

PROF. MADHU DANDAVATE : I introduce the Bill.

INDIAN PENAL CODE (AMENDMENT)
BILL*

(Substitution of New Section for
Section 306)

PROF. MADHU DANDAVATE (Rajapur) : I beg to move for leave to introduce a Bill further to amend the Indian Penal Code.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Indian Penal Code."

The motion was adopted.

PROF. MADHU DANDAVATE : I introduce the Bill.

15.07 hrs.

CONSTITUTION (AMENDMENT)
BILL*

(Amendment of Article 30)

SHRI THAMPAN THOMAS (Mavelikara) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI THAMPAN THOMAS : I introduce the Bill.

CONSTITUTION (AMENDMENT)
BILL*

(Amendment of Tenth Schedule)

SHRI SHANTARAM NAIK (Panaji) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI SHANTARAM NAIK : I introduce the Bill.

15.09 hrs.

PROHIBITION OF SATI BILL

SHRIMATI BASAVARAJESWARI (Bellary) : I beg to move for leave to introduce a Bill to prohibit the practice of sati.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to prohibit the practice of sati."

The motion was adopted.

SHRIMATI BASAVARAJESWARI : I introduce the Bill.

15.10 hrs.

CONSTITUTION (AMENDMENT)
BILL

(Amendment of Article 244 etc.)—Contd.

[English]

MR. DEPUTY-SPEAKER : The House shall now take up further consideration of the following motion moved by SHRI Piyus

Tiraky on the 28th August, 1987, namely :

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

Shri Ram Pyare Panika to speak.

[Translation]

SHRI RAM PYARE PANIKA (Roberts-ganj) : Mr. Deputy-Speaker, Sir, though I do not support the Constitution (Amendment) Bill introduced by Shri Piyus Tiraky, yet I support the objective and the spirit with which he has brought forward this Bill. His objective is clear. He wants that there should be a discussion in the House on the problems facing the tribals in our country. A few days ago, the hon. Member, Shri Bhuria had also moved a similar resolution in this House and a discussion took place thereon. This is a fact that going by the conditions in which the tribals are living in the country today, there is a need to make special provision in this regard because the development of the tribals has not taken place at the pace it was expected even after 40 years of independence. There are a number of tribes in different States of the country, whether it is U.P., Bihar, Madhya Pradesh or any State in South, which have failed to get recognition under the Constitution. Besides, even in the case of those which are included in the Scheduled Tribes under the Constitution, the pace of development has been slow. The population of these tribes will cross the one crore figure after the proposed amendment Bill for rationalisation is brought forward by the Government and is passed. On the other hand the Government is not able to complete the developmental programmes due to some basic lacuna. What is needed today is that the administrative set up for the implementation of development programmes in the tribal areas should consist of such personnel who take interest in the welfare of Adivasis. What is happening today is that those officers who do not have any interest in the developmental work of the tribals are posted in the interior. They face difficulty to live there on a permanent basis and if at all they stay there, they are not able to solve the problems of Adivasis after touring their villages. Therefore, my suggestion is that a separate cadre should be created for the

proposed administrative set up for the tribal development whether the officers are deputed from I.A.S. or from P.C.S. It should be ensured that only those officers should be posted there who have some kind of interest in the development of tribals. The developmental programmes which are formulated for them do not cater to their needs because the officers who do have some feeling for them are not posted there. What is needed today is that their developmental work should be taken up by treating the Gram Panchayat as a unit. At present a huge amount of funds is being spent through the tribal sub-plan, but their development is not taking place in a balanced manner. The intention of the Central Government is to take up development by treating the remote villages as a unit. The hon. Finance Minister is present in the House and he has issued instructions to the banks that loans should be given to the remote areas, but it is surprising that the mentality of the bank officials has not yet changed. I.R.D.P. and other developmental programmes which provide for bank loans for development work are not at all effective. During his speech on the last Bill, whatever Shri Jain said is correct. The hon. Minister should take it seriously because the managements of the banks are busy in making money. I would request the hon. Finance Minister to listen to it because it is a very serious matter. What are the nationalised banks doing? They are making black money. The parties which advance loans manage to deposit money from various Government Undertakings in connivance with the banks. Such money amounting to Rs. 200-300 crores is in circulation and they are getting commission under the table through agents. The C.M.Ds. of the undertakings are making money and big industrialists are setting up mills by taking loans from the banks. Within a year or two, they declare their mills as sick. This is a vicious circle that is going on. The Government will have to formulate a policy to check it and set right the functioning of the banks. The Government has to decide as to what policy is to be evolved for remote areas, tribals and Harijans, flood affected areas and cyclone-prone areas. It is for the Government to ensure that the money of the banks actually reaches these areas.

It is the policy of the Government to give priority to the development of remote

[Shri Ram Pyare Panika]

areas. Instead of reaching these areas, the bank money is flowing to those elements who have declared a number of their industries as sick. Why have they declared their units as sick? To save money. After declaring their units as sick, they got capital from those very banks. Sir, this is a very peculiar situation. They come to us and say that if we could help them in getting Rs. 3 crore, deposited in the bank, so much money would be offered in lieu of that. What is all this going on? This is a very serious matter. This will have to be set right.

The hon. Minister will have to specify the names of the banks in which the money of the Undertakings is to be deposited. The question of selection of banks should be decided by the Government and not by the Undertakings. Besides, the Government will have to find out as to which of the Undertakings have transferred their money from one bank to the other during the last two years. When you do it, you will find that there is rampant corruption at the higher level.

At the same time, as long as the intention of the agencies associated with the development work in tribal areas is not good, the Government cannot achieve its objective of development.

Sir, the country is passing through an unprecedented drought. There is no doubt that the Central Government have formulated good programmes, but the decision of the Government to open fair price shops in remote and tribal areas and for the people working in factories has not been implemented. You have opened shops, but ration is not reaching those shops. The people there have to pay higher prices for the essential commodities. This you will have to look into.

15.17 hrs.

[SHRIMATI BASAVARAJESWARI in the Chair].

Today during the Question Hour it was being discussed as to what are the reasons for price hike but no definite reason could be given. An important reason for this is that the essential commodities which should be distributed through fair price shops do not reach the far flung areas. The shops are

not being opened according to the programme chalked out by the Government of India. The shops are being allotted to those who believe in exploiting the people.

Mr. Acharia, has been talking a lot about the allotment of shops to the poor but in his State the shops have been given only to comrades. The opponents cannot get shops. The same can be said about Andhra Pradesh. I have conducted a survey. This Rs. 2 scheme by Andhra Pradesh people is nothing.... (Interruptions)

Sir, an endeavour is being made to take political advantage of it. (Interruptions)

I want to tell that the country is passing through a severe drought as well as large scale flood and the opposition parties are taking undue advantage of this situation. During this national crisis they should not act like this and should cooperate with the people but instead of doing this they are trying to take political advantage.

