: Separate discussions may be held on this as well as that topic.... (Interruptions)

[English]

SHRI SOMNATH CHATTERJEE (Bolpur): This is totally irrelevant so far as the subject which we are discussing is concerned. (Interruptions)

MR. DEPUTY SPEAKER: Well, I think Members are trying to agree and trying to help each other. That is what I am under-

standing. But, at the same time, Mr. Vasant Sathe, you have made the point very cogently and very forcefully. I think the Members are trying to say "Let us discuss only that which is pertinent to this thing."

SHRI A.K. ROY: I am on a point of order.

MR. DEPUTY SPEAKER: O.K. Shri A.K. Roy. I am hearing your point of order.

SHRI A.K. ROY: My point of order is on the basic condition. I want to have your ruling on whether any hon. Member because he sits on the front bench has got his inherent right to stand up and say anything out of context. -

17.00 hrs.

MR. DEPUTY SPEAKER: Mr. Roy, if you want a ruling, please take your seat. I am giving a ruling. I did not want to overrule you. In the interest of the business in the House, we can conduct the business in a fashion that Members do agree. If you say that let us talk which is relevant to the subject, I think, you are not off to the mark. The Member is trying to say something. Let us understand it and the House can decide later on. (Interruptions)

[Translation]

SHRI MADAN LAL KHURANA: I have a point of order. You had fixed 2.30 PM for its voting. Act present the discussion is in respect of harijans and as such how has the question of brokerage in Bofors deal cropped up here? If someone has taken brokerage in the Bofors deal how these poor people figure in it? (Interruptions)

[English]

MR. DEPUTY SPEAKER: I think, Mr. Khurana will insist on a decision from the Chair. My decision is, your point of order is not in order. (Interruptions) If you do not speak, I will be passed early.

(Interruptions)

MR. DEPUTY SPEAKER: I have given a hint to him. You are not helping in curtailing the time taken for discussion. Please try to understand.

(Interruptions)

[Translation]

SHRI VASANT SATHE: I simply want to say that our Government and Parliament cannot be a slave or be guided by some other country. The plea taken by the Government is that they do not have the permission of Swedish Government and as such it cannot be presented. This is not acceptable to us. There goes a saying in English..... *(Interruptions)*

MR. DEPUTY SPEAKER: There is no need to quote any saying.

SHRI VASANT SATHE: Those who are born due to Bofors if they say that they will not place the papers, is not acceptable to us. Still, if the Prime Minister commits that he is willing to hand over the papers to the Speaker than we will agree. But if he is not willing to do even this much then it will not be acceptable to us. *(Interruptions)*

SHRI VISHWANATH PRATAP SINGH: Sir, Hon. Satheji has raised the issue relating to the laying of papers pertaining to Bofors. I think that this issue can be discussed separately. You allot time, the Government is prepared for a debate on it. The entire House..... *(Interruptions)* But the poor people belonging to SC/ST have no role to play in the Bofors issue, by discussing it here why should they be punished. Let us first of all serve them and thereafter we will jointly talk about Bofors.

[English]

SHRI VASANT SATHE: I am sorry. If this is the attitude of the Government, we are walking out.

17.05 hrs.

At this stage, Shri Vasant Sathe and some other hon. Members left the House

SHRI R. MUTHIAH (Periyakulam): Sir, we, the members of the AIADMK Party, are not in any way against the passing of this Scheduled Castes/Scheduled Tribes Bill. But, in protest against the attitude of the Government in denying to place on the Table of the House certain documents relating to Bofors we are also walking out.

17.05 1/2 hrs.

At this stage, Shri R. Muthiah and some other hon. Members left the House

[Translation]

SHRI RATILAL KALIDAS VERMA (Dhandhuka): Mr. Deputy Speaker, Sir, they are not interested in the welfare of SC/ST communities and they are their enemies. *(Interruptions)*

[English]

SHRI SOMNATH CHATTERJEE (Bolpur): Sir, I want to speak.

Sir, we cannot but condemn most strongly, the despicable attitude taken up by the Congress Party as the Opposition in this House.

