

the said stretch and the canals for purposes of shipping and navigation on the said waterway and for matters connected therewith and incidental thereto, be taken into consideration."

The motion was adopted

MR. DEPUTY-SPEAKER: we now take up Clause-by-Clause consideration of the Bill.

The question is:

"That Clauses 2 and 3 and the Schedule stand part of the Bill."

The motion was adopted

Clauses 2 and 3 and the Schedule were added to the Bill.

MR. DEPUTY SPEAKER: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted

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

SHRI RAJESH PILOT: Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted

14.26 hrs.

SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS (AMENDMENT) BILL

[English]

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): Sir, I beg to move:

"That the Bill to alter the names of certain castes and tribes in the lists of Scheduled Castes and Scheduled Tribes and for matters connected therewith, be taken into consideration."

In the lists of Scheduled Castes and Scheduled Tribes notified through the various Presidential Orders, there are some entries which have been subject of criticism on the ground that they sound derogatory because of their disrespectful or undignified connotations. The various State Governments/Union Territory Administrations were requested to send their proposals for the removal of derogatory names from the lists of Scheduled Castes and Scheduled Tribes and suggest dignified alternative names so that the derogatory names could be substituted. The response of the State Governments/Union Territory Administration to our suggestion was not encouraging and only a few proposals were received from them which were examined in consultation with the Registrar General of India. The Registrar General of India while furnishing the comments had suggested that suitable alternative names for each of the community would have to be found out with full knowledge of all the members of the concerned community.

The present Bill seeks to provide for the removal of derogatory names from the lists of Scheduled Castes and Scheduled Tribes and substitute them with dignified names and at the same time ensuring that members of these communities continue to be treated as Scheduled Castes or Scheduled Tribes without facing any difficulty.

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill to alter the names of certain Castes and tribes in the lists of Scheduled Castes and Scheduled Tribes and for matters connected therewith be taken into consideration."

[Translation]

SHRIMATI PRABHAWATI GUPTA

(Motihari): Mr. Deputy Speaker, Sir, I welcome the amending bill introduced by our hon. Minister of State for welfare. This amending Bill has been brought forward for the fulfilment of some noble intentions. By this measure it is proposed to provide alternative names to certain categories which have derogatory names. For example, the name 'Bhangi' is being substituted by 'Balmiki'. It is welcome that measures are being taken to give nine names substituting the derogatory names of certain castes and tribes in Mizoram and in other regions. Our party and the Government has always endeavored to ensure that the people belonging to the weaker sections of the society and who are engaged in the menial jobs are accorded a position of dignity and due respect in the society. It is with this perspective that reservation has been provided for them, I support it. Along with it, I would like to draw your attention to one or two points more.

Recently, the Government has recognised eight communities in Ladakh as Scheduled Castes. It is no doubt a welcome step and I support it but I would like to draw the attention of the hon. Minister towards one point. There is a community known as Tharu living in the areas of Champaran, Eastern Uttar Pradesh and Lakhimpur Khiri. It is a very backward community but it has neither been included in the backward communities nor in any other category. Their condition is akin to the Scheduled Castes and Scheduled Tribes. They live in the backward areas and in hill areas and their condition is deplorable. I would like to submit that the Tharus live even in Nainital in Uttar Pradesh and their total population is about 10 or 15 lakhs. They are also engaged in agriculture but they are very backward and their condition is akin to the Scheduled Castes and Scheduled Tribes in every respect. It is requested that this community should also be enlisted as Scheduled Caste, as has been done respect of the 8 communities of Ladakh.

With these words, I would like to thank the hon. Minister for bringing forward a commendable bill through which such welfare measures can be taken.

SHRI MANIKRAO HODLYA GAVIT (Nandurbar): Mr. Deputy Speaker, Sir, I rise to support this Bill. I would like to thank the hon. Minister for bringing this Bill.

In Maharashtra many non-Scheduled Tribes communities are taking advantage of the benefits meant for them by calling themselves as such. In the area of Halna Kontl of Vidarbha region, the people belonging to Kosti community are taking undue advantage in the name of 'Halabi Kosti' community. These caste certificates were issued to them in 1977-78. The caste certificates were issued in 1977-78 are still valid. They make true-copies of such a certificate and reap the benefits. They also get appointment in Government service and take the advantage of other facilities on this basis.

It is seen that communities other than the Scheduled Castes and Scheduled Tribes are taking undue advantage of the programmes meant for the upliftment of the scheduled castes and scheduled tribes. The hon. Minister should pay attention in this direction as well.