Is it not a matter of pride that in spite of the severest drought of this century and floods, both of which have affected several States, not a single person has been allowed to die of starvation. In the 1940 Bengal famine 40 lakh people had died of hunger and that drought was not as severe as the present one. Sir, no one can say that the Central Government has discriminated against any State. The funds for the drought and flood relief have been distributed without discrimination. The funds have been distributed after studying and coordinating the reports received from the Central teams and the State Governments. I remember that till date no discrimination has been shown against any Chief Minister. But what I want to say is that the funds being provided are not being properly utilised. Without utilising those funds some of States come again to the Central Government for more funds. If they are really interested in development of tribals and backward people, then they should utilise the funds properly. When resources are required, certain States talk of Centre-State relations but when resources are made available, they forget their responsibility of providing these funds to the needy people. What I want to emphasise is that there is need to start special programmes for tribal and Harijan areas for which special funds should be provided. At the same time it is also

imperative that these funds should be utilised properly. If attention is paid towards this then the prices will also come down and shortage of commodities will also be lessened. If steps are taken to make available the commodities in proper manner to the eligible persons then their shortage will not be to that extent. In this connection every one should realise one's responsibility.

For the last 40 years we have been talking of education in the tribal areas but what is the position in regard to services. In the class-I II and III posts the representation of tribals is very less. In Government undertakings also you can see that in the Boards of Directors or on the posts of G.M. or in the executive class there is no person belonging to any Scheduled Caste or Scheduled Tribe. I can say this with surety about the NTC and the Coal India and same is the case in other undertakings also. Merely by making provisions in the Constitution that all will be given equal opportunities to progress our duty is not over. We should pay special attention towards education also which is a means to take advantage of such opportunities. There is need to expand further the Ashram system in the tribal areas which has been in vogue since the time of Shrimati Indira Gandhi. Navodaya Schools will not do there because the number of drop-outs there is quite large and only 1 or 2 per cent students reach the senior secondary or inter level. Just now one of our colleague from Orissa was telling that there are two colleges in his area but so far only 34 tribals have graduated from there. There is need to run special programmes to change this situation. Therefore, what is needed is to give free boarding, lodging, clothing and education in Ashram schools. All education facilities should be provided free. The directives of the Ministry of Welfare should also be implemented strictly and the officers not following the directives should be punished. Programmes for their upliftment in all the fields—economic, social and educational—should be started. Alongwith it, the Adivasis do not have the means to maintain their identity also. I thank Shri Rajiv Gandhi for opening certain Cultural Centres for the preservation of the culture and heritage of the backward people and Adivasis. This is the culture of India and in order to sustain it we will have to do two things. One is to uplift their lot with the help of modern means and second

is to pay attention to sustain the basics of the Indian Culture. For this Shri Rajiv Gandhi has endeavoured on the Government level but what is required is that every one should come forward to protect Adivasis. Even today Adivasis, particularly the labourers are being exploited not only by private sector, but also by Government agencies. Shri Bhardwaj and also Cabinet Ministers are sitting here. Therefore, I want to say that the Government will have to take the responsibility to ensure that the minimum wages fixed by the Labour Ministry are paid to the labourers. You should get a survey conducted in this regard also. (*Interruptions*)

[*English*]

MR. CHAIRMAN : Kindly wind up because by 3.45 PM, it should be over.

[*Translation*]

SHRI RAM PYARE PANIKA : Thanks for the laws framed for the Adivasis, the poor and the persons without means but full thanks will be showered when these are got implemented. To the State Governments also I would like to ask not to criticise the Centre and should try to implement them in the interest of the poor and the labourers. With these words I conclude.

[*English*]

DR. G. VIJAYA RAMA RAO (Siddipet) : Madam Chairman, my hon. colleague, Shri Piyus Tiraky has brought forward the amendment for Bill 105 of 1985. He wanted to create some autonomous districts and autonomous regions in the State of Madhya Pradesh, Orissa and Bihar. You must think over as to why he is so serious that he has come for amending the Bill. For the last 40 years, inspite of our continuous efforts, continuous implementation of 20-Point Programme for weaker sections, i.e., SCs and STs, in our country, the conditions of our tribal in India have not improved as you expect. Particularly, in some States, there are some areas where the tribal people are heavily concentrated and they are not developed. The population of tribals is more than 25 per cent in States like Orissa but the development as compared with other people is in a retrogressive fashion. We say in Parliament and in State Assemblies that we are giving number of facilities, schemes and programmes for the tribals but in fact,

[Dr. G. Vijaya Rama Rao]

the conditions, living and working conditions has not improved. In certain areas, the educational conditions, the literacy percentage has not improved after 40 years of independence. It is stagnant. Particularly, in Orissa and Madhya Pradesh, the literacy percentage has not improved. Among educated people, some people are in good jobs and some are in executive posts. Here they get educated only upto X Std. or upto primary standard where they cannot go for good Government Services. In some organisations, the other community people get jobs by producing pseudo-certificates and thus they snatch jobs of the tribals. In spite of several representations from the social organisations and the public representations, they could not take action on the pseudo-activities. They are enjoying the facilities which are meant for the tribal people.

Recently, the Committee on Welfare of the Scheduled Castes and Scheduled Tribes of Parliament visited Orissa State and went to some of the public sector organizations also. I was also with the Committee. The Committee got so many complaints against some of the officials, who could get good jobs by claiming themselves to be tribal people. Many years have passed and the management could not take any action against them and in spite of those complaints, they are still continuing in service. Management people say that they are following up the procedure in such cases, have given the complaints to CBI and local police, they are investigating the cases and after their enquiry, they will take action. Even after two, three or five years, the enquiry has not yet been completed and the persons concerned instead of getting reversion have got promotions and are continuing in service.

If you provide autonomy and provide for autonomous districts in Orissa, Madhya Pradesh or wherever tribal people are there, this type of activity can be prevented since the administration will be by the local people only. The present administration of such areas is not paying much attention to the welfare of the tribal people, they are more concerned with the welfare of the other people. The tribal people are not being paid any attention. Their needs and their grievances are not being attended by these people. In view of all this, our hon. friend

has brought forward his Bill. If you agree to that, many of the difficulties of the tribal people will be over. In view of this, I support this Bill.

SHRI P. NAMGYAL (Ladakh) : Madam Chairman, my hon. friend Shri Piyus Tiraky has raised the question of 6th Schedule of the Constitution in which provisions have been made for the administration of autonomous districts in the tribal areas. Originally, this provision was applicable to only united Assam State, but with the bifurcation of this State into several other States like Arunachal Pradesh, Mizoram, Nagaland, Meghalaya etc., the provision of this 6th Schedule is also applicable to some of the States.

