

biswas of Rohnat village was auctioned for merely Rs. 8100.

Keeping in view the sacrifices made by those martyrs, the then Punjab Government and later on, the Haryana Government had made some announcements which are still to be implemented. The then Punjab Government had proposed to provide 57 plots to this gallant village from the Hissar beed farm, but so far no action has been taken in this regard. Haryana Government had given Rs. 1,25,000 to this village of martyrs as symbolic compensation. The former Chief Minister had proposed to sanction Rs. 64,32,000 as claim but so far it has not been implemented. Haryana Government is unable to give this claim for paucity of funds. Therefore, I request the Government to provide the said amount to the State Government so that we could express our gratefulness to those martyrs.

[English]

MR. SPEAKER: The House stands adjourned for Lunch to meet at 2.30 p.m.

13.24 hrs.

*The Lok Sabha then adjourned for
Lunch till Thirty Minutes past
Fourteen of the Clock.*

14.37 hrs.

*The Lok Sabha re-assembled after
Lunch at Thirty-seven minutes past
Fourteen of the Clock.*

[MR. DEPUTY-SPEAKER *in the Chair*]

MOTION RE: CONSIDERATION OF TWENTY-EIGHTH AND TWENTY-NINTH REPORTS OF ERSTWHILE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES AND FIFTH, SIXTH, SEVENTH AND EIGHTH REPORTS OF NATIONAL COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES – *Contd.*

[English]

MR DEPUTY-SPEAKER: Shri Anadi Cham Das was on his legs; he may continue.

[Translation]

SHRI ANADI CHARAN DAS (Jajpur): Mr. Speaker, Sir, seven years old report has been laid on the Table of the House. I would like to say that it would have been better if these recommendations were presented during the Chairmanship of Shri Bheeka Bhai, Reports of this commission are statutory but the post of Chairman was non-statutory. At that time no action taken programme was given for its recommendations and I do not know whether any action has been taken on the report or not? The amended law under Article 338 of the Constitution envisages that annual report should be presented in the House.

[English]

I quote:

“The Commission is required to present to the President annually and as such other times as the the Commission may deem fit, the Reports upon the working of the safeguards provided for Scheduled Castes and Scheduled Tribes under the Constitution, various laws and

[Shri Anadi Charan Das]

orders. These Reports shall contain recommendations as to the measures sought to be taken by the Union and the States for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of SC and ST. The President shall cause all such Reports to be laid before each House of the Parliament along with the Memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union Government and the reasons for the non-acceptance, if any, of any such recommendations".

[*Translation*]

I could not read the recommendations but I have brought a copy of those recommendations. I feel that if I had got it at the time of presentation, then it would have been better but I did not get it. Even then the hon. Minister intends to take some action. I have noticed that the acceptance was done in such a way that on some recommendations it was said that these had been sent to the State Governments to take action. Indeed, it was good but what action was taken by them? I am of the view that if an action report on the recommendations had also been presented to the House before this discussion, this discussion would have proved more effective. People say that these are not being implemented and there are some drawbacks but a lot has been done under this. Much progress has taken place in the country in the post-independence era. I would not like to say much about it but I would like to say that the report of this Commission

has been gathering dust for the last five years. A new statutory Commission has been set up. Special Officer and Commissioner were appointed and they have been entrusted with more work but the officials who are supposed to deal with the Action Taken Report have not submitted any report. We are discussing an old report. This is a matter which requires extensive discussion. People have really put in hard labour into making this detailed report. I wanted to speak on it in the House and I had been asked to speak on it on behalf of the party also. I feel it is like 'Rama Katha' mainly the same thing has been repeated by most of the members who spoke on it. If the action taken had been proper, new points would have come out and action would have been taken on them. But it has not been done.

The problems being faced by the people belonging to Scheduled Castes and Scheduled Tribes differ. Scheduled Castes suffer from the evil practice of untouchability whereas it is not so in the case of Scheduled Tribes. The tribal people are very backward. They are yet to reach a level where they should have. The gap between them and other people continues to widen. If this is their condition then we must think about them. That is why today I would like to confine myself to discuss tribal development only. The tribal population of our country at present is 6.77 crore as per 1991 census which constitutes 8.08 per cent of the total population of the country. The Scheduled castes and Scheduled Tribes together constitute around 25 per cent of the population of the country. The tribal population was 7.5 per cent earlier which has increased to 8.08 per cent. Their population is still increasing and in proportion their problems are also increasing. It is a matter of concern and the House must address to their problems

whatever the Ministry does is alright but when it has been raised in this House we should do something constructive so that the Government implements it. When the Tribal Sub-Plan was launched in our country, as per the provision made under Article 339 of the constitution, the Dhebar Commission was set up in 1964. It had submitted its report to the Government within one year. On the basis of the recommendations of the said commission, several tribal development works have been launched and many plans have been formulated. You may call it Tribal Sub-Plan or anything else, all the policies formulated for tribal developments are based on the recommendations of the said commission. We do not have any arrangement to review the recommendations of this Commission. I had seen that the Dhebar Commission had visited several places and one of the then Members from Orissa had also accompanied the Commission. Whatever recommendations were given after that, no attention was paid to them. There was a provision that a commission should be set up every ten years under Article 339 of the Constitution for the review of tribal development undertaken during that period.

Mr. Deputy Speaker, Sir, we talked to the hon. Prime Minister also in this regard. I would like to quote what he had said in this House on 28.7.1993.

