

दूसरी बात यह है कि चूँकि यह विधेयक विधेयक किया जा रहा है इस में यह मालूम पड़ता है कि सरकार का दिमाग साफ नहीं है कि कौन सा कानून सरकार को बनाना है और कौन सा नहीं बनाना है ।

अध्यक्ष महोदय : इस को मंत्री महोदय हाउस में ला चुके हैं । आप बहुत फार फेचड चीज में चले गये हैं । इस में मारी बातें पूरी हो चुकी हैं ।

The question is :

“That leave be granted to withdraw the Bill further to amend the Advocates Act, 1961, which was passed by Rajya Sabha on the 16th December, 1968 and laid on the Table of Lok Sabha on the 18th February, 1969.”

The motion was adopted.

SHRI JAGANATH RAO : Sir, I withdraw the Bill. (*Interruption*)

MR. SPEAKER : The Bill is withdrawn (*Interruption*) A number of things come up during the Committee stages. It is not a bad practice. If they had withdrawn, they had shown good grace. But, in future, when Government bring forward a Bill, rather than that these things should come up later on.....

13 hrs.

SHRI JAGANATH RAO : May I explain the position? I had explained on the last occasion why I had to withdraw the Bill. The Rajya Sabha had passed the Bill and when it came to Lok Sabha, the Members of the Lok Sabha wanted a Select Committee, and accordingly, a Select Committee was constituted by this House, and the course of the Select Committee's deliberations, some new amendments were suggested not only by the Members of the Select Committee but also by several Bar Associations, but those amendments and suggestions could not come within the ambit of the Bill, and, therefore, the then Law Minister had agreed to withdraw the Bill.

13.01 hrs.

SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS (AMENDMENT) BILL—contd.

MR. SPEAKER : The House will not take up further consideration of the following motion moved by Shri K. Hanumanthaiya on the 17th November, 1970, namely :—

“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 readjustment of representation and redelimitation of parliamentary and assembly constituencies in so far as such readjustment and redelimitation are necessitated by such inclusion or exclusion and for matters connected therewith, as reported by the Joint Committee, be taken into consideration.”

Shri Molahu Prasad was on his legs last time. He may continue his speech now. The hon. Members is not here. I shall call him after lunch.

13.02 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha reassembled after Lunch at Five Minutes past Fourteen of the Clock.

SHRI VASUDEVAN NAIR *in the Chair.*)

SHRI INDRAJIT GUPTA (Alipore) ; May I have your permission to mention two very important matters, to draw your attention to them, so that you can decide how these can be discussed ?

MR. CHAIRMAN : If I gave permission to you, I have to give permission to others also.

SHRI INDRAJIT GUPTA : I am not making a speech. I just want to mention two things. They are known to you, they have appeared in the press. Once is the resumption of United States bombing of North Vietnam which is precipitating a

[Shri Indrajit Gupta]

very serious situation. We should have some statement or discussion on that. The other is the news that in the camp at Deoli in Rajasthan which has been opened for East Pakistan refugees, over 150 people, men, women and children, have died due to extreme cold, and it was admitted in the Rajasthan Assembly that they were not provided with adequate clothing. This is a matter which concerns directly the Ministry of Rehabilitation. We should be told something about it. Let the Ministers concerned make some statement. If they do not make statements, we will be compelled later on to raise these questions again.

MR. CHAIRMAN : I hope Members have sent proper notices for the same. If so, these notices will be considered by the hon. Speaker, and naturally, when notices are sent, the concerned Ministers also get intimation about them.

SHRI INDRAJIT GUPTA : In a matter like the bombing of North Vietnam, I think they should come forward themselves and give their reaction.

MR. CHAIRMAN : The hon. Minister of Parliamentary Affairs has taken note of all this.

श्री रामावतार शास्त्री (पटना) : सम्भाषित महोदय, बिहार में कालेजों के पांच हजार टीचर्स और आठ हजार नान-टीचिंग स्टाफ के सदस्य स्ट्राइक पर हैं। मैं चाहता हूँ कि गवर्नमेंट इस बारे में एक बयान दे ताकि बिहार के शैक्षणिक जगत में जो संकट है, उसको दूर किया जा सके।

MR. CHAIRMAN : We are in the midst of the discussion on the Scheduled Castes Bill. Let us change the rules.

14.08 hrs.

SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS
(AMENDMENT) BILL—Contd.

MR. CHAIRMAN : Shri Molahu Prasad. He is not here. Shri Bhandare.

SHRI R. D. BHANDARE (Bombay Central) : The Bill has two purposes. One is that there should be two Lists in order to determine the population of the Scheduled Castes and Scheduled Tribes, and the other is to enable the Election Commissioner to have delimitation of constituencies according to these Lists. If the Bill is passed, I do not know whether there will be sufficient time for the delimitation of constituencies, so that the benefits of delimitation on the basis of population would accrue to the Scheduled Castes and scheduled Tribes.

Shri P. Govinda Menon, Minister of Social Welfare announced Government's policy regarding the inclusion of communities in this Bill, thus:

"It is the policy of the Government not to include more and more communities in the List, but to delete them as far as possible if they have attained a certain phase of development. The inclusion of a community which appears to be relatively more advanced would adversely affect the interest of the more primitive tribes and inclusion of such communities will be a retrograde step."

Looking at the Bill, I am surprised and shocked to see that there is a race for the inclusion in this List or this Order of the Scheduled Castes and Scheduled Tribes. We know the criteria for the inclusion or exclusion of a particular community; I doubt very much whether these criteria had been followed in compiling this list. The criteria are two fold; if a person suffers from the disabilities of pollution and isolation because of the extreme stigma of untouchability, then that community should be included in the Scheduled Castes

list; extreme poverty is also a factor that ought to be taken into consideration along with pollution and isolation. The stigma of untouchability has also to be taken into consideration because there had been some misunderstanding in the minds of some Members in this House and outside that since the question of pollution is no longer present especially in cities this factor should not be taken into consideration. The stigma of untouchability has acquired during the last few centuries two meanings literal meaning and notional meaning. The literal meaning, touch-me-not, may not be applicable in some places but the notion and the attitude that is found in the minds and literature is still persisting and continuing.

SHI K. N. TIWARY (Bettiah) : Not everywhere.

SHAI R. D. BHANDARE : Everywhere, more especially in Bihar, and Bihar is the most backward in this respect. My friends who are members of the Committee on the Welfare of Scheduled Castes and Tribes have travelled all over the country; their experience was bitter; it was more bitter in Bihar than elsewhere.

SHRI K. N. TIWARY : Somewhat he had some bitter experience; not everywhere.

SHRI R. D. BHANDARE : What is the use of hiding the fact ? If we are sincere in removing it or destroying it or demolishing untouchability, we must be sincere to ourselves. Untouchability still persists in the villages. Even water is not allowed to be taken; leave aside the question of village system. The two village system prevails in every village. I need not tell our Panditji that in every village there are two parts—one inhabited by caste Hindus or the General communities and the other part, in the same village, inhabited by the Scheduled Castes; it has never been broken; the walls have not broken.

MR. CHAIRMAN : not in our state.

SHRI R. D. BHANDARE : I shall have to come your state to see what is the position there. Coming to the criteria of

determining a tribe habitate is the man criterion that ought to be taken into consideration in deciding whether a person or a community belongs to the Scheduled Tribes or not. There place of residence, geographical isolation is the main factor. Along with this main factor, there are two other considerations which should also prevail: indication of primitive traits and the backwardness of the community. There has been a controversy going on in this House and outside that the tribals who had embraced Christianity should not be allowed to enjoy the facilities available under the Constitution. I beg to differ with them because faith or religion has never been taken into consideration as a factor for deciding whether one belongs to a Scheduled tribe or not. Some persons have brought in unnecessarily the factor of religion.

Some of the tribals have embraced Christianity and the argument advanced here in this House and outside in that because they have embraced Christianity, they are advanced. May I give you what is the percentage of Scheduled Tribes who have been converted into—

AN HON. MEMBER : What about Buddhists ?

SHRI R. D. BHANDARE : Leave aside Buddhism. I do not want Buddhism to be one of the castes of the Hindu social system. I beg your pardon. Some friends were advising me, and I discussed the matter with our leader, the president of the Congress Party, and he is of the same view: why Buddhism, a religion, should be brought into a caste system and be included as one of the castes. Therefore, do not mix up the issues and do not confuse your own mind. Sir, I was trying to emphasise the fact that a few of the Scheduled Tribes members become Christians and therefore it is argued that they are getting all the benefits, and therefore Christian tribals should be excluded from the list of Scheduled castes and Scheduled Tribes. I beg to differ with them in all humility because a tribal is a tribal; he has certain characteristics; because he is backward; because he is living in jungles. Their lands have been grabbed and looted by

[Shri R. D. Bhandare]

those who are the advanced classes, and they are living in jungles. Because somebody gets converted to Christianity, and because of that, if he is deprived of his rights, then this house will be doing in justice to him, and to such people. Therefore religion is no criterion so far as Scheduled Tribes are concerned. For Scheduled Castes, yes; it is Hinduism. Because of untouchability, because of the cast system, that is the basis of deciding and determining whether one belongs to Scheduled Castes or not. But so far as the tribes are concerned, religion has never been the criterion. Some research students have brought in the word 'faith' and say that it should be taken into consideration. Do you know, Mr. Chairman, how many tribes are there in this country and how many faiths they are following? Every tribe has its own faith, and they worship their own kuladevata. Kuladevata cannot be considered to be the basis of any religion. Your Kuladevata is different from mine. Similarly, Kuladevata differs from tribe to tribe. Some of them are animists. Some of them do not even believe in some religions. They are simply believing in jungle Gods. Therefore, so far as the tribals are concerned, religion should never be taken into consideration as a factor for determining and deciding a tribe.

So, this factor must also be taken into consideration, namely, indication of primitive traits such as customs. There is a judgment of the Supreme Court in which these words are used. Indication of primitive traits includes customs, marriage, birth, race, worship, occupation and habitat. If this is the fact, then, I think some of the states have done injustice to some of the castes in taking them out of the Scheduled Castes and including them among the Scheduled Tribes and taking them out of the Scheduled Tribes and including them among the Scheduled Castes. It is really a strange phenomenon to be found after 23 years of Independence. If any person gets up and says that his community should be included in Scheduled Castes or if any wise person, because of his political reasons, gets up and says

that his tribe or caste should be included in the Scheduled Castes or excluded from Scheduled, area then it is really a strange phenomenon found nowhere in any country whatsoever. There should, therefore, be no race for the inclusion or exclusion either in the Scheduled Castes or Scheduled Tribes.

The object of the bill was to remove all the area restrictions. Some of my friends, especially, Shri Deorao Patil, might be aware of one thing. Speaking for myself, when we were in the Opposition, when the tribals suffered from the restriction of areas, we had taken a position against the Government for the purpose of removing that area restriction.

We have to lay down a simple proposition that a Scheduled Caste will continue to be a Scheduled Caste irrespective of whether he is in Kashmir or Kerala. He should not be considered to be of a different caste merely because he has gone from one State to another. So also in the case of Scheduled Tribes. The area restriction should not be there either for Scheduled Castes or Scheduled Tribes.

The words need in articles 341 and 342 have specific purpose and specific meaning. They are not meant for doing injustice to any class. The area restriction was put in the Constitution so that a person may not go to a primitive or backward area to take advantage of the facilities. That should not be interpreted to the disadvantage of the Scheduled Castes and Scheduled Tribes when they go from one area to another. The area restriction should be completely removed. As Shri Khobragade has said, a mahar will continue to be a mahar be he in Bengal, Delhi, Maharashtra or Mysore. A person belonging to the Scheduled Caste does not cease to be a Scheduled Caste if he goes outside that State, because the stigma of untouchability is the criterion.

Now the government have come forward with about 330 amendments for inclusion or exclusion of so many communities, I have never seen a Bill which has

been tampered with so much by the government, and that too after it has been referred to a Joint Select Committee. I do not understand why they have come forward with so many amendments. The criteria or determining factor for taking a decision as to who belong to the scheduled Castes or Tribes are well known. So, why should there be so much confusion?

A lot of injustice has been done to many communities by this Bill. Take the Wadar community in my district, which is a backward community. When I was one of the members of a committee appointed by the Maharashtra Government the report of the committee came to be of 35 pages. I appended a note of dissent which runs to 115 pages because I wanted to do justice to the nomadic tribes who move from place to place so that they could get the benefits under the Constitution. In my district as well as in Mysore they have removed this community from both Scheduled Castes and Scheduled Tribes. Such a thing is sought to be done. Let us not tamper with the lives and the lot of this unfortunate people who have been suffering from disabilities for ages together because of the stigma of untouchability. Let us not tamper with the lives and the lot of Scheduled tribes because they have been living in Jungles. They are not advanced at all. Therefore, with great deal of care and caution this Bill ought to be discussed. I would appeal to the Law Minister to pay careful attention and go through the list properly and apply criteria either to include or exclude from the list.

With these words, I have done.

SHRI C.K. CHAKRAPANI (Ponnani): Mr. Chairman, Sir, I welcome the Bill. But at the same time I would like to point on certain things. The Panian community of Kerala has been recommended by the Select Committee for inclusion in list of Scheduled Castes. The Government has now come forward with an amendment that this community should be omitted from the list. I do not find any justification any reason, for that. This community suffers from the stigma of

untouchability. Socially and economically, they are very backward. Even politically they are also very backward. So, the Select Committee thought that this community was a fit case for inclusion in the list of Scheduled Castes. Having considered all the reports about this community, after going through the representations of community the Select Committee decided that this community should be included in the list. I do not understand why the Government has come forward with an amendment that this community should be omitted from the list. I want the hon. Minister to consider this aspect. It is a small community which suffers from the stigma of untouchability.

Another point that I would like to point out is about 2A in the Second Schedule. It is not a fact that Christian tribals have become advanced or civilised or rich because have embraced Christianity. Though these people have been converted Christians, they have suffered all sorts of backwardness and there is no justification in having 2A in Second Schedule.

Then, in regard to Bhovi community of Mysore, the Select Committee has recommended for the inclusion in the list of Tribes. There are some reports about this community. The authoritative books "The Mysore Castes and Tribes" by Shri L.K. Ananta Krishna Iyer and "The Castes and Tribes in Southern India" by Mr. Edgar Thurston have stated the following :

"they live in a primitive life semi-naked; the women-folk do not use *cholies* or upper vests at all, They wear bangles made of bronze....."

This is so far as Bhovi community is concerned. So, this Bhovi community should be included in the list of Castes.

As far as Rajgonds are concerned, some say that they belong to royal families. That is not true. So, Rajgonds should also be included in the list of Tribes. These Raj Ghonds as Adivasis form a distinct group. of course, they lack the intellectual alertness, adaptability and educational culture which is found in the more sophisticated communities. So it is a fit case for inclusion in tribes.

[Shri C. K. Chakrapani]

Altogether, I would like to say that Panian should be included in the Scheduled Castes as far as Kerala is concerned, the Bovi community should also be included as far as Mysore is concerned and the Raj Ghonds should be included in the Tribes as far as Maharashtra is concerned.

One word about the 2A of Schedule II. If we adopt the proposed amendment, it is contrary to the Constitution of India. The Constitution says :

“The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.”

The Subject of recognizing Christian tribals as tribals has already been discussed thoroughly and the Constituent Assembly decided that they should be included in the Tribes. So this matter has been definitely closed and now some interested parties are raking it up and it is not in the interests of the Constitution if we decide to adopt this amendment which is contrary to the Fundamental Rights. It is contrary to our Constitution. Simply because they are converted Christians, these converted Christians do not lose their tribal character. So I want that this 2A of Schedule II should be omitted.

SHRI SONAVANE (Pandharpur) : I support the Bill before the House and commend the hard work done by the Joint Select Committee on this Bill. Unfortunately, I was not a Member of that Committee but I know the Committee went round contacted several communities, discussed so many memoranda, made inquiries, met the Government representatives and after a thorough inquiry and a thorough investigation, they have come to this conclusion and they have produced this report. Therefore, I really compliment the Committee for its excellent work.

Now I remember also the late Shri Govinda Menon for his sincere efforts for the amelioration of the lot of the Scheduled Castes and Scheduled Tribes. Du-

ring his life-time and during his tenure, we are very happy to say, that he was instrumental in establishing a statutory committee for the welfare of Scheduled Castes and Scheduled Tribes and for extension of reservation for Scheduled Castes and Scheduled Tribes. There are so many other things. He was very reasonable and immediately he got a point, he struck it whatever the officials might say once he was convinced. The late Mr. Govinda Menon did justice to them. I remember him on this occasion for his zeal and sympathy for the weaker sections.