The other day, some friend from the opposition claimed that these provisions have been made on the insistence of the members sitting over there. I do not agree with that contention. At the same time, I do not want to enter into any argument about the merit or demerit of the 5th or 6th Schedule, or who has created this. This schedule was created by the framers of the Constitution long time back when the Constituent Assembly of our country was in session. We have every right to discuss it. If some clauses or Article of the Constitution is not in consonance with the present time, we should change it or we can amend it. Sir, I have seen the working of some of the autonomous districts of Assam, like Haflong and Diphu, sometime back when the Congress party was in power. I found that they have a very effective system of working and people are happy with the overall system. People at the grass root level can participate in the district administration and developmental activities. I am not aware of the position existing there at the moment.

The other day some of my friends made an allegation that the Bill of Shri Piyus Tiraky has been brought with an ulterior motive of creating Jharkhand State in the region. I think that they have such an opinion because he has covered only 3 States, i.e. Bihar, Madhya Pradesh and Orissa. Because of this, some of my friends feel that the motive of the Bill is not really meant for the benefit of tribal people. I personally feel that those States which have the tribal population and wherever they are in majority, the Sixth Schedule must apply there. Whether it is Assam, Meghalaya, Bihar,

Orissa, West Bengal, Arunachal Pradesh or for that matter any other State, there must be a uniform law. In some areas some articles or sections of the Constitution are not applicable. For instance, the Sixth Schedule is only applicable to the Assam State. My suggestion is that even in those States where the tribals are not in majority, the Sixth Schedule should be made applicable. It is required for the preservation of the cultural heritage of the tribals and for the economic development of the tribal population. But at the same time I feel that the Central Government should review the working of the Fifth and Sixth Schedule of the Constitution wherever they are in force now. I would also like to request the Government that any particular area or population which requires to be enlisted in the 5th and 6th Schedule should also be brought under the ambit of these Schedules so that more and more tribal people could have the benefit of the Fifth or Sixth Schedule of our Constitution.

Meanwhile, I request Shri Piyus Tiraky to withdraw his Bill. I also request the Government to bring forward a comprehensive Bill enlisting all those tribal population or areas which have not been included in the original list of Scheduled Tribes at the time of framing of our Constitution.

Madam, with these words, I thank you for giving me time to express my views.

[Translation]

SHRI VIRDHI CHANDER JAIN (Barmer) : Madam Chairman, the Constitution Amendment Bill, 1987 presented by Shri Piyus Tiraky seeks to create autonomous districts in Assam, Meghalaya and Tripura under clause (2) (b) of the Article 244 for the administration of the tribal areas. Autonomous districts should be created in Bihar, Madhya Pradesh and Orissa also because tribal areas exist in Madhya Pradesh and Bihar also. Similar is the position in Andhra Pradesh. In these Scheduled Tribes Areas, Advisory Councils have been formed and in Tripura and Meghalaya, District Councils have been constituted. District Councils have more powers whereas the Advisory Councils do not have the powers mentioned in the schedule. What I want to say is that the Advisory Councils have not been functioning

properly and their advice is not being paid heed to. Just now an hon. Member from Madhya Pradesh was speaking. He too was confirming this that the advice of the Advisory Council is not being heeded by the State Government there with the result that cultural traditions are getting a jolt. There are several similar questions involved. They have different conception of the forest law which is at variance with the conception of the State Government's forest law. They want this to be changed but this is not being done. District Councils have wide powers. This is for the Government to look into it. I am of the opinion that the Advisory Councils in Madhya Pradesh and Bihar... (Interruptions).

[English]

MR. CHAIRMAN : Just a minute, Mr. Jain. The time allotted for this Bill is over. Is it the consensus of this House that the time be extended ?

SEVERAL HON. MEMBERS : Yes Madam. It must be extended by another two hours.

SHRI BASUDEB ACHARIA (Bankura) : You may extend it by half an hour.

MR. CHAIRMAN : There are only two speakers left. After that the hon. Minister will reply. I think one hour is sufficient. Is it the consensus of the House to extend the time for this Bill by one hour.

SEVERAL HON. MEMBERS : Yes, Madam.

MR. CHAIRMAN : You may continue Mr. Jain.

[Translation]

SHRI VIRDHI CHANDER JAIN : I was submitting that the Advisory Councils in Bihar, Madhya Pradesh and Orissa should be given wide powers. If it is not done so, demands will be raised for setting up of District Councils. If the point raised by Shri Piyus Tiraky is not acceded to, then demand for District Councils is bound to be raised. Then the result will be that District Councils and Autonomous Districts will be constituted which may later on result in raising the demand for statehood. The pro-

[Shri Virdhi Chander Jain]

visions in the Constitution for Advisory Councils and District Advisory Councils were correct but their implementation has been faulty. Therefore, such a voice is being raised that wide powers should be given to the districts and Autonomous Councils should be set up.

In Jharkhand areas also a demand for granting statehood and formation of District Councils can be raised. To ensure that such demands are not raised, it is necessary that the Advisory Councils should function properly and their advice should be given full recognition.

In Adivasi areas the economic condition is still vulnerable. In the country Adivasis are the weakest economically. Next comes the turn of the people of the desert areas. In desert areas also, Adivasis and Bheels are economically very weak. When I studied in depth the reason for this, I found that they do not know any trade. They know only the job of cutting wood. The people belonging to the Scheduled Castes have learnt weaving, spinning and carpet making, etc. but the Scheduled Tribes people like Bheels do not know any trade except cutting wood. They are not imparted any other training also. The State Governments and the Central Government are not trying to engage them in any other occupation. It is very necessary that they should be engaged in other trades and should be imparted training so that they are able to become self-reliant.

The present situation is such that in Rajasthan the benefits of reservation for Adivasi areas have been taken by one community i.e. Mina community which is a community of well off agriculturists. People from that community are joining IAS and IPS. Among the Bheels who are real Adivasis not even a single person has joined IAS or IPS. Their position is quite weak. Therefore, it is necessary that their condition should be improved. They should be imparted education and training so that they may also join the above services and may progress.

There is the problem of drinking water. In the Adivasi desert area drinking water is not available and for sanitation purposes

also they do not get water. We have to solve such problems and have to improve their economic condition. They should be given right and should be enabled to become heads of Panchayat Samitis and Zila Parishads so that they are able to make progress. In Rajasthan and other places it has been observed that the Scheduled Castes get more rights as against the Scheduled Tribes. Attention should be paid towards this matter.

At present there is no Scheduled Tribe Minister of the Cabinet rank. The same is the position in the States. Today the number of the Scheduled Tribes is very large. They should be encouraged politically also so that they may progress. Adivasis were the first to establish themselves here. Therefore, it is our duty to improve their economic condition so that they may join the national mainstream.

The Bill presented by Shri Tiraky is a hindrance in the national unity. It will create separate States like Jharkhand, then demand for Gorakhaland will also become vociferous. This will create a danger of disintegration of the country. I, therefore, fully oppose this Bill.

[English]

SHRI K. PRADHANI (Nowrangpur) :
Madam Chairperson : I am thankful that you have given me time at least at the far end of the discussion. I have heard some of the Members speak ; they have branded this Bill as a Bill having some quality of disintegration. I do not agree with this argument. Mostly, I support the Bill, and partially I differ from the mover of the Bill. I want to explain why and how.

