

request that the following items may be included in next week's agenda:

- (1) Bareilly in Uttar Pradesh is an industrial area and many industrial plants have been set up there but there is no night Express train service between Bareilly and Delhi which could leave Bareilly around 22.00 hrs. and reach Delhi next morning. Similarly a train should leave Delhi at 22.00 hrs. and reach Bareilly next morning. People of this area and local industrialists have been demanding such a service since long. I too have made a similar request to the Government. Almost all classes of people have to make frequent visits to Delhi for some reason or the other. Such a step would be in public interest because it would save the time of the public.

So I request that a night train service be introduced between Bareilly and Delhi.

- (2) There is a long -standing demand of the people in my constituency for an S.T.D. facility in the telephone exchanges situated in Aonla and Faridpur. I have also drawn the Government's attention a number of times to-wards this matter. The lack of such a communication facility is creating problems for the people. I request the hon. Communications Minister to make provisions for an S.T.D. facility at the telephone exchanges in Aonla and Faridpur.

PROF. RASA SINGH RAWAT (Ajmer):
Sir, I request that the following items may be included in next week's agenda:

- (1) There is a lot of potential for industrial development in Ajmer district.

As large or small industries are not being set up in the area, there is widespread unemployment and people have to migrate from there in search of employment. Therefore, Ajmer district should be declared as industrially backward area.

- (2) The wild Life (Protection) Act enacted by the Centre some years ago is causing loss to the farmers. There has been a tremendous increase in the 'Neelga' population in several parts of Rajasthan and they are destroying the standing crop of the farmers, causing a loss in lakhs of rupees. Therefore some solution should be found out like creating a sanctuary in order to rescue the farmers from this menace.

The Lok Sabha then adjourned for Lunch till fifteen minutes past Fourteen of the Clock

The Lok Sabha Reassembled after Lunch at Twenty Minutes Past Fourteen of the Clock

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14.20 hrs. *Bill (S)*

[RAO RAM SINGH *in the chair*]

STATUTORY RESOLUTION RE: DISAPPROVAL OF CONSTITUTION (SCHEDULED TRIBES) ORDER (SECOND AMENDMENT) ORDINANCE

AND

CONSTITUTION (SCHEDULED TRIBES) ORDER (SECOND AMENDMENT) BILL

[English] *— Carrid*

MR. CHAIRMAN : Now we shall take up items No. 10 and 11 together.

As the hon. Members are aware, the Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 1991 was passed by the Lok Sabha on the 19th August, 1991. As the Rajya Sabha was not in session, the Bill could not be passed by the Rajya Sabha during the last session. As the Government felt that any delay in enacting the Bill might defeat the very purpose of the legislation, an Ordinance, containing the provisions of the Bill as passed by the Lok Sabha, without any modification, was promulgated by the President on the 20th August, 1991. Since the House has already approved the provisions of the Ordinance in the form of a Bill on the 19th August, 1991, it will not be permissible now to go into the merits of the Bill. The discussion on the Statutory Resolution should, therefore, be confined strictly to the issue of promulgation of the Ordinance.

Now, Shri Ram Naik to move the Statutory Resolution.

SHRIRAM NAIK (Bombay-North): Sir, I beg to move:

" That this House disapproves of the Constitution (Scheduled Tribes) Order (Second Amendment) Ordinance, 1991 (Ordinance No. 7 of 1991) promulgated by the President on the 20th August, 1991."

Sir, you have read the contents and naturally asked us to restrict our comments on the Ordinance, and I would like to ensure that I shall go by your direction.

Now, Sir, what is this Ordinance? As you have read, this Ordinance was issued on 20th August in respect of a Bill to include certain sections in the Scheduled Tribes list of the Karnataka State. That particular Bill was passed on 19th August by this House. Then it should have gone to Rajya Sabha. But Rajya Sabha was not in session and the original Ordinance dated 19th April under which the Bill had come here had lapsed. I just want to focus the attention to the way this Government works and the way this Government resorts to Ordinances. This is a classic

example of legislative blunders, incompetence of the Government and unique capacity of the drafters to confuse the entire situation, and that is why I am opposing the Ordinance.

