

1	2	3	4	5	6	8
Tripura	-	-	-	6.92	2.58	2.58
Arunachal Pradesh	-	-	-	0.32	0.22	0.10
Mizoram	-	-	-	0.57	0.41	0.27
Tea Board (N.E.)	-	-	-	31.43	6.65	9.02
Bihar	78.7	14.2	-	648.56	167.74	67.28
Orissa	106.7	168.9	-	188.21	51.29	37.40
West Bengal	44.3	65.1	-	524.44	205.97	156.49
Total (All India)	4939.9	1476.8	-	10754.04	3559.74	1351.32

14.35 hrs.

STATEMENT CORRECTING REPLY TO STARRED
QUESTION NO. 2, DATED 27.02.1996 'MALARIA
CONTROL'

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPARTMENT OF INDIAN SYSTEMS OF MEDICINE AND HOMOEOPATHY) (SHRI PABAN SINGH GHATOWAR) :

Sir, I invite attention to the reply given to Parts (a) and (b) of the Lok Sabha Starred Question No.2 answered on 27.02.1996. Inadvertently, the name of the State of Bihar where 34 deaths due to Malaria have occurred in 1995 has not been mentioned. The reply to Parts (a) and (b) of the Question may be read as under :

(a) and (b) : The number of Malaria cases in the country has been contained around 2 million annually. According to figures available with the National Malaria Eradication Programme (NMEP) Authorities, there were 34 deaths due to Malaria in Bihar in 1995. As far as Kala-azar is concerned, there was decline in the number of cases and deaths. In respect of Jaundice and Diarrhoea, the Bihar Government have indicated that there was no such epidemic."

Inconvenience caused is regretted.

DR. MUMTAZ ANSARI (Kodarama) : Sir, this is wrong reporting. Malar is has not been eradicated. As far as Kala-azar is concerned, neither it has been eradicated nor there is any decline. That is why, Sir, whatever report has been submitted by the hon. Minister is not correct. Bihar is infected with all these diseases.

[English]

MR. DEPUTY SPEAKER : Now, let us take up the Matters under Rule 377.

[Translation]

SHRI RAM VILAS PASWAN (Rosera) : Mr. Deputy Speaker, Sir, I am on point of order.

MR. DEPUTY SPEAKER : Yes, what is your point of order?

SHRI RAM VILAS PASWAN : Mr. Deputy Speaker, Sir, a Supplementary List of Business has been placed before us. Item No. 49 A therein deals with the introduction of a Bill with regard to Christians. I would like to know whether the Government is going to introduce the Bill or not or doing all this just to catch the vote?...*(Interruptions)*

SHRI RAM NAIK (Bombay North) : Mr. Deputy Speaker, Sir, I have also given notice for the same.

(Interruptions)

SHRI RAM VILAS PASWAN : We want to pass this Bill without discussion.*(Interruptions)*

[English]

MR. DEPUTY SPEAKER : We shall take it up later.

SHRI RAM VILAS PASWAN : Sir, it is item No. 49 (a)

MR. DEPUTY SPEAKER : Let us take it up after some time.

SHRI RAM VILAS PASWAN : Sir, according to the Supplementary Agenda, this item comes first.

MR. DEPUTY SPEAKER : You are right. You have got a right to raise any legitimate objection which you deem fit. Now, you keep that as it is and we shall take it up afterwards.

SHRI RAM VILAS PASWAN : Sir, you are going to item No. 50, whereas this is item No. 49(a).

MR. DEPUTY SPEAKER : It will be taken up after some time.

SHRI RAM VILAS PASWAN : Why? What is the reason? This is a very important Bill and we want to pass it without any discussion...*(Interruptions)*

MR. DEPUTY SPEAKER : It is not correct. Shri Ram Naik, kindly hear me.

SHRI RAM NAIK : Sir, I have given a notice raising an objection...(Interruptions)

14.38 hrs.

(MR. SPEAKER in the Chair)

SHRI RAM VILAS PASWAN : Have they circulated this for vote purposes?

[Translation]

SHRI KALKA DAS (Karol bagh) : Mr. Speaker, Sir, it is not possible. That cannot be even introduced...(Interruptions)

MR. SPEAKER : Please sit down.

SHRI RAM VILAS PASWAN : Mr. Speaker, Sir, I had raised a point of order...(Interruptions)

SHRI KALKA DAS : Mr. Speaker, Sir, I object to it...(Interruptions)

[English]

MR. SPEAKER : I will allow you, you take your seat.

(Interruptions)

MR. SPEAKER : Let me hear him first. I will allow you also.

[Translation]

SHRI RAM VILAS PASWAN : Mr. Speaker, Sir, it has been mentioned in item No.49A of the Supplementary list of business sent to us...(Interruptions)

SHRI KALKA DAS : It is not in today's agenda ... (Interruptions)

[English]

MR. SPEAKER : I am not going to allow you like this.

