779 Constitution VAISAKHA 27, 1981 (SAKA) (46th Amidt.) Bill 280

[Prof. P. G. Mavalankar]

that at least two things happened: let us print in the order paper every day the subjects of 877 permitted and also let us print the names of the people so that proper importance is given to that; the Press may know; we may know. Please ensure, moreover, that Ministers answer wherever important answers are called for; it should come within a week or so, of the statement made.

MR. SPEAKER: There is no point of order; this matter is being discussed in the Rules Committee. Mr. Kodiyan.

12.50 hrs

[MR DEPUTY-SPEAKER in the Chair]

SHRI JYOTIRMOY BOSU: I will take just half a minute.

MR. DEPUTY-SPEAKER: No; Mr. Kodiyan has already been called.

SHRI JYOTIRMOY BUSU: The Public Undertakings Committee had already made a recommendation for not having any dealing with the Boeing Company.

CONSTITUTION (FORTY-SIXTH AMENDMENT) BILL_Contd.

MR. DEPUTY-SPEAKER: Further consideration of the following motion moved by Shri Dhanik Lal Mandal on the 16th May, 1979, namely:--

"That the Bill further to amend the Constitution of India, be taken into consideration."

and amendment moved thereon.

SHRI P. K. KODIYAN (Adoor)[•] Mr. Deputy-Speaker, Sir, the proposed amendment of the Constitution to provide for the setting up of separate commissions for the Scheduled Castes and Scheduled Tribes and also for the linguistic and religious minorities are a welcome move. This has been brought forward with a view to creating a sense of confidence among the weaker sections and the minorities. But mere setting up of the commissions will not create the necessary confidence among the weaker sections and the minorities maless the Government comes forward and expresses their readiness to act according to the recommendations of the commissions and unless the commissions are independent bodies and not functioning at the sweet will of the executive. This has to be made clear because in the past there had been experience of similar commissions functioning in some of the States. For example, in 1974 a Minority Commission was set up in Uttar Pradesh and the experience of that Minorities Commission in that State was very very unhappy. It was almost controlled by the Government, a nominated body of the State Government and it turned out to be a political eyewash rather than a serious attempt to come to the rescue of the minorities who were having genuine grievances and who were feeling a sense of insecurity in many respects. That is why. I am emphasising on this point that the commission should be independent There must be a separate law providing for its authority modalities for its functioning and also the statutory backing of the commission's recommendations. If these commissions are appointed with an intention to add some more reports to the huge bunch of reports that the Government is having and which are rusting in various shelves of the Government offices, then I should say that this also would act as a political eye-wash. Government should realise the gravity of the situation, i.e. a sense of insecurity that is prevailing among the weaker sections, Scheduled Castes and Scheduled Tribes and also among the religlous minorities and linguistic minorities particularly religious minorities. Unless the gravity of the situation is realised, proper steps cannot be taken in this respect. I request the Government to give up its smug attitude towards these problems, an attitude of complacency that whenever the question of atropities is raised or the question of communal riots is raised, always the Government rush with statistics to show that there has been no increase in the incidence of com-

munal rists or in the incidence of structiles. That should not be the attitude. Let us realise the fact that powerful forces which want the disintegration of this great country at are at work both outside and inside the country. Let us not work in a way in a manner, that would go only to strengthen the forces that are working against the interests of the country. against the unity and integrity of the country. Unfortunately, I should say, some of the actions which the Government have been taking and some of the members of the ruling party have been taking have created a feeling that the ruling party is going on a path of collision with the minorities.

I want particularly to refer to the latest developments the Religious Conversion Bill, which has added the Christian community among the people who feel absolutely insecure and uncertain about their future. Here I may say that the weaker sections and the religious minorities together will constitute more than one-third of the total population of India. If the Scheduled Castes and Scheduled Tribes, the Muslims, the Christians and the backward classes, the poorer sections of the society, if there is insecurity among them, if they feel that they are not in a position to live in this country with honour and dignity, then I should say that it would be highly dangerous for the future of the country.

Let us also realise that the Scheduled Castes and Tribes are denied even the elementary human rights. They are not allowed to draw drinking water or draw their daily ration from the ration shops due to the social boycott against them. It is a very serious question. Even though we have been discussing this for the last several years, no tangible or effective steps have been taken so far. If the representatives of the Scheduled Castes and Scheduled Tribes go to the Human Rights Commission of the United Nations and raise this issue, it would be a very bad day for all of 128,

Let us also realise that there is: awakening and a sense of fighting for their rights among the weaker sections. You would have seen on the 20th of March this year how the poorer sections marched to the capital of India. That shows that the poor people are no longer pacified by slogans or more promises.

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Further, if the religious minorities suffer in this country, it will have reaction beyond the borders because. our neighbouring countries are inhabited by people belonging to Islam and other religions. So, it will have its repercussions on other countries. Therefore Government should realise the gravity of the situation. That is why I suggest: let all of us sit together, the Government and the opposition. Memers of Parliament and leaders of political parties, and consider the problem and not behave in such a way that the forces of disintegration and disruption are encouraged.