All the tribal areas are ruled by the Fifth and Sixth Schedules of the Constitution. The Fifth Schedule rules only the remaining portion of the scheduled areas having more than 50% of the tribal population, except Assam. The Sixth Schedule is applicable only to Assam, and the other smaller autonomous districts and States.

This Bill is nothing. The mover of the Bill has not suggested anything like the creation of a Pakistan or Khalistan. He has simply stated that we should give them some autonomy in their administration. My area is a tribal area having 56% of tribal

population, with another 14% of Scheduled Castes, altogether making it 70%. There is a Tribal Advisory Council in my State, like in other States. I was a member of that Tribal Advisory Council for the last four years. I had only one opportunity to sit in the meeting, and only two meetings were held in the last four years. The Chief Minister of every State is the Chairman of that Committee, whereas in autonomous districts or the Sixth Schedule areas, they have got District Councils, where the District Councils have more powers to look after their own administration. Here in the Fifth Schedule, the whole tribal area is put under one person, viz. the Chief Minister of that State. He is engaged in many other jobs. He has no time to look after this tribal problem only. So, it is not possible for him to attend to the day-to-day problems of the tribal people.

I have no time to read the whole of the 5th and 6th Schedules in the Constitution, but briefly I can say that in the 5th Schedule of the Constitution, the Tribal Advisory Council has got powers to deal only with matters regarding land, and exploitation of these tribals by moneylenders and nothing else; whereas under the 6th Schedule, they have been given more powers.

The Autonomous Councils can do and pass rules and regulations and laws regarding the management of any forest not being a reserved forest; regarding allotment and occupation and of setting part of land; the use of any canal water for the purpose of agriculture; the regulation of the practice of jhum or other forms of shifting cultivation; the establishments of village or town committees or councils and their powers; any other matter relating to village or town administration, including village or town police and public health and sanitation; the appointment or succession of Chiefs or Headmen; the inheritance of property; marriage and divorce; social customs.

They have also very important powers like administration of justice in autonomous districts and autonomous regions. I mean to say that there is a very large gap between the powers given to the Tribal Advisory Councils and the Autonomous Districts of a State. Some of our members have stated

that by creation of the autonomous State I mean autonomous district we are just encouraging disintegration of India. I am very sorry to say that we are acting within the Constitution of India; we are just giving them a little more powers to exercise to get the implementation of the programme already chalked out by our own Government and their development. For example, I can tell you how they want more powers. I am a Member of this House for the last 20 years. The Dhabar Commission suggested that the tribals are the people who are mostly exploited by others and exploitation is the main problem with the tribals. The excise policy was devised during the period of our late Prime Minister, Shrimati Indira Gandhi in the year 1974 suggesting that all the liquor shops would be abolished because it was found out by the Task Force that many of the tribal families had sold their landed properties after drinking. About 100-200 years ago, there were no non-tribals in a village where now some non-tribals have entered and grabbed their land and they are keeping them as servants—only after selling liquor and money lending. This is the main problem with the tribal people; and that is the only thing for which we fought with the Government and we got it done; and all the liquor shops are now abolished; but only on paper they are abolished; actually hundreds of liquor shops exist in these places. If I complain to the Collector, he will say he will go and find it out, if he goes personally he can prosecute hundreds of people; he has done it. But how can a Collector go several times to a village to find out such cases? It is not possible because the field officers are not cooperating with the administration to put an end to this illicit distillation. So also is the LAMPS. We have started large number of multipurpose cooperative societies in tribal areas to put an end to the money lending business, but what is the result? These middle men who are lending money, they have become Presidents of these LAMPS; they have misappropriated a lot of money and they have devoured all the money and they have become defunct. In my district, there are so many of them and most of them are running in loss. The money has been misappropriated; that is how these tribal people are being saved out of exploitation. If more powers are granted to these autonomous districts—I do not want a Jharkhand State; I do not agree

[Shri K. Pradhani]

with any suggestions with regard to Jharkhand—I want that more powers should be delegated to the autonomous districts where they are already in existence. Zila Parishad is already there. A District Development Committee is there. In every Panchayat Samiti there is a Chairman and he represents at the district level, but only difference is that the Collector presides over the meetings there; a Government officer preside. We have to obey to the orders and wishes of the Collectors. Even representatives of the people are neglected. Now when this autonomous district will come, some of the members of the Panchayat Samiti or MLAs or MPs will be the Chairmen of the Autonomous Districts.

There will be then three-tier Government, one at the district level, one at the State level and another at the village level. So, there is no question of disintegration. There will be an improvement in the administration of our tribal areas.

16.00 hrs.

What I differ from my friend is that he has given a list of only some districts of Orissa and some from Madhya Pradesh in the schedule. He has forgotten other parts of the country. Throughout the country, there are hundreds of tribal districts. All the tribal areas should be included in this schedule where there are tribal populations and they should have their own administration and police. Some tribal person should be chairman of that particular autonomous district so that he will look after the administration of the people and economic development of the people better. For example, regarding employment also, you do not believe me, that even in Class IV service where my district has to get a share of 75 per cent of the Tribal and Scheduled Caste people, now we find that the employment is less than 50 per cent. They say there are no suitable people. For Class IV, people with thumb impression qualification can discharge the duties.

DR. PHULRENU GUHA (Contai) : Even in West Bengal in some districts there are tribals.

SHRI K. PRADHANI : He has omitted not only West Bengal, but other districts also.

AN HON. MEMBER : He belongs to the Left Front Government. (Interruptions)

MR. CHAIRMAN : Please address the Chair.

SHRI K. PRADHANI : I have already given my points. I did not want to elaborate on this. Unless you create an autonomous district for tribals there can be no development. You cannot believe in any development. If you go on with the present system of Government there will be no development. For example, in our tribal areas all the officers come from coastal district who are not tribals. All officers including Ministers belong to non-tribals that come from coastal areas. Whatever complaint we have to lodge, we have to lodge only with the State Government. We have no time to go to the State Government, find out the Minister and get the grievances redressed. Unless you make a tribal person in charge of the district, decentralisation will not come and there will be no improvement in the administration of the tribal areas.

MR. CHAIRMAN : Shri Jujhar Singh.

[Translation]

SHRI JUJHAR SINGH (Jhalawar) : Madam Chairman, Sir, the intention behind the Bill brought before the House by Shri Piyus Tiraky, I think, is that justice should be meted out to the tribal areas because the advantages envisaged in the Constitution for them and the facilities which the Government wants to give them are not being fully provided to them. This is the feeling behind bringing this Bill, that is what I think and I will express my views on this Bill in this background.

