

[Shri Shah Nawaz Khan]

years from the date of issue and bearing interest at a rate not exceeding the rate of interest approved by the Reserve Bank of India for each series of debentures."

MR. CHAIRMAN: The question is:

"That this House concurs with the proposal of the Government of Tamil Nadu to increase, under subsection (2) of section 6 of the Tamil Nadu Co-operative Land Development Banks Act, 1934 (Tamil Nadu Act X of 1934), the maximum amount of the guarantee given by that Government in respect of the debentures issued by the Tamil Nadu Co-operative State Land Development Bank Limited, upto a total value of Rs. 250 crores (Rupees two hundred and fifty crores only) exclusive of such debentures as the Bank may, from time to time, redeem, such debentures being issued for periods not exceeding in any case, 25 years from the date of issue and bearing interest at a rate not exceeding the rate of interest approved by the Reserve Bank of India for each series of debentures."

The motion was adopted.

17.45 hrs.

SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS (AMENDMENT) BILL

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): I beg to move:

"That the Bill to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and tribes, for the re-adjustment of representation of parliamentary and assembly constituencies in so

far as such re-adjustment is necessitated by such inclusion or exclusion and for matters connected therewith, be taken into consideration."

As the hon. Members are aware, the question of revising the lists of Scheduled Castes and Scheduled Tribes has been under consideration for many years. In 1965 the Lokur Committee was appointed to go into the matter and make suggestions for a comprehensive revision of the lists. The recommendations of this Committee were examined by the Government and discussions were held in 1966 with hon. Members of Parliament and State Ministers belonging to Scheduled Castes and Scheduled Tribes. Thereafter, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967 was introduced in Lok Sabha and referred to a Joint Committee. The Bill, as reported by the Joint Committee, was taken up for consideration by the Lok Sabha. However, on account of some controversies, consideration of the Bill was held over and the Bill finally lapsed with the dissolution of the Lok Sabha in December 1970.

Article 341 of the Constitution relates to castes being specified by notification with respect to any State or Union Territory as Scheduled Castes in relation to that State or Union Territory. Similarly, article 342 relates to notification of specified tribes with respect to any State or Union Territory as Scheduled Tribes in relation to that State or Union Territory, as the case may be. A major difficulty experienced by several communities arose from the fact that in some States they are at present scheduled only in a part of the State, and not in respect of the entire State, with the result that the benefits, concessions and reservations available to Scheduled Castes and Scheduled Tribes are confined only to a particular, and at times narrow geographical area, in the State. For example, in the Vidarbha area of Maharashtra, there are

many communities which are scheduled only in respect of certain districts or talukas with the result that members of the community living in certain villages are regarded as Scheduled Tribes, while members of the same community with the same tribal characteristics and handicaps living in the nearby villages are not treated as Scheduled Tribes. Such difficulties also occur in other States, particularly Andhra Pradesh, Karnataka, Gujarat and Madhya Pradesh. There are 729 cases in the list of Scheduled Castes and 397 cases in the list of Scheduled Tribes where such area restrictions have been operative.

The Joint Committee on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967 had recommended the removal of area restrictions in most of these cases. Exceptions were sought to be made only in regard to cases where two distinct communities living in different areas bore the same name, or where members of the same community living in some parts of the State has reached a much higher social and educational status and did not fulfil the criteria for scheduling in those parts of the State.

The removal of area restrictions is a long felt need and is a matter on which there has been general agreement. Removal of these area restrictions will benefit a large number of persons, who will be entitled to the fruits of special welfare and developmental schemes for Scheduled Castes and Scheduled Tribes, reservation in services, etc. The present Bill has been brought forward with a view to removing area restrictions, as far as possible, and thus do away with the anomalies which exist at present.

While the general scheme of the Bill is for abolition of area restrictions, such restrictions have been retained in 25 cases in the list of Scheduled Castes and 39 cases in the list of Scheduled Tribes. Most of these restrictions have been retained in the cases of those communities in respect of whom the

Joint Committee had proposed such restrictions.