Now, in my opinion, there are two very welcome features in this Bill. One that was mentioned by the hon. Minister Hanumanthaiyaji himself when he said that for the social development, this provision is welcome and I also appreciate that. That provision is on page 5 of the Bill which says:

“Notwithstanding anything contained in any law for the time being in force or in any custom or usage to the contrary, a woman who marries a person belonging to a caste specified in any Part of the Schedule shall be deemed to belong to that Scheduled Caste to which her husband belongs.”

This is a very good provision.

I would take a reverse case. The Committee has forgotten that case. What is that case? Here is a lady who marries a person belonging to a caste specified outside these lists. If she marries a scheduled caste person she gets those advantages. But the case I am referring to is this. If the woman from the scheduled caste marries a brahmin, will she be a scheduled caste or non-scheduled caste? (Interruption)

SHRI SHIVAJIRAO S. DESHMUKH (Parbhani) : That Brahmin should become the scheduled caste.

SHRI RANDHIR SINGH (Rohtak) : It is a privilege to be a scheduled caste these days. (Interruption)

SHRI SONAVANE : What I am saying is this. The lady from the scheduled caste married a non-scheduled caste person. Suddenly if she divorces, what happens? (*Interruption*) I am basing my argument on logic. Let us logically argue the case. The logic is this. Suppose she marries a Brahmin and then after some time they disagree and divorce. What happens? She will have to be recognised as a person having privileges of a scheduled caste person. I think the Select Committee should have thought over this matter. I would recommend that the Government should go into this point. What happens? A woman from the scheduled castes married a non-scheduled caste person. She carries certain stigma; the parents of that man do not like that marriage. Therefore, what I say is this. If they marry in love, that is all right; we wish them well. We should not deprive them of all the privileges she gets as a scheduled caste woman. That is my point.

My second point is regarding the migration of scheduled castes. This migration from one State to another is now recognised, which was not done so far. I welcome it. The provision is this :

“Any person who belongs to any caste included in any Part of the Schedule and who ceases to reside in the Union Territory to which he belongs and migrates to any State shall continue to be a member of the Scheduled Caste in the State where he voluntarily resides notwithstanding the fact that the caste to which he belongs is not a Scheduled Caste in that other State.”

This is a welcome feature.

SHRI SIDDAYYA (Chamaraja Nagar): Government have moved an amendment not accepting that.

SHRI SONAVANE : It is for us, to accept the amendment or reject it. If our logic is correct, if our arguments are correct, we go by those things. This House this Parliament is a sovereign body and it is for us to decide what we want to do.

My next point is this. Certain criteria have been laid down. These are recog-

nised by the founding-fathers of our Constitution. There is a mad rush by the officials for inclusion of communities. Why? I do not understand. I wish to draw attention to a portion of the well-thought out report of the Committee which appears at page (viii). There are certain well-known criteria. I do not know why this fact has been ignored or by-passed. I do not know what the confusion is in the Government's mind, what pressures, political or otherwise are brought in, I do not know. The Committee has done its job well in saying this.

The Committee have stated:

“The Committee devoted considerable time in deciding the criterion which should be adopted in order to determine whether a community should be included in the list of Scheduled Castes. The Committee are of the opinion that extreme social, educational and economic backwardness arising out of the traditional practice of untouchability should be the criterion for including a community in the list.”

I do not know of any other committee which has done this work. As such, the criteria are clear and they should be accepted in full.

As regards Scheduled Tribes also, there are very well-laid down criteria, and, therefore, I do not know why there should be any confusion in the minds of so many people and there is a mad rush for inclusion of some more tribes in the list of Scheduled Tribes. The Committee have stated at page x of their report:

“For the specification of communities as Scheduled Tribes, the Committee adopted as the criteria indications of primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large and backwardness. As a further guideline, the Committee feel that in deciding whether a community should be included in or excluded from the list of Scheduled Tribes for a particular State or Union Territory it should be examined whether the community satisfies

[Shri Sonavane]

the criteria laid down in that particular State".

These are the clear criteria that the Committee have adopted in their report. Therefore, I would submit that no community that satisfies the criteria for inclusion or retention or exclusion as the case may be should be left out. For hundreds of years, the Scheduled Castes have been suffering humiliation and untouchability. But now suddenly we find that as a result of some pressure from some people and some political decision, some now untouchables are being created. I do not understand why? There are certain people here who have not suffered from the stigma of untouchability at all and yet they are on the list of Scheduled Castes. I would submit that they should be mercilessly thrown out. Only people who have suffered or whose parents have suffered from untouchability should find a place in the list and should have the right to enjoy the benefits so rightly given to them by the framers of the Constitution. Similarly, in regard to Scheduled Tribes also, only those communities which satisfy the criterion laid down for inclusion or retention should be considered for that purpose, and those that do not satisfy them should be left out. Government should not succumb to any pressure for inclusion or exclusion.

The hon. Minister has said that it is for Parliament and for this House to consider the matters before it. Now, all these amendments are there. The hon. Minister was very reasonable in saying that no matter what the amendments were, Governments would consider them on merits. Therefore, we hope that when we go into the details of the clauses, he will take into confidence all the Scheduled Castes and Scheduled Tribes before and and tell us what amendments he is going to accept. If possible, after the House rises today, let him call a meeting of the Scheduled Castes and Scheduled Tribes Members for the purpose. Otherwise, there will be a lot of confusion, and a lot of time of the House would be wasted.

Therefore, I would suggest to the hon. Minister that he should be good enough to call a meeting of the Scheduled Castes and Scheduled Tribes Members and take them into confidence and stick to the criteria laid down and leave the whole matter to be judged by the House, without allowing any question of prestige to stand in the way but by considering the amendments on merit and giving effect to them.

Lastly, the criteria laid down by the Committee in their Report should find a place in the body of the Bill for future guidance. Otherwise, pressures will mount up and God knows what will happen later on; all sorts of people will come into the list.

Therefore, the amendment tabled by Shri Siddayya and others should be welcomed and it should form part of the Bill. With these words, I would request the hon. Minister to go through all this process very carefully and wisely.

*SHRI MANGALATHUMADAM (Mavelikara) : Mr. Chairman, Sir, I generally welcome this Bill.

This Bill clearly proves the sincerity and interest this Government has got in the matter of giving protect and uplift to the backward class of people in our country who are suffering from many disabilities.

It was in August 1967 that this Bill was introduced in this House. It has been taken up for consideration after forty months. Is not this fact an indication of this Government's lack of interest in matters connected with the uplift of our backward classes.

Sir, the next General Election in the ordinary course will be conducted in 1972. This truth is known to all including the Government. It may happen earlier also. Much before the General Elections the constituencies will have to be demarcated as envisaged in this Bill. Not only that, early in 1971 the next census will also be

*The Original Speech was delivered in Malayalam.

taken. When we consider all these things I doubt whether, even if this Bill becomes an Act now, the provisions contained in this Bill can be enforced fully and action taken before the next Elections.

The fact that the hon. Minister himself has tabled more than 130 amendments is clear evidence of the fact that so far this Government has not considered with any seriousness the matters that constitute this Bill. I do not think any other Government will handle such a serious question in this sort of a light hearted manner. The only reason I can find for such an attitude on the part of the Government is that this relates to poor and backward people in the country.

Sir, I oppose with all the strength at my command an amendment suggested by the hon. Minister to a recommendation of the Select Committee in their Report. I submit that the recommendation of the Select Committee should be adopted without incorporating this amendment. I am referring to the recommendation of the Select Committee that a Scheduled Caste or Scheduled Tribe person should be treated as a Scheduled Caste or Scheduled Tribes as the case may be even if he chooses to go and reside in another State.

At the same time I support another amendment suggested by the hon. Minister I am referring to the amendment which seeks to allow Scheduled Caste people to be recognised as Scheduled Castes even if they are converted as Christians or Muslims. I am unable to agree with the opinion expressed by the Select Committee that this facility which was there till today should suddenly be taken away.

When Christian missionaries are working for the uplift of depressed classes, we have to seriously view the statement of Puri Sankaracharya, who is the head of Hindu pandits, that the depressed people should be considered as equal to dogs. It is not correct to confine the list of Scheduled Castes only to Hindus and Sikhs. There Scheduled Caste people who have converted themselves as Christians or Buddhists should also be included in the list of Scheduled Castes. Sir, in our country—Bharat—which takes pride in declaring itself as a secular State

it is not correct to classify the backward classes on the basis of caste.

It was said, Sir, that there are 1700 names of castes in this list. But I doubt whether even now it is a complete list.

Another point that I want to mention is, when the names in regional languages are included in this list in English many regional difficulties arise. I will give one or two examples from Kerala. There are two names—*Man-nan* and *Mannan*. Out of these two the first one is a Scheduled Caste and the other is a Scheduled Tribe. Similarly, there are the names *Velan* and *Vellan* and when they are written in English they look alike. To remove this dispute it is necessary to enter them as two separate names in the list.

In Orissa there is a caste called *Dheewara*. These people earn their livelihood of fishing. Last time, because instead of **DHEWAR** in the previous list it was entered as **DEWAR** they ceased to be Scheduled Castes with the result in this list there is no mention of their name. I submit, Sir, that their name should be included in this list of Scheduled Castes.

The late Panampalli Govinda Menon, who knew everything about the Scheduled Castes and Scheduled Tribes in Kerala, when he was Minister of Law at the Centre had included the Pania community in the list of Scheduled Castes. Perhaps it may be because the present hon. Law Minister does not know anything about the Scheduled Castes and Scheduled Tribes in Kerala that the name of Pania community does not find a place in the present list.

Sir, special care should be taken to see that no section of our society which deserves to be included in the list of Scheduled Castes and Scheduled Tribes is denied that privilege due to mistake in spelling or writing the regional name in English. I say this because if after the passage of this Bill some names come to our notice as having been omitted their is no provision under which we can include them.

[Shri Mangalathumadam]

In conclusion, therefore, Sir, I would like to repeat that special care should be taken now to see that no Scheduled Castes or Scheduled Tribe in any area is denied the privilege of being included in this list due to their regional names. Care should also be taken to arm the State Government or the Central Government with the necessary power to issue any clarification when the need arises. I once again stress that under no circumstances should the Pania community be excluded from the list of Scheduled Castes.

श्रीमती अगम दास गुरु मनीमाता (जनगीर) : सम्पाति महोदय, यह जो संशोधन विधेयक पेश किया गया है, इसका मैं समर्थन करती हूँ। शासन ने इस संशोधन विधेयक को बनाने के लिये बहुत पैसे खर्च किये हैं। उसने एक कमेटी बनाई और उस कमेटी ने बहुत परिश्रम से, बुद्धि से और जांच पड़ताल करके इस बिल को बनाया है। मैं इसका स्वागत करती हूँ। शासन यदि पूरा ध्यान इन लोगों की तरफ दे तभी हरिजनों और आदिवासियों का कल्याण हो सकेगा।

मैं समझती हूँ कि इस बिल में कुछ हेरफेर करने की आवश्यकता है। आप क्रिश्चियन को लें। शासन के सामने कुछ दिक्कतें हैं। कुछ स्टेटम ऐसी हैं जहाँ काफी संख्या में लोग ईसाई हो गए हैं। आदिवासी लोगों का एक अलग ग्रुप बना दिया जाए जो ईसाई बन गए हैं। बहुत से लोग तो बहुत पहले से ईसाई हो गए हैं। अभी भी देखा जा रहा है कि लोग ईसाई हो रहे हैं। आदिवासी और हरिजन बहुत ही पिछड़े हुए हैं। उनको यदि पर्याप्त सुविधायें नहीं दी जाएंगी तो यह हिन्दुस्तान इस रूप में कायम नहीं रह सकेगा इस वास्ते शासन से मेरा अनुरोध है कि जो आदिवासी और हरिजन ईसाई हो रहे हैं या हो चुके हैं, उनको जो सुविधा दी जा रही है, उनको बन्द कर दिया जाए और दूसरे जो ईसाई नहीं हुए हैं, जो अभी भी पिछड़े हुए हैं, उनकी सुविधाओं को बढ़ाया जाए।

अभी भी आप देहातों में जा कर देखिये तो आपको पता चलेगा कि जो आदिवासी एडवांस हो गए हैं, वे वही आदिवासी हैं जो ईसाई हो गए हैं। हमारे होंगे जी ने आंकड़ दे कर बताया है कि जो आदिवासी ईसाई हो गए हैं उनमें से कितने लोग पढ़ लिख गए हैं। कहीं पर तो 24 प्रतिशत, कहीं पर 25 प्रतिशत और कहीं पर 26 प्रतिशत उनमें ऐसे हैं जिन्होंने एजुकेशन प्राप्त कर ली है। इसका मतलब यह है कि

जिन्होंने अपना धर्म परिवर्तन नहीं किया है, जिन की संस्कृति, रीति रिवाज और रहन सहन का ढंग वही है, जो अभी भी जंगलों में रहते हैं देवी देवताओं की पूजा करते हैं, वे इनके मुकाबले में कहीं पिछड़े हुए हैं। उन में से आप को दो प्रतिशत भी पढ़े लिखे हुए नहीं मिलेंगे। मध्यप्रदेश में वस्तर का पूरा जिला आदिवासी जिला है हमारी कमेटी वहाँ गई थी। वहाँ जा कर उसमें स्कूलों का निरीक्षण किया, उन स्कूलों का किया जो आदिवासी स्कूल है। मैं भी वहाँ गई और हमारे चेयरमैन श्री बसुमतारी भी गए। वहाँ उन्होंने लड़कों से सवाल किए। किसी स्कूल में पांच सौ, किसी में चार सौ लड़के थे। एक-एक ब्लास में कहीं सौ, कहीं डेढ़ सौ और कहीं अस्सी लड़के थे। उन्होंने कहा कि जो आदिवासी लड़के हैं, खड़े हो जाएं। कहीं पर चार खड़े होते थे और कहीं पर पांच खड़े होते थे। यह हालत थी आदिवासी स्कूलों की। इससे आप अनुमान लगा सकते हैं कि एजुकेशन के मामले में वे कितने पिछड़े हुए हैं।

ऐसी हालत में मैं चाहती हूँ कि जो आदिवासी ईसाई हो गए हैं उन को वे सुविधायें न दी जाएं जो पिछड़े हुए आदिवासियों को जिन्होंने अपना धर्म परिवर्तन नहीं किया है, दी जाती हैं। गांवों में जो गरीब है, जिस ने अभी कपड़ा पहनना भी नहीं सीखा है, उस को सुविधा प्रदान की जाए, उनकी तरक्की की जाए, उन का विकास किया जाए।

जयपुर में आप जा कर देखें। जो आदिवासी हैं और जो ईसाई हो गए हैं, वे देवी देवताओं को नहीं मानते हैं। लेकिन कहने को वे कहते हैं कि मानते हैं। कहने को तो वे कहते हैं कि उनमें रीति रिवाज, देवी देवता सभी वैसे के वैसे कायम हैं, लेकिन यह गलत है, यह भ्रम में डालने वाली बात है। नाम उनका वही है जात वही है लेकिन धर्म ईसाई है। हमने एक से पूछा कि उसका नाम क्या है तो उसने कहा कि झाड़ू राम। नाम नहीं बदला। जाति पूछी तो कहा कि गोंडा। जाति नहीं बदली। लेकिन जब धर्म पूछा तो कहा कि हम ईसाई हैं। इस तरह से ये लोग जाल बिछा कर गरीब हरिजनों और आदिवासियों को ईसाई बना रहे हैं और अपनी संख्या को बढ़ा रहे हैं। मैं अनुरोध करती हूँ कि जो हरिजन तथा आदिवासी ईसाई हो गए हैं उनको जो सुविधायें पिछड़े हुए और गरीब आदिवासियों को दी जाती हैं, न दी जाएं और उनको देने के बजाय ये सुविधायें उनको दी जाएं जिन्होंने अपना धर्म परिवर्तन नहीं किया है। आप प्रतिशत निकाल लें हाउस में। जितने धर्म परिवर्तित ईसाई हैं वही मंस्वर बन कर आए हैं। गांव का अनजान पिछड़ा हुआ और जिस ने अच्छी तरह कपड़ा पहनना तक नहीं सीखा है, वह नहीं आ पाया है। इस तरह से तो कभी उसको आने का मौका ही नहीं मिलेगा इन धर्म परिवर्तित ईसाइयों के रहते हुए। मेरा अनुरोध है कि जो धर्म परिवर्तित ईसाई हैं इनको अलग कर दिया जाए। यदि आपको इनके साथ सहानुभूति है तो इनका आप एक अलग ग्रुप बना दें और इस ग्रुप को जैसी आपको सुविधा देनी हो दें, सोलह आने देनी हो तो दें और चार आठ आने देनी हो तो दें।