I want to impress upon the Government that in order to create a sense of security among the people, the weaker sections and the minorities, in order to show that the Government serious about eliminating the 870 menace of Communal riots and atrocities on weaker sections, at least some preliminary steps should be taken by the Government without much delay. For example, it has been admitted by sll sections that in the recent communal riots and in the series of incidents and atrocities on Scheduled Castes and Tribes, the behaviour of the armed constabulary and also the police in some States has been far from satisfactory. They have behaved in a partial way against particular sections. There has been a universal complaint. So, why can't the Government come forward and take steps in order to recruit Harijans, Scheduled Tribes and Muslims in large numbers to, the police as well as the Armed Consta-This is a step which bulary. Government can take immediately without waiting for an amendment to the Constitution or setting up of the Commission. I would request the Government to take the steps immediately so that we can create a sense of security among the people.

13 hrs.

Then, 7 would also like the Government to consider the question of extending the facilities that are now provided for the Scheduled Castes and the Scheduled Tribes to those people who were converted to other religion, Buddhism or any other religoin. Now, the neo-Buddhists and also the converted Christians and others who have embraced new religion are totally denied the rights and everybody knows and Government is also aware that mere conversion to another religion does not wipe out the social inequalities from which they suffer. Therefore, neo-Buddhists converted Christians and other sections which have embraced other religions should also be brought under the purview of this Commission and the facilities that are now granted to the Scheduled Castes and Scheduled Tribes should be extended to them

I would also request the Government to set up district-level committees so far as the Scheduled Castes and Scheduled Tribes are concerned, district-level committees consisting of representatives of Scheduled Castes and Scheduled Tribes and other progressive-minded parties and voluntary organisations in order to keep a watch on the developments in the district and also to go into the question of atrocities whenever they occur.

Similarly, I would also request the Government to consider that both the Commissions, the Minorities Commission as well as the Commission for Scheduled Castes and Scheduled Tribes, apart from submitting periodical reports, should be empowered to go into specific questions of complaints of atrocities and denial of fundamental rights to them, the rights which are granted to the minorities.

With these words, I conclude.

SHRI HARI VISHNU KAMATR (Roshangabad): Sir, how many hours more are there?

MR. DEPUTY-SPEAKER: There are two hours and 25 minutes more.

को गोविन्द राम मिरो (सारगंड) : उपाध्यक्ष महोदय, हरिजन भौर प्रादिवासियों की विभिन्न समस्याधों से निपटने के लिए सामन ने यलग-प्रलग प्रायोग गठन करने हेतु यह यह संविधान संशोधन विधेयक लाया है भौर उस के लिए मैं सरकार को धन्यवाद देता हं।

उपाध्यक्ष महोदय, मैं यह कहना चाहता हं कि हरिजन और ग्रादिवासियों की समस्याए इतनी विशाल है और इतनी गत्थी लिए हए है कि वे झासानी से हल नहीं की जा सकेंगी। मैंने इस विधेयक की कनटेन्ट्स देखी है किन्त जब तक इस विधेयक का जो दायरा है, वह बढाया नहीं जायगा भौर जब तक उसको व्यापक शक्तियां नहीं दी जाएंगी तब तक वह झायोग एक मूकदर्शक, झसहाय, लंगड़ा रहेगा। मैं तो यहां तक भी कहूंगा कि वह मिई। के माधो की तरह बन कर रह जाएगा । इस संबंध में हमारा पिछला धन्भव है। संविधान की विभिन्न बारायों में झनेक उपबंध रखने के बाद भी. मानवाधिकार झौर छुझाछूत उन्मूलन मधिनियम बनाने के बाद भी इन लोगों को मानवाधिकारों से बंचित रखा गया है । चाहे नौकरियां हों, भुमि का सवाल हो, मकान देने के मामले हों, जितने भी सामाजिक समानता प्रदान करने वाले काम थे, किसी मे उनको कुछ नहीं मिला है।

भारतीय संविधान की धारा 46 में कहा गया है----

> "राज्य जनता के दुर्वसतर विभागों के, विजेवतया अनसूचित जातियों तया अनुसूचित ग्रादिमजातियों के शिक्षा तथा भर्ष सम्बन्धी हितों की विशेव सार्वधानी से उन्नति करेगातया सामाजिक

अन्यान तथा सब प्रकारों के कोषण से उन का सरसण करेगा।"

किन्तु भाज संविधान को बने 32 साल हो गये, लाप हुए करीब करीब तीस साल हो गये लेकिन इन पिछड़े लोगों की कोई मांग पूरी नहीं हुई है। इनको गांवों में पीने का पानी नहीं मिलता है, नाई और धोवी की युविधाएं नहीं मिलती हैं। पशुघों से भी बरतर इनकी हालत है भौर पशुघों जैसा हो. उनके साथ व्यवहार किया जाता है। इसलिए इस आयोग को व्यापक मधिकार देने होंगे तभी जा कर हम इस कार्य में सफल हो पायेंगे।