Similarly, people belonging to Machhimar Koli and Suryavanshi Koli communities are taking undue advantage by calling themselves as Tokri Koli. This should be stopped. Similarly in my district thane Thakurs are taking undue advantage by calling themselves as belonging to 'K. Thakur' and 'M. Thakur' which are scheduled castes communities. They are entering the educational and employment fields in large numbers on this basis and are spoiling the chances of the bonafide people to get their due because they are better placed to score in the merit list. The bogus people are thus reaping all the benefits. Our Hon. Prime Minister is committed to the upliftment of the poor, the Adivasis and the Harijans. He wants all facilities to reach the backward communities and all the reserved vacancies to be filled. But a lot of undesirable elements have crept into these backward classes. Attention must be paid in this direction. I want to say that the caste-certificate issued in 1977-78 should be cancelled and fresh caste certificates

[Sh. Manikrao Hodlya Gavit]

should be issued to the genuine people in the current year 1988-89.

I am full of hope that our hon. Minister will pay attention in this direction and provide justice to the Adivasis and other backward sections of society. I thank you for giving me time to make my submission.

[English]

SHRIK. PRADHANI (Nowrangpur): Mr. Deputy-Speaker, Sir, I thank you very much for giving me time to speak on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1989.

I welcome this Bill brought forward by our hon. Minister for welfare to change the names of some castes and tribes because they are derogatory according to the pronunciation and connotation. At the same time, I would like to draw the attention of the Government to one particular aspect. It has been mentioned in the Statement of Objects and Reason that in the year 1967 there was a Bill for the purpose of amending the list of Scheduled Castes and Scheduled Tribes. Various proposals came from different States. Even the Joint Committee on Scheduled Castes and Scheduled Tribes recommended to make some changes regarding some castes and tribes because there are some spelling mistakes, some commissions and omissions. Certain tribes have been deprived of their privileges which they are entitled to get according to the Constitution of India.

Here, I would like to draw your kind attention to Serial Number 5 of the Scheduled Tribes List of Orissa. In that, the Bhattada Tribe is there. Its name has been mentioned as Bhottada or Dhottada. The actual pronunciation here is so bad. The actual name of the Tribe is *Bhatara*. In the list it has been mentioned 'Bhottada. When we ask for the clarification, the Government of Orissa says that it means the same thing and there is no difference between the letter 'r' and 'd'. The Government of Orissa says that

both the names are the same. Although the Bhottada tribe is there, there is no such tribe known as Dhottada. So, Bhottada should be named as *Bhatara*. There is no distinction between the letter 'r' and 'd'. But why should Dhottada be there. It is a very ridiculous thing. But at the same time, I do not want to include any tribes here because they are already there since the British days. There is no difference whether the name is changed or not.

There is another aspect. About five years back, the Government of Orissa gave a clarification stating that according to the Supreme Court Judgement, the actual spelling should be interpreted properly. According to that, somebody interpreted it saying that that tribe was not a Scheduled Tribe according to the spelling. Again the Government gave another clarification saying that that tribe is the actual tribe and there is no difference between *Bhatara* and *Bhottada*. That is why I draw your attention to clarify this. That Government had already reported to the Government of India to correct the spelling according to the list prevailing in other States. This tribe is in existence in Maharashtra, Madhya Pradesh and also in Orissa.

Regarding Serial Number 55 there is a tribe called the Paroja tribe. There are two sub-castes—one is called the Jhodia Paroja and the other is called the Penga Paroja. As far as I know, Shri Jhagura Jhodia was a Member of the Legislative Assembly holding the reserved seat for five years. Out of that paroja tribe, 50 per cent of the parojas belong to Jhodia caste. Now, they interpret that Jhodias are not Parojas. So, they are not allowed to enjoy the privileges of the Scheduled Tribes. It is a miserable thing. It should be clarified that Paroja means there are two sub-castes—one is Jhodia Paroja and the other is Penga Paroja. The Government of Orissa has given a letter of clarification to the Government of India also to clarify this position and include this Jhodia also in the Paroja list. In this connection, I welcome this Bill which is meant to alter the names to certain castes and tribes in the list of Scheduled Castes and Scheduled Tribes. These names

sound derogatory in the State of Meghalaya, in Assam and also in other States. Therefore, I would request the hon. Minister, through you, Sir, to consider bringing a separate Bill to amend the Scheduled Castes and Scheduled Tribes Order as early as possible. If it is possible, it should be brought within this Session itself.