मध्यप्रदेश में मैं जसपुर में गई थी। वहां तमाम आदिवासी ईसाई हो गए हैं। जबलपुर में तमाम धर्म परिवर्तित ईसाई लड़कों ने अपना अलग से होस्टल बना लिया है और उस में जिन्होंने धर्म परिवर्तन नहीं किया है, और जो पढ़ रहे हैं, उनको प्रवेश नहीं दिया जाता है। मेरा अनुरोध है ऐसे धर्म परिवर्तित ईसाइयों को

आप बिल्कुल ये सुविधायें न दें बल्कि उनको दें जो पाकिस्तान से ये लोग आए हैं और वे अगर मुसलमान हो गए होते तो वही पाकिस्तान में रह सकते थे। लाखों आदमी आए हैं पाकिस्तान से और उन में से अधिकांश, नब्बे प्रतिशत हरिजन और आदिवासी हैं। शासन से मेरा अनुरोध है कि लोग एडवांसड हो गये हैं, इन्होंने अब प्रगति कर ली है, इस लिए इन के बजाये पाकिस्तान से आये हुए लाखों हरिजन-आदिवासियों को सुविधा दी जाये।

मैं दूसरे प्रदेशों के बारे में नहीं जानती हूँ, लेकिन मध्यप्रदेश में राजगोड़ हमेशा से शासक और राजा रहे हैं, लेकिन वे सिर्फ राजनैतिक सुविधायें लेने के लिए आदिवासी बनना चाहते हैं। गोड़ों से उनका शादी-विवाह का कोई सम्बन्ध नहीं है। गोड़ों के देवी-देवता जंगल में रहते हैं, जब कि राजगोड़ों के देवी-देवता गांव में मन्दिर में रहते हैं। गोड़ों का पुजारी खुद गोड़ होता है, जिमकों बेगा कहते हैं जब कि राजगोड़ों का पुजारी ब्राह्मण होता है।

श्री पी०के० देव ने कहा कि राजगोड़ों को आदिवासियों की लिस्ट में अलग नहीं करना चाहिए। उन्होंने कहा कि गोड़ पत्तों का छाता झोड़ कर थोड़ी देर के लिए अपने आप को राजगोड़ महसूस करते हैं। मैं इस का अर्थ माननीय सदस्य, श्री पी०के० देव से भिन्न लगाती हूँ। गोड़ समझते हैं कि राजा-महाराजा भी गोड़ हैं, लेकिन वे राजा हैं, इस लिए राजगोड़ कहलाते हैं, यदि वे सोने और चांदी के छत्र झोड़ते हैं, तो क्या हम पत्तों का छाता झोड़ कर राजगोड़ बन सकते हैं या नहीं। जैसा कि मैंने कहा है, राजगोड़ हमेशा से शासक रहे हैं और गोड़ों से उनका कभी कोई सम्बन्ध नहीं रहा है। वे गोड़ों के साथ शादी नहीं करना चाहते हैं। वे राजा जमींदारों से ही शादी करना चाहते हैं।

मैं मध्यप्रदेश के एक राजा की बात बताती हूँ। वह खुद गोड़ नहीं होना चाहते हैं। वह

[श्रीमती अग्रम दास गुरु मिनीमाता]

जेनेरेल सीट से चुनाव लड़ कर आ सकते हैं, लेकिन उनको जेनेरेल सीट प्राप्त नहीं होती है, तो वह आदिवासियों का हक छीन कर रिजर्व सीट पर चुनाव लड़ कर आते हैं। राजगोड़ हमेशा से शासक रहे हैं और बहुत एडवांस्ड हैं। अगर सरकार उनको सुविधा देगी, तो उससे गरीब गौड़ों का नुकसान होगा, उनका गला कटेगा।

मध्यप्रदेश में छतीसगढ़ नाम का आधार यह है कि वहां छत्तीस गौड़ों की रियासतें थीं। इसी कारण वे गौड़ से राजगोड़ बन गये। वे नहीं चाहते कि हम गौड़ या राजगोड़ रहें। वे तो अपने आप को राजपूत कहते हैं। 1923 में ठाकुरों का एक सम्मेलन हुआ था। उन्होंने वहां बीस हजार रुपया दे कर अपने आप को ठाकुर घोषित करवाया। ठाकुर तो जानते हैं कि ये गौड़ थे और उनके पूर्वज गौड़ थे। अब उनकी हालत ऐसी है कि वे गौड़ों को लड़की देते नहीं हैं और ठाकुर उनकी लड़की लेते नहीं हैं। यह हालत हो गई है राजगौड़ों की।

अगर सरकार राजगौड़ों और धर्म-परिवर्तित क्रिश्चियन आदिवासियों को सुविधा देना चाहती है, तो वह उनका एक अलग ग्रुप बना दे। उसके पास काफी पैसा है। वह इनको दे; हमें कोई एतराज नहीं है।

आसाम में हरिजनों की संख्या 7,23,084 बताई गई है। लेकिन इस में वहां के टी गार्डन्ज का नाम ही नहीं है कि वहां पर कितने हरिजन-आदिवासी हैं। मैं भी आसाम के टी गार्डन्ज के एक मजदूर की लड़की हूँ। मैं जानती हूँ कि वहां काम करने वाले मजदूरों में से 90, 95 प्रतिशत हरिजन-आदिवासी हैं, जो उन टी गार्डन्ज का निर्माण करने के लिए सौ बरस पहले बिहार, मध्यप्रदेश, उत्तर प्रदेश, उड़ीसा, आंध्र प्रदेश आदि राज्यों से गये। आसाम का यह रिवाज है कि वहां निवासी हरिजन-आदिवासी टी गार्डन्ज में काम नहीं करते हैं, वे खेती-बाड़ी का अपना धन्धा

करते हैं। उन मजदूरों में शिक्षा का इतना अभाव है कि उनमें एक भी लड़का या लड़की मैट्रिक तक नहीं हो पाया है। हरिजनों और आदिवासियों को मिलने वाली कोई भी सुविधा उनको नहीं मिलती है, जिसके कारण वे अपने बच्चों को पढ़ा नहीं पाते हैं। इसलिए शासन से मेरा अनुरोध है कि आसाम के टी गार्डन्ज में काम करने वाले हरिजन-आदिवासियों को भी लिस्ट में शामिल किया जाये। तीन चार जातियां बिल्कुल छूट गई हैं। मैंने इस बारे में एमंडमेंट दिया है।

कई सदस्यों ने कहा है कि धर्म-परिवर्तन के बाद भी हरिजन-आदिवासियों के रीति-रिवाज वही रहते हैं। यह गलत है। यह तो भ्रम में डालने की बात है। सिर्फ सुविधा-और खास तौर से राजनैतिक सुविधा-लेने के लिए ऐसा कहा जाता है। शासन भी उन्हीं धर्म-परिवर्तित लोगों को सुविधा देती है। जो गरीब और पिछड़े हुए हरिजन-आदिवासी हैं, उनकी तरफ उनका ध्यान नहीं जाता है। जिन्होंने धर्म-परिवर्तन कर लिया है और जो एडवांस्ड हैं, शासन उन्हें ही सुविधायें दे रहा है। आप इस हाउस के आंकड़े देख लीजिए। केवल धर्म-परिवर्तन करने वाले ही सब सुविधायें और पद प्राप्त कर रहे हैं और जो बेचारे पिछड़े हुए हैं, उनके लिए कोई सुविधा नहीं है। शासन से मेरा अनुरोध है कि वह टी गार्डन्ज में काम करने वाले हरिजन-आदिवासियों को लिस्ट में रखने और धर्म-परिवर्तित हरिजन-आदिवासियों को इन जातियों के लिए निश्चित की गई सुविधायें न देने के सम्बन्ध में इस बिल में आवश्यक संशोधन करे।

श्री शिंकरे (पंजिम) : समापति महोदय, कांग्रेस के सदस्य, श्री सोनावने, ने अपने भाषण में कहा है कि सरकार की तरफ से जो एमंडमेंट्स का बंडल सा आ गया है, उसमें कोई गोलमाल है, क्योंकि हर एक साइड से जो प्रेशर आया है, उसके कारण नही सरकार ने इतने एमंडमेंट्स रखे

हैं। श्री सोनावने फ़ासवर्डज़ की भाषा में बोले थे। अगर वह जरा क्लियर होते, तो हमें मालूम हो जाता कि प्रेशर कहां से आ रहा है—क्या मिनिस्टर्ज़ की तरफ़ से आ रहा है या कांग्रेस संस्था इंडीपेंडेंट की तरफ़ से आ रहा है या अपोजीशन की तरफ़ से आ रहा है।

जब गवर्नमेंट की तरफ़ से दो तीन सौ एमंडमेंट्स आते हैं, तो मेरे सामने यह प्रश्न आता है कि हमारी जॉइंट सिलेक्ट कमेटी का काम क्या था। उसने बहुत जांच-पड़ताल और मेहनत करने के बाद यह विधेयक लोक सभा के सामने रखा। उसके बाद जब एमंडमेंट्स का यह बंडल आता है, तो उसमें कांग्रेस के अन्तर्गत मामले का भी कोई हाथ होगा, ऐसा शक आता है। इन दिनों हम समाचारपत्रों में पढ़ते हैं कि श्रीमती इंदिरा गांधी और श्री जगजीवन राम में कोई अच्छे सम्बन्ध नहीं हैं। क्या यह सच है कि श्री जगजीवन राम इसमें इट्रेस्टिड हैं? मुझे कल कहा गया कि बनजारा कम्युनिटी के बारे में जो एमंडमेंट गवर्नमेंट की तरफ़ से आया है, उसमें तो बहुत बड़ा पालिटिक्स है। कहा जाता है कि श्री जगजीवन राम हरिजनों और गिरिजनों के अनभिषिक्त नेता हैं और इस नाते उनको सौ हरिजन और गिरिजन संसद्-सदस्यों का सहकार मिलता है। उनको शह देने के लिए-हरिजनों के नेता श्री जगजीवन राम हो सकते हैं, लेकिन गिरिजनों का कोई दूसरा नेता तैयार करने के लिए—तो यह नहीं हुआ है?

कहा जाता है कि महाराष्ट्र के मुख्य मंत्री, श्री बसन्तराव नायक, बनजारा कम्युनिटी के हैं और सिलेक्ट कमेटी की तरफ़ से जो बिल प्राया है, उसमें बनजारा कम्युनिटी को स्थान नहीं मिला है, लेकिन गवर्नमेंट की तरफ़ से जो एमंडमेंट्स आये हैं, उनके अनुसार बनजारा कम्युनिटी को स्थान दिया गया है। क्या श्री बसन्तराव नाईक को केन्द्र सरकार में लाने की तो यह पूर्वतयारी नहीं है? तो जब सोनावने साहब जो महाराष्ट्र के हैं उन्होंने यह प्रश्न उपस्थित किया है कि यहां कोई गोलमाल इसमें हो सकता

है तो मेरे मन में ऐसा शक आया कि कहीं इसमें राष्ट्रव्यापी पालिटिक्स तो नहीं है? खैर, मैं तो एक निर्दलीय सदस्य हूँ। इतनी बड़ी-बड़ी बातें मैं क्या करूँ? कहा जायगा कि मुझे तो इसमें कुछ कहने का हक ही नहीं है। लेकिन एक बात यह यहां पर रह जाती है कि प्रवर समिति का जो काम था उस के बाद इतने अमंडमेंट्स आना अच्छा नहीं है। क्योंकि अब इतने अमंडमेंट्स आते हैं तो बाहर के लोग कह सकते हैं के प्रवर समिति के लोगों ने केवल भत्ता और ट्रांसपोर्ट के किराया ही लिया और काम कुछ नहीं किया। इसलिए मेरे सामने यह प्रश्न आता है कि गवर्नमेंट ने जो इतने अमंडमेंट्स लोक सभा के सामने रखे हैं उन पर अभी भी सब दृष्टिकोण से विचार करना आवश्यक होगा क्योंकि गवर्नमेंट की तरफ़ से ही यह बोला गया है कि प्रेशर से बहुत से अमंडमेंट्स आए हैं।

मैं गोवा से आता हूँ और गोवा का एक केस सदन के सामने रखना चाहता हूँ। यहां पर इस तरह की बात कही गई कि धर्म-परिवर्तित जो गिरिजन या आदिवासी हैं उनको यह सुविधाएं नहीं मिलनी चाहिए। इस के बारे में तो मैं कुछ कहना नहीं चाहूंगा क्योंकि बहुत से सदस्य इस बारे में बोले हैं लेकिन गोवा में ऐसा एक केस हो गया कि सोलहवीं शताब्दी में गोवा में पुर्तगाली आए और 16 वीं व सत्रहवीं शताब्दी में वहां के गावड़ा ट्राइबल्स जो थे उन का कन्वर्शन हो गया। सब लोगों का नहीं 25 परसेन्ट का कन्वर्शन हो गया और वह ईसाई बना लिए गए। तो गोवा का जो यह धर्म-परिवर्तित गावड़ा है उनको पहले तो यह सुविधा मिली नहीं क्योंकि वहां की स्टेट में 1967 से पहले शेड्यूल्ड कास्ट एंड शेड्यूल्ड ट्राइबल्स का क्लासिफिकेशन ही नहीं हुआ था। अभी हुआ है और अब वह सुविधाएं हरिजन और गिरिजनों को मिल जाएंगी। तो मेरा जो प्रश्न यहां है वह यह है कि गावड़ा कम्युनिटी पहले सोलहवीं और सत्रहवीं शताब्दी में जिन का धर्म-परिवर्तन हो गया था उनका एक दफा फिर धर्म परिवर्तन हुआ।

[श्री शिकरे]

हिन्दू धर्म में वह जो 25 परसेन्ट गावड़ा कम्प्युनिटी के लोग ईसाई बन गए थे वह 25 परसेन्ट आदिवासियों का फिर धर्म परिवर्तन हो गया और वह फिर एक दफा उसकी जो ट्राइबल कम्प्युनिटी है गावड़ा उनमें वापस आ गए। ईसाई धर्म उन्होंने छोड़ दिया। It is considered as the greatest defeat of the catholic religion in the world. क्योंकि ऐसी एक कम्प्युनिटी जो है गावड़ा ट्राइबल कम्प्युनिटी इस का धर्म-परिवर्तन होने के बाद वह सब कम्प्युनिटी एक दफा फिर कहती है कि हम तो पहले भी ऐसे ही रहे। ख्रिस्ती धर्म स्वीकारने के बाद भी उनके जो रीति-रिवाज थे वह पहले जैसे ही रहे। उनको सन्डे को चर्च में ले जाते थे, उनके पादरी आते थे और उनकी सिविल मैरिज या धार्मिक मैरिज करते थे। लेकिन उनमें उनको कोई तथ्य नहीं दिखाई पड़ता था। इसलिए उन्होंने कहा कि हमारे जो पूर्वजों के रीति-रिवाज हैं वह अच्छे हैं। इसलिए उन्होंने ख्रिस्ती धर्म को छोड़ा और एक दफा फिर गावड़ा बन गए। दुर्दैव से एक बात यह हुई है कि वह 75 परसेन्ट जो हिन्दू गावड़ा पहले ही रह गए थे वह 75 परसेन्ट अब अलग रह रहे हैं और वह जो 25 परसेन्ट पहले ख्रिस्ती धर्म में चले गए थे और फिर गावड़ा धर्म में वापस आए, उनकी अलग जमात बन गई है। मैं यह समझता हूँ कि यह दोनों गावड़ा कम्प्युनिटी के लोग जो हैं इन का इन्क्लूजन इनमें नहीं है। वो होना जरूरी है। इस धर्म-परिवर्तित गावड़ा कम्प्युनिटी के रीति-रिवाज ऐसे ही हैं जो गावड़ा ट्राइबल्स के हैं। वह कम्प्युनिटी जिस को मैं नव-हिन्दू के नाम से पुकारूंगा यानी जो पहले ख्रिस्ट धर्म में परिवर्तित हुए और फिर वापस हिन्दू धर्म में आए उनके गावड़ा कम्प्युनिटी में शामिल होने का प्रयास चल रहा है। मेरा यह कहना है कि इस समूची गावड़ा कम्प्युनिटी का इन्क्लूजन शेड्यूल्ड ट्राइबल्स में होना चाहिए। इससे ऐसा होगा कि अब वह सुविधाएं उनको मिल जाएंगी जो ख्रिस्ट धर्म में जाने से उन को नहीं मिलीं। हमारी सरकार जो सेकुलर स्टेट

है वह उन को वह सुविधाएं अब दे सकती है उन का इन्क्लूजन शेड्यूल में करने के बाद। तो मैं चाहूंगा और मेरी विनती होगी मिनिस्टर महोदय से कि यह जो गावड़ा कम्प्युनिटी है गावड़ा को उस का शेड्यूल्ड ट्राइबल्स से इन्क्लूजन किया जाय।

THE DEPUTY MINISTER IN THE MINISTER OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION (SHRI S.C. JAMIR) : I am really grateful to Shri Hanumantbaiyaji for giving me permission to participate in this debate.