[Translation]

SHRI RAM VILAS PASWAN : Mr. Speaker, Sir, it has been mentioned in the supplementary list of business that Shri Sitaram Kesri will seek the permission of the House to introduce the Bill seeking further Amendment to Constitution (Scheduled Castes) Order, 1950, Constitution (Scheduled Castes) (Union Territory) Order, 1951, Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, Constitution (Dadra & Nagar Haveli) Scheduled Castes Order, 1962, Constitution (Pondicherry) Scheduled Castes Order, 1964 and Constitution (Sikkim) Scheduled Castes Order, 1978. This list of business has been distributed among to us and it has been mentioned therein...(Interruptions)

Chair has directed for item No. 50. I would like to know whether the Government of India has sent its

supplementary list to you or not? If it has sent then why the Government of India is not introducing it? It is my point of order.(Interruptions)

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : Mr. Speaker, Sir, there is no mention of the Bill or the matter being raised by Shri Paswan in the list of business with me. Whether any paper has been circulated here, keeping we people in dark? Is that a matter of agenda? Whether anything can be added to the list of business like this at the eleventh hour? Sir, the House should not be taken for a ride in this way.

SHRI RAM NAIK : It is not a matter of changing the list of business. There are total 70 items in the list of business and this matter is nowhere. But today, at 12.15 Hindi version of the Bill was circulated and at once at 12.16 I gave you a written notice that if the Government introduces that Bill and you take up that Bill, I would oppose that.

[English]

MR. SPEAKER : I want to hear what is your objection to it. One objection is that the copies were not circulated.

[Translation]

SHRI RAM NAIK : I would tell you about the remaining objections. I would like to read rule 74 from the Rules of Business.

[English]

It is stated in Rule 74 in Rules of Procedure & Conduct of Business in Lok Sabha as follows and I quote :

"Motions after introduction of Bills and Scope of Debates. 74. When a Bill is introduced or on some subsequent Occasion, the member in charge may make one of the following motions in regard to his Bill, namely:

Provided further that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for two days before the day on which the motion is made and such objection shall prevail, unless the Speaker allows the motion to be made.

[Translation]

It is the first point. The second point is that, it has been mentioned in the Direction 19(a) (i) of the Directions given by you from time to time.

[English]

It is stated as follows in Direction 19 (a) of the Directions of Speaker and I quote :-

"(1) The Minister desiring to move for leave to introduce a Bill shall give notice in writing of his intention to do so;

(2) The period of notice of a motion for leave to introduce a Bill under this Direction shall be seven days unless the Speaker allows the motion to be made at shorter notice."

[Translation]

Therefore, the first thing is whether a seven days' notice had been given to introduce the Bill in question? Next thing is that suppose that decision has been taken on the notice after examining it, even then the Hon'ble members have a right that the copies of the Bill are given to them two-days before the day of actual introduction of the bill so that in case there is a Constitutional objection, they may take up the same because they should have ample time to think of the grounds of such objection.

It is stated as follows in Direction 19(b) of the Directions of the Speaker and I quote :

"If less than two days notice is given, the Minister has to give reasons for consideration."

In the present case, two days' notice has not been given to you and you must be knowing whether a Seven days' notice has been given to you or not. Today which is the last day of this session of Lok Sabha is also the last day of this Lok Sabha and since the term of this Lok Sabha is going to be over, it will be a mockery of the Constitution if one rushes through a bill without taking the House into confidence and that is how all this is taking place.

A hurried reading of this Bill has made it clear that this bill is being brought for providing some facilities to Christians and it seeks to amend the Constitution. Even in the case of introduction of an ordinary bill, two days' notice is required, but to bring an amendment bill without a general consensus particularly at a time when the elections are going to be held, is really highly objectionable. Moreover, this will reduce the percentage of facilities that are available to the SC/STs and that is why it is an injustice to those who are dalits and tribals because some more people will be covered under this provision. In fact, this system had been for the upliftment of the backward, largely because of vices plaqueing the Hindu Society and that is why it has been discussed time and again on the floor of this House and it was decided that such facilities are meant for rooting out such malpractices prevalent among Hindus. Such facilities cannot be given to the people of other religions. Yes, we may talk about it. In case there is a proposal to give such facilities to some by declaring them as economically backward but this kind of mockery of the Constitution

cannot be allowed. Therefore, we oppose this Bill which has been introduced with the forthcoming elections in mind.

I would like to request you not to give your permission to bring such a bill in a hurried manner.

MR. SPEAKER : This is not applicable to all. He has made out his point so well. Since Kalkadasji has given a notice, I am giving an opportunity to him. As you have not given a notice, I am not giving such opportunity to you.

SHRI KALKA DAS : I too say the same that the bill should not be permitted to be introduced for the reasons as are given by Shri Ram Naikji.

Introduction of this Bill should not be permitted because this bill is going to decide the fate of crores of Scheduled Castes. In fact the Constitution makers had made the provision of reservation facilities for those who were considered untouchables in the society and who were not allowed to go ahead and therefore the provision of reservation was made to compensate them.