Sir, when the entire House has supported this measure, now with a view to white wash the tarnished image of their leader, they are prepared to sacrifice the interests of the weakest class in this country—the Scheduled Castes and the Scheduled Tribes, for whom they had been shedding copious tears during the discussion on this Bill. And knowing the present composition of the House and the necessity of their participating in the voting for the purpose of passing this Amendment Bill, knowingly they have let down the people of this country. As I apprehended earlier, they are holding the

country to ransom. Now my apprehension has proved to be true. We must all unitedly condemn most strongly the most despicable, anti-people, unpatriotic attitude on the part of the Congress (I) Opposition in this country. (*Interruptions*)

[*Translation*]

PROF. VIJAY KUMAR MALHOTRA (Delhi Sadar): Mr. Deputy Speaker, Sir, the manner in which congress party has behaved today, the entire House deploras it. If we look at the list of the people who have jointed Congress Party in the walk out then we come to know that all members of Congress Party, Muslim league and National Conference have staged a walk out. What sort of links the Congress Party is having, who are the people involved, what is their concept of secularism can be clearly seen from this episode. Despite the Prime Ministers' appeal with folded hands that they should support the bill that has been introduced relating to the poor, SCs' and STs' and that they should not bring in other issues in it, they did not bother. The sort of blackmailing and terrorising atmosphere that they have tried to create, the people of this country will never forgive them. This bill could have been passed with the help of their votes but they tried to create such a position. Unfortunately people of this country have given them so much strength. But if their attitude did not change then in times to come they will not command so much power. I want to say that the House should unanimously condemn this behaviour. (*Interruptions*)

[*English*]

SHRIMATI GEETA MUKHERJEE (Panskura): Sir, I feel extremely sorry because I was one of those who appealed to the Congress party, instead of condemning them, because whatever Papers about Bofors they are wanting now, they had ample opportunity to do it. Without doing that, after losing the power and also their credibility now they, in the name of Bofors papers, want to put an obstacle to this very Bill which is

intended for the upliftment of our most oppressed classes. It is a pity. I am sure, all those who voted for the Congress in the last elections, will not vote on this count. Let them understand this. Since they did not agree even to the appeal, they will have to pay a much bigger price than they have paid already.

SHRI CHITTA BASU (Barasat): The entire country, particularly this 70 per cent of our great country, was looking at this Parliament today because the Bill for land reforms and also the Bill for giving statutory recognition to the Commission for the Scheduled Castes and the Scheduled Tribes, are nothing but a great step forward to remove the poverty of our country on the one hand and to bring about socio-economic transformation of the country on the other.

It is shameful, it is reprehensible, it is condemnable that those, who have been voted by the people, have not that amount of moral courage to discharge their moral responsibility to their electorate. It is the larger part of the electorate who wants this. (*Interruptions*)... They have taken a wrong attitude, a condemnable attitude and they want to hold the entire country to ransom and I appeal to the people outside. It is not only these 193 Members in this House who can hold the country to ransom but their people outside will move and they will see that this kind of Bill is passed as soon as possible. Therefore, I have also a very reprehensible expression to make. (*Interruptions*) It is a spectacle which we have been witnessing that some Members have been wilfully filibustering. Sir, the rule does not provide filibustering by any Member. We have given enough scope for them to speak but in order to better the cause of the people of our country, they have undertaken this shameful act for which the entire country and this House should condemn them without any reservation.

[*Translation*]

KUMARI MAYAWATI (Bijnor): Mr. Deputy Speaker, Sir, I would like to submit

[Kumari Mayawati]

that though I do not support the National Front Government, yet so far as the welfare of the poor and the deprived people is concerned, I am distressed to note the attitude of the Congress Party. On 25th May a meeting of the leaders of all the political parties, where I was also present, was convened to extend the sittings of the House by 4 days. In the said meeting a proposal was mooted that this Bill would be introduced in the House during this extended period. At the instance of Shri Ram Vilas Paswan, Shri Dinesh Singh, on behalf of the Congress Party, had said that his party would extend its support to all the three Bills relating to welfare of Scheduled Castes and the Scheduled Tribes and Land Reforms and would not make its stand clear with regard to other Bills. But the party did not stand by their words.