The Constitution Amendment Bill which is before the House is an important one and it has got many welcome features because under this Bill many of the Tribes which were excluded previously are included and for this I am really grateful to the Joint Committee and also to the Government.

Since many of the points have already been covered by the previous speakers I would like to point out only one clause on which I disagree very strongly with the recommendation of the Joint Committee. In the recommendation it is said that no person, who has given up tribal faith or faiths and has embraced either Christianity or Islam, shall be deemed to be a member of any Scheduled Tribe. I do not know why the Joint Committee consisting of hon. Members and national leaders could dare to include such a dangerous clause. If we accept this, what will be the reaction of the Scheduled Tribes who are Muslims and Christians? Since I belong to a region where the people are Christians, I want to plead very strongly about this case. May I point out and remind the hon. Members that in India where we profess secularism if we are to make religion as the basis for determining the caste or the other things and if we are to make religion to be the criteria in determining the backwardness or/otherwise of a tribe, then we will be setting up a very sad precedent which will be very harmful to the unity and solidarity of this great

country. This is dangerous because when the Constituent Assembly provided this provision for the backward Scheduled Castes and Scheduled Tribes, they had in mind that the people in India whether they are Christians or Muslims or Hindus, if they are economically backward, they have to be brought to the level of the advanced sections of the community so that we may build up a strong united India. That was the intention of the framers of the Constitution. But it is very unfortunate that after a lapse of two decades of our independence the intellectuals and right-thinking hon. Members of this House in whose hands rests the power to shape the destiny of this great country could dare to bring forward this provision in their recommendations.

This will create a great confusion. You should remember that India is like a diamond with different facets. Unless you treat all these different facets on the same footing, how can you make India strong and united? You should recognize that every citizen belongs to this great country. Until and unless you do that, the future of India is doomed.

The second recommendation is this. Unless the Tribals profess their own religion, traditions, etc. they will be deprived of these facilities provided under the Constitution. Why should they profess their own religion? Do you want to keep them as museum pieces for Tourist? Then for what purpose is this done? If India is to progress, your brothers and sisters who have been kept away and isolated from the mainstream of national life and development, should be brought as near as possible to the national life and it is only then that you can say that India is progressing.

Christianity is as old as the religion itself, just like Hinduism, and Christianity is a part of the religions of this great country. The Christians have taken part in the welfare activities by running schools and hospitals and dispensaries and various charitable institutions. Is it confined only to the Christian. No, not at all. It is open to everyone whoever is sick; whoever wants education; whoever wants help. They have helped all those people who

are in need. It is the duty of the Christians to help them, irrespective of what religion they may belong to. We never look to the face value. Rather, we look to the requirements and to the need of the person. Therefore, if you discriminate Christianity from this Bill and if you make these provisions as a smoke-screen against Christianity, it will be very dangerous.

May I remind the House that I belong to a sensitive area, namely, the Eastern Region? The Mizos are in rebellion. Why? There are causes for it. Don't call them 'Rebels'. They are our men; they are Indians. You will have to understand the situation. They have been isolated and neglected for centuries together. They have not been able to catch up with the rest of the country. Why is there trouble in Nagaland? Why people want to secede? You have to go deeper into such matters. I was one of those signatories to the Agreement that was entered into with the Government of India. I was a Secretary of the party which entered into the Agreement with the Government of India. Sir, only in 1960, we became Indian citizens officially. Whenever we go there we talk about the unity and the solidarity of India to my people. We feel that every citizen is a part and parcel of the Indian Union. But here you do not like to give these small facilities provided by the framers of the Constitution. You want to take this away.

If you have to preserve the unity of the country, there should be emotional integration and for this we should improve the lot of the weaker sections. Christianity gives light to the people: it enlightens the people. Many of the Hon. Members might have studied in Christian Institutions. Even though I am a Christian, I have never studied in a Christian Institution.

We are happy that all the educational institutions run by the missionaries are the best in the country and they have produced the best Indians and they have reduced the best of the intelligentsia of our country, and we should be grateful to them for this. You will find that some of the best hospitals are the hospitals run by the missionaries. But there, we only look after the patient; if a person is sick, then the doctor

[Shri S. C. Jamir]

attends to him only as a patient; even the Hindus, can fall sick and even the Mussalmans can fall sick, and even the Buddhists can fall sick. So, if a person comes as a patient, he is treated only as a patient and the attitude of the doctors is to treat him only as a Patient and treat him accordingly. That is all.

Therefore, to include this provision in the Bill will create a cleavage among the different sections of the people. If Government want India, Bharat, then let them remember that Christians are also people of India. The 60 million Mussalmans are also Indians. If through recklessness and carelessness, they touch on this sensitive portion, India will go to pieces, which we do not like. So, I for one would appeal to hon. Members that let us forget this clause. If we have overmastering love for Bharatmata, if we have an outpouring of love for the country, for the people and for the nation, then let us do away with this small clause which is a stigma. This casteism alone is not stigma, but this clause is a stigma. By introducing this clause, we are creating a stigma through the provisions of the Bill. Therefore, let us do away with this clause, and we should accept the amendment brought forward for deleting this clause.

In conclusion, I would only say this that in the name of the Scheduled Castes and Scheduled Tribes, let us not bring in any religion, because religion is a thing which concerns the soul and nothing else.

SHRI DHIRESWAR KALITA (Gauhati) : It is only the opium of the masses.

SHRI S.C. JAMIR : I am not a communist, and, therefore, I cannot call it an opium. In the name of unity and solidarity of this country, let us consider this Bill; whether a person professes Islam or Hinduism or Christianity or Buddhism, he is an Indian. If we remember this, then this Bill will definitely do justice to the under-dogs.

श्री रामस्वरूप विद्यार्थी (करोलबाग) : समापति जी, श्री जमीर साहब की भावमरी

तकरीर सुनी। उन्होंने एक बात का स्वीकार किया कि धर्म के आधार पर कोई बात नहीं होनी चाहिये। अगर एक ट्राइबल धर्म परिवर्तन कर लेता है तो उसे अधिकार होना चाहिये अपनी उन्नति करने का और यह न्यायसंगत बात भी है। लेकिन दुख उस वक्त होता है जब धर्म-परिवर्तित लोग उन 95 प्रतिशत ट्राइबलज के सारे अधिकार स्वयं हजम कर जाय और उन की तरफ न देखें। मैं जमीर साहब से पूछना चाहता हूँ कि क्या वह ट्राइबलज के अन्दर, जो धर्म परिवर्तित नहीं हैं, एक भी ऐसा उदाहरण पेश कर सकते हैं जो उन की तरह बोल सकता हो, उन की तरह योग्यता प्राप्त हो और उस का उन की तरह से मेंटल डवेलपमेन्ट हुआ हो। . . .

एक माननीय सदस्य : इस के लिये कौन जिम्मेदार है ?

SHRI S.C. JAMIR : May I ask the hon. Member whether he can quote the instance of any person who has not benefited just because he has embraced Hinduism?

श्री रामस्वरूप विद्यार्थी : सवाल यह नहीं है। ये जितनी सुविधायें जन-जातियों को मिलती हैं, इन का एक ही उद्देश्य है कि जो लोग पिछड़े हुए हैं, बाकी समाज के साथ नहीं हैं, उन को कुछ सुविधायें और अधिकार दे कर नये समाज के बराबर लाया जाय और जब हम इस उद्देश्य की पूर्ति में कुछ ऐसे व्यक्ति या कुछ ऐसे समुदाय हायल होते हैं जिन्होंने उन सारी सुविधाओं को खुद हजम कर के खुद फायदा उठा कर, बाकी लोगों के लिये, जिन को वास्तव में उठाना चाहिये था, उन के लिये कुछ नहीं छोड़ा, तब फिर बात आपत्तिजनक हो जाती है।

जहां तक इस अडमेंट का सवाल है, जो गवर्नमेंट लाई है और जिस बात को ज्वाइंट सिलैक्ट कमेटी ने स्वीकार किया है कि जिन लोगों ने धर्म परिवर्तन नहीं किया है, अगर उन

को संरक्षण करना है और अगर सरकार ईमानदारी से 95 प्रतिशत ट्राइबल्स को संरक्षण देना चाहती है, उन का उत्थान करना चाहती है, तब बगैर किसी दबाव के सरकार को ज्वाइंट सेलेक्ट कमेटी की सजेशन को स्वीकार करना चाहिये ।

अगर सरकार किसी प्रभाव में आ कर के अमेंडमेंट्स को पेश करना चाहती है और उन को पास भी करवा लेती है तो आने वाला समय ही बतायेगा कि शेड्यूल्ड ट्राइब्स के लिए यह कितना घातक हुआ है और वे बेचारे गरीब शेड्यूल्ड ट्राइब्स जिन की कोई मुनवाई नहीं है उन को किसी प्रकार की राहत नहीं मिली है । आज जो शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स हैं जो जातियां कि आगे बढ़ गई हैं, सारे जितने भी प्रिविलिजेज हैं उन्हीं तक ही सीमित है । ग्राम शेड्यूल्ड कास्ट्स और ग्राम शेड्यूल्ड ट्राइब्स को आज तक कोई राहत नहीं मिलती है । प्वाइंट जीरो-जीरो एक परसेन्ट प्रिविलिजेज भी उन तक नहीं पहुंची हैं । इसलिए यदि सरकार उन को भी उठाना चाहती है और यह समझती है कि वह भी इस राष्ट्र के घटक है, वह भी यहां के शहरी है तो फिर सरकार जैसा उन से वादा करती है उस के साथ-साथ सरकार का फर्ज हो जाता है कि उन को उठाने के लिए निश्चित रूप से इस प्रकार के निर्णय ले । जो पांच परसेन्ट इसाई है जिन का कि धर्म परिवर्तन हो गया है उन को छोड़ते हुए बाकी 90 परसेन्ट ट्राइबल्स की तरफ सरकार ज्यादा ध्यान दे । अगर सेक्युलरिज्म के नाम पर सरकार का कोई आपत्ति हो सकती है तो मैं निवेदन करना चाहता हूं कि जितनी परसेन्ट कन्वर्टेड क्रिश्चियन्स और मुस्लिम्स की है उतनी परसेन्ट उन को दे दी जाये लेकिन बाकी 95 परसेन्ट सब वे सब बाकी ट्राइब्स को दिया जाये ताकि वह भी समाज के बराबर के हिस्सेदार हो सकें और उन का भी उत्थान हो सके ।

SHRI LOBO PRABHU (Udipi) : Is the hon. Member aware that a large percentage of the posts reserved for Scheduled

Tribes is not filled and the vacancies remain? There is, therefore, really no competition for posts between Scheduled Tribes who are converted and those who are not.

SHRI AVAL*BIHARI VAJPAYE (Balrampur) : Because others do not get scholarship ps.

SHRI LOBO PRABHU : All get scholarships ; all are entitled.

SHRI R.S. VIDYARTHI : No, no.

SHRI LOBO PRABHU : I can read it out if he likes.

श्री रामस्वरूप विद्यार्थी : समापति जी, इस बिल में कुछ अच्छी बातें आई हैं मैं उनका स्वागत करता हूं । लेकिन मुझे एक चीज का दुख है कि मंत्री महोदय ने जिस समय यह बिल पेश किया था तो उन्होंने कहा था कि सरकार के समाने दो बातें हैं—एक तो स्टेट गवर्नमेन्ट की रिपोर्ट और दूसरे ज्वाइंट सेलेक्ट कमेटी की रिपोर्ट । उन्होंने कहा कि जो कमेटी ने कहा है उस को सरकार ने स्वीकार किया है । वे यह कह तो गए लेकिन उस के बाद हम देखते हैं कि कल तक सरकार की तरफ से 242 से ऊपर अमेंडमेंट्स आ चुके हैं । आखिर इस का कारण क्या है ? क्या ऐसी बात तो नहीं है कि सरकार प्रेशर में आ कर के ऐसी जातियों को भी जोकि काफी एडवान्सड हैं, शेड्यूल्ड कास्ट की लिस्ट में रखना चाहती है ? या फिर इस का कोई और कारण है ? मैं समझता हूं सरकार प्रेशर की वजह से बड़ी परेशान है । जब एक मापदंड उन्होंने स्वीकार किया है तो उस मापदंड को सामने रखते हुए अगर सरकार किसी कास्ट को इन्क्लूड करती है या निकालती है तो बात समझ में आ सकती है लेकिन जब उस मापदंड की बिल्कुल अवहेलना हो तो कुछ ऐसा प्रतीत होता है कि शुरू से ही सरकार की नीयत इस मामले में साफ नहीं क्योंकि धारा 341 और 342 में सरकार को बड़ी वाइड पावर्स दी गई है जिन के अन्तर्गत यदि सरकार ब्राह्मण को भी शेड्यूल्ड कास्ट घोषित करना चाहे तो

[श्री रामस्वरूप विद्यार्थी]

उस के लिए सरकार को कोई पावन्दी नहीं है। लेकिन जो क्राइटेरिया ज्वाइंट सेलेक्ट कमेटी ने स्वीकार किया और जिस को कि सरकार भी कहती है कि हम मानते हैं फिर भी उस को सरकार ने कन्वीनिएन्टली बिल का पार्ट बनाने की कोशिश नहीं की। इसी से मालूम होता है कि सरकार वहां तक प्रेशर में काम कर रही है क्योंकि अगर सरकार उस को बिल का पार्ट बनाती और उस के बाद ऐसा काम करती तो नजर में आ जाती इसीलिए सरकार ने इस क्राइटेरिया को बिल का पार्ट बनाने से इंकार कर दिया है। मेरी सरकार से प्रार्थना है कि अगर उन में इमानदारी है और वह इस के अन्दर कोई पालिटिक्स खेलना नहीं है तो जो क्राइटेरिया ज्वाइंट सेलेक्ट कमेटी ने स्वीकार किया है उस को बिल का पार्ट बनाना चाहिए और मैं ने जो अमेंडमेंट दिया है उस को स्वीकार करना चाहिए ताकि आइंदा के लिए गाइड-लाइन है और सरकार इधर उधर न जा सके।

एक चीज के लिए सरकार को धन्यवाद देता हूं कि यदि शेड्यूल्ड कास्ट एक राज्य से दूसरे राज्य में भी चले जायें तो भी उन को शेड्यूल्ड कास्ट स्वीकार किया जायेगा। लेकिन जहां तक शेड्यूल्ड ट्राइब्ज का सम्बन्ध है जोकि चाय के बागात में काम करते हैं उन को यह सुविधा क्यों नहीं दी गई है ? उन को भी यही सुविधा मिलनी चाहिए। वस्तुस्थिति यह है, मैं असम के क्षेत्र में गया हूं और वहां के लेवर्स से भी मेरी बातचीत हुई है, वहां के जितने मजदूर हैं वे चाय बागात में काम करना स्वीकार नहीं करते हैं इसलिए वहां पर काम करने के लिए बाहर से मजदूर आते हैं। एक तो बाहर के मजदूर वहां पर काम करने के लिए आयें, वहां की प्रोडक्शन बढ़ायें और फिर उन के ऊपर इतना अत्याचार किया जाये कि शेड्यूल्ड ट्राइब्ज की लिस्ट से उन को निकाल दिया जाये-यह बहुत बुरी बात है। मेरा निवेदन है कि सरकार इस पर दोबारा विचार करे और उन को शेड्यूल्ड ट्राइब्ज की लिस्ट में रखे।

एक बात की ओर और सरकार का ध्यान दिलाना चाहता हूं। पता नहीं सरकार किस भावना से प्रेरित हुई, यह ज्वाइंट सेलेक्ट कमेटी की रिपोर्ट है जिस के पेज 5 पर 3-ए में कहते हैं कि कुछ ऐसे नाम हैं जोकि अपमानजनक हैं, उन को हमने निकाल दिया है, यह भावना बड़ी सुन्दर है लेकिन मुझे पता नहीं कि उन जातियों की ओर से यह डिमांड आई थी या सरकार ने स्वयं अपने ऊपर दायित्व लिया है परन्तु एक बात समझ में नहीं आती कि आप उन्हें निकाल देते हैं तो उन का नाम रहा नहीं और उन को कोई दूसरा नाम देने के लिए तैयार नहीं तो फिर 71 में जो जनगणना होगी उस में उन की गिनती किधर होगी ? मैं चाहूंगा कि जवाब देते हुए मंत्री महादय इस तरफ विशेष ध्यान दें। जहां तक अपमानजनक शब्दों का सम्बन्ध है, चार पांच नाम इस में लिखे हैं—देड चांडाल, चारल, पंचमा और परायन लेकिन इन के अलावा चमार और चूड़ा भी अपमानजनक हैं।

श्री अटल बिहारी वाजपेयी : आजकल तो ब्राह्मण भी अपमानजनक हो गए हैं।

श्री रामस्वरूप विद्यार्थी : कुछ स्टेट्स जैसे हरियाणा में ब्राह्मण अपमानजनक हो गए हैं लेकिन दिल्ली में अपमानजनक नहीं है। तो मैं पूछना चाहूंगा कि उन की गणना कहां होगी ? किस जाति के अन्दर वे अपना नाम लिखायेंगे ? वैसे उन्होंने कहा है कि :

“...in relation to which he was so regarded, and every such person shall be regarded as a member of the Scheduled Caste (out of castes specified in the Schedule in relation to such State) to which he, in fact, belongs.”