[English]

"Under Article 339, a commission has to be set up every ten years for the review of tribal development and administration. It is a pity that we had only one commission. A number of Members have raised this. They suggested that it is time that we had the second

commission. I have made note on this suggestion. We will certainly examine this – Measures for welfare of Scheduled Castes and Scheduled Tribes, especially with regard to the reservations in private and public and multinational corporations in view of the new economic policy this is again an extremely important point. But right now, as the law stands, as the Constitution stands, it is not possible for me to give any commitment. All I can say, we can put our heads together and find a way to this, how we can cope with this new situation in the new context".

[Translation]

I am one of the Members of the Consultative Committee of the Ministry of Welfare. Apart from myself, our other Members of the said Committee also raised it time and again that it should be done. In fact, the concept so far followed has undergone a complete change. The concept of our Tribal Sub-Plan aims at providing employment to people but I cannot even find 10-15 people who have been benefited from this Tribal Sub-Plan or whose economic condition has improved or have attained the same level as that of others or have come to the mainstream which we aim at.

Here several Members have mentioned and it is said outside Parliament also that if we look up Articles 15(4), 16(4), 19, 46, 164, 244, 275, 300, 332, 334, 338, 339 and 342 which provide several economic, social and political safeguards for tribals, we find that though the Constitution has made such provisions but even then nothing concrete has come out of this. We are having MPs and MLAs belonging to

[Shri Anadi Charan Das]

these castes, they should also be given the same rights as are enjoyed by others which has been mentioned by the Dhebar Commission. I would like to ask you again to when the next Commission would be set up as required under Article 339 of the Constitution.

In my opinion, the report should be submitted within a year as the Dhebar Commission submitted its report. I feel that the present concept is not beneficial. Setting up of Commission is essential for economic upliftment. The Commission should submit its report within a year so that we could go in for a new kind of tribal development. The loophole of the strategy of tribal development is that it consists of only one sub-plan. What is this sub-plan? It is launched inside the state whether it is related to irrigation or agriculture or anything else, the tribal people should be encouraged for it. The biggest problem is that these people are extensively exploited which does phase out. We kept fighting against money-lenders in the tribal areas but now the need has arisen to fight against the Government. I am aware of the sub-plan of the tribal area because I have worked with them. We see that their exploitation is increasing. People are exploiting them in many ways and even Government employees indulge in that. If the Government has an intention to do something, only then the work is undertaken otherwise not. Concrete steps should be taken for their upliftment and there should be an efficient Government to do the needful. I feel that the present Government is efficient. If the Congress had not done any work for them then, why Adivasi and Harijans have voted them to power? Here most of the votes cast in favour of the Congress Party are

by Adivasis. We want other parties also to work for them but when they work for them, misappropriation takes place. The people belonging to SC and ST are first to vote for the Congress Party. The Congress Party is efficient and is undertaking works for them but unless the administration is efficient, the work cannot be done properly. I have seen that in Ministries many people are committed but there are certain lapses also. The number of employees is less. One finds that 10-15 seats are always unoccupied there. They do not recruit new people. It is not that there is no work. Their work is to monitor the funds provided for the purpose. The requisite number of employees is not appointed.

Financial crunch also creates problems. The Planning Commission is requested to increase the funds but no attention is given to it. Only an amount to the tune of Rs. 11 crore was provided for such a big Ministry. A large number of people in our country are backward and everybody wants to make progress. It is not fair on the part of Planning Commission to be stingy in providing money for them. Those people are handicapped today and they need to be helped. Their strategy in tribal area was as follows:

[English]

Protective measures for elimination of exploitation through legal support and improving the level of administration of tribal areas and secondly promotion of developmental efforts to Plan schemes to raise the level of living.

[Translation]

We have a large number of tribal people in our country. The number of

ITDA is 193, MADA is 249, and clusters are 77. The number of primitive tribes in our country is quite larger but nothing has so far been thought for them.

15.00 hrs.

The report of the Government applies to only the fifth schedule area. The sixth schedule area consists of Assam, Manipur, etc. which have Tribal Hill Councils or Tribal Development Council where this does not apply. Now people are demanding autonomous council for the Uttrakhand and Jharkhand areas etc. The Governor has to submit his report every year in this regard, but it is not being submitted every year and it comes only once in three or four years. The hon. Minister should make his comments thereupon and it should be implemented after study. But he does not

15.01 hrs.

[SHRI TARA SINGH *in the Chair*]

look into it because the report is submitted only once in three or four years. It may not be the case with every State but this is the case with some of the States. I have observed that in Orissa the report is submitted once in three or five years. It is a statutory provision that the Governor must submit his report every year on the tribal development area.

It has been provided that the State Government should take action on the issues discussed by the members in the Tribal Advisory Council. I would like to illustrate that earlier there were only 13 districts in Orissa but their number has increased to 30 at present. All of them have not been covered under Tribal Advisory Council because following the

bifurcation of the area, some of the districts fell under the I.T.D.P. while others were covered under other schemes. Under such circumstances how can their administration be run? The provision is that the three-fourths of its members should be appointed from the people belonging to the Scheduled Tribes and the remaining one fourths of the member should be appointed from the people of other classes. Due to present ratio of tribal people, they cannot claim what they wished. I would therefore, like to suggest that the Tribal Advisory Council under the Tribal Sub-Plan area should have cent per cent tribal members. Now the tribals have awakened. That is why they are demanding a separate Jharkhand State. They claim that they can run good administration if offered. The Members should be allowed to hold more discussion in the Tribal Advisory Council.