On 19th April, 1991, the Government had issued an Ordinance in respect of certain tribes of Jammu and Kashmir and also in respect of certain tribes of Karnataka State. That Ordinance of 19th April is Ordinance No. 3. It included both the States in that Ordinance and subsequently the Government had come here with two Bills. Naturally, the normal practice is that against one Ordinance there should be one Bill. I took pains for the last two-three days to find out from the library whether in the Parliamentary history of Lok Sabha or Rajya Sabha, at any time two Bills have been issued against one ordinance and you will be surprised to know that this is the first case where against one Ordinance, two Bills have been issued. One Bill was introduced in the Rajya Sabha about Jammu and Kashmir. Another Bill was introduced and that too very late- in the Lok Sabha about this Karnataka tribes. What happened in the Lok Sabha? In the Lok Sabha, according to the Constitution, every Ordinance has to be placed on the table of the House and the Bill has to be passed within six weeks from the calling of the session. In this particular case, the session was started on 9th July. The Government could have come with the Bill earlier. But the Government came to this House only on 12th August.

AN HON. MEMBER: You forgive them.

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SHRIRAM NAIK: We shall forgive them. But let us understand on what ground we should forgive them. They did not bring the Bill in the House for nearly five weeks. What was the Government doing? That Ordinance would have lapsed on 20th August. You would kindly recall-you were there in the chair at that time-when I said that the Government is not functioning properly. Then you said: "No, no. We have given some time". The Government is required to give seven days' notice of every Bill and we, as

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Disappr. of consti. (ST) order Consti. (ST) order (IInd. Amend.) Bill

Members, are required to get two days' notice. That also the Government did not do. Finally the Bill came here for discussion.

MR. CHAIRMAN: You will agree that the House has agreed to waive the seven days' notice.

SHRI RAM NAIK: We agree. The Government could have come earlier in place of the Ordinance. We have waived it. But, it does not mean that the Government should go on repeating these things. Because that we are waiving, because that the Speaker has been kind enough, the Government is taking undue advantage.

We remember the old days when Shri Mavlankar was the Speaker and when he used to resist every Ordinance. Here is the Government that is coming with a new Ordinance every week and trying to bypass the normal rules and normal courtesy which they should show to the Members and to the House, of giving the Bill two days in advance. That was not done. What happened? We passed the Bill on 19th August here in Lok Sabha and the next day the Ordinance lapsed. The Rajya Sabha was not in session. Since the Rajya Sabha was not in session, there was no scope for the Government but to issue another Ordinance. If the Government would have brought that Bill on 9th July, 10th July or 12th July or any day earlier, the Bill could have well been passed. The Government is not doing it properly. How much is the botheration for the House? How much time would be wasted? I would again be speaking for another 5-10 minutes now. Other Members would speak. Earlier also we have spoken. The time of this House is very important and very precious. The Speaker's time is precious. The President's time is precious. The Cabinet meeting in which the second Ordinance would have been considered - that time is also precious. For what? Because Shri Sitaram Kesri did not bring the Bill in time, though he had sufficient time. He is a protagonist of the oppressed class and he is the Minister for Welfare, Minister for Scheduled Caste and Scheduled Tribe. He did not find time to

come to the House upto 12th August, for an Ordinance which was issued on 19th April! So, that earlier Ordinance lapsed. On 20th August another Ordinance has been issued.

When the Bill, which we had passed, went to the Rajya Sabha, the Rajya Sabha amended the Bill and included a provision to repeal this Ordinance in the Rajya Sabha. That is why it has come here for concurring with the amendment which the Rajya Sabha has done.