इस फैक्ट का क्या मतलब है ? वे किस जाति को बिलांग करते हैं ? क्या उन का सम्बन्ध है—यै ऐसी बातें हैं जिनका स्पष्टीकरण होना चाहिए, वरना लाखों की संख्या में हरिजन नयी जन गणना में अपने को शेड्यूल्ड कास्ट नहीं

लिखवा पायेंगे और इस प्रकार उन के अधिकारों का हनन होगा। केरल, मद्रास और आंध्र प्रदेश की सरकारों ने भी इस का विरोध किया है। इसलिए मेरा निवेदन है कि सरकार इस पर पुनर्विचार करे।

बंजारा कम्युनिटी के सम्बन्ध में यहाँ पर काफी कुछ कहा गया है। मैं देहात का रहने वाला हूँ और मेरी समझ में नहीं आता कि महाराष्ट्र के बंजारे, मैसूर के बंजारे या अन्य प्रदेशों के बंजारों में क्या अन्तर है? उन की भाषा और वेशभूषा एक है जोकि बंजारों के अलावा और किसी से नहीं मिलती। फिर यह डिस्ट्रिक्टमिनेशन मेरी समझ में नहीं आता। यह ठीक है कि नायक साहब चीफ मिनिस्टर हों गए और जमीर साहब भी अच्छी पोजीशन में है लेकिन इसी आधार पर किसी को एक्स्क्लूड या इक्लूड करना है तो बहुत से ऐसे हैं जिन को इस लिस्ट में नहीं होना चाहिए। इसलिए वस्तुस्थिति को सामने रखते हुए बंजारा समाज को शेड्यूलड ट्राइब्ज में रखना चाहिए। दिल्ली के बंजारा पहले शेड्यूलड कास्ट की लिस्ट में थे लेकिन अगर सारे भारत में बंजारा शेड्यूलड ट्राइब्ज की लिस्ट में आते हैं तो मेरी प्रार्थना है कि दिल्ली के बंजारों को भी शेड्यूलड ट्राइब्ज की लिस्ट में रखा जाना चाहिए। इसी प्रकार से मीना जोकि राजस्थान और अन्य प्रदेशों में शेड्यूलड ट्राइब्ज की लिस्ट में हैं, दिल्ली के अन्दर भी उन का इक्लूजन् शेड्यूलड की लिस्ट में ही होना चाहिए।

इतना ही मुझे निवेदन करना था।

SHRI G. S. REDDI (Miryalguda) : Mr. Chairman, I should like to comment upon certain aspects of the Bill before the House. Several districts in Andhra Pradesh call the fishermen by different names. Only the Agnikula Kshatriya had been added in the list whereas Ganga-putras, Jalars, Boyas and other names, who are also fishermen, have not been included in the list. I do not know why the Joint Committee made any distinction between the different fishermen living in

different parts of the country. Representations had been made to them; all the M.Ps. of Andhra Pradesh had submitted amendments to the effect that all the fishermen, whether they are called Agnikula Kshatriyas or gangaputras or bova or Jalars or Beslas, should be added as they are all practising the same profession. We have got the report of the Backward Classes Commission which supports my contention. It says that hunting and carrying of palanquins are the two subsidiary occupations of these fishermen. They are ill fed, ill-clad and do not have even a proper shelter. They are so poor that in some places they are not able to buy kerosene oil for their lamps and use the fat of the shark for lighting. Fishermen get very low position in the caste hierarchy. The nature of their occupation, their dwelling house and the surroundings—all contribute to their low social status. They are educationally very backward. Various steps will have to be taken to improve their lot. But the most urgent problems relating to the education of their children will have to receive top priority.

The provision of the usual facilities like scholarship and free books will not at all be adequate. There should be adequate free hostel facilities and also provision of dress for the school going children. Having regard to the fact that the community as a whole is very poor, the occupation being hazardous and not dignifying and not remunerative and occupying very low social position in the caste hierarchy, the Backward Classes Commission recommended that all these fishermen should be included in the list of Scheduled Tribes.

Vaddars in Mysore are another community who are backward in all parts of India. From my experience I can say that they are very backward in Mysore or Andhra. Their women do not have even cholis to put on. They are living in distant places. Wherever they may live, this community should be included in the list and given all the facilities they deserve.

Mr. Jamir spoke very elaborately and eloquently about the Christian tribes.

[Shri G.S. Reddy]

15.45 hrs.

[SHRI K. N. TIWARI in the Chair].

We have adopted a democratic constitution; we take pride in it. Ours is a secular Constitution of which we should be proud. We do not distinguish between one religion and another. I do not know why the present day leadership is thinking of changing the best aspect of the Indian nation. Some of them think that by giving these facilities to Christian tribals, the others are being deprived. It is not correct. As Mr. Lobo Prabhu said, the services or any facilities that are given by the Government of India are open to every tribal, whether he is a Christian, Muslim or a Hindu; there is no discrimination on that line. Therefore, this tribal question is a very delicate question and when we take into consideration the tribals in Assam, Nagaland and NEFA, we should beware that we should not injure the feelings of those tribals living in those parts of India for some selfish ends or to please certain people in Parliament.

Now there are the tea-garden tribals. The tea-garden tribals have been excluded from the tribal section. As many members of Parliament have said, the tea-garden tribals should be included as tribals and given all the facilities, to whichever religion they may belong. Therefore, this justice should be done when pass the Bill.

The hon. lady Member, Shrimati Minimata, was saying that all those people who come from Pakistan should be given this facility. I would like to ask, what about the Christians that come even from Pakistan? Should they be deprived of this right? They should not be deprived of the rights; to whichever religion they belong, all are equal and we want to keep up the dignity of our nation before the rest of the world.

In this connection, I would like to add whether they are Scheduled Caste or Scheduled Tribe Christians, there should not be any discrimination based on religion. Scheduled Caste Christians are already in some States suffering from certain disabilities. These disabilities should also be removed, I would like to

congratulate the Kerala Government which, according to the latest papers is the first State in which this discrimination based on religion has been removed. I would again like to congratulate that Government. The Madras Government is following suit, and the other States also should follow this best example of removing the discrimination based on religion. It is only then that we could be proud of our country and we could boast ourselves in other parts of the world.

With these words, I close.

DR. RANEN SEN (Barasat) : Mr. Chairman, Sir, while supporting this Bill I have to make a few comments on the present position. The question of services has been broached by many hon. Members here. It is a known fact that the services, though open for the Scheduled Castes or Scheduled Tribes, they are never properly represented; the posts are never filled up. Even vacancies in Class IV posts are not fully filled up. It means that the people who are at the helm of affairs, who are mostly non-Scheduled Caste or non-Scheduled Tribe, take advantage of their position and keep these poor Scheduled Caste and Scheduled Tribe fellows out of jobs.

We know, in our country, for doing ordinary jobs, no very great merit is necessary. Just ordinary people can manage such jobs, but even then, these vacancies are not filled up. I would like to bring before you one letter which has been received by Mr. S.A. Dange; the letter has been addressed to him. The gentleman writes to him; a few sentences from his letter are illuminating. He says:

“I belong to the Scheduled Caste Harijan community. I passed M A (Political Science), of the Punjab University, in July, 1970. I applied for the post of a Lecturer in Political Science in various colleges in Punjab and Haryana, Chandigarh, etc. But I have been rejected on the basis of caste.”

So, what is the use of this legislation? Any number of such laws will not give any protection to these people.

You can easily understand, if meritorious persons like him do not get any job because they belong to Scheduled Castes or Scheduled Tribes, I do not know what will happen to our society. Even today, Harijan boys, boys belonging to Scheduled Castes and Scheduled Tribes are killed by the upper-caste Hindus. It is a damn shame on the Hindu community. Here is a community which teaches man to hate another man. Such is the Hindu religion and that Hindu religion is dictating to the whole society. There should be some shame left in the Hindu religion, and those who are sitting at the top of the Hindu religion, when they deal with people belonging to the Scheduled Castes and Tribes.

SHRI B. K. DAS CHOWDHURY (Cooch-Bihar) : Is it a platform for criticising the Hindu religion and those who are sitting at the top of Hindu religion? We have to discuss the Bill. The subject-matter of the Bill is the listing of Scheduled Castes and Tribes. But the hon. Member is speaking on something else. What is the use of that discussion? Sir, I want a ruling on that.

श्री ओमप्रकाश त्यागी (मुरादाबाद) : हिन्दू रिलिजन को कंडेम करने का इन का कोई अधिकार नहीं है। इन का हिन्दू रिलिजन की ए बी सी डी का पता नहीं है। आप इस पर अपना रुलिंग दें।

सभा-पति महोदय : आप की बात ठीक है। जो वक्ता है वह थोड़ा बहुत इधर उधर जा सकता है लेकिन मेरी रिकवेस्ट है, जो बिल उसी के ऊपर वह अपनी बात कहे।

DR. RANEN SEN : I am sorry if I have wounded the feelings of any member of this House. Though I am an atheist, I do not want to criticise anybody who has devotion or love for religion, be it a Hindu, Muslim or a Christian. I will limit my observations to the Bill.

I now come to alienation of land. Sir, since you come from Bihar you know the Hazaribag-Ranchi area. Thousands of

Scheduled Castes and Scheduled Tribes have been deprived of their right to the land. Article 46 of the Constitution enjoins on the government to safeguard the interests of the Scheduled Castes and Scheduled Tribes. This is a very important matter which should be taken into consideration by the Government. Simply keeping them in the category of Scheduled Castes and Tribes and spending some money, say, Rs. 6 crores will not be sufficient.

It is seen that the wages paid to landless labour, if they belong to Scheduled Castes or Tribes, is very much less as compared to other people. This is happening in the holy year 1970 in this wonderful country of ours.

Coming to area restrictions, I am astounded to find that the Namsudras of Bengal, if they go outside Bengal to Orissa and other places and many of them been sent by the Government of India as displaced persons—they are not considered as Scheduled Castes. In fact, they are the pillars of Scheduled Castes. Simply because they have left East Pakistan for reasons for which they are not responsible, in West Bengal and other parts of India they are deprived of their right to be treated as Scheduled Castes. It is an injustice meted out to them which should be rectified.

Then, the tea garden labourers of northern India were recruited from the tribals of Chotanagpur in the early days. They are mostly from Mundas, Oras, Kols and Hos, all tribal communities. Now, if they are working in tea plantations in West Bengal, they are considered as a Scheduled Tribes. If they are working in Assam, in tea plantations or in some trade, they are not considered to be a Scheduled Tribe. I am told by my hon. friend, Shri Kalita, that the State Committee of the Communist Party of India, of Assam Unit, have passed a resolution—it is a correct resolution—in which they have condemned the Assam Government for colluding on the de-recognition of this Scheduled Tribe, these tribals who are working in Assam and they have demanded that the Government of India should see that these tribals who are really tribals should be considered as tribals and characterised as a Scheduled Tribe, not as a backward class or a back-

[Dr. Ranen Sen]

ward tribe. This is a very important point that I wanted to raise and, I hope, the Government will pay sufficient attention to it.

Lastly, I come to the question of religion. Unfortunately, this subject has been introduced in regard to this matter. It is a fact that if a Scheduled Caste fellow or a Scheduled Tribe fellow embraces Christianity, he gets a little higher status. But even there, for changing his religion, he should not be victimised. Religion is a personal affair. It has nothing to do with a Caste or a Tribe.

I come from East Bengal. I know there are villages after villages of Scheduled Castes and Tribes who have embraced Christianity but still even today they remain as Scheduled Castes and Scheduled Tribes. I do not know what facilities or privileges they are enjoying in Pakistan. But the people who have migrated to West Bengal must be enjoying the benefits of being Scheduled Castes and Scheduled Tribes. Therefore, religion should not be introduced in such a way that a cleavage is brought about. I think, the people who for some reason or other have embraced Christianity or Islam should not be punished or penalised for their "sin", if any. There are criteria for classifying these people as Scheduled Castes or Scheduled Tribes. Whoever comes under those criteria should be considered as Scheduled Castes or Scheduled Tribes. They should get all the advantages and privileges that are due to them under the Constitution. They should be given all protection in the matter of services, in the matter of wages, in the matter of land and in all other matters. The Scheduled Caste and Scheduled Tribe people should be helped in every way in the interest of the flourishing of the Indian nation. If one limb is not all right, the body cannot function properly. So, all the limbs of the body should be properly nourished and nurtured so that a healthy body-politic can develop in Indian society.

SHRI B. K. DASCHOWDHURY :
Mr. Chairman, Sir, the other day when I heard the hon. Minister, while piloting the

debate for this particular he made certain observations. Unfortunately, it was not made very much clear as to what was in the mind of the hon. Minister and to what was the objective of the Bill and also the purpose of certain amendments proposed to be moved by the Government. Sir, it was stated that in 1950 under the Presidential Order the present Order was passed scheduling certain communities under Scheduled Castes and Scheduled Tribes and the reafter an amendment in 1956 and since then society has progressed and advanced to a great extent that there are demands from certain communities that the order should be revised. It was expected from the Government that the Government will lay down certain criteria, certain yardsticks under which it can be measured as to who are to be considered Scheduled Castes, Scheduled Tribes or others. But in the Bill itself and the speech of the hon. Minister no such criteria were mentioned. The Government should consider the basic philosophy of giving certain special aids, giving certain special privileges to those backward people and the communities so that a great section of our Indian community, though they are backward now, may come up and be brought up to the same level and join with the mainstream of the Indian community. Certain basic criteria should be there. These were not mentioned. I suggest to the Government to consider only two things—those who are backward socially, educationally, economically and politically too and those who are socially ostracised and untouchables otherwise regarded as down graded to the society. These are the criteria which should be adopted. The hon. Minister has not made up his mind yet. That is why we find that though the Bill was presented to the House in 1967 and was sent with the sanction of this House to the Joint Select Committee to consider its pros and cons and even after the report of the Joint Committee, the Government have come to change the very purpose and basis of the Bill in so many words as if it had not been clear to them as to what is to be done. If that be so, my first suggestion to the Government is first make up your mind as to what changes should be made and then you present the Bill in the next session if you have the time to wait.

16.00 hrs.

Mr. Chairman, the hon. Minister had made five points before this House. These are: (1) The Scheduled Tribes, those who have embraced some other religion—Christianity or Islam—and the problems relating to them (2) The tea garden labourers of Assam and the problems relating to them and (3) the Scheduled caste persons when they are transferred from one State where they are registered as Scheduled Castes to the new State of settlement where they are not registered as Scheduled Castes, (4) After passing this Bill certain other consequential things will follow *viz.*, for elections proper delimitation of constituencies has to be done and (5) A woman when marrying a Scheduled Caste person should be given all facilities of a Scheduled Caste. These are the five points the Minister made in his speech and he was good enough to say that he should only mention the constitutional aspects of it. I refer the Bill to the Minister Shri Jagannath Rao to consider it. Of course, his senior Cabinet colleague is not here who piloted the Bill and I asked him to consider to what extent his senior colleague put forward the arguments regarding constitutional aspect of the matter. Out of these five., the last two I do not like to mention, but let us have a thorough look and investigation of these three points.