As I have observed and the Commission and the Scheduled Castes and Scheduled Tribes Welfare Committee have also recommended, there should be single line administration. This is only existing in Andhra Pradesh at present. The ITDP has only one Collector who is its Chairman. he looks after and monitors its work but he is not empowered to appoint or retrench even a class-III employee. It is functioning better in Andhra Pradesh. The Collector is all in all there. There he is authorised to keep the character roll of the employees and he can also transfer or retain them. This power is enjoyed by the Collector in Andhra Pradesh alone and not in any other State. There had been a discussion on Kalahandi in Orissa. When I met the hon. Prime Minister at his residence, I told him that the functioning in Andhra Pradesh is good. The Welfare activities are being done in other States also but they are better in Andhra Pradesh and Gujarat as well as in Maharashtra. Barring these two States you cannot find out

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exactly as to where 85 per cent funds are spent. The Scheduled Castes and Scheduled Tribes Committee has also mentioned it. Therefore, the suggestion for the single line administration was given both by the Commission and by us. The same view has also been expressed by the Working Committee which was set up for the Eighth Five Year Plan. There is still time for making single line administration compulsory in every State. The officers are living in forests. They are not accustomed to such a life and at the same time, they have no accommodation to live in. For this, the Government had set up a Committee also and Maheshwar Dayal Group had submitted a report.

[English]

MR. CHAIRMAN: There are 60 Members to speak. You have taken more than 30 minutes. Other Members have also to speak.

[Translation]

SHRI ANADI CHARAN DAS: We come here with deep study and full preparation

[English]

MR. CHAIRMAN: You have taken more than 30 minutes.

(Interruptions)

[Translation]

SHRI ANADI CHARAN DAS: I want to submit that the machinery should be made strong. Regarding Excise policy, the Government, Shrimati Indira Gandhi,

and even the Sub-Committees recommended that the Tribal Sub-Plan area should be a dry area. For instance, earlier this excise policy was not enforced in Orissa but now it has been enforced there. If necessary, laws should also be enacted for this. In urban and suburban areas illicit liquor is manufactured with the result that illicit liquor is being sold in rural areas. Therefore, this Excise policy should be enforced immediately and attention must be paid to my suggestion in this regard.

Sir, now I would like to say something about forest. Forest is their abode. They have shift cultivation every year and they are sent to jail therefore, after they released from jails, they start the same work again in the jungle. The forest dwellers demand that they should enjoy ownership of their property in the jungle. A law was enacted in the year 1980. The policy which was formulated later on, did not allow the participation of tribals therein. I am happy that West Bengal has managed to get price of forest area under it, claiming that the same belongs to the State. They do not think that the forest belongs to them. They say that the same belongs to the Government. They say that you should look after the forest. There is no forester to look after our farms. They say that the forest belongs to the Government and that is why they are not allowed to go there. This has also been recommended that 10 per cent of the forest area should be permitted for cultivation. In Orissa, orders have been issued to allow cultivation, on 30 per cent land of the forest. The Government of Orissa deserves our congratulations. But so far as I know, demarcation has not been done anywhere. So, such orders do not yield any result. What kind of monitoring is being done by the

Government there? The tribals are so laborious that wherever they get water facility, they take their spade and set out with their children for work. They work wherever they live. Forest is their Wealth. Therefore, the Government should think about facilities and their rehabilitation. There are thousands of tribal villages in forests which do not get any Government facilities, and their subsistence has become very difficult. They have neither their own land nor they have been given any piece of land on lease. The Foresters are fleecing them. They ask the tribals to leave jungle. But the tribal forest dwellers do not leave the place because they get water facility for their shift cultivation. Keeping in view their problems, why the Government should not amend the forest laws. The flaws in forest laws or in the policy should be removed and the tribals should be given opportunity for their upliftment. The Government should not think that by granting only a meagre aid to them they will return to the mainstream. Such suggestions have been made in all the reports submitted so far in this regard. Why does the Government not take action in this regard? I request the Government to think over these problems seriously. The present law is causing great inconvenience to people there. They face problems for building their houses and they have to rush to the Union Government for the purpose. This dispute is prevalent in all the States. Under the present law, the permission of the Union Government has to be sought even for providing water facility in tribal areas. Such restrictions should not be imposed in tribal areas. The dams constructed in tribal forest area are also facing siting problems. These tribal people have rehabilitation problem also. The forest is their only asset and means of their livelihood. Unless the Government

thinks over their problem seriously, they will not get any benefit.

Similarly there is funding problem.

MR. CHAIRMAN: you have spoken for 40 minutes. Please be seated now. Other Members have also to speak.

SHRI ANADI CHARAN DAS: I had demanded time for one hour. Whatever important points I am pointing out they are coming out from my heart-felt experience. I had been Chairman of the Scheduled Castes and Scheduled Tribes Committee for four years. I have given serious consideration to these issues.

MR. CHAIRMAN: Other Members are also to speak.

SHRI ANADI CHARAN DAS: If it is so the discussion period should be extended from 6 hours to 12 hours. Short-time discussion will be of no avail. How can 6 hour discussion cover the report of seven years? We have made comprehensive preparation to speak on it. Therefore, at least 12 hours should be allotted for this discussion.

MR. CHAIRMAN: Now please sit down. You have spoken for forty minutes.

[English]

Nothing will be recorded.

(Interruptions)

[Translation]

SHRI RAJNATH SONKAR SHASTRI (Saidpur): I am on a point of Order. I am not pointing out as to how long Shri Das has spoken. I would like to submit that a very serious issue is being discussed and the report was submitted in 1982 but it could not be

[Shri Rajnath Sonkar Shastri]

discussed. Five to seven reports have been attached to it. Therefore, Members should be given sufficient time. Therefore, six hours will not do justice to it. One Member should be provided at least half an hour as only 10 or 15 minutes will not be sufficient. Shri Das has been the Chairman of the Scheduled Castes and Scheduled Tribes Committee and he has travelled the whole country. He is rich in his experience. We are also to express our opinion. Therefore, the time for discussion should be increased.