The Joint Committee had also recommended the inclusion of certain communities and exclusion of certain others from the list. These are matters on which there is considerable divergence of opinion and will accordingly have to be examined further in depth. The present Bill, therefore, does not deal with this aspect of the matter. Its general scheme is not to have any inclusion in, and exclusion from, the existing lists of Scheduled Castes and Scheduled Tribes, except to the extent they are consequential to the removal of area restrictions, which is the basic object of the Bill. However, such of those communities which were recommended for exclusion by the Committee and in respect of which there had been no census returns in 1961 as also in 1971 have not been retained in the Bill. In other cases where the committee had recommended exclusion, the *status quo* has been maintained and whenever any area restriction now applies, such restriction is also being continued. In other words while many will stand to gain from the provisions of the Bill, none will be deprived of a benefit that may exist at present.

Before I proceed further, I would like to clarify some possible doubts and misapprehensions that may arise in the minds of the hon. Members about the provisions and the scope of the Bill. There has been at times a general criticism that Scheduled Castes or Scheduled Tribes of one State are not treated as such in another State. As I have mentioned earlier, articles 341 and 342 of the Constitution envisage scheduling of specified castes and tribes in relation to particular States or Union Territories only. The Scheduled Castes or Tribes of one State will thus not necessarily be scheduled in another State, and if in any case they happen to be so, it is a matter of pure coincidence. The framers of the constitution apparently wanted the question of scheduling of a Caste or a Tribe to be linked with the socio-economic condi-

[Shri K. Brahmananda Reddy]

tions and the milieu in each State and did not envisage any all-India list of Scheduled Castes or Scheduled Tribes as such. Apart from this general question, representations have been received from time to time about the inclusion and exclusion of particular communities in specific States. Demands have been made also on the floor of the House in this regard from time to time. It would be recalled that the Joint Committee had also made recommendations regarding inclusion to and exclusion from the list of Scheduled Castes/Tribes. This was a matter, however, where there has been a considerable difference of opinion, divergence of approach and conflicting views have been expressed even by various State Governments. On the question of removal of area restrictions, however, there has been no disagreement or controversy. It was felt, accordingly, that the issue of removal of area restrictions should be delinked from the question of inclusion or exclusion and the benefits and concessions which will flow from the removal of area restrictions should not be denied by bringing in the wider question which bristles with many difficulties and will have to be examined further. I had announced therefore while replying to Demands for Grants of my Ministry in this House on 2-4-1976 that the question of area restriction would be separated and a suitable legislation for the purpose introduced shortly. The present Bill has been brought up in fulfilment of this assurance to the House.

As a result of this Bill, there will be an increase in the total population of Scheduled Castes and Scheduled Tribes. We have made a provision in the Bill to enable the Registrar General to re-estimate the population of Scheduled Castes and Scheduled Tribes on the basis of the new lists. It will also be necessary to re-allocate the reserved constituencies. Necessary provision for this has also been made in the Bill. The task of re-estimation of the population and re-allocation of reserved

constituencies is likely to take some time. It is, therefore, very necessary that the Bill should be passed during the current session of Parliament itself.

With these words, Sir, I commend the Bill for consideration and approval of this House.

MR. CHAIRMAN: Motion moved:

"That the Bill to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and tribes, for the re-adjustment of representation of parliamentary and assembly Constituencies in so far as such re-adjustment is necessitated by such inclusion or exclusion and for matters connected therewith, be taken into consideration."

