

will be very difficult if we don't consider the points to be discussed at the introduction stage.

.....(Interruptions).....

[English]

MR. SPEAKER : It is an ordinance being turned into a statute.

.....(Interruptions).....

16.28 hrs.

STATUTORY RESOLUTION RE :
DISAPPROVAL OF THE CON-
STITUTION (SCHEDULED
TRIBES) ORDER (AMENDMENT)
ORDINANCE, 1991

AND

CONSTITUTION (SCHEDULED
TRIBES) ORDER (AMEND-
MENT) BILL

[English]

MR. SPEAKER : We will now take up Item Nos. 9 and 10 together. May I request the hon. Members—this happens to be a very simple Bill—to allow passing of this Bill and the first Bill which is also introduced now, so that immediately thereafter we can go to the important Motion.

.....(Interruptions).....

PROF. PREM DHUMAL
(Hamirpur) : Certain tribes were left out in certain States like Gaddis and Gujjars in Himachal Pradesh, when certain parts of Punjab were merged into Himachal Pradesh. They will have to be included and a Bill be brought for their inclusion. When they are included, we will support the Bill

.....(Interruptions).....

[Translation]

SHRI BHAGWAN SHANKAR
RAWAT (AGRA) : Mr. Speaker. Sir. I have to give an amendment on the bill

listed at item No. 8 to the effect that Banjara caste planned also be included in it.

.....(Interruptions).....

MR.-SPEAKER : I shall be able to reply to your points only if you speak one by one. Please take your seats.

.....(Interruptions).....

SHRI RAM VILAS PASWAN
(Rosera) : Mr. Speaker, Sir. Since it a very simple bill, there is no need to make any speech. But since it is an important bill and I had been incharge of this Ministry. I would like to tell the hon. Minister that there are two ways of doing it. For new inclusion of any scheduled caste and scheduled tribe in the list of S. Cs. & S. Ts. Government is fully empowered. The Government can use such powers and the President can issue a promulgation. Once the list of scheduled castes and scheduled tribes is promulgated in any State, any subsequent addition or deletion has to be done through a bill in the Parliament. In the present case, the Government has adopted the latter course and hence this bill in the House. What I want to submit is that there are two rules to determine whether a particular caste would be a scheduled caste or a scheduled tribe. The first rule is that the State Government may make the recommendations. Secondly, it can be done on the approval of the R. G. I. I would like to tell the hon. Minister that there are about 200 castes which have, for some reasons, not been included in the list of scheduled castes or scheduled tribes. The same caste is included in the list of scheduled castes in one State and in the list of backward castes in the other State. Fisherman and Washerman can be cited for example. In Bihar, U. P., and Delhi.

Washerman is in the list of scheduled castes whereas in Gujarat. it is in the list of backward classes. There are many such castes which have been left out for some lesson or the other although the State Governments have recommended their inclusion. R. G. I. Which maintains their lineage has too submitted their report.

.....(Interruptions).....

[English]

SHRI SHARAD DIGHE (Bombay-North Central) : What is going in Sir? There is the disapproval motion to be moved and they can speak on that.

[Translation]

SHRI RAM VILAS PASWAN : During our tenure. we had prepared a list of 200 of such castes send it was to be presented in the Home. When the Government is including some of the castes. these castes two should be included in the bill. We shall extend our full support as we are not opposed to it. But we want an assurance that a comprehensive bill to include the left out castes would be introduced in this session on in the next session. The castes recommended by the State Government and approved by the R. G. I. should be incorporated in the bill to be introduced and passed.

.....(Interruptions).....

SHRI RAM NIHORE RAI (Robertsganj) : Mr. Speaker. Sir. Mushar and Biyar caste have neither been included in the list of scheduled castes nor in the scheduled tribes. They do not find place in the list of backward classes either. These castes should be included in the list of

scheduled castes and scheduled tribes.....(Interruptions).....