SHRI PRABHU DAYAL KATHERIA (Firozabad): Mr. Chairman Sir, keeping the sentiments of the House in view, the time should be extended. *(Interruptions)*

MR. CHAIRMAN: There are sixty Members to speak on it which include 25 Members from Congress and 30-35 Members from the opposition parties. Is it possible to give 40 minutes to each Member? As far as the question of extending time is concerned, only the hon. Speaker can decide it.

SHRI PRABHU DAYAL KATHERIA:... *(Interruptions)* the sentiments of the House should be conveyed to the hon. Speaker.

MR. CHAIRMAN: I will convey.

(Interruptions)

[English]

MR. CHAIRMAN: This is not the case. You have taken forty minutes so far.

[Translation]

you are repeating a point at least ten times, alright, please speak.

SHRI ANADI CHARAN DAS:... *(Interruptions)* I have given some suggestions about forests but there is something more to say. I would like to raise it in the Consultative Committee also. I would like to speak about the socio-economic programme also. I.D.P. is an area of tribal sub-plan and the Government intends to improve the condition of these people. Area development scheme is one among the programmes being run at present. Secondly, the Government is giving subsidy, even hundred per cent subsidy under the individual income guarantee programme. A society has been formed lest they should be exploited but even then they do not get any benefit of it. Many schemes have been formulated to bring the tribal people in the main stream and much have been spent on them. Around Rs. 21951 crore have been spent from 1956 to 1994 under State plan. Besides money is being spent on other items also. They have 50 per cent share in I.R.D.P. In this way many provisions have been made for their welfare. Even then we have seen that not a single person can progress. Therefore, my suggestion is that the methods of implementing these programmes have to be changed. The same condition will prevail if a vigil is not kept on the officers. At the block level also, a lot of amount is spent. Schemes of lakhs of rupees are implemented in our blocks. I have been to my Constituency and other tribal dominant areas, talked to the residents there. I was told that not a single person among them get the permit of truck and bus or get the licence of contractorship. My suggestion is that 50 per cent of such

types of licences and permits should be kept reserved for the tribals and the balance should be given to others. Similarly, my other suggestion is that the money lenders should not be allowed to run shops in their villages. Such big godowns have been constructed and the State bank has also been asked to construct godowns and houses in the areas dominated by these people. But we have seen that these godowns are utilised for some other purposes. Even the houses are not constructed properly. The building material does not reach there. The tribals get nothing these godowns and houses are constructed on their land but they are not paid even the rent for it. Those who implement the schemes amass property worth crores of rupees and they take gold in kilograms to their houses. My submission is that if the Government wants to bring the tribals in the mainstream, special schemes should be formulated for them and if required, the Constitution should also be amended so that they can join the mainstream of the country.

MR. CHAIRMAN: Now let the others give their suggestions.

SHRI ANADI CHARAN DAS: Alright I am concluding. I will not go into the details.

[English]

MR. CHAIRMAN: You have taken full one hour.

[Translation]

SHRI ANADI CHARAN DAS: As far as reservation is concerned, the previous condition has improved. We have observed that in the first class and I.A.S. it is alright but in Group 'D' the reservation is not as per norms. My suggestion is

that the reservation for tribal sub plan area in the States should be different for each district as has been suggested by our Committee and in report of the Commission. Suppose, the Koraput district has 56 per cent tribals, then there should be 56 per cent reservation. Madhya Pradesh is following this procedure and we have examined Bihar also.

[English]

MR. CHAIRMAN: That is all. Please sit down. Mr. Balayogi, may now speak.

SHRI G.M.C. BALAYOGI
(Amalapuram): Thank you, Sir.

[Translation]

SHRI ANADI CHARAN DAS: I am concluding within a minute.

MR. CHAIRMAN: You have taken an hour.

SHRI ANADI CHARAN DAS: So what I will conclude within a minute.

MR. CHAIRMAN: I have said that now even half of the minute will not be given. Please take your seat. One hour has passed. Why don't you listen?

SHRI ANADI CHARAN DAS: Recently the Supreme Court has passed an order regarding reservation in which it has been said that reservation will not be given at the time of promotion and it is for 5 years only. Today when I was going through the newspaper, I came to know that the people there have demanded 69 per cent reservation and

[Shri Anadi Charan Das]

a bargaining was done. This should be passed today by sitting here the whole night. This issue is being raised in the other House also. Why that is not being done today? Five years have been granted. If the Government does not do it, the same will happen. If there is a clause in the Constitution, then it should be amended since at the time of entry it is there but not the time of the promotion. My submission is that the Government should ponder over it.

[English]

MR. CHAIRMAN: No more. Nothing will be recorded now. Nothing. Mr. Balayogi.

SHRI G.M.C. BALAYOGI (Amalapuram): Thank you, Sir. Kindly permit me to speak in my mother-tongue, that is Telugu. I have given a notice to the interpreter also.

[Translation]

*SHRI G.M.C. BALAYOGI (Amalapuram): Mr. Chairman, Sir, kindly permit me to speak in Telugu.

At the outset, I would like to thank you for permitting me to speak on behalf of my party on the Twenty-eighth and Twenty ninth Reports of the erstwhile Commissioner for Scheduled Castes and Scheduled Tribes for the years 1986-87 and 1987-88 which were laid on the Table of the House on 9th May, 1989 and 29th August, 1990 respectively and the Fifth, Sixth, Seventh and Eighth Reports of the National Commission for Scheduled Castes and Scheduled Tribes

for the years 1982-83, 1984-85 and 1985-86 which were laid on the Table of this Hon. House on 5th March 1986, 26th August, 1987, 4th May, 1988 and 21st November, 1988 respectively.