Sir then, another important flaw - which you will be surprised to know - is that the Bill, Bill No. 111, which was brought here in the Lok Sabha - the Bill which was introduced and passed by us on 19th August - did not contain any clause for repealing the earlier Ordinance. You know that every Ordinance has to be repealed. There has also to be a saving clause for every Ordinance together with repealing clause so that whatever has been done during the pendency of the Ordinance is saved. That also has not been done here.

If you read it, there are only one, two and three sections, no clause for repeal and that is why...

MR. CHAIRMAN : Didn't you find this particular flaw at that time?

(Interruptions)...

SHRI RAM NAIK: Whatever time was allotted to me I was to stick to that. (Interruptions). So whatever time was allotted to me, I was to speak.

SHRI A. CHARLES (Trivandrum): Sir, he is wasting the time of the House. Earlier also so much time was wasted. (Interruptions)

MR. CHAIRMAN: One lives and learns. I mean, we are all learning.

SHRI SOMNATH CHATTERJEE (Bolpur): It is a military discipline, Sir.

MR. CHAIRMAN: No, I think that is not involved here.

SHRI RAM NAIK: Sir, that Bill was passed by Rajya Sabha with an amendment and then it has come back. When was the Bill passed? On 26th August. And the Statement explaining the reasons of Ordinance dated 20th August was laid on the Table of this House on 3rd September, after 13 days.

Sitaram Kesriji, you were not there on that day, I had objected for laying the Statement on the Table of the House so late, that is, after issuing the second Ordinance also the Government came to this House after 13 days. That is the point on which I am objecting. The Government is so casual they are not serious. First, the Ordinance was passed and now they are facing us with *fait accompli*. Hence we have no other course but to oppose it.

Sir, the contents of the Bill are acceptable, there is no dispute on that, and we are not discussing it as you have rightly pointed out. Sir, I am objecting it because of the casualness with which the Government is treating this matter. If the Bill had been presented to this House earlier, all the *dravid pranayam* from the left side to the right side like this could have been just saved—the work of two Ordinances—and that is why the Government needs to be reprimanded. Sir, it is your duty as the custodian of our rights to see that you reprimand them for not doing their work in time. We also expect that at least in future such Ordinances will not come to us. This is the first point.

Then the second point which I want to insist on is, I had said that "Naik, Nayak" and all those communities mentioned in the Bill are staying in Maharashtra as well as Karnataka on the border. (*Interruptions*). When the second Ordinance was issued, well the Government could have included those communities of Maharashtra which were earlier excluded, but the Government did not do that. In the second Ordinance also they are not at all applying their mind.

MR. CHAIRMAN: But if that Bill was

only for the purpose of regularising the Ordinance, could the scope have been extended to another State?

SHRI RAM NAIK: Sir, the earlier Ordinance had lapsed. So, when the earlier Ordinance had lapsed, the new Ordinance has been issued, and when the new Ordinance has been issued, at that time he could have improved it, and that is why I want to say that the government is not at all improving. My objection mainly is because the Government is not improving. There should be some improvement in the Government and that is what I say.

So, Sir, on these points I am opposing the Ordinance and I do hope that the House also will agree with me that the Ordinance power should not be so casually used by the Government.

As I have said earlier, I am supporting the Bill, I am supporting the contents, but I oppose the Ordinance on these counts and I do hope that the House also will support me.

Sir, one more point which is very important is that in respect of the Ordinance which has lapsed, that is, which was issued on 19th April, no provision has been made in the Bill which has come to us saving the actions taken in pursuance of the Ordinance which was issued on 19th April. I know that technically I cannot give the amendments, but the Government should not work like this. That is why savings should have been provided in the earlier Bill and savings should have been provided in the subsequent Bill also. For all these technical faults, I oppose the Ordinance and hope that the House would also support me.

MR. CHAIRMAN: Motion moved:

"That this House disapproves of the Constitution (Scheduled Tribes) Order (Second Amendment) Ordinance, 1991 (Ordinance No. 7 of 1991) promulgated by the President on the 20th August, 1991."