I would like to make yet another submission. Of course neither I do not support or oppose any party. I do not notice any difference between Shri Devi Lal's attitude and that of the Congress Party. *(Interruptions)* My point is worth noting. Just as the Congress Party had said... *(Interruptions)* Please listen. The Congress Party had said that it would extend its support to the Bills provided the Government laid on the table the papers relating to Bofors. Similarly the Deputy Prime Minister, Shri Devi Lal who was invited by Choudhary Brahma Prakash on 24th May to discuss the Mandal Commission Report put a condition before Shri Brahma Prakash that he would help implement the Mandal Commission Report provided the Jats were also brought within the ambit of the Mandal Commission Report. As such, I do not see any difference between the Congress Party and Shri Devi Lal.

THE DEPUTY PRIME MINISTER AND MINISTER OF AGRICULTURE (SHRI DEVI LAL): Mr. Deputy Speaker, Sir, it is a baseless charge against me. I am not against Mandal Commission Report, rather I support it. What I say is that there is no difference between the Jats and other agriculturists. So, please extend the benefits of the Mandal

Commission Report also. I shall support Mandal Commission Report as and when it Comes before the Cabinet and shall also try to see that Jats are included in the report. *(Interruptions)*

KUMARI MAYAWATI: Government should implement the Mandal Commission Report. And you should tell all these things to the Prime Minister. There is no use of saying the same in the House. *(Interruptions)*

[English]

THE MINISTER OF FINANCE (PROF. MADHU DANAVATE): Mr. Deputy Speaker, if I rise to make a submission, I do it not with anger but with pain. I wish to draw the attention of this House that we are going to celebrate the centenary of late Dr. B.R. Ambedkar this year, the greatest spokesman of the weaker sections in this country. Unfortunately, on such an occasion that the Congress Members should choose to divide this House on an issue which is extraneous to the question of Scheduled Castes and Scheduled Tribes is most disgusting and most condemnable. But whatever be their attitude, our attitude is more liberal because the entire country and the weaker sections are not interested in the type of internal battle we are carrying out in this House. The weaker sections will be interested in seeing that their interest are defended and protected. Therefore, we shall totally condemn their attitude. But at the same time, we shall act in such a manner that we will not allow this measure to be defeated inspite of their manipulative politics.

SHRI VISHWANATH PRATAP SINGH: Sir, it is a matter of great anguish that today the poor have been kept as political hostage for achieving certain goals and selfish motives. The House and the Members have rightly condemned the action of the Congress (I) and other Members walking out. I do not want, as all the other Members also wish, to drag on the issue. I will plead with you that we take up the other Bill also today for discussion and both the Bills could be put for the vote of the House tomorrow simulta-

neously. I want to share certain information so that your judgement is not vitiated. On 26th May, 1990 itself, the Government took up with the Swedish Government that we wanted to put all the papers on the Table of the House. This is what we have said. This is our telex:

"The Ministry of External Affairs, Government of India, present its compliments to the Swedish Embassy in New Delhi and has the honour to refer to the Note No. 49 dated 23rd May, 1990 from the Swedish Embassy, conveying the decision to provide to the Government of India the full text of the report by the Swedish National Audit Bureau dated 1st June 1987 on the Bofors affair. This positive decision of the Swedish Government is deeply appreciated by the Government of India.

The Ministry of External Affairs has the honour to draw the attention of the Swedish Embassy to the Note Verbale dated 21st April, 1987, from the Embassy of India, Stockholm, to the Swedish Ministry of Foreign Affairs, requesting for investigation into the position in regard to the middle-men in connection with the negotiation and implementation of the Bofors contract and indicating that the Government of India would wish to use this information in the Indian Parliament. Further more, vide Aide Memoire dated 21st August 1987, the Swedish authorities had been requested to give the complete report of the Swedish National Audit Bureau, including the portions that had not till the been made available to the Government of India."

"The Government of India are convinced that the entire text of the report of the Swedish National Audit Bureau should be placed before the Parliament of India."

We have made this point. Further:

"There has also been widespread

demand in the Parliament of India that the full report should be placed before Parliament."

We expressed the sentiments of the Members.