As far as the Christian brethren are concerned, they were never subjected to untouchability. That is why a provision to that effect was not incorporated in the Constitution. Now it is a part of vote politics that a conspiracy has been hatched to appease some section of people in such a fashion that today on the last day of this session when the House is going to be adjourned sine die, this Bill is being brought with a malafied intention.

Here I would like to submit that the Supreme Court has given its ruling that the reservation will not exceed the limit of 50 percent, namely 22.5 per cent reservation for SC and ST and 27 percent reservation for the OBCs. Now, the reservation percentage is not going to be increased, so how the Christians are to be included in it. The Christians have not suffered on account of untouchability. In case they are also included among the beneficiaries of reservation, the 15 percent of Dalits' share will go to the Christians only because the so called Dalits you are talking about do not exist among the Christians...they exist among Hindus...(Interruptions)

SHRI P.C. THOMAS (Muvattupuzha) : Sir, I am on a point of order.

MR. SPEAKER : What is your point of order.

SHRI KALKA DAS (Karol Bagh) : Let me make my points. He could make his submission later on.

SHRI P.C. THOMAS (Muvattupuzha) : He is going into the merits of the case. This is not proper.

MR. SPEAKER : He is asking: Can you bring forward this kind of a Bill, which has broader implications, at the last moment? What is your point of order?

SHRI P.C. THOMAS (Muvattupuzha) : He is going into the merits and technicalities.

MR. SPEAKER : This is not a point of order. Take your seat, please.

[Translation]

SH. KALKA DAS : Shri Ram Naik has said that in case some step is taken in view of the economic backwardness of a community, that can be understood but the provision of reservation for Scheduled Castes is made purely on the basis of caste and untouchability that they have been subjected to. Earlier they were not allowed admission in the schools. Even Baba Saheb Ambedkar was meted out the same treatment.

MR. SPEAKER : You do not report, I am understanding each and every sentence.

SHRI KALKA DAS : I will conclude by saying just one thing. They were not subjected to untouchability. The Scheduled Castes people were subjected to this untouchability. That is why it was discussed in the constituent Assembly.

MR. SPEAKER : Please be brief and come to the point.

[Translation]

SHRI KALKA DAS : Those who were the Constitution makers.

MR. SPEAKER : You have been given time enough

[English]

But at this time it is not necessary.

[Translation]

SHRI KALKA DAS : The percentage of reservation is not going to be increased. This will not go beyond 49.5 percent. They will have their share in it and we will cover Christians also under the provision of reservation, then the percentage of reservation for Scheduled Castes will go down.

MR. SPEAKER : This point has been covered.

[English]

You should also hear me.

[Translation]

SHRI KALKA DAS : That will adversely affect the Commitment, which will be unconstitutional. Therefore, it should not be accepted here.

[English]

SHRI UMRAO SINGH (Jalandhar) : I am on a point of order.

MR. SPEAKER : What is your point of order?

SHRI UMRAO SINGH (Jalandhar) : Shri Kalka Das and his colleagues have referred to Section 74, lays down totally a different thing. And this Bill is only at the introduction stage.

MR. SPEAKER : Are you in a position to explain to me, if it was an important Bill, why did you not give the notice seven days back?

SHRI UMRAO SINGH (Jalandhar) : It is only about the introduction in the House.

MR. SPEAKER : That is the relevant point. You will explain to me why did you wait for so many days?

SHRI UMRAO SINGH (Jalandhar) : As it has been said, this has been discussed many times before. The House is seized of the matter.

MR. SPEAKER : Then it was all the more easy for you to give the notice seven days back. If it were so, what was the difficulty in giving a notice?

Mr. Bansal, I will give you a chance.

[Translation]

SHRI INDRJIT GUPTA (Midnapur) : Please, ask the Minister.

MR. SPEAKER : I will ask.

[English]

SHRI PAWAN KUMAR BANSAL (Chandigarh) : I will very briefly refer to the Practice and Procedure of Parliament by Kaul and Shakhder. On page 492, after laying down the provisions regarding introduction of the Bill and the notice required for the purpose, it further goes on to say:

"The Speaker may, however, allow the motion for leave to introduce to be made at a shorter notice."

That is a general proposition. Thereafter, giving a particular instance on page 493, it says :

"The proof copies of the Essential Commodities (Amendment) Bill, 1957, were received on 29th May, 1957, and the Bill was sought to be introduced on 30th May, 1957. Printed copies were accordingly obtained and distributed to members in the Chamber on 30th May, 1957, during the Question Hour. When a point of order was raised, the Speaker explained that he had permitted the Bill to be introduced on a representation made to him by the Government about the urgency of the measure. The Bill was, thereafter, introduced."

MR. SPEAKER : What is the urgency? Are you in a position to pass the Bill? Why did you not give the notice.