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THE MINISTER OF WELFARE (SHRI
SITARAM KESRI): I beg to move:-

"that the following amendment made by Rajya Sabha in the Bill to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Karnataka as passed by Lok Sabha, be taken into consideration:-

New Clause 3

Page 1, after line 10 insert-

"3. (1) The Constitution (Scheduled Tribes) Order (Second Amendment) Ordinance, 1991 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Constitution (Scheduled Tribes) Order, 1950, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Order, as amended by this act."

MR. CHAIRMAN: Motion moved:-

"that the following amendment made by Rajya Sabha in the Bill to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Karnataka as passed by Lok Sabha, be taken into consideration:-

New Clause 3

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SHRI RAM NAIK: Sir, I have raised some points. The Minister has not replied to my points.

MR. CHAIRMAN: There will be a discussion now and the Minister will reply at the end of the discussion.

The time allotted for this discussion is half-an-hour, out of which we have already consumed sometime. I will now ask Shri Girdhari Lal Bhargava to speak.

[Translation] 470

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Chairman, Sir, through a single ordinance promulgated on 19th April, a provision was made to include certain castes and communities in Jammu and Kashmir as well as Karnataka in the list of Scheduled Castes and Scheduled Tribes.

MR. CHAIRMAN: The time allotted for this item is limited. It would not be good to repeat what Shri Ram Naik has already said, as he has dealt with the subject in detail in the House. If there are some new points to be discussed, you are welcome. Paucity of time may please be kept in mind.

SHRI GIRDHARI LAL BHARGAVA: Mr. Chairman, Sir, in deference to your direction, I would like to submit that the Bill for Karnataka should have been introduced along with the Bill for Jammu and Kashmir by the Central Government. Bill for Karnataka has been introduced because of the pressure of MPs. from Karnataka and to undo the folly of the State Government. When a single ordinance was promulgated, only a single Bill should have been introduced. Through one Bill, the Scheduled Castes and Scheduled Tribes of the States of Karnataka and Jammu and Kashmir could have been covered. It is astonishing that the mistake was committed by the Central Government and that too by the all competent Cabinet Minister, Shri Sitaram Kesri.

Sir, during the current session itself His Excellency, the President, promulgated the ordinance. This tantamounts to contempt of the House. The inclusion of certain castes and communities in the list of Scheduled Castes and Scheduled Tribes through ordinance for the second time in the current session of Parliament is a mistake on the part of the Government.

MR. CHAIRMAN: The Hon. President is quite sincere and active in discharging his duties and I feel that no aspersions should be cast on his conduct.

SHRI GIRDHARI LAL BHARGAVA: Mr. Chairman, Sir, a Scheduled Castes and Scheduled Tribes Commission needs to be set up to go into the question of inclusion of all the castes and communities in the list of S.Cs and S.Ts in the country. The study in respect of all the castes and communities engaged in property, honey making as also the Banjaras all over the country which have been left out whether they live in Karnataka, Rajasthan or elsewhere, should be conducted and these castes or tribes be considered for inclusion in the list of Scheduled Castes and Scheduled Tribes. After an exhaustive study is carried out, a comprehensive Bill may be introduced covering all the aspects. 44 years of neglect of these castes and communities have further pushed them backwards. Castes and communities included in the list 44 years ago have progressed a lot. The castes and communities which should have been benefited have on the other hand become more backward. The Government must feel sorry for its past mistakes and tender an apology to the people belonging to Scheduled Castes and Scheduled Tribes. Therefore, a commission should be set up at the earliest so as to enable introduction of a comprehensive Bill through which all the castes and communities may be included in the list of Scheduled Castes and Scheduled Tribes for their speedy progress and betterment. Hon. Shri Sitaram has 'Kesri' (lion) as his surname. I hope that he

would live upto his name and work towards inclusion of left out castes and communities, in the list of Scheduled Castes and Tribes to facilitate their speedy upliftment. I hope my submissions will definitely make an impression on him.