In Rajasthan also there is a large number of tribals and I am of the view that they have not made the desired progress though the Government has spent a lot of money in this direction. They have not been benefited to the extent they should have been. Many hon. Members from Rajasthan have spoken before me. They too have enumerated the condition of the tribals of Rajasthan. I would also like to draw the attention of the hon. Minister towards this. There are several categories of the tribals. Certain tribals are quite affluent in the matter of education, agricul-

ture and social background but they too have been included in the list of tribals. When the question of giving advantages to the tribals comes, they are the people who take away all the advantages and the tribals who are really backward, who have no money, remain backward. Though the quota fixed for tribals in the services is filled but the persons who should benefit do not get benefited. That creates problems. In my constituency there is a small belt in which the number of non-tribals is more than the tribals. In my constituency there are about 50 thousand tribals. The peculiar position there is that there is not a single village which has 100 per cent tribal population or where majority consists of tribal population. These tribal villages are like colonies of big villages where majority of the people consists of well-to-do people and 30 to 40 per cent people belong to tribal communities who are very poor. It is very necessary to assist them. The peculiar situation that has arisen there is that whatever assistance is provided that goes to the affluent class. Therefore, the Government should pay special attention to the tribal mohallas. For them special efforts are required so that they may progress.

16.06 hrs.

[SHRI SOMNATH RATH *in the Chair*]

Another thing that I want to submit is that for the upliftment of the tribals it is very necessary that the officers and administrators should be dedicated. Merely appointing tribal officers in these areas will not help their upliftment. The most important thing is that those people should be posted in such areas who are really interested in the welfare of these people. I want to tell you that in my constituency though the S.D.M., S.D.O. and Tehsildar are tribals but when I asked them whether they were satisfied with their posting or not, majority of them told me that they were not satisfied because the area was quite backward and there was no arrangement for their children's education and also lodging facilities were not good.

[*English*]

We are not satisfied. A man who got a job, because he was a tribal, when he was posted to a tribal area, he felt that that is not a good posting and he does not want to

work in that area.

[*Translation*]

Therefore, my submission is that in tribal areas only those people should be posted who are interested in the welfare of these people and officers should not be posted there at random. Of course, you will be satisfied that you have appointed tribal officers in tribal areas but those officers will not be interested in their welfare and progress. In Rajasthan, the affluent tribals have got many advantages but the remaining most of the tribals have not been benefited. In my area, there is one Shabria tribe whom I represent. For the last 40 years not a single person among this tribe has gone above the level of a Patwari.

[*English*]

There is no Tahsildar. There is no Sub-Inspector.

[*Translation*]

No one amongst them has reached even upto the level of Kanungo. You have spent crores of rupees but you have not been able to produce an officer above the level of a Patwari. In Shabria tribe, there will be hardly 10 graduates but even they are not getting jobs. In this area funds have not been properly utilised. On the other hand, there are tribes which have produced dozens of IAS and IPS. I think there are not as many tribal IAS and IPS officers in one district as there are in the district of Sawai Madhopur. The tribes there are quite affluent and they take most of the reservation advantages given in Rajasthan. Therefore, these are things on which you have to think upon. I think this is the intention behind bringing forward this Bill that the provisions so far made by you should benefit the intended beneficiaries in real sense. For this efforts should be made. This may be done either by constituting Advisory Councils or District Councils but something should be done for tribals with the help of the existing provisions. The idea behind bringing forward this Bill is that whatever efforts have been made so far have not been satisfactory and you should make efforts towards this direction.

With these words, I thank you for giving me time to express my views.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ) : I have listened with great care the speeches made by all the hon. Members on a very important matter. I call it important because it touches the most important part of India's culture and heritage represented by the tribals of this country. Unfortunately, they have not achieved much in education, health and economic development. The Constitution makes special provisions for their development. But what a manifestation of luck for them that they have not been able to come up economically to the extent they should have come.

The Mover of the Bill has a very clear idea that his places like Chhotanagpur, Santhal Parganas, Surguja District, Jashpur District, Sahadol District, Bilaspur District and other districts in the Schedule named by him in the Bill, are inhabited by the Adivasis and they deserve a special treatment. There is no going back on this demand. I am happy that Shri Manku Ramji, one of our hon. Members from the real Adivasi areas, spoke about the difficulties which the Adivasis are made to face, the exploitation they have to suffer at the hands of contractors, money-lenders and landlords and other such people who have no regard for their commitment to their brothers in the country, but their only mission in life seems to be money by fair or foul means. That is the concern of every one of us.

India will not progress unless these areas develop simultaneously with other areas. But you will appreciate also one thing that the Bill mainly thrusts in the proposed amendment to modify the existing provisions of the Sixth Schedule to introduce a concept of district councils and regional councils in the tribal areas of Bihar, Madhya Pradesh to be constituted into autonomous districts under paragraph 1 of the Sixth Schedule read with paragraph 20 of the same Schedule. This is the main thrust of the proposed amendment.

Sir, you will appreciate that the tribal

areas in our country are spread over, as was said by many speakers, to various parts of the country. The problem really lies almost in every State, in some part or the other, we have tribals in almost all the States. For example, in Rajasthan, Gujarat, Maharashtra, Madhya Pradesh—where they are in maximum number—Bihar, West Bengal and the whole of North-East, in all these areas we have the tribals. So, the Government has been making a very concerted efforts and most of the tribal areas, including the States in which the hon. mover of the Bill has insisted for formation of autonomous district, are covered by the Tribal Sub-Plan strategy. Most of these areas have been brought under the ITDA, MADA pockets, and Primitive Tribe Projects by the Sixth Plan. You will find that in Bihar alone, 14 ITDP and 40 MADA pockets; in Madhya Pradesh, 42 ITDP and 64 MADA pockets; and in Orissa, 21 ITDP and 45 MADA pockets were provided. You will also find that during the Fifth Plan, about Rs. 1,100 crores was invested for the tribal development schemes. This amount was raised to Rs. 5,500 crores during the Sixth Plan. Special Central Assistance rose from Rs. 190 crores to Rs. 486.15 crores during this period. The Central Ministries were involved in the tribal development programmes in the Fifth Plan and during the Sixth Plan, when about Rs. 700 crores was invested by these Ministries in the development programmes of the tribals. I have noticed that during the Seventh Plan, the Plan size has risen from the earlier allocations to Rs. 10,500 crores for tribal areas, which has been approved by the Planning Commission. The Special Central Assistance for the Seventh Plan is about Rs. 756 crores. So, this will all show that the tribals have an uppermost place in our mind and their development is the major concern of the country and sufficient funds are being allocated for their development. During the Sixth Plan and the first three years of the Seventh Plan, for the States of Bihar, Madhya Pradesh and Orissa, substantial amount has been earmarked for tribal areas within their jurisdiction. The Special Central Assistance in these States has also been linked and raised substantially. If I may give you the investment figures, they are as under :

Sixth Plan

State	State Plan (Rs.)	Special Central Assistance (Rs.)
Bihar	609.95 crores	69.26 crores
Madhya Pradesh	669.75 crores	137.44 crores
Orissa	539.74 crores	66.32 crores

In the Seventh Plan, in the first phase, in 1985-86, it is 194.13 crores for the State planning as against Rs. 19.64 crores for the previous year. Then in Madhya Pradesh it was Rs. 200.37 crores and the Central assistance was Rs. 39.69 crores. For Orissa, it is Rs. 138.47 crores and the Central assistance is Rs. 19.15 crores. It has increased over the next two years, that is, for 1986-87 and 1987-88. There is a gradual rise in the State Plan as well as in the Central Plan for the tribal areas. According to the statistics available with me, about 40 lakh tribal families were economically assisted during the Sixth Plan through income generating schemes in the country. During the Seventh Plan, a target of 40 lakh families with great emphasis on crossing the poverty line has also been fixed. The figures relating to the other 3 States are as follows.