Sir, our constitution directs the Government duly elected by the people to strive for the emancipation of the Scheduled Castes and Scheduled Tribes. According to the Article 46 of our Constitution;

"The State should promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and should protect them from social injustice and all forms of exploitation."

It also directs the government to implement various schemes which are meant to the development and progress of the Scheduled Castes and the Scheduled Tribes, and to see that these hapless brethren of ours are not subjected to any kind of exploitation or injustice. All of us are well aware of this important provision enshrined in our Constitution. But, what is the reality today? How far the successive Governments have succeeded in implementing the provisions of this Article in letter and spirit? I am constrained to remark that the utilisation of funds for various schemes meant for the progress of the SCs and STs and countless number of legislations which intend to provide these people a respectable place in our society have failed to bring about any transformation. I am sorry to say so. Funds have been misused and legislations have been

* Translation of the speech originally delivered in Telegu.

ignored. To cite an example, the Himachal Government has diverted the funds allocated for the Tribal welfare to purchase a helicopter. If this is the state of affairs, one can well imagine how various schemes are being implemented by States. Not only that, 50 crores of rupees allocated exclusively for the rehabilitation of scavengers have also been diverted for other purposes, depriving totally the beneficiaries, the benefit of the scheme meant to eliminate scavenging. If the situation continues to be like this, I do not know how the Government can succeed in its efforts to bring most deprived sections above the poverty line and bring them to the main stream. The tardy implementation of schemes is quite alarming. As though this is not sufficient enough, funds allocated for various schemes meant exclusively for the SCs & STs are being diverted to non-plan expenditure and for the payment of salaries and allowances for the employees by certain State governments. For scavengers rehabilitation, the Central Government provided funds to the State Governments. Only four States Delhi, Madhya Pradesh, Andhra Pradesh and Himachal Pradesh have implemented the scheme so far. Most other States have not yet identified scavengers so far. The identification should have been over by November. These instances are sufficient enough to prove the cavalier attitude of the various State Governments in diverting funds released by the Central Government for various schemes. Even the Union Minister for Welfare has stated in no uncertain terms that the States have been continuously diverting funds meant for the various welfare programmes for the scheduled Castes and Scheduled Tribes for various other purposes. The result is that the fruits of various developmental schemes have not reached the real beneficiaries. Even the funds provided for the construction of hostels for Scheduled Castes and Scheduled Tribes

students have not been spared. These funds have also been diverted by the State Governments with lame excuses that the land has not been acquired etc. Excuses are many and handy for the State Governments for diverting funds. This fact has been accepted and endorsed by none other than the Union Minister for Welfare. The special Central Assistance released by the Central Government is no exception. Sir, if all these funds are diverted for other purposes, how these down-trodden people will cross the poverty line. The Central Government should view this matter very seriously and take appropriate remedial measures.

We have entered 48th year of our independence. Yet it is rather shocking to find that the atrocities are still perpetrated on Scheduled Castes and Scheduled Tribes even to this day. It is a matter which makes a civilized society to hang its head in shame. The society may consider that these atrocities on Scheduled castes and Scheduled Tribes is purely a problem concerning these communities and the rest of the society has nothing to do with it. But what is surprising is the lukewarm attitude of the Government towards this problem. Sir, it is not in the best interests of society to allow the atrocities on these helpless people to continue. Both the society and Government should realise the existing social inequalities and at once take steps to wipe them off otherwise if these social inequalities are allowed to continue and if the Government continues to ignore the unmitigated sufferings of poor Scheduled Castes and Tribes on account of atrocities, it will not be good for the society. Perhaps, the Society and Government may have to pay early one day. Both the society and the Government should at once realise this truth and take

[Shri G.M.C. Balayogi]

steps to remove these inequalities. By enacting several laws, you cannot wipe off atrocities on SCs & STs. What is needed is the fact that the society should wake up and treat their SC/ST brethren's equally. Legislations alone will not solve the problem. Already we have several Acts at our disposal. Protection of Civil Rights Act and Protection from Atrocities Act etc. are already there. In spite of so many Acts, the atrocities on Scheduled Castes and Scheduled Tribes are still continuing, may be on the increase. The growing atrocities on these most deprived sections bear ample testimony to the negligence and contempt with which the society treats them. The establishment of Special Courts go a long way in containing the atrocities on these people. And, persons belonging to Scheduled Castes and Scheduled Tribes should be appointed as Members of these Special Tribunals. Then only it becomes possible to provide social justice to them. Then only it is possible to realise the dream of socialistic pattern of society that the Constitution speaks of. Hence I appeal to the Government, through you and this august body, to constitute Special Courts to deal with atrocities cases exclusively and appoint persons belonging to Scheduled Castes and Scheduled Tribes as the Members of these Tribunals. Adequate compensation should be paid to the families of the victims of these atrocities. The compensation should be at least Rs. 5 lakhs, so that the families of the victims are rehabilitated in a reasonable way.

Regarding poverty alleviation programmes, Sir, we have quite a number of schemes such as I.R.D.P., N.R.E.P., S.E.P.U.P., RIEP, D.I.R. etc. All these programmes are meant to improve the status of Scheduled Castes and Scheduled Tribes economically. But all

these programmes are not being implemented in letter and spirit. These schemes have not been successful so far, because the nationalised banks are reluctant to sanction loans to persons belonging to Scheduled Castes and Scheduled Tribes as envisaged in many of these schemes. Because of this reason, these programmes have not taken off the ground in many cases. Hence for the successful implementation of these schemes which are meant for improving the economic condition of the SCs and STs and other weaker Sections, I suggest, through this Hon. House, that "The Scheduled Castes/Scheduled Tribes National Bank" be set up forthwith to meet their financial requirement under various schemes exclusively.