SHRI SITARAM KESRI: Sir, I appeal to Shri Naik and Shri Bhargava to withdraw their amendments. Shri Mavalankar been in the Chair, the Bill providing for reservation for the Scheduled Castes would have been carried through in the House in no time. So far as the question of inclusion of various castes in the list of Scheduled Castes and Scheduled Tribes is concerned, I have a further list of 150 castes with me to be included in the present list after scrutiny. After examination of the claims of these communities and castes, I will definitely make an announcement in the House about their inclusion in the existing list. With these words, I would request the hon. Member to withdraw his Resolution and pave way for the passage of the Bill.

SHRI RAM NAIK: Mr. Chairman, Sir, the hon. Minister has requested me to withdraw the amendment. The hon. Minister said that had Shri Mavalankar been conducting the proceedings, the Bill would have been easily carried through with his support. I think in such a situation Shri Mavalankar would have taken the Government to task for their laxity on the issue of Scheduled Castes. So I do not think Shri Mavalankar would have appreciated the efforts of the Government. So let us bury the past but all this should not be repeated in future at least. I thank Shri Bhargava for supporting my amendment motion. He referred to political pulls and pressures also while participating in the discussion. Even after the promulgation of ordinance, benefits are not being extended to Karnataka. I hail from the area bordering Maharashtra and Karnataka as I stated earlier. The facilities are already being made available to communities like 'Naik' and 'Nayak'. No doubt this Bill has been brought forward under pressure. I want to put it straight in the House to avoid any misunder-

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Disappr. of consti. (ST) order (IInd. Amend.) ordi. &
Consti. (ST) order (IInd. Amend.) Bill*

*Motion Re: BCCI 474
(Overseas) Ltd.*

standing among the hon. Members. It is a fact that the second Bill has been introduced under political pressure. Please do not compel us to succumb to political pressure on such issues. With these words, I withdraw my statutory Resolution with the permission of the House.

[English]

MR. CHAIRMAN: Has the hon. Member leave of the House to withdraw his Resolution?

SEVERAL HON. MEMBERS: Yes.

The Resolution was, by leave, withdrawn

MR. CHAIRMAN: The question is:

"That the following amendment made by Rajya Sabha in the Bill to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Karnataka as passed by Lok Sabha, be taken into consideration:-

New Clause 3

"Page 1, after line 10 insert—

"3. (1) The Constitution (Scheduled Tribes) Order (Second Amendment) Ordinance, 1991 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Constitution (Scheduled Tribes) Order, 1950, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Order, as amended by this act."

The Motion was Adopted

New Clause 3

MR. CHAIRMAN: The question is:

"Page 1, after line 10 insert--

"3. (1) The Constitution (Scheduled Tribes) Order (Second Amendment) Ordinance, 1991 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Constitution (Scheduled Tribes) Order, 1950, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Order, as amended by this act."

The Motion was Adopted

[Translation]

SHRI SITARAM KESRI: I beg to move "That the amendment made by Rajya Sabha in the Bill be agreed to."

[English]

MR. CHAIRMAN: The question is:

"That the amendment made by Rajya Sabha in the Bill be agreed to."

The Motion was adopted

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14.46 hrs. *Motion*

MOTION RE: BANK OF CREDIT AND
COMMERCE INTERNATIONAL (OVER-
SEAS) LTD. (Motion)

[English]

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SHRI JASWANT SINGH (Chittorgarh):
Mr Chairman, with your permission, I move:

8 "That this House, taking serious note of the collapse of the Bank of Credit and Commerce International (Overseas) Ltd. (BCCI) expresses its concern about various reports of misuse of funds by this Bank, inclusive of cornering of stocks of Indian Companies and recommends the immediate announcement of norms of conduct by the public financial institutions and the establishment of a Joint