In Bihar, the Sixth Plan achievement was 3.99 lakhs and for the Seventh Plan, the target is 4.59 lakhs. For Madhya Pradesh, in the Sixth Plan it was 8.44 lakhs and for the Seventh Plan the target is 9.21 lakhs and for Orissa, for the Sixth Plan it was 4.90 lakhs and for the Seventh Plan the target is 4.15 lakhs.

The position indicated above shows that the tribal population in the country has been receiving adequate attention in the developmental process of the country. The States mentioned in the Bill to which the amendment relates have also earmarked substantial funds for their development. The question of separate autonomous status for districts or regions should arise where the population is not adequately involved in the local administration. In all these States, however, integrated tribal development projects having project implementation and review committees, tribal MPs and other local representatives are associated. Scheduled areas of each

one of these districts are governed by the provisions of the Fifth Schedule of the Constitution to which Tribal Advisory Councils have already been established.

In the State of Bihar, there are three statutory autonomous regional development authorities functioning in Chota Nagpur and Santhal Pargana areas. The Chief Minister as the Chairman of the authorities and Regional Development Commissioner of Ranchi have the exclusive jurisdiction over the tribal matters. He is the Secretary of these authorities and the State Government, I am told, has established a mini-secretariat in Ranchi in the heart of tribal areas with the Development Commissioner as its head to look after the tribal matters. There may be problems for the Adivasis on account of some officers here and there, not really being devoted to the work, but I quite appreciate and I personally feel that some officers who are dedicated to devote much more attention to the problems of the Adivasis as part of their duty, while others not so committed may not put in their heart and soul as they should. In all these matters, wherever the question of implementation arises, whether it is a tribal problem, whether of Scheduled Caste and Scheduled Tribes, the individuals do matter and that is, of course, a major concern that we should give some attention to the executive part of these projects. Whether they are through the Councils like the District Councils or Regional Councils, the question is that it is national concern.

And targets have been achieved, most of the significant part of these targets, and I feel personally that this effort needs to be continued not only in these three areas which have been mentioned in the proposed Amendment Bill, but in all parts of the Adivasi area. Because it will not raise the standards of living of the Adivasis, their education, their health and their future prosperity, then a

[Shri H.R. Bhardwaj]

large part of the country's population will remain frustrated and then, of course, the cries like the one mentioned by the earlier speakers are bound to be raised. So, we need to give more attention to these problems and we personally feel that the participation of the tribals in the economic development of the country, in the Administration, in education and in other walks of life needs to be encouraged more and more. India today, Sir, is having a planned development and now we have to travel a distance where the things have started moving in the right direction and if you see into it—I have travelled most of the parts mentioned in this Bill, in Madhya Pradesh, my home State, and I find a tremendous amount being given to the development of tribal areas in Sahadol, Sarguja and other districts.

SHRI AJAY MUSHRAN (Jabalpur) : Sir, there is one point. Wherever there is a complete district which is dominated by the tribals, there the schemes worked very effectively and forcefully, there is no doubt. But there are some districts where there are pockets or blocks and even panchayat level pockets and there also there are Adivasis who are not being looked after and are not even being covered by your schemes. It is no fault of the State Government whether it is Madhya Pradesh or Bihar or Orissa. My experience has been that these blocks and these panchayats where there are 100 per cent tribals, they must get the same benefits of the economic thrust given by the Central Government because when your scheme percolates down, then only the State Governments move. So, will you like to throw some light on this that you will consider that those blocks and those panchayats where 100 per cent tribals...

(Interruptions)

MR. CHAIRMAN : Not 100 per cent.

(Interruptions)

SHRI AJAY MUSHRAN : And the unit should not be the district only. In some exceptional cases the block should be a unit for giving your projects and benefits of development.

MR. CHAIRMAN : In the panchayats, not cent per cent Adivasis are there. Only 50 per cent or more than 50 per cent.

SHRI AJAY MUSHRAN : Let us take 75 per cent to 80 per cent.

MR. CHAIRMAN : Fifty per cent or more than fifty per cent.

(Interruptions)

SHRI SATYAGOPAL MISRA (Tamluk) : You do not know about Madhya Pradesh. (Interruptions). When the last panchayat elections were held....

(Interruptions)* *

MR. CHAIRMAN : I will not go on record.

(Interruptions)**

MR. CHAIRMAN : Hon. Minister, the hon. Member has raised a pertinent point. That is, in certain States there are gram panchayats where the Adivasis are in majority, but the schemes are not adopted in those gram panchayats and the Adivasis are not getting the benefit of all the Central schemes. Will the Government take steps to see that in such gram panchayats in different States and different districts where the Adivasis are in majority these things are made applicable, not necessarily to the Adivasi districts only? That is the Question.

SHRI H.R. BHARDWAJ : I followed when the hon. Member...

(Interruptions)

MR. CHAIRMAN : Let us hear the Minister.

SHRI H.R. BHARDWAJ : I have followed what the honourable Lt. Col. Mushran has spoken. I know, Sir, I have almost toured every Adivasi district of this country and I am aware that the whole district is not Adivasi, whether it is at the panchayat level or at the taluka level. The whole district is not of Adivasis. Those people are not served with those things, I know it.

I know it. But the question is, the planning as has been done today, whether it is for industrialisation or for others, we have perhaps taken district as a unit. That is the programme. I can only convey it to the Welfare Minister or the Planning Minister.

SHRI NARAYAN CHOUBEY (Midnapore) : With your recommendation.

SHRI AJAY MUSHRAN : These are Government Projects and he is the Government.

SHRI H.R. BHARDWAJ : When you were the Lt. Colonel, you were not the C-in-C. I am speaking on this Bill technically because it is a Constitution (Amendment) Bill. Otherwise, this whole thing needs to be tackled by the Welfare Minister or the Planning Minister. (*Interruptions*)

MR. CHAIRMAN : Let us hear the Minister. Please proceed.

DR. PHULRENU GUHA : Will the Minister kindly convey our intention to the concerned Minister ?

SHRI H.R. BHARDWAJ : I am now trying to answer everything that has been said by the hon. Members and perhaps I am much more aware of the problems than any of the hon. Members because as a social worker, I have worked myself in the tribal areas.

SHRI NARAYAN CHOUBEY : You were a lawyer.