SHRI KARTIK ORAON (Lohardaga). I beg to move:

"That the Bill to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and tribes, for the re-adjustment of representation of parliamentary and assembly constituencies in so far as such re-adjustment is necessitated by such inclusion or exclusion and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 31 members, 21 from this House, namely:—Shri Nathu Ram Ahirwar, Shri T. Balakrishniah, Shri Dharnidhar Basumatari, Shri B. S. Bhaura, Shri M. C. Daga, Shri B. K. Daschowdhury, Shri C. T. Dhandapani, Shri T. H. Gavitt, Shri Krishna Chandra Haider, Shri Subodh Hansda, Shri A. K. Kisku, Shri Nihar Laskar, Shri Bhaljibhai Ravjibhai Parmar, Shri Paripoornanand Painuli, Shri K. Pradhani, Shri Ram Surat Prasad, Shri Shambhu Nath, Shri S. M. Siddayya, Shrimati Bhargvi Thanakpandan, Shri M. G. Uikey, and Shri Kartik Oraon; and

10 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee that quorum shall be one third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 10 members to be appointed by Rajya Sabha to the Joint Committee." (115)

श्री भारद्वाज राय (धोसी) : मान्यवर, हम एक महान देश के निवासी हैं। हमारे देश में उत्तर से दक्षिण पूरब से पश्चिम—चारों तरफ सैकड़ों—हजारों जातियाँ और उपजातियाँ फैली हुई हैं। यदि हम इतिहास के पुराने पन्नों को देखें, विशेषकर वैदिक काल में और विशेषतया ऋग्वेदिक काल में, तो केवल आर्य और अर्य दो जातियों की चर्चा हमारे यहाँ पाई जाती है। गीता युग में चार वर्णों की व्यवस्था की बात बतलाई गई है—ब्राह्मण, क्षत्रिय, वैश्य और शूद्र, लेकिन पौराणिक काल आते-आते हमारे देश में सांस्कृतिक पतनोन्मुख दशा में सैकड़ों नई, हजारों जातियों और उपजातियाँ फैल गईं, जो हमारे देश के लिये समस्या गनी हुई है। हमारे देश की सामाजिक व्यवस्था विशेषकर हिन्दू-समाज की कुछ ऐसी है जो शायद ही किसी दूसरे देश में पाई जाती हो। यह हमारे सामाजिक विशिष्टता है, जो अन्यत्र नहीं है। इसका प्रभाव हमारे जीवन के हर क्षेत्र में देखा जाता है। इन जातियों और उपजातियों

की वजह से वर्ग संघर्ष की हानि होती है। इनका होना वर्ग संघर्ष के लिए अभिशाप है। और यह इसलिए क्योंकि एक ही जाति या उपजाति के लोग, दोनों ही किसी किसी भाग्यवत् स्थिति में एक साथ ही सोवने लगते हैं, एक तरह की बात करते दिखाई देते हैं। इससे अमीर-गरीब का वर्ग प्रकट होकर छूट जाता है। यही बात विभिन्न वर्गों के बारे में पाई भी जाती है।

28 साल की स्वतन्त्रता के बाद भी हमारे देश की जन जातियों और अनुसूचित जातियों के उद्धार की दिशा में उतना काम नहीं हो सका जितने की अपेक्षा थी। इस दिशा में अब तक जो कुछ हो सका है—आर्थिक, सामाजिक, सांस्कृतिक, या नैतिक—या हुआ है वह बहुत कम हुआ है। जितनी आशा की जा सकती थी और जिस तेजी से विकास की गति बढ़नी चाहिये नहीं बढ़ी है।

बीस सूची कार्यक्रम में इन जातियों और उपजातियों, अनुसूचित जातियों आदि के उद्धार की तरफ कुछ ठोस कदम उठाए गए हैं। इनका सामान्य विरोधी पहलू है। यद्यपि जो कुछ दावे किए जाते हैं वे उतने तो सही नहीं हैं लेकिन 25 से 30 प्रतिशत तक जो कार्य बीस सूची कार्यक्रम के अन्तर्गत देश में पिछले एक साल में हुआ है वह जरूर प्रशंसनीय है। गत 28 वर्षों में पहली बार बड़े पैमाने पर इन अनुसूचित जातियों और जन जातियों की तरफ ध्यान पूरे राष्ट्र का और पूरी सरकार का गया है।