SHRI SYED SHAHABUDDIN : (Kishanganj): Mr. Deputy-Speaker, Sir, this Bill is unexceptionable as it stands. But the dissatisfaction that has been expressed over the list of Scheduled Castes and Scheduled Tribes, notified in Presidential Order from time to time, is not at all met by this Bill. There have been situations and the hon. Minister is fully aware of them that the same group of people who are classified as Scheduled Castes or Scheduled Tribes in one State are not so classified across the border in another State. Sometimes the same family whose kith and kin are divided over two States receive the benefits in one State and does not receive the benefit in the other. For example, Virajbanshis. Virajbanshis are a protected group in West Bengal but they are not so in Bihar—across the border in the same part of the country. Now that is one great deficiency and contradiction in these Orders as they stand.

The second deficiency is that sometimes the same sub-caste group or sub-tribal group that is to say, basically having the same profession, the same place in the social hierarchy, the same economic occupation is sometimes called by different names—in one name it receives protection and in another name it does not.

And the third category is, of course of a much wider import and that arises again not from the Constitution but from the Presidential Order, that the particular social group, a sub-caste or a sub-tribal group, to enjoy preferential treatment, to enjoy what is called positive protection, has to profess a particular religion; otherwise it does not qualify. For example, we have many cases of the so-called Christian Harijans in South India par-

ticularly and they are deprived of this benefit. In my reading of the Constitution, it cannot permit any discrimination on religious grounds.

PROF. N.G. RANGA (Guntur): Where is the question of discrimination?

SHRI SYED SHAHABUDDIN : Well, I define it in that manner. That, as I said, is a question of much wider import that requires, perhaps, much more effort to arrive at a national consensus of what needs to be done. But the first two categories that I have mentioned that social group going by the same name enjoying protection in one State and not enjoying protection in the next State or the same social group following the same occupation, having the same *Biradari* and yet enjoying it in one name and not enjoying it in another, that needs to be corrected. Therefore, I would like to request the hon. Minister that a much more comprehensive amendment is called for in this Presidential Order in the light of experience and information that we have accumulated for the last twenty or thirty years.

With these words, I support the Bill.

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): Sir, I am grateful to all the hon. Members for the support that they have extended to the Bill and the welcome extended by all the Members. As the Bill is quite innocent, I hope everybody will welcome it.

Two points have been raised. One is about adding of some tribal names. As you know, this is only connected with derogatory words and so, we are going to remove by this Bill, those derogatory words and not anything else. Government will come with comprehensive list and than all other points which have been raised here will be considered.

About Maharashtra, as Shri Gavit has said, the scrutiny committee has been set up by the Maharashtra Government to check all the bogus business. And I hope that they are

[Dr. Rajendra Kumari Bajpai]

going into this matter and they will find out how they can minimise this bogus business. According to Article 341 and Article 342 of the Constitution, as you know, the Scheduled Castes and Scheduled Tribes are specified in relation to a particular State and as such this inclusion of any community in the list is examined with reference to the social condition of the Members of that community in the relevant State. The social condition of the caste varies from State to State and it will not be proper to generalise any caste as Scheduled Caste or Tribe in the whole country. So, up till now, all castes are not generalised all over India. But, the Government is still considering to bring a comprehensive list and that when it comes, we can have more time to discuss it in detail and in depth. With these words, I request the House to pass this Bill.

PROF. N.G. RANGA: What about Basthada and Basthara?

DR. RAJENDRA KUMARI BAJPAI: That will also be taken as a correction. It will also come with the comprehensive list.

AN HON. MEMBER: What about the spelling?

DR. RAJENDRA KUMARI BAJPAI: If it is derogatory, then we can think of it for correction and something new. We will have to come with a comprehensive list. That can be considered.

MR. DEPUTY SPEAKER: The question is :

"That the Bill to alter the names of certain castes and tribes in the lists of Scheduled Castes and Scheduled Tribes and for matters connected therewith, be taken into consideration"

The Motion was adopted

MR. DEPUTY SPEAKER : The House will now take up clause by clause considera-

tion of the Bill.

The question is

That clauses 2 and 3 stand part of the Bill".

The motion was adopted

Clauses 2 and 3 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

" That clause 1, the Enacting formula and the Title stand part of the Bill"

The motion was adopted

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

DR. RAJENDRA KUMARI BAJPAI: I beg to move

" That the Bill be passed".

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed".

The motion was adopted

14.47 hrs.

NAGALAND UNIVERSITY BILL

[English]

MR. DEPUTY SPEAKER : The House will now take up the Nagaland University Bill. Shri L.P. Shahi.

THE MINISTER OF STATE IN THE DEPARTMENT OF EDUCATION IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRI L.P. SHAHI) : Sir, I beg to move:*

*Moved with the Recommendation of the President.