SHRI H.R. BHARDWAJ : I have become a lawyer after working almost in tribal areas. I am not a person who was born in Delhi. (*Interruptions*)

We have a lot of time to talk to them today.

MR. CHAIRMAN : As a lawyer, you are expected to know more.

SHRI H.R. BHARDWAJ : Actually, perhaps they are not aware of it. Even now as a Minister, I do not go to Bombay or Calcutta or Madras. I go to tribal areas in Lok Adalats and my hobby of meeting these people continues. (*Interruptions*). I am trying to understand what is at their heart. You please let me know, if you can suggest something.

The suggestion is, not only the district as a unit should get this programme, but it should be given at the Panchayat level also if there is tribal belt and that should be covered. It is a good and wholesome suggestion and I welcome it. Whatever is possible within my wing, I will take it up with my full support.

My main emphasis was that the mover of the Bill has to be congratulated because it is, here, the problems have to be highlighted more and more. You may achieve your object in one Bill or in another discussion or third discussion. The question is your concern is real and genuine and I appreciate and reciprocate it.

Therefore, as has been pointed out by the various Members, wherever we have tribal belts in the country, our first commitment should be that they should be given a better deal. That is the real proposition. It is not only in the districts but wherever they have pockets, it should be covered. This Bill does not cover Rajasthan tribal area Bhil and Adivasi areas. One Member has spoken about Meenas in Sawai Madhopur. I have travelled extensively in Sawai Madhopur and it is right that they are the tribals who have progressed much more than other tribals. But the question is, they also have the activities of tribals. Sometime back, Meena tribals had been in the forefront in Rajasthan even when it was a princely State. Most of them were used as security people by Maharajas those days and they were the most reliable people. I know, in Jaipur State, all the security guards were tribal Meenas in the palace, in the treasury and outside. And the rulers relied more on Meenas than anybody else. They have a very fine and distinct culture of faithfulness, obedience and something like a unique character which other tribals may not have. The king would not rely on his own son but would rely on a guard who was a Meena. That was the tradition of Meenas in Rajasthan

I am proud to say about them—whether you go to the tribals in North East or Madhya Pradesh or Jhabua or Dhar, where I have gone half a dozen times—that they are the most truthful persons. That is why, I am sincere about their requirements that they should get better deal immediately so that they should come up. They are innocent

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and truthful people and something has to be done to save them from the exploitation of the money-lenders, land-lords, Kulaks and what nots.

Th's a very wholesome suggestion. This is a very good and well-intentioned spirit. I do not accept the accusation that the hon. Member is motivated by self-interest because he seems to have a genuine concern for the tribals. I have noted down all the points. I have got the copies of all the speeches that Members have delivered. We will further discuss if something can be done at all. We will do all this. None-the-less, I would say that because this Bill does not serve any major purpose so far as the tribals as a whole are concerned, I would only request the hon. Member kindly to withdraw this amendment because such a Constitutional amendment is not going to serve the real purpose or intention behind the Bill.

SHRI PIYUS TIRAKY (Alipurduars) : I have great love for Mr. Bhardwaj. But what he said now in his reply is very regrettable. There is nothing wrong in what I have asked. There is already the VI Schedule in the Constitution. Nothing extra-constitutional is asked. It is already there in the Sixth Schedule. A number of tribal areas are included in the Sixth Schedule already. I have already told the Government that the tribals are not the second-class citizens. They are the inhabitants and the original people of this country. They should not be treated in a piece-meal manner. They are present in every State. Our Constitution already provided the Scheduled areas for them. They are already mentioned in the Constitution. Therefore, what is the difficulty for the Government in coming forward and in giving them autonomous region or district? It is already provided in the Constitution. It means you are indirectly not obeying the Constitution which you have made. The forefathers of our Constitution were thinking of these tribal people and of their political rights. Equality does not mean that one should lag behind for centuries together. Equality, integrity and solidarity do not mean that one community should be deprived of its political rights all the time. You are not obeying your Constitution. You are not sincere in giving the tribals their rights. The tribals do not dare to assert their own

rights today because of their weakness. Nobody from the ruling party excepting a few dare speak for the tribals and take part in this debate. This is the condition of Parliament today. The tribal members of Parliament are bound to support their boss in the Parliament because the boss finances them in today's politics. Under these circumstances, democracy cannot work.

You know that movement has already begun and you have put in the tribal area 40 divisions of military. This is because you have political power. You want to curb the peaceful movement of the tribals. Do you want to see blood-shed? Your Government only understands the language of violence. It has been understood in the case of Nagaland and in the case of other States in the Eastern region. You have blood-shed in Bihar, military killings and many other injustices have already been done.

You have succeeded in depriving the tribals also of their rights. The tribals want to live as Indians. They want to march forward along with other people. They should not lag behind. Equal rights mean equality and integrity. Some hon. Members, on the other side have said that integrity and solidarity of India have been challenged in this Bill. I do not understand this. I am only speaking about the VI Schedule which is already in the Constitution. How would it mean that I am challenging the unity and integrity of India? If someone expresses his grievances, wants to keep his culture and if some community wants to preserve and improve its language, how can it be said that he is and such a community is challenging the unity and integrity of India or something like that? Everybody has agreed that a lot of money has already been spent for the development of the tribals but the work has not been done properly. The condition of the tribals has been deteriorating. I would like to remind you in this connection that in the tea gardens they have been working for the last hundred years. People have been taken from Chotanagpur, Santhal Parganas, Madhya Pradesh and Orissa. They were allured to work in the tea gardens. But, what are the conditions that exist there till now? Even after hundred years, they still remain as labourers. Not a single man has become a Manager, Proprietor or even a Head Clerk. What sort of thing is going on

in India? You want to maintain solidarity, you want to keep the unity and integrity of India and all the people must love each other. Do you mean that the tribals should remain as servants? Do you think that they will serve you by doing all sorts of difficult jobs? Don't they have the right to rule? Do you want them to be deprived of their opportunity to take part in the decision-making process? Can't they rule for themselves? Can't they make law for themselves even in the tribal areas? I am pained to say that your answer is very vague. It is against the wishes of the tribals of India. You have already gone through this matter. You are a lawyer. You very well understand the law. The injustice that has been done to the tribal people in the tribal areas is not unknown to you. You could have at least said that some comprehensive Bill is coming before this House from the Government-side. I would be very happy to have heard that. But you have not mentioned anything about it. You could have promised that all the lands that have gone to the non-tribals in the tribal areas must be taken back within a year or so. That would have proved that there is some good intention in your mind on those lines. You could have also promised that all the tribals who have been displaced due to some development projects would be settled immediately; those who have been displaced would be provided with some jobs and settled. You have not said anything at all on these lines. You think that you can do as you like and very nicely convince the tribal people. I would like to say here that they are not the second class citizens. They have got the right to enter politics. They have the right to say certain things. But their interests are not served here. The Constitution-makers have very rightly provided the Sixth Schedule to safeguard the interests of the tribals. That right has already been there. So, what is the difficulty to implement this? Today, in the Chotanagpur area, which is the tribal-belt, a movement has started. To contain that movement, about 40 battalions of security personnel have been placed there. 500 people including the leaders were arrested. You could have made them understand the situation. But the Bihar Government did not do like that. The situation is being aggravated. You are spoiling the situation there. That would lead to great repercussions among the tribals who are living in India. It is a right thing that they have not

gone out of Constitution. It is already there. Some sort of sympathy should have been given from the side of the Union Government.