"Keeping all the above considerations in mind, the Government of India propose to place the entire text of the Swedish National Audit Bureau report dated 1st June, 1987 before Parliament.

The Ministry of External Affairs, Government of India, avails itself of this opportunity to renew to the Swedish Embassy in New Delhi the assurances of its highest consideration."

This is the reply that we got from Sweden that very day, 26th May:

"The Swedish Government takes a serious view of the statement by the Government of India that it proposes to place the full text of the classified Swedish National Audit Board report into the Bofors affairs before the Indian Parliament. As the Swedish Ambassador made clear when he transmitted the report to the Government of India on 23 May, 1990, the portions of the report which were not made public in 1987 by the Swedish Government remain secret under the Swedish laws of secrecy and may not now be made public. The reason for the secrecy classification is that the report contains sensitive economic information collected by the Bank of Sweden, the official release of which will harm important Swedish foreign trade interests.

If in spite of this the Government of India goes ahead and publicises the secret portions of the Swedish National Audit Board report, the Swedish Government will have to regard this as a serious breach of trust. This will undoubtedly affect the ability of the Swedish Government to transmit the

[Sh. Vishwanath Pratap Singh]

classified or sensitive documents to the Government of India, as requested in the Indian note and Letters Rogatory of 2 April, 1990."

Now, Sir, the Government did make the fullest effort to bring to Parliament the papers, to which this is the reply. The point arises that now we have asked further questions in our investigation. It is a clear indication that if we violate it, that information will not flow and this is precisely what the Members opposite want. This is the pressure to stop the CBI inquiry, to stop, to dry up the sources of information and that in our investigation, the Swedish Government does not cooperate with us and our information dries up. That is the whole purpose of it and for this the poor people are being made to pay. If they were so sincere, they could have placed it when they were in power, and today the precise reason is to dry up our sources of information and for this crores of poor people are paying today for what has happened.

MR. DEPUTY SPEAKER: I think, the hon. Minister has not yet replied. I do not know whether he would be interested in making the reply, but before he starts, his reply, a suggestion has come that your Bill as well as the next Bill may be discussed and we can take up voting on these two Bills at one and the same time, maybe today or tomorrow. Maybe we do it tomorrow because you have the time to sort it out and arrive at some procedure.

First of all, I would allow the hon. Minister to make his reply and then we would take up the second Bill.

[Translation]

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): Mr. Deputy Speaker, Sir, Shri Dinesh Singh and Shri Vasant Sathe represented the Congress Party in the All Party meeting. During the course of the meeting both these leaders had given an assurance that. Their

party would not pose any obstacle in passing the Bills relating to welfare of Scheduled Castes and Scheduled Tribes and the Bill relating to inclusion of Land Reform in the Ninth Schedule of the Constitution and that after both the Bills are passed they would hold discussion with the Government in regard to other matters. But I am distressed to say that due to indifferent attitude of the opposition these important Constitutional (Amendment) Bills on which crores of people across the country are pinning that hopes, have been stalled. The hon. Prime Minister rightly said in this connection that we do not want to play politics in such matters. Nor do we want to make it a prestige issue for the Government. On the contrary we want the welfare of crores of people in the country. The Bill will now be taken up tomorrow.

As per your orders, I am required to put forth the laws of the Government in response to in points raised by hon. Members Mr. Deputy Speaker, Sir, a large numbers of hon. Members of those opposition are not present now who made a charge against us that in our capacity as the Prime Minister or as Ministers, we only speak in or one side the House, but actually do not translate that into action. In this connection, through you, I would like to tell the august House that one of the 9 commitment's we made to the people, we have already fulfilled 7 commitment's. Firstly, our commitment was that we would extend the reservation for Scheduled Castes and Scheduled Tribes by another 10 years. That is already done. Secondly, we promulgated Prevention of Atrocities Act. A notification to this effect has been issued on 30 January. Thirdly, a Bill relating to extending the reservation facilities to neo-Buddhists has since been passed by both the Houses of Parliament. It has been given a legal status. Now the neo-Buddhists will start getting the same benefits as are being enjoyed by the Scheduled Castes and Scheduled Tribes. Dr. B.R. Ambedkar was not conferred the Bharat Ratna award for 43 years. Our Government conferred the Bharat Ratna award on Dr. Ambedkar. The whole of this year will be observed as the year of social justice. At the same time socio-eco-