MR. SPEAKER : Right now the discussion is going on item No. 9 and 10 whereas you are speaking on item No. 8. You all not supposed to speak on that, that has been introduced just now. When that item is taken up. you can speak on that. Please take your seat now.

.....(Interruptions).....

MR. SPEAKER : The item No. 9 relates to Jammu and Kashmir.

— (Interruptions).....

MR. SPEAKER : It is difficult to proceed like this. You neither go through the papers nor you listen to what I say.

.....(Interruptions).....

SHRI BUTA SINGH (Jalore) : Mr. Speaker, Sir. all that I want to add to what Shri Paswan has said about item 9 is that the question of making additions to the list of scheduled castes and scheduled tribe was decided during the tunnes of Rajiv Gandhi's Government. A comprehensive survey regarding all the castes was conducted at that time and consultations were held with all the State Governments in the matter. Unfortunately, that was the last session of Parliament and the subject could not come up for discussion although it was includes in the list of Business. The Governments which came to power following the elections could not pass that legislation. We full proud of the fact that Shri Sita Ram Kesri has taken initiative to pass the legislature which Shri Rajiv Gandhi had introduced. I want that the bill should be passed in this Session itself. Let the Ordinance be converted into Act. However a bill for inclusion of the left

out castes from other States should also be brought as early as possible either in the current or the next session.

[English]

SHRI SYED SHAHABUDDIN (Kishanganj) : There is a very clear omission in this bill and it should be brought to the notice of the Hon. Minister.

[Translation]

THE MINISTER OF WELFARE (SHRI SITA RAM KESRI) : Sir, so far on the ordinance is concerned, the House is going to convert into Act by passing the bill, but you....

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : Mr. Speaker, Sir, my resolution pertains to disapproval of the ordinance and the Hon. Minister is giving reply. Therefore.....

MR. SPEAKER : Just a minute.

[English]

SHRI SHARAD DIGHE : The Agenda Paper shows that there is a Statutory Resolution. But, speeches are being made without the Statutory Resolution being moved, without the Bill being moved by the Minister. All are making speeches on this subject and that is not correct. (Interruptions) Let him move the Statutory Resolution; let the Minister move the Bill and then let the speeches be made.

(Interruptions).

MR. SPEAKER : Was it not moved?

(Interruptions)

MR. SPEAKER : It was moved. I

suppose.

(Interruptions)

MR. SPEAKER : The Statutory Resolution was moved. I think.

(Interruptions)

[Translation]

SHRI GIRDHARI LAL BHARGAVA : I am still waiting for my turn and they are speaking as they like.

(Interruptions)

[English]

MR. SPEAKER : No cross-talks, please.

(Interruptions)

MR. SPEAKER : I was under the impression that the Statutory Resolution was moved. If it is not moved, it has to be moved. Are you interested in moving it, Shri Bhargava?

[Translation]

SHRI GIRDHARI LAL BHARGAVA : Yes, Sir. I beg to move :

“That this House disapproves the Constitution (Scheduled Tribes) Order (Amendment) Ordinance, 1991 (Ordinance No. 3 of 1991) promulgated by the President on 19th April, 1991.”

MR. SPEAKER : See, I had suggested the short cut because this bill was very simple so as to enable us to move on to the other item.

SHRI GIRDHARI LAL BHARGAVA : Sir, Rajya Sabha is no more in session. Two three bills which were to be sent to the Rajya Sabha urgently were passed and they were okayed by the Rajya Sabha. Now there is no hurry. Let this item be taken up today itself. We can sit late.

MR. SPEAKER: It has to be hurried so that it could be cleared before 19th.

SHRI GIRDHARI LAL BHAR-GAVA: In that case, you allow me to speak. I have moved the Resolution for its disapproval.