SHRI PAWAN KUMAR BANSAL (Chandigarh) : Speaking as a Member of this hon. House I find nothing wrong with the Government moving this today.

MR. SPEAKER : That is exactly the point. That is altogether a different thing. It is a good Bill. We can appreciate it. But why did you not give the notice?

SHRI PAWAN KUMAR BANSAL (Chandigarh) : According to the rules only, the Government is moving it. In the memorandum, they are requesting the Speaker about this. It is urgent, for the introduction of the Bill and the circulation thereof to the Members...*(Interruptions)*

SHRI CHANDRA SHEKHAR (Ballia) : May I draw your attention to this? This is the explanation given by the hon. Minister. It is very interesting. This is the Constitution (Scheduled Castes) Orders (Amendment) Bill, 1996. It says:

"Demands have been made for some time past for extending the statutory benefits and safeguards available to the Scheduled Castes to Christians of Scheduled Caste origin by according them recognition as Scheduled Castes on the ground that change of religion has not altered their social and economic conditions."

It was made passed. After due consideration of these demands it is now proposed to amend the relevant Constitution orders accordingly. Since the process of consideration has been concluded. In recently in favour of these demands, so he is bringing it. If this demand was made back and the consideration took them such a time that only on the last day of the Session they could come to the conclusion that the Constitution should be amended. If this is the valid reason - I do not know - it is for you, Mr. Speaker, to decide can this be a valid reason for amending the Constitution in this manner.

[Translation]

SHRI RAM VILAS PASWAN : Mr. Speaker, Sir, this Amendment has two aspects. The first is legal aspect and the other...*(Interruptions)*

MR. SPEAKER : Prof. Saheb, please do not disturb me. Do you not feel irritated when disturbed by your own student...*(Interruptions)*

SHRI RAM VILAS PASWAN : It has two aspects. The first is legal and the second is concerned to the importance of the Bill. As far the legal aspect, there is no second opinion about it. These are shortcomings in the Government and it lacks in seriousness. The Government wants to bring this Amendment Bill, keeping in mind the forthcoming election, otherwise, as Shri Chandrashekharji has rightly said, this matter is not being raised for the first time. When the National Front was in power and it decided to provide reservation to Buddhists as well, an assurance was given at that time that dalit Christians will also be provided reservation facility. As my colleague was stating

just now that the logic behind it was that as per the Constitution - 'There shall be no discrimination on the basis of the religion.' On this basis, the Hindu S.T. as well as the Muslim S.T. get the equal facility of reservation. P.M. Sayeed Saheb has been inducted from S.T. quota and not from Muslim quota. On the same basis, Buddhist tribals and Christian tribals enjoy the facility of reservation. Hindu dalits get the reservation facility as per 1950 order, Sikh dalits by 1956 order, and Buddhist dalits by 1990 order. When the Hindu tribals, Christian tribals, Buddhist tribals, Hindu Buddhists tribals Scheduled Castes and Scheduled Caste Sikhs are getting the reservation facility, then why should dalit Christian not get the same? I think that this is the religion based discrimination against them. Therefore, my first plea is essentially related to the Constitution that 'There shall be no discrimination on the basis of the religion.' No discrimination can be practised on the basis of religion. So far as the issue of reservation is concerned, this Bill is right. I suppose, you are aware of the fact that we have provided 3 percent reservation facility for disabled persons. But now their number has increased. Therefore, the percentage of reservation has to be increased accordingly. The Constitution has got right to enhance the upper ceiling of reservation and if it is increased further, every eligible person will get the facility of reservation.

Secondly, I would like to say that so far as the facility of reservation for SC/ST is concerned, it has been mentioned in the Constitution that the Scheduled Castes and Scheduled Tribes will get reservation in proportion to their population. As per the census of 1991, the percentage of population of SCs and STs has become 24.56 of the total while still they are being provided only 22.50 percent reservation. Therefore, I would like to demand that the Government should bring a Constitutional Amendment to increase the quota of reservation for Scheduled Castes, to the tune of 25 percent.

[English]

MR. SPEAKER : Paswanji, we are going beyond. Your point weighs well.

[Translation]

SHRI RAM VILAS PASWAN : Mr. Speaker, Sir, I would like to State two things in few words. So far as the importance of the Bill is concerned, I am not aware of B.J.P's attitude but the whole House supports this move. But so far as the technicality is concerned, as to why the Bill was not introduced, seven days earlier, it is the shortcoming of the Government because it wants to have the cake and eat it too. The Government wants that the Bill should be introduced in the House and at the same time same should be rejected as one lacking in technically so that it may go to the people and say that it wanted to cover the dalit Christians under the reservation facility but the opposition did not let it happen. Now, it is upto you to take decision but the intention of the Government is not clear in this matter.

MR. SPEAKER : Otherwise, you will say that the hon. Speaker did not allow.

(Interruptions)

SHRI RAM VILAS PASWAN : It is fault on the part of the Government that...*(Interruptions)*

MR. SPEAKER : At this stage, it is not necessary for me to listen to each and every one.