यह विधेयक देखने में बड़ा साधारण सा दिखाई देता है। इस के डाग कुछ जातियों को सूची में सम्मिलित किया जा रहा है और कुछ को जो सूची में है उस में से निकाला जा रहा है स्वराष्ट्र मन्त्री जी के बक्तव्य से यह बात साफ नहीं हुई है और न ही इस विधेयक से यह

[श्री आशुबडे राय]

बात स्पष्ट होती है कि जिन अनुसूचित जातियों या जन जातियों को निकाला गया है उस सूची में से, उसके कारण क्या है, क्या पिछले 24-25 साल के भीतर उनका इतना विकास हो गया है कि उनको निकाल दिया जाए, जिन कारणों से उन्हें शामिल किया गया था क्या वे कारण अब नहीं रहे, क्या आज उनकी जो भौतिक परिस्थितियां थी वे इतनी बदल गई हैं कि उनको निकाल दिया जाना चाहिये सूची से से ?

एक असामजस्य का स्वराष्ट्र मन्त्री जी ने भी अपने वक्तव्य के दौरान जिक्र किया है। हमारे यहां उत्तर प्रदेश में एक थारू जाति है जो पर्वतीय क्षेत्रों में बसती है। उसको आबादी बहुत सतर हजार से अधिक नहीं है। लेकिन इस जाति की सब से ज्यादा आबादी बिहार में है जोकि 1 लाख 75 हजार के करीब है। उत्तर प्रदेश में और उर्दूसा में भी तो इसको जन जाति माना गया है लेकिन बिहार में नहीं माना गया है। इस तरह के असामजस्य की स्थिति हमारे देश के अन्य भागों में भी पाई जाती है। थारू और बोकसा जाति हमारे यहां उत्तर प्रदेश के पर्वतीय क्षेत्रों में बहुत ही निर्धन और गरीब जाति है। उसके पास थोड़ा-थोड़ी जमीन थी। पिछले 25 साल में आजादी के बाद से उनकी जमीनें धीरे धीरे उनके हाथों से निकल गई हैं। या तो जो पंजाब से बड़े बड़े धनी माली आए थे, कुलक आए थे उन्होंने उन पर कब्जा कर लिया है या

उत्तर प्रदेश के धनी माली लोगों और कुछ भू-स्वामियों ने, बड़े बड़े उच्चाधिकारियों ने उन पर कब्जा कर लिया है और आज यह थारू और बोकसा जाति करीब करीब मिटने के किनारे पहुंच चुकी है। और दर-दर की भिखारी बन गई है। आप माननीय के० सी० पन्त और मुख्य मन्त्री नारायण दत्त तिवारी से पूछ सकते हैं।

इसी तरह कुछ और भी हिस्सों में कुछ जातियां ऐसी हैं जिन के प्रतिनिधि मण्डल और जिन के मांग पत्र सरकार के पास आए हैं लेकिन अभी तक उस पर स्पष्ट कार्यवाई कोई नहीं की गई है और न इस विधेयक में उसकी चर्चा है। मन्त्री महोदय के वक्तव्य में भी इस पर कोई स्पष्ट प्रकाश नहीं डाला गया है। बिहार के कुछ भाग 1956 में बंगाल को हस्तांतरित किए गए थे। उस में दिनाजपुर जिले का इस्लामपुर क्षेत्र है जहां कुछ जातियां बसती हैं। उन के नाम हैं हरि, राजवसी, सुनरी, नामगूढ़ आदि। यह उच्च-जातियां हस्तांतरित क्षेत्र के अन्दर अनुसूचित या जन जातियां नहीं मानी जाती हैं।

सभापति महोदय आप कल जारी रखें। अब हम उठते हैं और सदन कल 11 बजे फिर मिलेगा।

18 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, September 2 1976/ Bhadra 11, 1898 (Saka)