Sir, I have moved the resolution for the disapproval of the Ordinance promulgated by the President because of all the tribes, it provides to include Gujar, Bakarwal, Gaddi and Sippi tribes only. All these four tribes like in the border areas of Jammu and Kashmir. This is not a simple task. These four tribes fight terrorism by using above communalism and for that these benefits should have been extended to them a long back. But since they continue to be deprived of these benefits for long, the result is that Hindus are migrating from there. As Shri Khurana has said just now, the migrant Hindus are wandering like nomads. Neither they are not getting aid of Rs. 500 nor are they getting medicines and medical facilities. The tents in which they are living are torn and there is no proper arrangements for their housing. They have no job, their bank accounts have not been transferred and there is no arrangement for the education of their children. The root cause of all these problems is that they were not given the benefits earlier.

It was only on 19th April that the Government promulgated the Ordinance for inclusion of these four tribes. So far so good, but there are some other castes called 'Pahari' in Rajauri district which have not been included. No particular tribe lives in the entire village. All villages have mixed tribes

MR. SPEAKER: This bill is to substitute the Ordinance. Why are you going into details?

SHRI GIRDHARI LAL BHAR-GAVA: I am saying so because some other tribes also live besides these four tribes in the same village. These tribes live in the village in clusters of say 2-3 houses here and 2-3 houses there. If these four tribes are included and other two are left out, it will result in resentment and frustration among the other tribes like Pahari tribe, mention of which I made earlier, which are living on the border belt.

So far as the tribes living in the border areas are concerned, even the Cabinet say

MR. SPEAKER: Girdhari Lalji, please try to understand the consensus of the House.

(Interruptions)

SHRI GIRDHAI LAL BHAR-GAVA: I have moved a resolution for the disapproval of the Ordinance. What I am saying is that the Central Government is including only four tribes and this too they are doing quite belatedly, with the result that the nation is paying the price

A commission should be set up and all these tribes should be included in the list of Scheduled Tribes. The Hindus have been forced to migrate from Kashmir and the Government has already made its position clear that it would not abrogate Article 370 while the abrogation of this Article is the only alternative to the present situation so that the Hindus may go to Kashmir and Kashmir may not be forced to disintegrate. I am making this submission because it is a serious matter. I had moved a motion to dis-

approve the Ordinance promulgated by the President of India. While moving the motion of disapproval I request the hon. Minister to include these castes in the list of Scheduled Castes and Scheduled Tribes and bring forward a comprehensive Bill covering the entire Karnataka, Andhra Pradesh, Maharashtra and Rajasthan. This Bill has been brought forward very late and due to the delay in bringing forward the Bill this situation has arisen in Kashmir for which wrong policies of the Congress are responsible. Today, Hindus everywhere in the country, whether it is Kashmir or elsewhere, are in a miserable position. Therefore, my submission is that the Central Government should agree to the motion of disapproval. With this I move the motion of disapproval.

MR. SPEAKER : Motion moved :
"That this House disapproves of the Constitution (Scheduled Tribes) Order (Amendment) Ordinance, 1991 (Ordinance No. 3 of 1991) promulgated by the President on the 19th April, 1991."

[English]

I think the House agrees to dispose of this Bill very quickly. The Minister may now move the motion for consideration.

[Translation]

THE MINISTER OF WELFARE (SHRI SITARAM KESRI) : Mr. Speaker, Sir, I beg to move :

"That the Bill to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Jammu & Kashmir, as passed by Rajya Sabha, be taken into consideration."

MR. SPEAKER : Motion moved :
"That the Bill to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Jammu & Kashmir, as passed by Rajya Sabha, be taken into consideration."

SHRI SYED SHAHABUDDIN (Kishanganj) : I would like to make an interesting point here. I have received a letter from a small social group, Oregon, in Kashmir and Ladakh. They have also sent a letter to the hon. Minister asking him as to what is their fault that they have been left out of the list. Leave aside other States, even in Jammu & Kashmir there are many tribes which have not been included in the list of Scheduled Tribes. I would request the hon. Minister to include them in the list too. I would like to submit that if the Bill is not passed this time, a comprehensive Bill, as suggested by Shri Paswan, may be brought forward in which all the Scheduled Castes and Scheduled Tribes as approved by the State Government may be included. If an assurance to this effect is given in the House we can unanimously pass this Bill.