(Interruptions)

[English]

We are not on a substantial point.

[Translation]

DR. SATYNARAYAN JATIYA (*Ujjain*) : Mr. Speaker, Sir, I have already given notice.

MR. SPEAKER : But for what? I do need no notice. I have to decide that if I have allowed to speak on any point, whether it is necessary or not for me to allow everyone to speak thereon.

(Interruptions)

DR. SATYNARAYAN JATIYA : No, I want to speak on Constitution.

MR. SPEAKER : No, not at all. This is not the time to speak on constitutional matters.

DR. SATYNARAYAN JATIYA : I want to raise a point of order.

15.00 hrs.

MR. SPEAKER : For what? I do not require that. I have to decide. If a member wants to say something on a particular point, then, it is not necessary that everybody should speak.

(Interruptions)

[English]

DR. SATYNARAYAN JATIYA : Sir, I am on a point of order.

MR. SPEAKER : What is your point of order?

DR. SATYNARAYAN JATIYA : It is in the Constitution...*(Interruptions)*

MR. SPEAKER : You refer to the Article.

DR. SATYNARAYAN JATIYA : I am giving the Article, Sir, It is Article 15(2) of Chapter 3 of the Constitution.

[Translation]

No citizen shall discriminate on grounds only of religion, race, caste, sex, place of birth or any of them.

The provision has been made to define discrimination :

(a) access to shops, public restaurants, hotels and places of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of state funds or dedicated to the use of the general public.

This is its base. Whatever has been stated about discrimination, I am quoting it...

MR. SPEAKER : It has very less poetry. It is not like this.

DR. SATYNARAYAN JATIYA : I am elucidating the interpretation of discrimination; given in Hindu religion.

MR. SPEAKER : We have some other issues also which are to be discussed. You are in a habit of sticking to only one point.

DR. SATYNARAYAN JATIYA : The meaning of this provision will be as has been stated in the clarification. An instruction has been given for the persons belonging to Sikhism, Jainism or Buddhism. It means that Sikhism, Jainism and Buddhism...

MR. SPEAKER : If you speak a lot, I will be confused.

(Interruptions)

[English]

SHRI PAWAN KUMAR BANSAL : Sir, I would only like to submit that there are twelve instances...*(Interruptions)*

MR. SPEAKER : The discretion is with the Speaker. You should convince me as to what prevented you from giving me the notice seven days ago. That is all.

SHRI P.C. THOMAS : This is not a matter of the Government alone. As far as 20 lakhs or 30 lakhs of very poor people of the down-trodden are concerned, this is a very remarkable Bill.

MR. SPEAKER : On that point, it is a good Bill.

SHRI P.C. THOMAS : I would submit this, Sir. At this stage, we appeal to seek your indulgence to use the discretionary power in favour of introduction of this Bill.

MR. SPEAKER : Yes, Mr. Minister.

...(Interruptions)

SHRI P.C. THOMAS : Sir, there are several instances where the discretion has been used. Even though a Bill has been presented at a very late stage, there are very many cases where discretion has been used.

MR. SPEAKER : You please explain to me what prevented you from bringing a Constitution Amendment Bill in time. You want me to use my discretion when an amendment to the Constitution is being done.

SHRI P.C. THOMAS : I will take only one minute, Sir. First of all, this is not a Constitution Amendment Bill.

MR. SPEAKER : What is it, then?

SHRI P.C. THOMAS : As such, this is only an amendment sought for the Presidential Order of 1950. It is not a Constitution Amendment Bill, for which other formalities are required to be completed.

MR. SPEAKER : I was not able to read it and I am committing a mistake. They also might be committing a mistake.

SHRI PAWAN KUMAR BANSAL : It is a Constitution Schedule Castes Orders Amendment Bill. This is not a Constitution Amendment Bill...*(Interruptions)*

SHRI P.C. THOMAS : This is a very simple one, which is passed by a simple majority...*(Interruptions)*

SHRI PAWAN KUMAR BANSAL : Sir, it has to be passed like any other amending Bill.

MR. SPEAKER : Is it a part of the Constitution or not?

SHRI PAWAN KUMAR BANSAL : It does find a place in the Constitution.

MR. SPEAKER : Is it a part of the Constitution or not?

SHRI PAWAN KUMAR BANSAL : It is, strictly, not.

MR. SPEAKER : Which Section are you wanting to amend.

SHRI PAWAN KUMAR BANSAL : Sir, it is only an order passed on a...*(Interruptions)*

MR. SPEAKER : Which order?

SHRI PAWAN KUMAR BANSAL : It is only an order under the Constitution. There is no Constitution Amendment.

SHRI RAM VILAS PASWAN : It is only an order under the Constitution.

SHRI PAWAN KUMAR BANSAL : Sir, Mr. Ram Vilas Paswan has pointed out that it is only an order under the Constitution. I will just point out that it is not in the Constitution, as such. There are certain amendments to even Schedules dealing with tribal areas, etc., which are not considered to be Constitution Amendment.