Sir, I want to say a few words on land assignment. The assignment of wasteland to Scheduled Castes and Scheduled Tribes is a sure step towards the economic emancipation of these sections. But, unfortunately, what is happening now is that these wastelands, continue to be in the illegal occupation of big landlords. The Government should take steps to acquire these lands and distribute them among the Scheduled Castes and Scheduled Tribes. This will go a long way in improving the economic conditions of Scheduled Castes and Scheduled Tribes. I also take this opportunity to request the Government to acquire surplus land by speedy implementation of land reforms and redistribute it among the Scheduled Castes and Scheduled Tribes. The distribution of wasteland and surplus land among these people go a long way in bringing about a transformation in their lives. For this purpose, it is essential to have a special Department headed by a senior officer under the Ministry of Rural Development for better implementation

and monitoring of the progress. I hope and trust, that the Government would initiate action to carve out a separate Department soon. At present, the Government is releasing a meagre amount to these people for purchasing lands. I request the Government to enhance the amount as the present amount is too inadequate to purchase any land.

Sir, the income limit for sanctioning the scholarships to the Scheduled Castes and Scheduled Tribes students was fixed long ago. The income limit has also become an obstacle for gaining employment. Hence I appeal to the Government to enhance the ceiling to Rs. 50,000/- at once. This step would prove to be a boon to the educated youth among these sections.

Budget allocation for the economic development of Scheduled Castes and Scheduled Tribes has been negligible all these years. I request the Government to set apart atleast 30% of the union budget for the around development of Scheduled Castes and Scheduled Tribes. They constitute 25% to 34% of the total population. Not only that, they are contributing nearly 60% to the economy of the country. Hence it is imperative that these sections deserve a better deal. So, I appeal to the Government to allocate atleast 30% of the total budget of the Union.

About job reservations to these Sections, one should not consider it as a gift doled out to these people. They deserve it. After studying the situation in depth, the founding fathers of our constitution, especially Dr. B.R. Ambedkar, had incorporated Reservations in the jobs for the Scheduled Castes and Scheduled Tribes in our Constitution. But unfortunately, no one is bothered about implementing these guarantees accorded

by the constitution in letter and spirit. There are several vacancies in various Departments. Barring class IV, all the reserved jobs in groups A, B, and C are vacant. No effort has been made to recruit Scheduled Castes and Scheduled Tribes candidates to fill up the reserve quota. The 15% and 7% quota of Reservation in confined only to the Class IV jobs like Peons and Attendants. In Group A category, as against the reservation quota of 15% for SCs, the actual recruitment does not exceed 8% on all India basis. As for Scheduled Tribes, the situation is still worse. Their number hovers around 2% in categories like group B. This shows how even the provisions of the Constitution are being ignored by one and all. The reservation in jobs was meant for the economic development and improving social status. But as usual, the implementation of these provisions is being totally ignored. In Public Sector Undertakings, the SCs and STs are totally ignored. The injustice meted out to these people in PSUs is total and complete. Hence realising the gravity of the situation, the Government should take steps and issue necessary orders to not only to provide the reservation facility in all Public Sector Undertakings but also implement it strictly. Also, the Central Government should direct the State Governments to implement Reservation Policy very strictly. Many State Governments are not implementing the reservation policy and they lack any sense of urgency and seriousness. Many posts pertaining to quota are being dereserved. They are not filling the vacancies reserved under quota by Scheduled Casts and Scheduled Tribes candidates. The State Governments are neither maintaining records nor rosters of the SCs/STs. Hence I appeal to the Central Government to issue necessary orders to the State Governments to implement the reservation policy very strictly.

[Shri G.M.C. Balayogi]

As a part of the liberalisation programme, the Government is going in for privatising the public sector units and even nationalised banks. This privatisation is inflicting a death blow to the Scheduled Castes, Scheduled Tribes and minority sections of the society. With privatisation all the reservations available to these sections in Government Undertakings will be taken away at once. The Private Companies and Undertakings are averse to the policy of reservations. Hence, the Government should come forward with legislation to guarantee reservation in Private Sector. Thus, the Government can save SCs/STs and other minority sections from being deprived of the Reservation facility duly guaranteed by the Constitution. Hope, the Government would come forward with the necessary Bill before this House soon.

The recent judgement of the Supreme Court on the Mandal Commission has curtailed the Constitutional safeguards in respect of job reservation to a great extent. The Bench has also observed that there should not be any reservation in promotions. The rules regarding reservation will be ineffective after 5 years. This has created a widespread disappointment among the Scheduled Castes and Scheduled Tribes Sections throughout the country. As this opinion was expressed in the context of Mandal Commission, doubts have arisen whether it is applicable in the case of SCs and STs also. The matter has been represented to the Hon. Speaker by the MPs Forum several times. It is necessary that the Central Government should clarify the position and communicate the same to State Government also. It is also necessary to amend the Ninth Schedule

of the Constitution for the purpose. Inclusion in the Ninth Schedule provides immunity from litigation and hence to set the matter at rest, the reservation in matters of appointment and Promotion for SCs and STs should be included in that Schedule by amending the constitution.