conomic programmes meant for the Scheduled Castes and the Scheduled Tribes will be completed. Similarly, backlog of reserved vacancies in various categories will also be filled up this year. It is the firm commitment of the above Dr. Ambedkar's portrait has since been displayed in the Central Hall of the Parliament. We have since completed these 5 items of work any 2 remains to be done. These two important items should have been passed in the House today. One of these two Bills relates to conferring statutory status to the Commission for Scheduled Castes and Scheduled Tribes and the other relates to inclusion of Land Reforms in the Nineth Schedule of the Constitution. Had all the hon. Members of opposition supported these Bills, both the Bills could have been passed by the House.

I hope that they will be passed by tomorrow or the day after. It will prove to be of a major help to the poor people and to the Scheduled Castes and Scheduled Tribes when there Bills became Bills. They will be beneficial to the teaming millions of this country. We have completed the jobs I mentioned just now. A large number of hon. Members have demanded that provisions of reservation should be implemented strictly. In response to their demand I told them that not only we will implement the provisions strictly, but also we are bringing forward a legislation for this purpose. With the passing of this legislation all the backlogs of reserved vacancies meant for Scheduled Castes and Scheduled Tribes will be filled up and the provisions of reservation will be implemented strictly.

So far as carrying night soil on head is concerned, I would like to repeat what it had said yesterday that we will remove this practice through a time-bound programme in a phased manner.

Mr. Deputy Speaker, Sir, I would not like to take much time of the House. A Bill to confer statutory status to the Commission for Scheduled Castes and Scheduled Tribes has been brought forward now. Unfortunately, it could not be passed in 1978. It has

come up after a gap of 12 long years and is still pending. In this connection I would like to state that so far as this Bill is concerned, none of the hon. Members had any opposition to it. None of the hon. Members pointed out any deficiency in this Bill. Still it is pending. We received several suggestions from various quarters. One of these suggestions was that the Commission should be made more powerful. We accepted those suggestions and made suitable amendments in the Bill. I am say that it will a most important commission. It has been given enormous powers with the help of which it will be able to check the tendency depriving crores of people of their legitimate right's which they have been denied for centuries and make enquiries of such cases. It will not only conduct hearing of cases of defaulting officials but also examine them.

References have also been made to Count of Inquiry. Though there is no such mention in the Bill, the Commission will enjoy the same powers as are being enjoyed by a Count of Inquiry. As regards remaining powers, it has been clear by spelt out in the Bill that the President of India shall have the powers to make further laws and rules to provide for more powers if necessary.

Several of the hon. Members have made many other points. While replying to the debate in regard to neo-Buddhists I have already covered most of these points. Now I would like to reiterate that if both of these Bills are passed, we will be fulfilling our commitments hundred per cent as far as the question of welfare of Scheduled Castes and Scheduled Tribes is concerned. It does not mean that we have reached our destination. We will proceed ahead. Of course, I am not going to make a commitment here. There is no magic hand with us with the help of which we will be able to fill all the past backlogs within six months' period. But one thing I shall say definitely that today's boycott staged by the opposition is indicative of the fact that their tactics of keeping people as bonded labourers and enjoying at their cost would no longer work. Now they are stunned out of their wits. Today, the oppressed class,

[Sh. Ram Vilas Paswan]

the Scheduled Castes and Scheduled Tribes, the minorities and the labour class have alienated themselves from the Congress. The little respect they had is no more there now. They used to talk of Mahatma Gandhi and their ideologies. With this boycott all their claims have proved hollow. It has been proved that. This party has succumbed to the pressures of reactionary forces. It only sees votes and billionaires like the Tatas and Birlas. The hon. Prime Minister has rightly said in connection with kickbacks in Bofors gun deal that it is not the Scheduled Castes and Scheduled Tribes and the poor people who got their dividends from the Bofors kickbacks, but they are paying for it. But a time will also come when this case will also be decided. We also come from the grass-root level. We will go to the nook and corners of the country. Through you, Sir, I would like to tell the House that people throughout the length and breadth of the country remain anxious from early morning till the evening to know the outcome of today's proceedings of the House. They are trying to blackmail the Government. They would have taken the same stand in the case of neo-Buddhist had they come to know that the Bill would not be passed without their support. They would stall all those proposals which could be held up without their cooperation.