MR. SPEAKER : That is different, but are they part of the Constitution or not?

SHRI PAWAN KUMAR BANSAL : This Scheduled Caste order is not a part of the Constitution.

MR. SPEAKER : What is that you are wanting to amend? Where is that Bill?...*(Interruptions)*

SHRI SHARAD DIGHE (Bombay North Central) : Sir, with due respect I would like to submit that it is true that

seven days' notice was to be given and two days back it should have been circulated. But, Sir, in your own discretion, after reading the Memorandum of Reasons for delay, you yourself have allowed this to be introduced and it was circulated also. Sir, I would like to know whether your honour can now go back upon that permission which you have already granted. It is for the House to reject or accept it.

My submission is that as the Speaker of the House, the permission was asked from your honour for condoning the delay of seven days for introducing and two days delay for circulation. That has been already granted by you and the Bill has also been circulated. It is placed in the Supplementary List of Business also...*(Interruptions)* I think, now, it is beyond the domain of the Speaker to reject it at this stage. It should be placed for voting before this House.

SHRI ARJUN SINGH (Satna) : Sir, I fully endorse the views expressed by the hon. Member, Shri Paswan regarding the merits of the Bill and I am all for it. So far as the constitutional, legal and other objections that have been raised are concerned, more so in the light of what Shri Dighe has just said, I would only appeal to you that it is none of your fault. This is the style in which this Government has been functioning. Kindly in the interest of all those who are going to be affected by it, allow this House to pass it.

SHRI E. AHAMED (Manjeri) : Sir, in the explanation given by the hon. Minister which was circulated alongwith the Bill, he has requested. "It is, therefore, urged that the period for giving notice for introduction of the Bill and circulation thereof to the Members under Directions 19A and 19B may kindly be waived." So, you have the authority to exercise your discretion and your exercising the discretion should be judicious. What has made this judicious in nature is, as my friend, Mr. Thomas has already made it abundantly clear, it affects a very large number of people in the society. I think, Sir, that it should be the most important consideration for exercising your discretion judiciously. Therefore, I fully agree with the points raised by hon. Paswan that if there was any lapses on the part of the Government, shall not negate the privileges and the concessions to be given to a very large section of the people of the society who are downtrodden. Therefore, Sir, I request that your discretion may be exercised judiciously in favour of those people.

SHRI SOMNATH CHATTERJEE (Bolpur) : Sir, you are kind enough to observe that should your discretion be exercised in case of an Constitution Amendment Bill. Kindly refer to Articles 341 and 342.

Article 341 (1) of the Constitution of India says :

"The President may with respect to any State or Union Territory and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or

tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be."

Mr. Speaker, Sir, kindly see the footnote. The Constitution (Scheduled Castes) Order, 1950 was passed in accordance with Article 341 which is an order; and a notification was issued under this which listed the Scheduled Castes. What happened from time to time is that there has been addition or deletion in that list which is also done by Sub-section (2) which says :

"Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

Once a notification is made, it can be made by law made by Parliament and changes can be made. It is not a Constitution Amendment Bill under Article 368. Therefore, this can be done. Sir, kindly see in the footnote that so many orders have been passed with regard to different areas, Union Territories, etc. These are all orders. Therefore, kindly see that this is just a motion for leave to introduce a Bill to amend the Constitution (Scheduled Castes) Order, 1950. It is only to include particular types of Scheduled Castes. It has relation to the Constitution; but it is not a Constitution Amendment Bill. It has nothing to do with the Constitution. It does not amend any sentence of the Constitution...(Interruptions)

MR. SPEAKER : That is exactly what I am trying to understand.

...(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur) : It amends the order which has been issued. Therefore, Sir, the importance being such that you may kindly take it up...(Interruptions)

SHRI RAM VILAS PASWAN (Rosera) : In the Ordinance they have put some Scheduled Castes and they have given some of them here...(Interruptions)

SHRI GEORGE FERNANDES (Muzaffarpur) : Mr. Speaker, Sir, I want to say only one thing...(Interruptions)

SHRI GUMAN MAL LODHA (Pali) : It is a simple law and not a Constitutional law. It is called Constitution (Scheduled Castes) Order. They have to just satisfy that there were some extra-ordinary circumstances on account of which all these days they could not do it and only on the last day, last hour and last moment, they have to rush. It is not just a matter of your discretion. The 'Discretion', as you know, Mr. Speaker, Sir, is to be exercised judiciously; and judiciously means, objectively. Every law effects thousands of persons. There is no law which effects only one or two persons. Here, there are two

aspects. One aspect is that it would affect adversely those persons who are Scheduled Castes and Scheduled Tribes already. The other one is that they would be benefited. These are two contrary contentions. One may be correct and one may be wrong. So, it requires a lot of consideration; and a lot of consideration by the people who are concerned in this country. We are not the only persons sitting here. Those persons who are there, must have noticed. Their organisation, their representative bodies, the public will, the public opinion, etc., should consider it and then, it should go to the Committee and then, it should be considered. So, my submission is that your discretion may be not to allow it...(Interruptions)