Finally, Sir, I want to say word about various Departments which have been looking after the work pertaining to Scheduled Castes and Scheduled Tribes. What is most unfortunate is that these Departments, exclusively dealing with Scheduled Castes and Scheduled Tribes, are not being headed or manned by Senior I.A.S. officers belonging to these Sections. They are being manned by the officers belonging to the other sections of the society. That is the reason why these departments have failed miserably in doing justice to the SCs and STs. Thus, these Departments have been totally alienated from the communities for whom they are meant. In the offices at the district and State level, and in the organisations like Scheduled Castes Financial Corporation, Scheduled Castes Welfare Corporation and Welfare Departments, the heads belong to some other communities. In certain cases, there are no officers at all. Because of the negligent attitude of the Governments concerned to appoint SC/ST candidates to man these important organisations and Departments, they could not do any justice to the people for whom they work. I also appeal through you, Sir, to the Central Government to issue necessary instructions to the State Governments to appoint only officers belonging to SCs and STs, as heads of the officers/organisations dealing with these communities.

Sir, Tribals are totally ignored by one and all. The fruits of development have not reached them as yet. For the

development of Scheduled Tribes, Project Offices have been opened in these areas. But these Offices have no Officers. They are headless all the times. No one is prepared to work in the Tribal areas. If there are no officers, how can these offices function? There is no monitoring whatsoever by the Government. The lands belonging to tribals are being snatched away by non-tribals. These non-tribals are exploiting the tribals. It is the main reasons why naxalism is gaining ground in tribal areas. People consider naxalites as their saviours. No wonder. In fact, the tribals are approving and appreciating the policies of naxalites. Hence the Government should step in, before it is too late to strengthen various organisations working for the development of girijans and see to it that they get their due share in the economy and progress. Otherwise these poor and hapless tribals continue to be exploited by unscrupulous elements of the society.

Mid-day meals scheme was under operation in many States some years ago. But this scheme is now being implemented only in a few States. Tamil Nadu is in the forefront in implementing the scheme. Mid-day meals scheme contributes substantially in bringing down the drop out rate, especially among the SCs/STs students. This scheme encourages students to pursue their studies. The Union Government should issue a circular to all the State Governments to implement the mid-day meals scheme compulsorily. It should be made mandatory.

The alround progress of Scheduled Castes and Scheduled Tribes is possible only through education. Without education, there cannot be any development. To mould the future of Schedule Castes and Schedule Tribes Children, the Government

should establish Residential Schools in their areas.

As I mentioned earlier, there are several vacancies in many Departments which are yet to be filled up under Reservation quota. Even in Delhi, in the capital city of India, in a prime institution like All India Institute of Medical Sciences, there are several vacancies which are yet to be filled up by SC/ST candidates. Yet they are not recruiting SC/ST candidates. We have requested the Hon. Minister several times in the past to intervene in the matter and help in filling the vacancies by recruiting SC/ST candidates. What is more, the authorities of this Institution are now trying to dereserve these vacancies. I appeal to the Government to intervene atleast now and see that the SC/ST candidates are recruited for the existing vacancies in the Institution.

I conclude my speech, Mr. Chairman, thanking you once again for providing me an opportunity to speak.

SHRI CHHEDI PASWAN (Sasaram): Mr. Chairman, Sir, the report on SC/ST Commission brought forward by the hon. Minister of State for a discussion here is a Pandora's box. The report has been brought here after a gap of 12 years with recommendations only. There is no indication of any action taken in the matter. I am surprised that only 6 hours' time has been allotted for discussing such an important issue. It is very painful and a matter of concern. Its time should be extended further and hon. Members willing to speak on it should be given full opportunity to speak. I should not be mistaken that I am making any allegation against the Chair in this regard. Let us continue the discussion throughout this session and carry it on further to the

[Shri Chhedi Paswan]

next session if need be. There should be no restriction on hon. Members willing to speak because it is the most important issue.

I would like to say that from the very beginning labour and labourers are being neglected in this country. This is the root cause of nation's non-development. In this country, the condition of those who construct canals, roads, building and work in the fields is horrible today. Most of the people living below the poverty line today belong to Scheduled Castes and Scheduled Tribes. A poet has rightly said:

"Footpath par para tha, woh bhookh
se mara tha,

Kapra utha kar dekha, to pet par
likha tha,

Saare Jahan se achha, Hindustan
hamara,

Ham bulbelen hain iski, yehh
gulsitan hamara."

But the sad part of it is that those who contribute everything to national development and sacrifice all property and pleasure, are not able to make both ends meet. If they manage to get morning meals, they have to think of earning bread for the evening. The heart and soul of poor people alone are full of Nationalistic feelings. Those speaking fluent English and occupying high offices have not even an iota of nationalist feeling. Whatever nationalist feeling is left in this country, it is with the poor and particularly with the Scheduled Castes and Scheduled Tribes.

It is painful that the recommendations of the Commission have

been brought before the House after 12 years for a mere discussion. These have not been implemented nor is there any hope of their being done so. We have seen the JPC report and many other matters in this House. Though we are new Members and do not have much experience, it seems from what we see here that nothing is going to be done about it.

Let me say clearly, particularly with regard to reservation that there would have been no reservation had the British not ruled this country. The upper caste and high class Hindus of this country never wanted reservation to be provided here. The British Government provided reservation to Muslims in 1909. Similarly, it also provided reservation to Christians in the 1909 legislation which continued for 28 years. Nobody raised a hue and cry against reservation for the Muslims and the Christians remaining in force for so many years till Independence. The British Government provided reservation for Harijans and tribals under the Government of India Act, 1935. This law was implemented in 1937. This reservation policy could not be implemented during the Second World War from 1935 to 1945 and the SCs and STs could get the benefits of reservation only after Independence. The Muslims ruled this country for 700 years and the British ruled for 250 years. The Hindus of the country never launched Quit India Movement against the Muslims. It was launched against the British because they granted right to education to the Harijans in 1937. With the grant of this right, the oppressed people launched the 'Quit India Movement' only because Harijans were granted right to education. One can judge from the number of Members sitting in this House the extent of love and sympathy they have for Harijans. One can count the upper caste

Hindus among the Members present here by asking them to raise their hands.