Sir, yesterday and day before and many a time, we have spoken about the tribal development in our country. But all the time Government have been assuring to give more money and it just tries to see that the tribal development programmes are expedited. We, the tribal people have been hoping for the past 40 years that this Government of our country may come some day and see that equal rights are given to these people. But in spite of all these things, knowingly, they are trying to disturb the tribal areas. What has the Bihar Government done? Ranchi has been divided into three or four districts. Five districts have been divided into 15 districts. What is the reason? There is something behind that. The tribal land has been acquired to have a district. Individually, tribal land cannot be acquired but if the Government wants, it can acquire for its own purpose. They are putting non-tribals outsiders in every district so that tribals may not claim majority. Hence, they cannot demand for autonomous districts or autonomous regions. How can the tribal people have faith in such a Government which is always trying to exploit them?

As regards reservation in jobs and other things, most of the Members have spoken many times about the reservation for Scheduled Castes, Scheduled Tribes etc. What happened to all those assurances given by the Government? Nothing has so far been done. My friend and everybody else who has taken part in the discussion have directly or indirectly supported that the tribal people's scheduled area must be brought into the Sixth Schedule not in piecemeal for Bihar and Orissa alone but for the entire India wherever there is a scheduled area.

DR. J.S. RAJHANS (Jhanjharpur) :
Nobody has supported

SHRI PIYUS TIRAKY : For your information, there are scheduled areas in Bihar, Assam, Orissa, Madhya Pradesh, Andhra Pradesh, Gujarat, Himachal Pradesh, Tamil Nadu and Tripura. Somebody has also remarked that West Bengal has not been mentioned as I come from West Bengal. But for your information, there are no scheduled

[Shri Piyus Tiraky]

areas in West Bengal.

(Interruptions)

SHRI H.R. BHARDWAJ : I have seen rampant poverty in West Bengal as a whole. (Interruptions).

Everyone is almost like a tribal in West Bengal.

(Interruptions.)

MR. CHAIRMAN : Please proceed.

SHRI PIYUS TIRAKY : Somebody has suggested that the tribals must be given the posts of IAS, IPS and Governor. We have got a Secretary who does not speak. He is the one who does not speak at all because all the powers are vested in you, the politicians. He may be a qualified person, he may be an IPS Officer ; but the power remains with you. The Scheduled Area must be ruled by the tribals themselves. Nobody should interfere there for purposes of exploitation. This is the demand of the Constitution itself and this is my demand also. The Constitution demands that the Sixth Schedule should be applied to all the Scheduled Areas in the country, which I have already mentioned.

We, the tribals, do not want that we should be spoon-fed. Why don't you ask the tribals to have their own Government, to try to stand on their own legs wherever there is a Scheduled Area earmarked in the Constitution itself ? What is the difficulty ? The difficulty is that you are not faithful to the Constitution at all and to the tribals. Otherwise you could have already done it. You should not wait for a blood-shed.

I demand that those who have been arrested should be released immediately. All the lands acquired alienating the tribals should be restored to them. In Orissa itself two thousand cases of land snatching from the tribals have been hanging over ; that should be immediately returned to the tribals. In Bihar, Madhya Pradesh, Rajasthan and in all the other States that I have already mentioned, whatever land in the tribal regions they had before independence must be returned to the tribals. This is my demand.

This is a Constitutional Bill. Unless I

get some assurance from the Minister or from the Government that a comprehensive Bill is coming to cover all the Scheduled Areas, I demand a division.

SHRI H.R. BHARDWAJ : I cannot give that assurance.

MR. CHAIRMAN : You have already spoken.

SHRI H.R. BHARDWAJ : I want to clarify certain things. I know that he is a very revolutionary person—he may speak something and may not mean that. He has covered various points which are not covered in the Bill. I have told him that this is a matter which is not to be covered by a Private Member. He has conveyed it and I have said that I will pass it on to the Government. When we are all sincere, we will see what we can do on this matter to cover various areas.

SHRI PIYUS TIRAKY : You are a part of the Government. To which Government will you pass it on ?

SHRI H.R. BHARDWAJ : That type of an assurance is involuntary if he is sincere to his cause. He has given some very important points about people arrested, etc. When he moves a Private Members' Bill, he should not take an attitude of this type. We only try to pinpoint the attention of the Government on issues which are very very essential. His objective has been achieved when he has said that the whole House has supported his feelings.

This is a Constitutional matter and I cannot give an assurance. But I can assure him that I appreciate his feelings and I am going to convey it to the relevant quarters that the tribals should be given a better deal than what they are getting today, and that is everybody's desire.

SHRI PIYUS TIRAKY : I would like to know whether any comprehensive Bill is coming in future or not.

SHRI H.R. BHARDWAJ : How can I say that ? I have told him that I will take up all his points.

(Interruptions)

SHRI PIYUS TIRAKY : So, you are not able to speak. Who is incharge of this.

SHRI H.R. BHARDWAJ : I do not think we need to enter into an argument. I have your speeches and also the speeches of other Members who have spoken and those matters which deserve the attention of the Government immediately will be taken up. You have suggested only 4-5 districts of one Province. If you want Adivasis or Tribals as a whole should get benefit then I will have to go through the speeches of other Members also.

SHRI PIYUS TIRAKY : By what time ? Within a week there should be a meeting by the Prime Minister.

SHRI H.R. BHARDWAJ : I cannot say this. You are not realising what you are saying. I am saying I have your speeches with me. It is Private Members' Bill. Nothing is going to be given or taken by you through this Bill. It is only your feeling for the tribals. If you are sincere then it has to be conveyed to the Government. That is the only method.

(Interruptions)

MR. CHAIRMAN : Enough of discussion has already taken place. Mr. Tiraky, are you going to withdraw it ?

SHRI PIYUS TIRAKY : No. I am

determined. I should not wait for another 40 years. I want division.

MR. CHAIRMAN : Before I put the motion for consideration to the vote of the House, this being a Constitutional Amendment Bill voting has to be done by Division. Let the lobbies be cleared.

17.00 hrs.

Now the lobbies have been cleared.

The question is :

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

The Lok Sabha divided.

MR. CHAIRMAN : The result of the Division indicates that there is no quorum in the House. The Division is postponed to the next Private Members' Bill day. The House stands adjourned for want of quorum to re-assemble on Monday, the 23rd November, 1987 at 11.00 A.M.

17.06 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, November 23, 1987/Agrahayana 2, 1909 (Saka).