SHRI SRIKANTA JENA (Cuttack) : Sir, I think, we are discussing about 'your discretion', whether you will utilise it or not. Already you have utilised it and given your consent to this. Already it is a part of the agenda paper...(Interruptions)

MR. SPEAKER : Please do not put me in an awkward position because if I explain, everybody will be in an awkward position...(Interruptions)

SHRI SRIKANTA JENA : Shri Dighe has already clarified...(Interruptions)

MR. SPEAKER : Shri Dighe did not know and so, he did it. Should I explain as to how this came here?...(Interruptions)

SHRI ARJUN SINGH (Satna) : Sir, you may do that so that everyone will know what is happening...(Interruptions)

SHRI SRIKANTA JENA (Cuttack) : This has already been circulated. You have already given your consent. It is now for the Minister to introduce it

[Translation]

MR. SPEAKER : I will explain that also (Interruptions)

[English]

MR. SPEAKER : I will explain that also. If the Minister wants, I will explain that

[Translation]

SHRI GEORGE FERNANDES : Mr. Speaker, Sir, I would like to raise two points. The first thing is that no such Bill has been circulated. We have not received any such Bill. It was not in today's or yesterday's packet. So far, this Bill has not come to us

SHRI GUMAN MAL LODHA : This Bill has not come so far.

SHRI GEORGE FERNANDES : Secondly, suppose you had given your consent for it but we know that it has not been given and you also admit that it was not given. Even then, if we take it that you have allowed them, then what for that permission was given? What is the motion?

It reads as follows.

[English]

Shri Sitaram Kesri to move for leave to introduce a Bill. And the motion is, 'also to introduce a Bill.'

[Translation]

What will be the next stage? When will it be passed? It is on the agenda.

[English]

Where is it on the agenda paper that says that the Bill will be taken up for consideration and passing?...*(Interruptions)*

[Translation]

SHRI GEORGE FERNANDES : Technically is technicality and rule is rule.

[English]

You cannot play fool with the House. There is a mention that you will take it up for consideration and passing.

[Translation]

Their intention is not clear. The Government is trying to appease Christians at the fag end of the Session. You are trying to mislead them by introducing this Bill. It cannot be allowed. Please do not mislead them.

MR. SPEAKER : Please listen to me, peacefully for one minute. I would speak on it. Then Shri Mani Shankar Aiyar and later on the hon. Minister will speak on it. After that I would give my ruling on it and also explain that.
(Interruptions)

MR. SPEAKER : Why are you not taking your seat?

[English]

SHRI MANI SHANKAR AIYAR (Mayiladuturai) : Mr. Speaker, Sir, I wish to draw your attention to a precedent in this House which, I think, will help you to arrive at a decision regarding the judicious use of your discretion. On the 15th of May, 1989, which was the last day of the session in 1989, there was a Constitution (Amendment) Bill the Sixty-fourth Constitution (Amendment) Bill - that was brought before this House by the then Prime Minister, Shri Rajiv Gandhi. Seven days' notice was not given for the moving of that Constitution (Amendment) Bill. And the only request made on the 15th of May, 1989 was 'leave to introduce the Bill'. And despite the fact that seven days' notice had not been given, taking into account the reasons adduced by Government for seeking condonation of the delay and despite the fact that the only leave sought was leave to introduce the Bill, not to move for consideration nor to have it passed, the hon. Speaker agreed that the

matter may be taken up on the basis. Even a Constitution Bill was taken up with only leave to introduce the Bill. In view of that precedent, I think, it would be easy for your to use the discretion...*(Interruptions)*

SHRI ARJUN SINGH : I would like to say something...*(Interruptions)* So far as the precedent quoted by Shri Aiyar is concerned, there is a slight difference. As far as I recollect, '15th May, 1989' was not the last day of the life of that Parliament. There was a session in the normal way scheduled to be held a couple of months later. It is another thing that the House was dissolved. But certainly '15th May' was not the last day of the life of that session. Therefore, that cannot be a precedent.

The only thing that can be done is that taking full account of everything, as I said, if they have got away with so much, let them get away with this because it is in the larger interest of a community...*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K.V. THANGKA BALU) : Hon. Speaker, Sir, as per the procedure, my senior Minister has written and explained to you seeking waiver of the conditions of seven days' notice for introduction and also two days' notice for circulation of the copies of the Bill...*(Interruptions)* with your wisdom, you were kind enough to give us permission to introduce the Bill today.

MR. SPEAKER : I own my responsibility and I beg your pardon.

SHRI K.V. THANGKA BALU : No, Sir. I beg your pardon.

MR. SPEAKER : You did not send me the Bill even yesterday and you asked me to introduce it in the House. I said, "Unless I get the Bill, I am not going to do it." That is why the supplementary agenda was circulated.