SHRI PIUS TIRKEY (Alipurduars) : Mr. Speaker, Sir, the way the Scheduled Tribes are being identified after independence is causing further resentment among them. I mean to say that if a Brahmin migrates from here to Kashmir, he remains a Brahmin but if a tribal migrates from Chotta Nagpur he does not remain a tribal. It is enshrined in our Constitution that the President and the Governor are their protectors. But what is going on today is that everything is being done at the sweet will of the

State Government. It seems that the tribals are still under colonial rule. I simply want an assurance from the hon. Minister that a comprehensive Bill in this regard will be brought forward ... *(Interruptions)*.

PROF. PREM DHUMAL (Hamirpur): Mr. Speaker, Sir, the same criteria should be followed in all the States. In Himachal Pradesh ... *(Interruptions)*

MR. SPEAKER: This Bill does not relate to Himachal Pradesh. I am not allowing you.

(Interruptions)

PROF. PEM DHUMAL: The areas of Punjab which have been merged with Himachal Pradesh

(Interruptions)

MR. SPEAKER: That is enough. Why are you making the same point again and again?

PROF. PREM DHUMAL: I am repeating it so that the people in these areas could be included in the list of Scheduled Tribes. . . . *(Interruptions)*.

MR. SPEAKER: Alright, they should be included.

(Interruptions)

SHRI SURYA NARAYAN YADAV (Sahasra): Mr. Speaker, Sir, there is a Tatma Caste which is Harijan, Scheduled Caste and Scheduled Tribe but that caste has not been included in it so far. There was an agitation in Bihar for this.

(Interruptions)

MR. SPEAKER: This Bill does not relate to Bihar but to Jammu and Kashmir.

(Interruptions)

SHRI RAM NIHOR RAI: Mr. Speaker, Sir, Musahar Caste, which is also called Vanraja is a nomadic tribe. It generally lives outside the villages in improvised huts and survive on left-overs of the people. They do not have any houses to live in. But the Government does not pay any attention to them. They are not educated in Uttar Pradesh. *(Interruptions)*

MR. SPEAKER: This Bill does not relate to Uttar Pradesh. Please sit down.

(Interruptions)

SHRI RAM NIHOR RAI: I would request you to include them in the list of Scheduled Castes and Scheduled Tribes. Similarly, there is a Biyar Caste which is in Sonbhadra area of Mirzapur district. Their condition is really miserable. Therefore, they too should be included in the list of Scheduled Castes and Scheduled Tribes *(Interruptions)*.

SHRI RAJNATH SONKAR SHASTRI (Saidpur): Mr. Speaker, one of the castes mentioned in the Bill is Bakarkasav in Jammu and Kashmir. I would submit to the Hon. Minister that this Bakarkasav caste is not confined to Jammu and Kashmir alone but it is found throughout the country. It is known as Khatik in other places. If Khatik in bracket is added to Bakarkasav, lot of things could be solved. It would facilitate the people to know easily about this caste. *(Interruptions)*.

SHRI SURAJ MANDAL (God-da): In Bihar *(Interruptions)*.

MR. SPEAKER: This Bill does not relate to Bihar. Please sit down.

[English]

(Interruptions)

MR. SPEAKER : If you continue to speak, as we have agreed to take up the Motion at 4.30 P.M., I will take it up and I will postpone this item to a future time.

(Interruptions)

MR. SPEAKER : I will go to that item and stop this item now.

(Interruptions)

[Translation]

SHRI SURAJ MANDAL : Mr. Speaker, Sir, I want to point out here that this Bill has been brought forward on the recommendations of some or the other State Government. But the Bill has been brought forward for Jammu & Kashmir alone. Most of the backward classes are in Bihar

MR. SPEAKER : This Bill does not pertain to Bihar.

(Interruptions)

[English]

MR. SPEAKER : Now, please take your seat. Not like this. Everybody is treating this House as he wants to. This is not correct. Please sit down.