Sir, it was argued well that the tribal people do not change their characteristic even when they embrace Christianity or Islam. I agree. Tribal when he changes his religion remains in the same custom, convention and environment in social life. They do not change their characteristics. I admit and I have no controversy about that. But, Sir, I would like to ask the Government: do they agree that in the matter of general principle they should not have double standards? What happened in the case of those Scheduled Castes who embraced Buddhism, a new community? Is it not a fact that this Government denied facilities because, according to this Government and the Minister, they changed their characteristic when they changed their religion? In the case of Hill Tribes when they change their religion, they do not change their characteristic. Why this double standard?

Will the Government consider that? Then again, the Minister had said that ours is a secular Constitution. Secularism is of our Constitution. A person

who changes his religion should not be placed to any particular bar in the matter of getting certain facilities and privileges from the Government from time to time. This idea seem to be not in their mind when the Scheduled Castes person changes his religion. Where is the Constitutional aspect? Here again we find that there is a double standard which is being used by Government.

Again, Sir, in the case of the tea-garden labourers of Assam, the Government had said that in view of so many reports that had been received from time to time about these tea garden labourers and hill tribes who come from Madhya Pradesh, Bihar and Orissa to Assam, they change their characteristics in the new circumstances. I do not know how it could happen. It is the Fundamental Right of any citizen of India to travel to any part and settle anywhere within the territory of India under Art. 19 (1) (e) and (f) and to pursue any avocation and profession. Now, how can you say, simply because a tribal from Madhya Pradesh or Bihar or Orissa settles down in Assam that he is not a tribal? Is it not that his Fundamental Right is denied to him, what has got otherwise, denied to him? What is the Constitutional aspect?

I would request the hon. Minister of State to tell about this to his cabinet colleague. Simply because he has come from Mysore, only because he has become Minister at the Centre, has he changed his Mysorean characteristics? As soon as he changed his place of residence to Delhi, has he also changed his characteristics?

AN HON. MEMBER: He has become Adivasi for the time being.

SHRI B.K. DASCHOWDHURY: In the case of the schedule castes who are shifting and settling down in another State, where that caste is not listed as a scheduled caste these people are not treated as a scheduled caste. Is this not against the invocation of the Constitutional provision under Article 19(1) (e) and (f) where by the citizen has got a right to settle down anywhere within the territory of India? There is a carpenter community by name sutradhar community which is a scheduled caste community in Assam but it is not a scheduled caste community in West Bengal. There is the Kaibarta, fisher-

[Shri B. K. Daschowdhury]

man community, which is regarded as scheduled caste in Tripura, West Bengal, Assam etc. but it is not being included in the list in Orissa.

MR CHAIRMAN : You are repeating the points.

SHRI B. K. DASCHOWDHURY : I am not repeating. I am emphasising to a certain extent. The same Kaibarta community, fisherman community, who are otherwise and for all purposes, recognised as scheduled caste in West Bengal, Assam, and Tripura (which is going to be a State very soon), when settled down in Orissa, is not regarded as a scheduled caste. So, I want to know : What is the attitude of the Government in this connection? Is this the Constitutional aspect that those people should be denied their Fundamental Right to settle anywhere in India? Is this the Constitutional interpretation or it is an anachronism of the Constitutional interpretation as said by the hon. Minister? Let the hon. Minister go into this aspect and clarify the matter.

I have given certain amendments and they will come up later. I would request the hon. Minister to review the whole thing: Let there be only one national basis, one national list and not different Territory Lists or State Lists, Separately.

Before, I conclude, I would again request the hon. Minister that he should be very clear in his mind about the criteria and the basic standard to determine whether a person belongs to a Scheduled Caste or a Scheduled Tribe. And once those criteria are there, then this community wherever it may settle should be given a national character in the sense, that there be only one All-India List slating that these are the communities which would be regarded as Scheduled Castes or Scheduled Tribes; even if there be 2700 such community including both Scheduled Castes and Scheduled Tribes. Let there be a big list for the whole of India, so that those families, wherever they may be settled, may be regarded as Scheduled Castes or Scheduled Tribes as the case may be. I hope the hon. Minister will give a proper reply to this point.

The other day, the hon. Minister agreed that those persons who were coming from

the same stock and the same ethnic origin, belonging to Scheduled Castes and Scheduled Tribes and who have settled in the Andaman and Nicobar Islands should be included in the list of Scheduled Castes and Scheduled Tribes. I would like to ask the hon. Minister whether he has given any amendment to include within the scope of this Bill making a separate part listing the communities living in the Andaman and in Nicobar Islands who are to be regarded as Scheduled Castes or Scheduled Tribes.

SHRI P. M. METHA (Bhavnagar) : It is good that though late Government have come forward this time with this Bill before this House, which sets forth certain measures to remove the discrepancy and discrimination between the areas and between the people belonging to the same tribes. But those measures are not sufficient or adequate. The Joint Committee has no doubt tried deal with the subject in a scientific way and they created the mechanism also. The Joint Committee divided itself into several study groups as mentioned in the report itself.

SHRI P. K. DEO (Kalahandi) : But the amendments brought forward by the hon. Minister have been brought in the most unscientific way.

SHRI P. M. METHA : I am coming to that. The different study groups visited the places in the different States, but I think that this mechanism has failed, and it has not worked properly, and so many amendments brought forward by Government support my contention that it has failed.

Let me give you just two instances. There was a study group set up for Gujarat and Rajasthan and they visited three or four places in Gujrat, namely Rajkot, Village Sasangir in Gir Forest, Dwaraka, and Ahmedabad-Sabarmati Ashram. As you know, Dwaraka is a famous place of pilgrimage. The village Sasangir is in the Gir forest and is a place for seeing the Gir lions. Sabarmati is also famous historically. So, what has happened is that the study group or the committee has considered the question of the people or the tribes living in those places only and not the people living in the whole State. From page 33 of the Bill,

it will be seen that in the Second Schedule, the Bharwad community has been mentioned; this is a tribal community which is there in every part of Saurashtra and in Gujrat. There is no difference between the Bharwad community living in Junagadh that in Bhavnagar or Rajkot or Jamnagar. But from the Bill we find that only the Bharwad community in the Nesses of the Forest Divisions of Gir, Junagadh and Rajkot has been included. In other words, consideration has been given only to the places visited by the study group, and no consideration has been given to the fact that it is a community living in the whole State or the whole region. I hope that the hon. Minister will accept the necessary amendment when it is moved so as to remove this anomaly.

In the same way, the Rabari community is also mentioned in respect of the places they visited, that is, in the forest division of Rajkot and Junagarh. I think the mechanism has not worked and it is good that Government have come forward with amendments to remedy such shortcomings. I hope in this regard also, they will accept the amendment tabled and remove the anomaly.

There is one tribal community called the Sidi community. It is considered as a tribal community. But I do not find it mentioned in the Second Schedule; nor is it found in the column of exclusion. This is an error which I hope Government will take into account and accept the Government relevant amendment when moved.

Then there is a community called Waghri community. It is also a tribal community and should be included.

I hope Government will remove these discrepancies created by this Report.

SHRI SIDDAYYA : This is a very important Bill concerning the fate of one-fourth of the population of the country.

Generally, the backward classes can broadly be classified into four categories: the Scheduled Castes, the Scheduled Tribes, Denotified Tribes, nomadic and semi-nomadic tribes and other backward classes.

Under art. 340 of the Constitution, a Commission was appointed under the Chairmanship of Kaka Kalelkar in 1951. It submitted its report in 1955. The article under reference deals with those classes which are considered to be socially and educationally backward. But the Report was not acceptable to Government, and those socially and educationally backward classes people are still suffering without adequate educational or other benefits.

Art. 46 of the Constitution also deals with these weaker sections. It enjoins on the State to take special care of the educational and economic interests of the weaker sections. That is also not being implemented.

Articles 15(4) and 16(4) also deal with these socially and educationally backward classes.

This is the reason why there so much of rush for inclusion in the lists of Scheduled Castes and Scheduled Tribes. In some States, particularly in mine, for example, the denotified tribes, semi nomadic and nomadic tribes, have been given all the facilities, educational and economic, almost equal to those given to the Scheduled Castes and Scheduled Tribes. The only difference is that they do not get political advantages. Reservations in Assemblies and the Lok Sabha.

Therefore, I urge upon Government to take into consideration the cases of these socially and educationally backward people and make some provision for their development. We have got at the Centre the Scheduled Castes Advisory Welfare Board and the Scheduled Tribes Advisory Welfare Board. In the same way, there should be a central advisory board for the backward classes also so that their problems are looked into.

I feel that that should done because even in education these unfortunate people are being completely ignored and neglected by the Central and State Governments.

The second point is that under Article 341 of the Constitution, a List can be prepared for the Scheduled Castes and similarly under Article 342 for the Scheduled Tribes, but the criteria which have been followed since

[Shri Siddayya]

1935 have not been embodied in the Bill. As Members have already pointed out, the criteria for the Scheduled Castes are that they suffer from the stigma of untouchability, that they should be socially, educationally and economically very backward and that they should belong either to the Hindu religion or Sikh religion. That limitation is also there. In the case of Scheduled Tribes, the criteria are clear that they should possess primitive traits, distinctive culture, geographical isolation and shyness of contact with the community in at large and backwardness. If these criteria are strictly followed, there will be no difficulty in classifying them, but on account of political pressure or to gain the favour of these communities, I find there are so many amendments by Members. Not only that. I have seen so many State Governments which have become liberal with regard to these communities because they stand to lose nothing and on the otherhand to gain the sympathy of these communities. Therefore, they go on recommending these communities to be included. As a member of the Joint Committee, I had the opportunity to go to so many places and discuss matters with the State Governments. I can tell you that most of the State Governments do not know the criteria adopted for this classification. Because these people approached them, they have recommended. This is how things are going on.

A new Clause 3A has been included in the Bill which was not there originally. It deals with certain communities called, according to the Government, by the derogatory expressions, Dhed Chandala, Charal, Pan-chama and Paraiyan. This particular provision, according to me, is quite unnecessary and will create complications also. I will explain how. The provision now indicates that these expressions are derogatory and, therefore, they should be deleted, but they will continue to be the members of the Scheduled Castes to which, in fact, they belong. Government has not said to which different communities they will in fact belong. I want to ask the Government as to who is going to decide to which caste in fact they belong. And have the people concerned agreed to be renamed thus? Therefore, I have moved an amendment that this Clause 3A should be deleted from the Bill.

The Committee had recommended that in the case of Scheduled Tribes, religion should also be a criterion. Those who have given up their tribal faith and embraced Christianity or Islam should not be included in the list of Scheduled Tribes. Though it is not considered to be very desirable to have that provision, the underlying idea is only this much that if any advanced community is included along with these backward sections of the community, the latter will be exploited. With regard to educational facilities and employment in Government service, merit should be taken into consideration. Therefore, if any community which is advanced is included in the List of Scheduled Castes or Scheduled Tribes, that will cause great hardship to the entire community and it will be exploited.

That community will have to be excluded. That is the background in which the idea was discussed in the Committee. On account of constitutional reasons the Government are not agreeable to accept it. At the same time I want to pose this question. Can the Government make a distinction between Religion and religion in a secular state. If a member of the Scheduled Caste is a Hindu, then alone he will be considered for this Concession if there is any change in the religion he will not get it. This is a question which the Government will have to consider seriously. Can they make such a distinction?

Government had sent in nearly 234 amendments to the Bill as approved by the Joint Committee. I wonder whether it is proper to do so. If they were brought before the Joint Committee, it could have considered and given its opinion in the matter. They did not do so. When the 1956 Bill was brought before the House, so many new additions were sought to be made; it would be helpful for the hon. Minister to go through those debates and find out how many castes, etc. were rejected at that time.

A few cases dealing with the list of Scheduled Castes and Tribes went up to the Supreme Court. In one case the Court has held that if a caste is not mentioned in the Scheduled., it is not open to anybody to lead evidence to say that the caste was also

part of the caste included in the list. On the plea that the synonyms and phonetic variations have also to be included Government went through the old census reports and all the old records, relating to these tribes and castes and brought in so many names of synonyms, phonetic variations, sub-castes and sub-tribes, with the result that the list has been completely changed. My own feeling is that so many names are not necessary. They are going to create difficulties. In this country there are so many castes and tribes already in existence. Our society is a caste ridden society. To add some more castes and tribes, to the existing Scheduled Castes and Tribes, will do no good. We are not going to do any service to them by this; we are going to disintegrate the entire weaker sections of the society. That is undesirable. Instead of bringing about social integration, we are bringing about social disintegration. Therefore I am opposed to the inclusion of so many names which can be left out. If there is any need and if any benefit flows out of such a step, we can do that; otherwise it is not necessary to do so.

For example, I will tell you that in Mysore, especially in the old Mysore area, for all the Scheduled Castes, there were only five names, but now we have, I think, 150 names. That is the progress that we have made all these years! (*Interruption*)

Some of the names which have now been included, I think, have to be carefully scrutinised. The last point which I want to submit is with regard to migration. If a Scheduled Caste or a Scheduled Tribe member were to migrate from one State to another, he should be considered as a Scheduled Caste of Scheduled Tribe member as the case may be. With regard to the Scheduled castes, the Joint Committee has made the recommendation, and when it made it, at the time, it was not objected to by the minister. But I do not know why the Government have now thought it fit to undo the whole thing by suggesting an amendment. This is a very important thing. Things are changing. Scheduled Caste and Scheduled Tribe people are moving from State to State for various purposes, for Government employment and even for labour and for other things. But now to prevent them and make them restricted in one State is, I think, unnecessary and unfair. Therefore, the Government

should think of accepting the recommendation made by the Committee, and withdraw their own amendments.

SHRI BHALJIBHAI PARMAR (Dohad): Mr. Chairman, Sir, I am glad to get an opportunity to speak on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967. I appreciate the view of the Committee that a member of the Scheduled Castes who migrates to another State will continue to be treated as a Scheduled Caste member of the State to which he has migrated, as he continues to suffer from the various disabilities arising out of his traditional practice of untouchability. Really, his economic and social status does need special assistance in spite of migration.

My second point is, the committee has well considered the idea of including a provision whereby a woman marrying a member of the Scheduled Caste will be deemed to belong to the caste of her husband, looking to the social and economic status of her husband. Now, in this aspect, I am of the opinion that this should also be applied in cases of Scheduled Tribes so that there can be more nearness and assimilation of cast. Hindus if ladies are tempted to marry Scheduled Tribe, and as a result of which there can be improvement in future generations. We very well know that the Parsi community is nothing but a result of crossing.

It is also a matter of further appreciation that derogatory expressions like Dhed, Chandala, Panchama, etc., are removed from the list, and that even then these Scheduled Caste communities will be granted the concession in spite of the deletion of these derogatory words. The criterion adopted for enlisting the communities as Scheduled Castes seems to be quite appropriate, as really the Scheduled Castes are backward socially, educationally and economically along with the traditional practice of untouchability.

Now, with regard to the question of conversion of Adivasis, feel and I agree with the view of the Committee that no person who has given up the tribal faith or faiths and has embraced Christianity or Islam should be deemed to be a member of the Scheduled Tribes. In case the Government

[ShriBhaljibhai Parmar]

do not agree with the view of the Committee, then a Bill by the Government should be brought forward in this House for having check on this type of conversions which are only the results of exploitation of the Adivasis due to their helplessness and poverty. The Government should prescribe rules and regulations before a Scheduled Tribe person gives up his faith and give him a clear understanding that he will lose all privileges if he abandons his tribal faith. A tribal person should be made to sign a declaration before the District Magistrate of his district to the effect that he abandons his tribal faith willingly and without any pressure from any side whatsoever. This should be done before he gives up his faith.

Coming to my amendment on Nayak Community, I would submit that in Gujarat State it is really a backward community. It satisfies the criterion of primitive trait distinctive culture, geographical isolation, shyness of contact with the community at large and backwardness. Hence my, amendment suggests that in Baroda and Panchmahal district the Nayak community should be included in the list.

My next amendment suggests that the Banjara community should be included in the list of Scheduled Tribes. I may point out that this community is already included in the list of Scheduled Tribes in Maharashtra. Both Maharashtra and Gujarat were parts of the former bigger bilingual Bombay State. When a community is classified as Scheduled Tribe in Maharashtra, why should that not be done in Gujarat ? Why should there be discrimination in classifying this community between one State and another ? Since they are adjoining States, there should not be any ambiguity in their classification.