SHRI K.V. THANGKA BALU : I mentioned the same thing to you...*(Interruptions)* Just now, I mentioned it to you...*(Interruptions)*

SHRI GEORGE FERNANDES (Muzaffarpur) : You said that have the prior permission...*(Interruptions)*

SHRI K.V. THANGKA BALU : Please listen to me.

SHRI GEORGE FERNANDES : You are misleading the House and embarrassing the Speaker ...*(Interruptions)*

[Translation]

SHRI PRABHU DAYAL KATHERIA (Firozabad) : Mr. Speaker, Sir, I would also like to make a request. We also have a right to speak, here.

[English]

SHRI K.V. THANGKA BALU : Hon. Speaker, Sir, I seek your indulgence. My senior Minister has requested your goodself only yesterday. I confirmed this and I am seeking your protection...

MR. SPEAKER : And you do it without sending a copy of the Bill.

SHRI K.V. THANGKA BALU : We have sent the copy of the Bill only yesterday.

MR. SPEAKER : No, I did not receive the copy of the Bill yesternight and that is why, it was not included in the agenda and that is why, supplementary agenda had to be issued.

SHRI K.V. THANGKA BALU : We are sorry for the delay and that is why, I seek your indulgence to grant us permission to introduce the Bill today. You were kind enough to give permission today..(Interruptions)

MR. SPEAKER : Mr. Acharia, let me deal with this issue in my own fashion. Please cooperate with me. Mr. Minister, you will only explain as to why you did not give me two days notice for circulation and seven days notice seeking my permission to circulate.

SHRI K.V. THANGKA BALU : Sir, I am very sorry for the delay.

MR. SPEAKER : All right, you have explained. Now, I will pass the order.

Now, I think this is a very important Bill and importance of the Bill cannot be denied. As I have explained, I was asked for inclusion of this Bill in the agenda without the Bill. I refused and that is why, a supplementary agenda was issued. Now, if supplementary agenda is issued, I do not know whether the Members have received the copies or not.

SEVERAL HON. MEMBERS : No, no.

SHRI K.V. THANGKA BALU : Sir, we have submitted copies...(Interruptions)

MR. SPEAKER : If some Members on the Floor of the House say that they have not received and some Members say that they have received the Bill. I will accept both the statements. Some might have received and some might not have received. This kind of a Bill should have been received by all members.

Now, there is one more point which I shall have to consider while using the discretion. If the notice is given any time. I have no discretion and it will be admitted. If any Member is objecting to the introduction of the Bill, he can do it only on the basis of its constitutionality. Now, here is a point relating to the rules that the notice has not been given. We have no opportunity to go through it. It is not only so for all the Members but I also had no opportunity to apply my mind. That is the position in which we have landed. And if this Bill was to be introduced, considered and passed, it would have been a different thing. The position today is, you introduce the Bill, it has to go to the Standing Committee; the Standing Committee has to report back to the House; you have to consider it and then, you shall have to send it to the other House.

If the entire House agrees to this, I have no objection but if you want that I should use my discretion. I am not willing to use my discretion.

SOME HON. MEMBERS : Why?

MR. SPEAKER : Not necessarily...(Interruptions)

DR. KARTIKESWAR PATRA (Balasore) : Sir, there is one rule...(Interruptions)

SHRI P.C. THOMAS : In that case, I would like to make one point...(Interruptions)

MR. SPEAKER : I think we shall continue with the discussion under Rule 184 and we will take up Matters under Rule 377 later.

[Translation]

SHRI RAM VILAS PASWAN (Rosera) : Mr. Speaker, Sir, it would have been better if it would have been passed.

MR. SPEAKER : No, it can not be passed in this way.

[English]

SHRI P.C. THOMAS : Sir, I am on a point of order...(Interruptions)

SHRI BASUDEB ACHARIA : Sir, I would like to present a petition with your permission. When my name was called, I was not present.

MR. SPEAKER : Yes.

15.24 hrs.

PETITION RE: INCLUSION OF DESWALI MAJHI
COMMUNITY IN THE LIST OF SCHEDULED TRIBES

SHRI BASUDEB ACHARIA (Bankura) : Sir, I beg to present a petition signed by Shri Ankur Chand Majhi, Bihar Pashimbanga Deswali Majhi Samaj Unnayan Samity, Village and P.O. Pirrah, Distt. Purlia (West Bengal) regarding inclusion of Deswali Majhi Community in the list of Scheduled Tribes.

MR. SPEAKER : Now, Mr. Thomas, what is your point of order?

SHRI P.C. THOMAS (Muvattupuzha) : Sir, this is regarding the matter on which the discussion was going on.

MR. SPEAKER : I have concluded it.

SHRI P.C. THOMAS : Sir, you have said that you are not going to use your discretion. In that case I would submit that the view of the House should be taken.

MR. SPEAKER : The view of the House has been expressed.