(Interruptions)

MR. SPEAKER : I am not allowing you.

(Interruptions)

[Translation]

SHRI SITARAM KESARI : Sir, we will bear in mind the suggestions extended by the hon. Members in future. I would urge the hon. members to pass this Bill now.

SHRI GIRDHARI LAL BHARGAVA : Mr. Speaker, Sir, I will not take much time. My humble submission is that the Government of Kashmir has written

[English]

MR. SPEAKER : You just say whether you want to withdraw it or not?

[Translation]

SHRI GIRDHARI LAL BHARGAVA : I will take only one minute.

[English]

MR. SPEAKER : Please understand the procedure. You cannot make a speech now. Let me know whether you are withdrawing it or not.

[Translation]

SHRI GIRDHARI LAL BHARGAVA : I want to submit that it should not be made a prestige issue and a comprehensive Bill in this regard should be brought about in which all the states should be included and concerned scheduled castes should be treated uniformly in every State.

SHRI SITARAM KESARI : I would like to point out that all the suggestions made here are under the consideration of the Government.

(Interruptions)

[English]

MR. SPEAKER : I shall now put it to the vote of the House.

(Interruptions)

MR. SPEAKER : The question is :

“That this House disapproves of

the Constitution (Scheduled Tribes) Order (Amendment) Ordinance, 1991 (Ordinance No. 3 of 1991) Promulgated by the President on the 19th April, 1991."

The motion was negated.

MR. SPEAKER : I shall now put the motion for consideration to the vote of the House.

The question is :

"That the Bill to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Jammu and Kashmir, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. SPEAKER : Now the House will take up clause by clause consideration of the Bill.

MR. SPEAKER : The question is :

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

The motion was adopted.

Clause 2 and 3 were added to the Bill.

MR. SPEAKER : The question is :
"That clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

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

[Translation]

SHRI SITARAM KESARI : I beg to move :

"That the Bill be passed."

[English]

MR. SPEAKER : The question is :

"That the Bill be passed."

"The motion was adopted."

[Translation]

SHRI GEORGE FERNANDES (Muzaffarpur) : Mr. Speaker, Sir, before coming to the discussion on the motion I would like to put a very important question. This relates to the Constitutional crisis in Meghalaya. (Interruptions).

MR. SPEAKER : No, no, please not like this.

(Interruptions)

SHRI GEORGE FERNANDES : Mr. Speaker, Sir, we want an assurance from the Government that the State Government will not be brought down. (Interruptions)

[English]

SHRI SOMNATH CHATTERJEE (Bolpur) : What is happening there is very disturbing. It is nothing but the rape of the Constitution. The Government must respond to it. (Interruptions)

[Translation]

SHRI GEORGE FERNANDES : Mr. Speaker, Sir, the legislators and Ministers in the state have been given notices. They are being suspended. (Interruptions)

SHRI VISHWANATH PRATAP SINGH (Fatehpur) : Mr. Speaker Sir, we know that this matter should have been raised during the zero hour, and it is difficult to allow it under the rules now but the problem is that tomorrow

is a holiday and on 16th there is a danger to the democracy in Meghalaya.

Mr. Speaker, Sir, the person who had been a minister for 19 months and who the leader of the legislature party now and who was the former speaker also, issued notices to members that their membership would be cancelled. Then that order was stopped. But again a notice has been served on them that if they do not reply by 16th of this month their membership would be terminated.