Mr. Deputy Speaker, Sir, I would like to tell the hon. Members that no purpose could be solved by merely enacting laws and setting up Commissions. We have to implement them in letter and spirit with a view to up lifting the poor sections of the society. We have come to power, but it is not a bed of roses for us. It is just like an instruments for us. I would like to assure the august House that. We will use this instrument for the uplift of crores of poor people in the country.

I challenge the people of the Congress Party that if they have courage they should give suggestions in respect of work which has not been done by them. The Government will do it. That is why I have stated that the Government is determined to do it and

will certainly achieve its objective. We seek your cooperation and support to achieve our objectives. As per the promise made by the Government, a Central Committee has already been set up under the chairmanship of the Prime Minister to celebrate Dr. Ambedkar birth centenary. The Government will chalk out programmes for one year in the next meeting of the Committee. Many socio-economic programmes will be launched to bring social revolution. The Government will undertake new programmes and ensure as to whether the poor people who have been suppressed since long, have been brought at par or not with other sections of the society in matter of development. The Government wants not only to ensure their progress but also to bring them into the mainstream of the country.

With great hope and expectation, the suggestions have been made by the hon. Members. With reference to their suggestions, as I said earlier and again I would like to assure them that the suggestions made by them will be forwarded to the officers of the Ministry for consideration and action will be taken by the Ministry accordingly. After six months, we will hold a meeting again and definitely all the problems will be solved. With these words, I thank all the hon. Members of the House who took part in the discussion and lent their support to the Bill.

AN HON. MEMBER: You have stated in your speech that money has been misutilised and the amount has not been spent properly. Will you lay a statement in the House in this regard?

SHRI RAM VILAS PASWAN: Yes, I made a mention of it and I would like to say again that not only sufficient amount will be provided for the Scheduled Castes and the Scheduled Tribes, but its proper utilization will also be ensured. Orders have been issued in this regard. Enquiry has been ordered. Officers found to be guilty will be punished. No body will be allowed to play with the interests of the people belonging to weaker section.

SHRI KHEMCHANBHAI SOMABHAI CHAVDA (Patan): Baudhs are not treated as untouchable in Gujarat.... (*Interruptions*)...

SHRI RAM VILAS PASWAN: Under Article 341(A) of the Constitution, the President is empowered to specify the castes deemed to be Scheduled Castes and Scheduled Tribes. In order to include or exclude the castes from the list of S.C./S.T., a Bill is required to be brought before the Parliament. As I have already stated that the Government is preparing a comprehensive Bill for this purpose. After in production of the Bill will in the Parliament, all the Members will be allowed to offer their suggestions. The ultimate decision will be taken by the Parliament.

SHRI CHAND RAM (Hardoi): Mr. Speaker, Sir, some of the members in their speeches called the Harijans as "Bechare Harijan" and 'Bechare Garib'. This is an insult to them as they are not being provided any charity. The country has an obligation to do so under the Poona Pact because they have been subjected to atrocities from the centuries. It is the duty of the Government to bring them into main stream. As the Hon. Prime Minister just now stated that they are the toilers of the country and they have right to equality. Therefore, mere setting up a Commission for them will not serve the purpose. The Government will have to allocate sufficient amount of money in the budget for them as also land should be allotted to them. With these words, I conclude.

[*English*]

SHRI A.K. ROY: I thank you for depriving me my right to speak earlier. Now I thank you second time for allowing me to speak.

MR. DEPUTY-SPEAKER: You don't have to thank me nor have you to object for the time given or not given to you.