With regard to tribals who are converted, I would suggest that they may be given special consideration for some time in case they are very backward, But in no case should conversion be allowed from tribals.

SHRI D. R. PARMAR (Patan) : Mr. Chairman, Sir, I am happy that some communities are included in the list of Scheduled Castes and Tribes. But I want to bring to your

notice that some more communities remain to be included in that list.

There is one community known as Gadvi Charan they are untouchables as the harijans are. They are very poor and they remain in the Harijan mohallas. They are considered also as untouchables. But yet that community is not included in the list of Scheduled Castes. The reason for this is that there is another community of the same name. There are Charan Gadvis in caste Hindus. They maintain and follow the old history of the ancestors of caste Hindus. In the same way, there are Charan Gadvis of the harijans who maintain the old history of their ancestors. These two are quite different communities. But both are considered as caste Hindus, even though Charan Gadvis of the harijans are untouchables. There is no relationship between these two communities. My request is that the Charan Gadvis of the harijans should be included in the list of Scheduled Castes. You may give them a different name, say, Charan Gadvi Vankar Chamar; after giving them that nomenclature you may include this community in the list of Scheduled Castes.

On page 8 of the Joint Committee Report it is mentioned in para (vii) :

“The Committee are of the opinion that extreme social, educational and economic backwardness arising out of the traditional practice of untouchability should be the criterion for including a community in the list.”

That should be the criterion for considering any community for inclusion in the list of Scheduled Castes.

That is, the Charan Gadvi community of Vankar-Chamar are as untouchables as Harijans and Scheduled Caste persons. My plea is that on these criteria, this community should be included. Looking to the First Schedule, Part IV, the Charan Gadvi community is not included in the Scheduled Caste List. It should be included.

Then, the Nat community is also included in the Scheduled Caste List of Rajasthan State. It just touches Gujarat State. In Rajasthan, the Nat community is considered as

a Scheduled Caste community whereas the same Nat community who are residing in Gujarat State are not considered as Scheduled Caste. Hence my request is that this community should also be included in the list of Scheduled Castes.

Now, if a woman marries a Scheduled Caste person, then that woman is not considered to be a Scheduled Caste although untouchability is being preserved for that woman also. On the basis of the recommendation of the Joint Committee that untouchability is the main criterion, then that woman should be considered as Scheduled Caste. Here, on p. (viii) of the Report of the Joint Committee it is stated:

“Normally, a woman marrying a Scheduled Caste has the same social and economic status as her husband. Under the present law, however, such a woman continues to retain her own caste and is not eligible for any facility admissible to the Scheduled Castes. This is an anomalous position and, therefore, the Committee feel it desirable to include a provision whereby a woman marrying a member of the Scheduled Caste will be deemed to belong to the caste of her husband.”

This recommendation of the Committee should be accepted by the Government.

My another point is about migration of these communities. Some Scheduled Caste persons belonging to Maharashtra community in Maharashtra have migrated to Gujarat State. They have come upto Ahmedabad and they are staying there. In Gujarat, Mahar community is considered as Scheduled Caste community. The Committee has also recommended that a migrated community should be considered as a Scheduled Caste community in another State. I request that this recommendation should also be accepted by the Government.

There are many other communities in Rajasthan. There is one community called Bawaria where this community is considered to be a Scheduled Caste community. Some of the member of this community have migrated to Gujarat State. But in Gujarat State they are not considered as a Scheduled Caste

community. In Gujarat also, it should be considered as Scheduled Caste community.

Then, there are Saehus in Scheduled Castes and Harijans as there are Sadhus in Caste Hindus. There are sadhus of Dhed community. “Dhed” was the nomenclature in the previous Bill. Now that word “Dhed” is already omitted. So, I request that Sadhus of Vankar Chamar should be included in the list of Scheduled Castes.

श्री अब्दुल गनी डार (गुडगांव) : समापति महोदय, मेरी दख्खास्त है कि चूंकि अब सरकार बड़ी दरिया दिल हों गई है, और हाउस में भी काफी उन जातियों के नाम आ रहे हैं जो बहुत पिछड़े हुए हैं, इसलिये कोलियों को भी इस में शामिल कर लिया जाये। वे बेचार बड़े परमांदा हैं और मेरे हलके में साथ ही हिन्दुस्तान के दूसरे हिस्सों में भी उन की काफी तादाद है। अगर इन गिरे हुए लोगों को शामिल कर लिया जाये तो बड़ी अच्छी बात होगी।

मैं पूछना चाहता हूं कि आखिर सरकार इन बेचारे हरिजनों को दे क्या रही है? क्योंकि जब मैंने सवाल किया था कि आज क्लास 1 में क्लास 2 में, क्लास 3 और 4 में कितने परसेन्ट हरिजन हैं तब मुझ को जो जवाब मिला उस से मैं ऐसा महसूस करता हूं कि सरकार जो कहती है शायद उस का दसवां हिस्सा भी उन के साथ न्याय नहीं कर रही है। इस बिना पर किसी तरह का मौका उन को नहीं मिलता कि वह अभी तक उन संस्कारों को छोड़ नहीं पाये हैं जो उन में पांच हजार सालों से पैदा हुए हैं।

मजहब बदलने से किसी में कोई बहुत फर्क नहीं पड़ता। मेरे बाप दादे हिन्दू थे। अब अगर मैंने अपना मजहब बदल लिया तो भी मैं ब्राह्मण तो हूं। क्या इस में किसी को कोई शक है? अगर यह सोच कर के किसी क्रिश्चियन को छोड़ दिया जाये, मुसलमान को छोड़ दिया जाये, सिख को छोड़ दिया जाये, पारसी या बौद्ध को छोड़ दिया जाये तो इस से खामख्वाह विकरिग्स पैदा होती हैं। अच्छा होता कि अगर सरकार अपने प्रमडमेंट्स खुद ही पहले लाई

[श्री अब्दुल गनी डार]

होती। जैसा मेरे एक कांग्रेसी सदस्य ने, जो इंदिरा जी की कांग्रेस के हैं, कहा सरकार ज्वाइंट कमेटी में कोई अमेंडमेंट नहीं लाई, यहां पर एकदम से इतने अमेंडमेंट लाई। मैं समझता हूं यह बात ठीक है। हमारे कांग्रेसी भाई बड़े पुराने जर्नलिस्ट और तजुबेकार नेता मुल्क के हैं। जैसा उन्होंने कहा, इस तरह गवर्नमेंट का एकदम से अमेंडमेंट लाना अच्छा नहीं लगता। चाहे इंदिरा जी की सरकार हो चाहे कम्यूनिस्ट भाइयों की सरकार हो, वह अपने ऐसे रवायात कायम न करें कि ज्वायेन्ट कमेटी के सामने तो कोई बात न आये, लेकिन यहां एकाएक आ जाये। इस के माने तो यह होंगे कि ज्वायेन्ट कमेटी बनाने के बाद हजारों नहीं, लाखों रुपये खर्च करने के कोई माने नहीं हैं।

मैं सिर्फ दो ही बातें अर्ज करना चाहता हूं। एक तो यह कि अगर गिरे हुआं को उठाना है तो उस में कोलियों का नाम जोड़ दिया जाये। सरकार के सांसज बहुत होते हैं। वह जानती है कि मुसलमानों में भी कई लोग ऐसे हैं जो पस्मांदा हैं। तेली हैं, सक्के हैं, इन की तरफ भी सरकार की नजर होना चाहिये। अगर इस तरह के लोगों को आप नहीं उठाना चाहते तो इन को न शामिल कीजिये, लेकिन चूंकि सरकार हरिजनों की बात कहती है, जो पांच हजार सालों से गिरे हुए लोगों की बात करती है, इस लिये इन को शामिल होना चाहिये। इस बिल में न तो सक्के को टच किया, न बन्जारों को टच किया, न दूसरों को ही टच किया। जिन लोगों को अछूत करार दिया गया, उन के साथ अन्याय किया गया था। उन के साथ न्याय करने की बात सरकार ने कहीं और कुछ यत्न भी किया गया। उन के लिये रिजर्वेशन किया गया। लेकिन जिन के लिये रिजर्वेशन किया जाता है उन में कॉफिडेंस कम हो जाता है और वह अपने आप को अपने पैरों पर खड़ा करने की, अच्छे शहरी बनने की पूरी कोशिश नहीं करते।

बहरहाल मैं ने कोलियों की तरफ ध्यान दिलाया है जिन की तादाद मेरे हल्के में काफी है। मैं ने उन के बारे में कुछ कहा है, लेकिन मैं नहीं चाहता कि उन के लिये अपनी तरफ से मैं अमेंडमेंट लाऊं। अगर मैं लाता तो मुझ को समझा जाता कि चूंकि मैं उन का दुश्मन हूं इस लिये मेरी बात न मानी जाये। असल में मैं उन का दुश्मन नहीं हूं। मले सरकार खुद ऐसा समझती हो, लेकिन मैं अपने आप को उन का दुश्मन नहीं समझता। बहरहाल यहां पर लाखों की तादाद कोलियों की है और उन को इस में शामिल कर लेना चाहिये। वह लोग सुअर पाल कर या इसी तरह के कोई और काम कर के अपना काम चलाते हैं। अगर उन को शामिल कर लेने की नज्द करम सरकार कर दे और 100 के बजाय 10 का भी फायदा दे दे तो भी समझगा कि उन्होंने कुछ किया है। वह अपने को हरिजनों का हमदर्द समझती है। अगर एक रुपये में धेला भी उन को मिल जाये तो मैं इंदिरा सरकार का शुक्रिया अदा करूंगा।

[شری عبدالغنی ڈار (گوڑگاؤں) - سمبھاپتی
مہوڈے - میری درخواست ہے کہ چونکہ
اب سرکار بڑی دربادل ہوگئی ہے اور ہاؤس
میں بھی کافی ان جاتیوں کے نام آ رہے
ہیں جو بہت پیچھڑی ہوئی ہیں اس
لئے کولیوں کو بھی اس میں شامل
کر لیا جائے - وہ بچارے بڑے پسمنانده
ہیں اور میرے حلقے میں ساتھ ہی
ہندوستان کے دوسرے شہروں میں ان کی
کافی تعداد ہے - اگر ان کو لے لوگوں
کو شامل کر لیا جائے تو بڑی اچھی
بات ہوگی -

میں پوچھنا چاہتا ہوں کہ آخر سرکار
ان بچارے ہری جلموں کو لے کیا رہی
ہے - کیونکہ میں نے سوال کیا تھا کہ آج
کلاس 1 میں، کلاس 2 میں، کلاس 3
اور کلاس 4 میں کتنے پرسیلٹ ہریجن
ہیں - تب سمجھو جو جواب ملا اس

سے میں ایسا متحسوس کرتا ہوں کہ سرکار جو کہتی ہے شاید اُس کا دسواں حصہ بھی اُنکے ساتھ نہائے نہیں کر رہی ہے۔ اِس بنا پر کسی طرح کا موقعہ اُنکو نہیں ملتا کہ وہ ابھی تک اُن سندسکاروں کو چھوڑ نہیں پاتے ہیں جو اُن میں پانچ ہزار سالوں سے پیدا ہوئے ہیں۔

مذہب بدلنے سے کسی میں کوئی بہت فوق نہیں پڑتا۔ میرے باپ دادا ہندو تھے۔ اب اگر میں نے اپنا مذہب بدل لیا تو بھی میں براہمن تو ہوں۔ کیا اس میں کسی کو کوئی شک ہے۔ اگر یہہ سوچ کر کے کرسچن کو چھوڑ دیا جائے۔ مسلمان کو چھوڑ دیا جائے۔ سکھ کو چھوڑ دیا جائے۔ پارسی یا بودھ کو چھوڑ دیا جائے تو اُس سے خواصخواہ وکونگرز پیدا ہوتی ہے۔ اچھا ہوتا کہ اگر سرکار اپنے امپڈمیٹ خود ہی پہلے لائی ہوتی۔ جیسا میرے ایک کانگریسی سدسیہ نے جو اندراجی کی کانگریس کے میں کہا سرکار جائیڈت کمیٹی میں کوئی امپڈمیٹ نہیں لائی۔ یہاں پر ایک دم سے اِتلیے امپڈمیٹ لائی۔ میں سمجھتا ہوں یہہ بات تھیک ہے۔ ہمارے کانگریسی بھائی بڑے پرائے چرنلسٹ اور تجربہ کار نینا ملک میں ہیں جیسا اُنہوں نے کہا اِس طرح گورنمنٹ کا ایک دم سے امپڈمیٹ لانا اچھا نہیں لگتا ہے۔ چاہے اندراجی کی سرکار ہو چاہے کمونست بھائیوں کی سرکار ہو۔ وہ اپنے اپنے روایت قائم نہ کرے کہ جائیڈت کمیٹی کے سامنے تو کوئی بات نہ آئے۔ لیکن یہاں یکا یک آ جائے۔ اُس کے معنی تو یہہ ہونگے کہ جائیڈت کمیٹی بنانے کے بعد ہزاروں نہیں لاکھوں روپیہ خرچ کرنے کے کوئی معنی نہیں ہیں۔

میں صرف دو ہی باتیں عرض کرنا چاہتا ہوں۔ ایک تو یہہ کہ اگر گری ہوئے کو اُتھانا ہو تو اس میں کولیوں کا نام جوڑ دیا جائے۔ سرکار کے سورسز بہت ہوتے ہیں۔ وہ جانتے ہیں کہ مسلمانوں میں بھی کئی لوگ ایسے ہیں جو پسندانہ ہیں۔ تھلی ہیں۔ سکے ہیں۔ اُن کی طرف بھی سرکار کی نظر ہونی چاہئے۔ اگر اس طرح کے لوگوں کو آپ نہیں اُتھانا جانتے تو اُنکو نہ شامل کیجئے۔ لیکن چونکہ سرکار ہری جنوں کی بات کہتی ہے جو پانچ ہزار سالوں سے گریے ہوئے لوگوں کی بات کرتی ہے۔ اس لئے اُنکو شامل ہونا چاہئے۔ اس بل میں نہ تو سکے کو تچ کیا ہے نہ بلجزاروں کو تچ کیا۔ نہ دوسروں کو ہی تچ کیا۔ جن لوگوں کو اچھوت قرار دیا گیا اُنکے ساتھ انہائے کیا گیا تھا۔ اُن کے ساتھ نہائے کرنے کی بات سرکار نے کہی اور کچھ یتن بھی کیا۔ اُن کے لئے ریزرویشن کیا گیا۔ لیکن جن کے لئے ریزرویشن کیا جاتا ہے اُن میں کونفیدینس کم ہو جاتا ہے۔ اور وہ اپنے آپکو اپنے پھروں پر کھڑا کرنے کی۔ اچھے شہری بدلنے کی پوری کوشش نہیں کرتے۔

بصرحال میں نے کولیوں کی طرف دھیان دلایا ہے جن کی تعداد میرے حلقے میں کافی ہے۔ میں نے اُن کے بارے میں کچھ کہا ہے۔ لیکن میں نہیں چاہتا کہ اُن کے اپنی طرف سے میں امپڈمیٹ لائوں۔ اگر میں لاتا تو سمجھو سمجھا جاتا کہ چونکہ میں اُن کا دشمن ہوں اُس لئے میری بات نہ سانی جائے۔ اصل میں میں اُن کا دشمن نہیں ہوں۔ بھلے سرکار خود ایسا سمجھتی ہو۔ لیکن میں اپنے آپکو اُن کا دشمن نہیں سمجھتا۔ بصرحال یہاں پر لاکھوں کی تعداد کولیوں کی ہے اور اُن کو اُس میں شامل کر لینا چاہئے۔

[श्री अब्दुल गनी डार]

وے لوگ سوور پال کر یا اس طرح کے کوئی اور کام کر کے ایذا کم چلاتے ہیں۔ اگر ان کو شامل کر لیجئے کسی نظر کرم کر دے اور ۱۰۰ کے بجائے ۱۰ کا بھی فائدہ دے دے تو بھی سمجھونگا کہ انہوں نے کچھ کیا ہے۔ دے دے اپنے کو ہریجنوں کا ہمدرد سمجھتے ہیں اگر ایک روپیہ میں دھیلا بھی ان کو مل جائے تو میں اندرا سرکار کا شکریہ ادا کرونگا۔]