Even today, they have no love for Harijans and do not want them to have share in employment and Government. Thus, they are grossly neglected. I would urge the hon. Minister to state the number of Scheduled Caste people employed in the personnel department of his Ministry. I can say with authority that reservation quota has not been filled anywhere in the country and 75 per cent of funds earmarked for the welfare of SCs and STs is diverted to other matters. Even today, an enquiry could be initiated into it.

Sir, I want to know why this money is misused. Today, post graduate students get a scholarship of Rs. 65, medical and engineering students get Rs. 265 and in some States scholarships are not given for 2-3 years. This can also be enquired into and one can guess how much effort is being made and how much concerned the Government is for Harijans. With regard to individual sub-castes of the Scheduled Castes, the employment opportunities of cobblers in their ancestral profession of designing and shoe-making have been sealed with the advent of 'Bata' in this country. Thus, the Government is sealing whatever little employment opportunities they have.

Sir, the funds diverted to the rural areas for their development under JRY for construction of Indira Awas and Ambedkar Awas for the Scheduled Castes are also grabbed by the upper castes by obtaining contracts of construction and paying a meagre sum of Rs. 500-1000 to the Scheduled Castes despite the Central Government circular that JRY funds should be fully and exclusively distributed among SCs and STs. The

contractors earn money and do not complete the work but cases are lodged against the SC/ST people. It is seen in Bihar or any other State that contracts are awarded to upper caste people who do not work but make money from the JRY funds, ironically 60-65 per cent Scheduled Castes and Scheduled Tribes are languishing in jails. What action the Government is going to take on it?

Mr. Chairman, Sir, besides, in the name of land reforms and consolidation of land, SCs and STs are being harassed. I can say with authority that in States like Bihar the landless and poor people are not given the State Government's waste land and even if they are given, it is registered in the name of one Scheduled Caste and then cancelled to be re-registered in the name of another Scheduled Caste. The Government tries to divide SC and STs and instigate them for infighting. They have not been given their rightful dues. I can cite an example of Bihar where a land litigation case involving 70,000 acres of land is still pending in the court. Therefore, I assert that nobody has bonafide intention. Harijan police posts have been opened throughout the country but officers incharge of such posts belong to upper castes. I do not think that Harijans can be benefited from this system.

Mr. Chairman, Sir, as regards delimitation, I would like to say that the then Prime Minister Smt. Indira Gandhi had brought a Constitution amendment Bill that there would be no delimitation till 2000 AD. The main reason behind this was that there are 22 per cent Scheduled Castes as per the 1970 census whereas today, their number has risen to 24 per cent of population. The work of delimitation should be taken up afresh on

[Shri Chhedi Paswan]

the basis of 1991 census and if possible, delimitation should be done by rotation so that Harijans get more benefits...
(Interruptions)...

16.00 hrs.

STATEMENT BY MINISTER

Ambush of an Assam Rifles Column in Manipur by Underground Elements

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P.M. SAYEED): Mr. Chairman, Sir, It is with a deep sense of sorrow that I inform the House of the tragic death of 23 and injuries to 12 Assam Rifles and Border Roads Organisation personnel in an incident of ambush of an Assam Rifles Column by underground activists on 18 August 1994 in Senapati District of Manipur.

As per reports received, a Column of 3 Assam Rifles consisting of one Officer, one JCO and 50 Other Ranks, moving from their Company Post at Shangkhemei in one light vehicle and two vehicles of Border Roads Task Force was ambushed by approximately 30 to 40 underground activists at 1310 hours on 18 August, 1994, South of Village Yang Khullen in Senapati District of Manipur. The Security Forces engaged the underground elements, resulting in exchange of fire which lasted till about 1430 hours. In this incident, 17 personnel of Assam Rifles and 4 persons including civilian of Border Road Organisation were

killed on the spot. 9 Assam Rifles and 5 Border Roads Organisation personnel were wounded out of whom 2 Assam Rifles personnel succumbed to their injuries later-on.

During 1993 and 1994 till 17.8.1994, the Security Forces/State Police Forces succeeded in eliminating 185 insurgents belonging to various underground groups in Manipur and Nagaland. During the same period, 785 insurgents belonging to various groups were arrested and 245 arms were recovered from the major insurgent groups in Manipur and Nagaland. In two recent incidents, the Assam Rifles raided a Naga underground camp on 28 July, 1994 in Senapati district when 9 insurgents were killed and 2 arrested while 4 Assam Rifles Jawans were injured out of whom one later succumbed to his injuries. The arms recovered from the insurgents included one AK-47 Rifle, one G-3 Rifle, one .30 Carbine, nine 12-bore guns, two .303 rifles, two .22 rifles, five country made rifles and two 2-inch country made mortar guns besides a large quantity of ammunition. In another encounter, the Assam Rifles was ambushed by a mixed group of extremists consisting of Nagas and Meiteis on 14.8.1994 in Thoubal district of Manipur. In the exchange of fire that followed, 9 underground activists were killed and 1 captured. Six automatic weapons were recovered including three M-16 rifles, one .303 rifle, one SLR, three automatic rifles besides two Walkie Talkie sets and sixteen assorted magazines.

The concern of the Central Government has been conveyed to the State Government with advice to take more stringent steps to check the recent spurt in violent activities. In this connection I would like to assure the House that sustained operations against the insurgents will continue with full vigour.