SHRI A.K. ROY: The Special Officer under Article 338 of the Constitution had to some extent a reporting role. He could inves-

tigate a matter and send its report to the President. That report used to come before the Parliament and we used to debate on that. But he had got no direct authority to implement something or redress something. His role was advisory reporting. Now, instead of that Special Officer, we are having a Commission of five officers. They may investigate it more thoroughly and submit a more comprehensive report. But how can they directly help the poor Harijans who will be under oppression and exploitation? I want some clarification on their role. How would the role of this Commission be qualitatively different from that of the Special Officer?

[*Translation*]

SHRI HAMENDRA SINGH BANERA (Bhilwara): Mr. Speaker, Sir, will the hon. Minister congratulate the Government of Rajasthan for unearthing a case of misappropriation of money amounting to Rs. 140 lakh by the persons including some I.A.S. Officers? Some arrests have also been made in the case.

MR. DEPUTY SPEAKER: This is not a clarification.

SHRI RAM VILAS PASWAN: As suggested by Shri A.K. Roy, the Commission for Scheduled Castes and Scheduled Tribes is being vested with power under Article 338 of the Constitution. The Commission is also being vested with power under the Commission of Enquiry Act. If hon. Members have any concrete suggestion, they should move amendments on the clauses of the Bill. I think the Government has given power to the Commission to the extent permissible under the Rules. If the hon. Members still think that more powers should be given to the Commission, their suggestions are invited. We will consider them. There is provision for it in the Bill. The President is empowered to review the situation from time to time. The Commission has been given powers to investigate into the matter and summon the officials. The Chairman of the Commission will be consulted in preparation of schemes by the Central and the State Governments.

[Sh. Ram Vilas Paswan]

Thus we have left no scope or loopholes. This is my assurance to the House.

17.39 hrs.

CONSTITUTION (SIXTY-SIXTH AMENDMENT) BILL

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF RURAL DEVELOPMENT IN THE MINISTRY OF AGRICULTURE (SHRI UPENDRA NATH VERMA):
On behalf of Shri Devi Lal, I beg to move:

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

[Translation]

Mr. Deputy Speaker, Sir, land reform has been a matter of discussion since independence. The bill is being moved for consideration of the hon. Members of the House.

[English]

MR. DEPUTY-SPEAKER: Motion moved:

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

[Translation]

SHRI GUMAN MAL LODHA (Pali): Mr. Deputy Speaker, Sir, this constitution (Amendment) Bill will be written in the golden letters in the history of land reforms. Agriculture is the mainstay of the people our country. Unfortunately, farmers have been exploited from the very beginning. When of our constitution came into being, many land reform laws were made to abolish Zamindari and Jagirdari systems in the country. Unfor-

unately, court struck many land reform laws on ground of violation of fundamental rights granted to the citizens under the constitution. This Bill has been brought with an intention to nullify the courts' orders. A provision was made under Article 31A of the constitution that no law can be declared void simply on the ground that adequate compensation has not been paid.

Mr. Deputy Speaker, Sir, in order to save the people from exploitation of the vested interests, our constitution was amended a number of times. 25th and 42nd constitutional amendments were made for this purpose. But the most important amendment was 31B and 31C in the 9th Scheduled. Under this amendment, courts were debarred to nullify any progressive laws on technical grounds.

Sir, it is most unfortunate that our farmers and tillers have not got any benefit from the laws. A number of land reforms laws to be included in the 9th scheduled have either been declared null and void by the High Courts and the Supreme Court or pending decision thereon. This amending bill has been brought for purpose of including all those land reforms laws in the 9th Scheduled of the Constitution so as to provide protection under Article 31 B of the constitution and Article 39 (b) of the Directive Principle of the constitution which provides that the ownership and control of the material resources of the community are so distributed as best to subserve the common good. Sir, this amendment in the 9th scheduled is a welcome step. Therefore, I would like to say that while dealing with many cases including that of Vamanrao, Keshavbharati, Bhim Singh etc., the Supreme Court has said every now and then that whenever laws are enacted for the prosperity and well-being of the poor, to accelerate the developmental process and to usher in social justice, the courts should see to it that they are declared constitutionally valid, as far as possible. Mr. Deputy-Speaker, Sir, an unfortunate situation has developed in the country, although several judgements, including landmark ones like the one in Keshavananda Bharati case were