श्री चंद्रिका प्रसाद (बलिया) : समापति महादय, आपने मुझे जो अवसर दिया है उस के लिये मैं आप को धन्यवाद देता हूँ। इस बिल का स्वागत करते हुए मैं अपने विचार आप के सामने रखना चाहता हूँ। यह मही है कि इस में धर्म की बात को नहीं लाना चाहिये था। कोई हिन्दू हो, सिख हो ईसाई हो, मुसलमान हो, सभी भारत माता के सपून हैं। कोई किसी प्रकार का किसी में फर्क नहीं किया जाना चाहिये। किसी में कोई भेदभाव नहीं किया जाना चाहिये। लेकिन शुद्ध संविधान का जो मंशा है, उस का जो उद्देश्य है, उसको हमें देखना होगा। जो हरिजन हैं, जो गिरे हुये हैं, उन के वास्ते कुछ रिजर्वेशन रखा गया था और कहा गया था कि उन के लिए कुछ सुविधायें दी जाएं, उन की कुछ मदद की जाए। यही इस बिल को लाने का भी जहाँ तक मैं समझ पाया हूँ, उद्देश्य है। जो मूल जाति के लोग हैं, जो यहाँ के मूल निवासी हैं, जो यहाँ के रहने वाले हैं, जो गिरिजन हैं, जो हरिजन हैं, जो बैक्वर्ड क्लासिस के लोग हैं, जो वीकर सैक्शन के लोग हैं, उन की तरक्की के लिए हम देखते हैं कि इस बिल को लाया गया है। मूल निवासियों में जो अछूत हैं, जो गिरे हुए हैं, उन को ऊंचा उठाना हमारा मुख्य उद्देश्य है। देहातां के अन्दर शेड्यूल ट्राइबल्ज के अन्दर, जो बैक्वर्ड एरियाज हैं, उन के अन्दर मैं मानता हूँ कि मिशनरीज ने बहुत अच्छा काम किया है, लोगों को पढ़ाया है, उन

को ऊंचा उठाया है, उन को सिखाया है। अब ये जो लोग क्रिश्चियन बन गए हैं और उस कारण से जो ये ऊपर उठ गए हैं इन में और जो अभी भी गिरे हुए हैं, जो अछूत हैं, जो अभी भी निर्धन हैं, हम को फर्क करना ही होगा। संविधान का मकसद भी यही है कि हम इन गिरे हुए लोगों को उठाएं। जिन को मिशनरीज ने उठा दिया है उन को क्यों ये प्रिविलेज दिये जायें जो गरीबों के लिए हैं, जो पिछड़े हुए लोगों के लिए हैं। ईसा मसीह और महात्मा गांधी ने भी यही कहा था कि जो कमजोर है, उन के लिए हम को काम करना है, उन को हम को उठाना है। अब जो हमारे भाई, भारत के सपून ईसाई हो गए हैं और उस कारण से वे ऊपर उठ गए हैं, विकसित हो गए हैं तो ये सुविधायें जो दी जा रही हैं, क्यों उन को दी जाए और जो हमारे आदिम जाति के लोग हैं, जो गिरे हुए हैं, जो ब्राज भी अपनी जगह पर है, उन को ये सुविधायें क्यों न दी जाएं ?

16.52 hrs.

[MR. SPEAKER in the Chair.]

अध्यक्ष महोदय, आप तो जानते ही हैं कि हमारे रिसॉर्सिंस सीमित हैं, हमारे साधन सीमित हैं, और सीमित साधनों में ही रह कर हम को यह सारा काम करना है। ये साधन जो गिरे हुए हैं, पिछड़े हुए हैं उनको ही ऊपर उठाने में लगने चाहिये। मैं सब धर्मों का आदर करता हूँ। हमारे संविधान की दृष्टि में सब धर्म समान हैं। लेकिन संविधान तथा कानून से जो भी सुविधा दी जाती है उस का उपयोग अधिक चालाक और बुद्धिजीवी लोग ही कर लेते हैं जो उपेक्षित हैं, जो पीड़िता है। जो अपने पक्ष के वास्ते समर्थन प्राप्त नहीं कर सकते हैं, वे कैसे उठेंगे। इस वास्ते मेरा कहना यह है कि अगर कोई भाई दूसरे धर्म में जा कर दीक्षित हो गया है, पढ़ लिख गया है, विकसित

हो गया है तो उस के लिए यह प्रिविलेज नहीं रहना चाहिये, उस को ये सुविधायें नहीं मिलनी चाहियें। जो आदिम जाति के लोग हैं, जिन के संस्कार और जिन की संस्कृति और सम्यता भारतीय है, जिन्होंने अपना धर्म परिवर्तन नहीं किया है और जो गिरे हुए हैं और जिन को हम को समाज के दूसरे वर्गों के बराबर लाना है, उन के लिए ये सुविधायें रहनी चाहिये।

हमारे डिप्टी लीडर श्री भंडारे जी कह रहे थे कि जो अछूत है, जो निर्धन है, उस को आधार मान कर एक क्राइटीरिया निर्धारित किया जाना चाहिये। लेकिन आप देखें कि आज छुआछूत की वह भावना नहीं रही जो पहले हुआ करती थी। इस वास्ते गरीब जो हैं, निर्धन हैं, जो उपेक्षित हैं, जो बैंकबर्ब हैं, उन की लिस्ट बननी चाहिये और उसका ही विचार रखना चाहिये था। लेकिन जो लिस्टें बनाई गई हैं उन में इस बात का खयाल बहुत कम रखा गया है। 23 माल हमें आजाद हुए हो गए हैं और हम देखते हैं कि छुआछूत की वह भावना नहीं रह गई है जो पहले थी। इस वास्ते निर्धन जो हैं, यह मुख्य चीज है जिस पर हम को विचार कर के लिस्टें बनानी चाहिये और निर्धन वर्ग के लोगों को, पिछड़े हुए लोगों को ही इस में रखा जाना चाहिये। मध्यम वर्ग के लोग भी हैं जो शिक्षित हो गए हैं और पिछड़े हुए लोगों के अन्दर भी आप को वे लोग मिल जाएंगे जो विकसित हो चुके हैं और आगे बढ़ गए हैं, उन्होंने अपने आप को एजुकेट कर लिया है, ग्रेज्युएट हो गए हैं, एम.ए. हो गए हैं, जिन्होंने पी. एच. डी. कर ली है, जो डॉक्टर बन गए हैं। यदि इस क्राइटीरिया को अपना लिया जाय तो मध्यम वर्ग में जो गरीब हैं लेकिन जो ठाकुर हैं, ब्राह्मण हैं, उन को भी हम को शामिल करना पड़ जाएगा। लेकिन हम नहीं चाहते हैं कि उन को शामिल किया जाए। इस वास्ते होना यह चाहिये कि जो नीचे गिरे हुए हैं, जो अविकसित हैं, उन को ही शामिल किया जाए, जो गिरिजन हैं, जो पिछड़े हुए हैं, उन को ही शामिल किया जाए।

हमारे उत्तर प्रदेश में इस दृष्टि से रंगवा हैं, रमजना हैं, मल्लाह हैं, फिशरमैन हैं, जो बहुत ही निर्धन हैं, उन का खयाल रखा जाना चाहिये और उन को शामिल इस में किया जाना चाहिये। अध्याय छः के अन्दर उत्तर प्रदेश के अन्तर्गत कुछ जातियां रह गई हैं, जो शामिल होनी चाहिये। लोहार, कुम्हार, सुनार जुलाहा जोकि देहरादून की लिस्ट में रखे गए हैं, उन को उत्तर प्रदेश की लिस्ट में रखा जाना चाहिये क्योंकि वे सभी जगह रहते हैं।

श्री शिवचन्द्र झा (मधुबनी) : आजादी के बाद से जिस तरह से इस सरकार ने अनुसूचित जातियों के साथ व्यवहार किया है, या आदिम जातियों के साथ व्यवहार किया है उस को देखते हुए कहना पड़ता है कि इन दोनों को ही इस सरकार ने शोषण का हथियार बनाया है और इसलिए बनाया है ताकि इस की गद्दी मजबूत हो। इन दोनों जातियों का इसने एक्सप्लायटेशन किया है।

अभी कुछ दिन हुए श्री सूरज भान का विधेयक आया जिस में यह व्यवस्था थी कि असेम्बलियों और पार्लमेंट में उन की आबादी के अनुसार उन को रिप्रिमेंटेशन मिले। यह संशोधन विधेयक था। सरकार ने कहा कि वह इस विधेयक के साथ है। सरकार के जो मदस्य वहां के उन्होंने इस के पक्ष में मत भी दिया। लेकिन सरकार ने ऐसी चालाकी चली कि वह विधेयक पास न हो सका। कहने को तो कहा गया कि उस की हमदर्दी इस के साथ है शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के साथ है लेकिन हकीकत में आप की हमदर्दी उन के साथ नहीं थी और अगर होती तो जरूर आप उस को पास करवाते। बातें तो आप बड़ी-बड़ी करते हैं लेकिन हकीकत में आप अपने हाथ मजबूत करने के लिए इन जातियों का एक्सप्लायटेशन करते हैं।

यह विधेयक कमेटी में गया था। वहां से पास हो कर प्राया है। लेकिन जिस रूप में आपने लम्बे चौड़े संशोधन रखे हैं उस से पता

[श्री शिवचन्द्र झा]

लगता है और साबित हो जाता है कि आप इस समस्या को गम्भीरतापूर्वक नहीं ले रहे हैं, इस समस्या का आपने सीरियसली अध्ययन नहीं किया है। कौन-कौन सी आदिम और अनुसूचित आदिम जातियाँ इस में आ सकती हैं, इस के सही आंकड़े आपने एकत्र करने की कोशिश नहीं की है। जैसे-जैसे कोई बात आती गई किसी सदस्य के जरिये या किसी दूसरे जरिये से उस को लेकर आपने उस को इस में शामिल करने की कोशिश की। इस से यह भी साबित हो जाता है कि इस समस्या को हल करने के लिए आप अभी भी तैयार नहीं हैं।

एक संशोधन जिस पर 347 सदस्यों ने हस्ताक्षर किए हैं, दिया गया है। मोटे तौर पर संशोधन यह है कि जिस ट्राइब का सदस्य इस्लाम या क्रिश्चियनिटी को एम्ब्रेस कर लेता है, वह ट्राइबल नहीं रह जाएगा। जहाँ तक क्रिश्चियनिटी का सम्बन्ध है और जेसस क्रिस्ट का सम्बन्ध है, उन के लिए मेरे दिल में बहुत श्रद्धा है। वह अपने जमाने में क्रान्तिकारी रहे हैं। हम या दुनिया जब दास्ता की अवस्था में थी तब उन्होंने बराबरी का पैगाम दिया। लेकिन उन के अनुयाइयों ने जिस रूप में उन की शिक्षाओं का इस्तेमाल किया है, उस को भी हम जानते हैं। यह बात सही है कि भारतीय क्रिश्चियन में अंग्रेजों के जमाने में एलिंग पार्टी के साथ गठबन्धन किया, अंग्रेजी सत्ता के साथ गठबन्धन किया। इस के बहुत से उदाहरण भी हैं। इंडियन क्रिश्चियन जब बाहर जाते थे तो वे अपने आप को हिन्दुस्तानी कहने में शर्म महसूस करते थे। वे कहा करते थे :

We are not Indians, we are Englishmen, you blackish follows you Indians.

उन का रुख ऐसा रहा है कि वे अपने आप को अन्य हरिजनों और आदिवासियों से ऊंचा समझते रहे हैं। संविधान की धाराओं में इन जातियों के लिए जो सुवि-

धायें रखी गई हैं। उन का एक खास मतलब है। जिस तरह परिवार के किसी बीमार आदमी की तरफ खास ध्यान दे कर, उस को खास सहायता और मुविधा दे कर, उस का इलाज किया जाता है, संविधान की धाराओं में जो व्यवस्था की गई है, हजारों बरसों से शोषित इन जातियों के इलाज के रूप में है।

जो हरिजन और आदिवासी इस्लाम या क्रिस्टियनिटी कुबूल कर लेते हैं, यदि उन की माली, सामाजिक और शिक्षा सम्बन्धी हालत दूसरों के मुकाबले में अच्छी है, तब तो उन को सुविधायें नहीं मिलनी चाहिए, चाहे वे स्कालरशिप्स हों या अन्य प्रकार की सुविधायें। लेकिन यदि इस्लाम और क्रिस्टियनिटी कुबूल करने के बाद भी उन की माली हालत खराब रहती है, तो सरकार को उन के साथ दूसरे हरिजनों और आदिवासियों के समान व्यवहार करना चाहिए। क्या मंत्री महोदय इस सदन को यह आश्वासन देंगे कि जो हरिजन और आदिवासी कनवर्टिड हैं और जो इस संशोधन के पास हो जाने के बाद हरिजन और आदिवासी नहीं माने जाते हैं, क्या सरकार उन की माली हालत को सामने रख कर ही उन को सुविधायें आदि देने के बारे में निर्णय करेगी और जिन लोगों की माली हालत खराब है, उन को इन्गोर नहीं किया जायेगा ?

जैसा कि और विधेयकों के बारे में होता है, समर्थिग इज बेंटर देन नर्थिंग। वास्तव में सरकार के पास हरिजनों और आदिवासियों की समस्या के बारे में कोई संतोषजनक सालूशन नहीं है। आज सब पार्टियाँ हरिजनों और आदिवासियों को स्वसप्लायट करने का काम करती हैं। जो पार्टी इस समस्या को समाज के पुनर्निर्माण और समाजवादी समाज की स्थापना के संदर्भ में देखेगी, वही इस समस्या को हल कर सकती है।

हम बाबजूद खामियों के इस विधेयक का समर्थन करते हैं, लेकिन सरकार यह आश्वासन

दे कि इस संशोधन के पास हो जाने के बावजूद सरकार हरिजनों और आदिवासियों के बीच में कोई डिफरेंस नहीं करेगी और एक पहलू को सामने रख कर कदम उठायेगी।

17.03 hrs.

STATEMENT RE : MURDER OF
EIGHT PERSONS IN 24 PARGANAS
DISTRICT OF WEST BENGAL ON
20TH NOVEMBER, 1970.

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS AND
MINISTER OF STATE, DEPARTMENTS
OF ELECTRONICS AND SCIENTIFIC
AND INDUSTRIAL RESEARCH (SHRI
K. C. PANT) : In the morning of 20th
November, the police authorities of the
24-Parganas District received information of some dead bodies having been seen within their jurisdiction.....

SHRI JYOTIRMOY BASU (Diamond Harbour) : On a point of order. I want to know whether you are accepting or rejecting the adjournment motion, notice of which was given by us on Saturday.

MR. SPEAKER : I must know what he says on that.

SHRI JYOTIRMOY BASU : Those who have been accused there have written this report. We are not interested in it.

MR. SPEAKER : Let the Minister be heard.

SHRI K. C. PANT : As I was saying, in the morning of 20th November, the police authorities of the 24 Parganas Dt. received information of some dead bodies having been seen within their jurisdiction. On a search being made, four dead bodies were found in the Andanga police station area, and another four in the Barasat police station area. All the dead bodies were of young men. Their hands were tied behind their backs. All of them were wearing trousers and shirts. The places where the dead bodies were found had no marks of struggle.

By the 22nd November, all the eight bodies had been identified. The victims are reported to belong to Dakshineswar and Ariadaha areas of the 24 Pargana district.

The experts of the Central Forensic Laboratory in Calcutta were instructed to provide all assistance to the investigation already in progress, and they started doing so yesterday. The Government of West Bengal had requested that the Central Bureau of Investigation should be associated with the investigation. The Director, Central Bureau of Investigation, is proceeding to Calcutta this evening to help in the investigation and also provide such assistance as may be required.

Government have taken a serious view of these gruesome murders and every effort will be made to apprehend the culprits and bring them to trial. Some accusations have been made that the police are responsible for these murders. There is nothing whatever to support these accusations.

The Government have been considering in consultation with the Governor of West Bengal since yesterday whether in addition to the necessary investigation under the Code of Criminal Procedure an inquiry should be instituted under the Commissions of Inquiry Act. Even though doubts have been expressed about the advisability of an inquiry under the Commissions of Inquiry Act while investigation under the Code of Criminal Procedure is in progress, Government have decided, in view of the fact that this is a case of multiple murders under mysterious circumstances, that a commission should be appointed and that a serving or retired High Court Judge selected on the advice of the Chief Justice of the Calcutta High Court should constitute the commission.

SHRI A. K. GOPALAN (Kasergod) : We have heard the reply of the Minister and I want to make a submission that there is a difference between discussing an adjournment motion and giving a reply by the Minister and then deciding about the admissibility of the motion. I have been in this House from 1952 onwards and on many occasions matters of urgent public importance, even of lesser importance than this matter, have come up before the House as