Therefore, Mr. Speaker, Sir, there is a practice that if there is a new development with during the day, it is generally discussed in the House. We are pressing it because within a day there would be tremendous danger to democracy in that State. My submission is that rules are for the protection of democracy and therefore, they should not become hurdles. This should be considered and the Government should be asked to make a statement assuring the House that the State Government would not be brought down in the meanwhile. *(Interruptions)*

[English]

THE MINISTER OF STATE IN THE MINISTRY OF STEEL (SHRI SONTOSH MOHAN DEV) : It is very unfortunate. When Shri Vishwanath Pratap Singh was the Prime Minister, at the instance of Shri George Fernandes, the same game was started in Manipur and Nagaland. *(Interruptions)* Let me finish. I do not agree with what has happened in Meghalaya. But who began this game? Shri George Fernandes, Shri Subodh Kanth Sahay and Shri V. P. Singh were the architects. *(Interruptions)*

SHRI GEORGE FERNANDES : It is totally wrong. We are ready to discuss the whole thing. *(Interruptions)*

SHRI SONTOSH MOHAN DEV : You had done the same thing in Goa too. *(Interruptions)*

SHRI SOMNATH CHATTERJEE : Sir, this is very strange.

SHRI SONTOSH MOHAN DEV : I do not agree with what is happening in Meghalaya.

SHRI SOMNATH CHATTERJEE : It is very good.

SHRI SONTOSH MOHAN DEV : I am with you.

SHRI SOMNATH CHATTERJEE : Why are you following that?

SHRI SONTOSH MOHAN DEV : It is you who have started it. *(Interruptions)*

[Translation]

SHRI VISHWANATH PRATAP SINGH : I have not levelled any allegation. Why are you getting excited. I have not levelled any allegation. *(Interruptions)*

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI MARGARET ALVA) : May I explain this? Sir, something has been said now. I would like to clarify that the trial of strength was called on the 27th and after the trial of strength was called, two Ministers had been sworn in by the Governor.

MR. SPEAKER : Madam, that I am going to disallow and you are raising it.

SHRIMATI MARGARET ALVA :
How? (*Interruptions*)

SHRI CHANDRA JEET YADAV
(Azamgarh) : You cannot dictate the Speaker like that. You are a Minister and you should at least follow the rules. (*Interruptions*)

SHRI SOMNATH CHATTER-
JEE : This is a very bad system. the Ministers intervening like that. It is nothing to do with their Departments. Most disturbing Ministers. (*Inter-
rptions*)

SHRI CHANDRA JEET YADAV :
Sir, without your permission. let the Ministers not speak like that.

MR. SPEAKER : May I ask the young, enthusiastic and very knowledgeable Ministers to address the House, through the Speaker?

SHRI SOMNATH CHATTER-
JEE : You should have an Orientation Course for them.

SHRI JASWANT SINGH (Chit-
torgarh) : Mr. Speaker, Sir. I am sure, you will appreciate the gravity of the situation wherein the Speaker of the Legislative Assembly of Meghalaya becomes the Leader of a political party and is attempting to function in a dual role simultaneously.

while, as Leader of a political party, he is exercising his functions as the Speaker and is threatening. Please let it not be considered as impertinence, if I were to suggest... (*Inter-
rptions*)

SHRI JASWANT SINGH : It is a very unusual situation. It is so unusual, therefore, I am commenting on it. Normally, I do not. (*Inter-
rptions*)

SHRI SOMNATH CHATTER-
JEE : As a Speaker of the Lok Sabha, you have to kindly give your ruling. (*Interruptions*)

MR. SPEAKER : I can understand the feelings of the Members belonging to different parties, and at the same time, supposing we discuss what happens in other Legislatures or discuss what the Presiding Officer over there is doing, then it becomes a precedent and it creates difficulties.

So, I would request the Members not to please raise it and you can do it in a different fashion, outside also. But if we discuss what is happening in other Legislatures, then it becomes a precedent.

(*Interruptions*)

MR. SPEAKER : There is nothing to clap.

(*Interruptions*)

[*Translation*]

MR. SPEAKER : If you do like this it would be very difficult for me. I am on my legs and you are speaking.

(*Interruptions*)

[*English*]

MR. SPEAKER : Let us stick to it. We are on a very important Resolution. We are all interested in knowing Shri V. P. Singh's view on this. May I request him to please come to the Motion and express his opinion.

(*Interruptions*)

17.00 hrs.

**Motion re. atrocities on the scheduled castes and scheduled tribes and other weaker sections in the country—
contd.**