जनता सरकार ने प्रपने घोषणापत में कहा है कि काका कालेलकर प्रायोग की सिफारिशों को लागू किया जायेगा । किन्तु आज तक उन सिफारिशों को लागु नही किया गया । दो साल बीतने के बाद यह विधेयक लाया गया है । इस विधेयक को पहले ही लाया जाना चाहिए था ग्रौर उन लोगों की समस्याओं को हल करने का प्रयास किया जाना चाहिए था ।

उपाध्यक्ष महोदय, नौकरियों में, ग्रयोग्यता के नाम पर हरिजनों ग्रौर ग्रादि-वासियों का कोटा दूसरों से भरा जाता है। इसके भ्रलावा जो विभाग हरिजन भौर झादिवासियों के लिए बनाये गये हैं उन में 95 प्रतिगत तक स्वर्ण लोग भर्ती किये जाते हैं। उनमें हरिजनों की संख्या नगज्य है। क्या ये लोग भ्रपने घरों की रक्षा करने में भी भ्रसमर्थ हैं?

इसलिए इन कमिनों को दूर करने के लिए इस आयोग को व्यापक अधिकार देने होंगे । मेरा एक सुझाव है कि पार्लियामेंट एक कानून बनाये कि इस आयोग के क्या अधिकार होंगे । इस विल में इस बात का कोई उल्लेख नहीं है कि इसकी क्या सीमा होगी; क्या कार्यकाल होगा । मेरी शासन के मांग है कि इसके लिए एक एक्ट बनाया आए जिसमें यह उल्लिखित ही कि इस कमीशन का क्या कार्यक्षेत्र होगा, क्या दायरा होगा । जब तक इस झायोग के उद्देश्य स्पष्ट नहीं होंगे तब तक इसको झपने उद्देश्यों की पूर्ति करने में काफी कठिनाई होगी

इसी प्रकार से इसमें कोई भी ऐसा जपबन्ध नहीं है कि इस आयोग की जो सिफारियों होंगी वे शासन पर बाइडिंग होंगो । इसका भी उपबन्ध इस में होना जाहिए ।

इसके साथ ही साथ भायोग की झाखाएं हरेक प्राग्त में हों। बरना इतने बड़े देश में जहां 21 प्रदेश है भौर 9 यूनियन टेरोटरोज हैं उनमें एक ग्रायोग कहां तक काम कर पायेगा इसमें मुझे संदेह है। सारे देश में एक ग्रायोग प्रभावणाली नहीं ही पायेगा।

उपाध्यक्ष महोदय, इस म्रायोग में चेयरमैन को मिला कर पांच सदस्य होंगे। मेरी मांग यह है कि झायोग में ऐसे व्यक्ति नियक्ति किये जाएं জী कि हरिजन और ग्रादिवासी हों ł मझे खुशी है कि हरिजनों ग्रीर ग्रादिवासियों के लिए जो ग्रायोग बनाया जा रहा है उसका चेयरमैन एक तजर्बेकार म्रादमी बनाया गया है और इसके लिए मैं शासन को धन्यवाद देता हं। मैं चाहता हं कि जो सदस्य हो वे भी हरिजन मौर मादिवानी हों ग्रौर फुन टाइम हों, पार्ट टाइम न हों। पार्ट टाइम होंगे तो वे काम कहा मौर भी करेंगे ग्रीर उस ग्रवस्था में इस बिल का जो उद्देश्य है वह पूरा नहीं होगा । चेयरमैन ग्रीर सदस्य ग्रनुभवी व्यक्ति होने चाहियें, इस काम में रुचि रखने वाले हों झौर ऐसे न हों कि मल्पमंख्यकों, हरिजनों ग्रीर भाषिवा-सियों का गला चौंटने बाले हों । उनकी बैनग्राउंड रुचि एवं ग्रनभव को देख कर ही उनको इन पदों पर नियुक्त किया जाना चाहिये ।

ग्रायोग को जो एट्रासिटीव होती हैं उनसे निपटने के लिए ट्रिब्यूनल एष्वाइंट करने का की सधिकार होना चाहिये । मेरा अनुभव यह है कि कई आवोगों ने खिफारिकों की हैं लेकिन दो तीन सिफारिशों को ही लागू किया गया है भीर सैंकड़ों को सभी लक भी लागू नहीं किया गया है । प्रायोग को कमीशन साफ इनक्वावरी एक्ट 1952 के तहत ट्रिब्यूनल एप्वाइंट करने का भी प्रधिकार मिलना चाहिये और यह भी अधिकार मिलना चाहिये कि हाई कोर्ट था सुत्रीम कोर्ट के जज को वह नियुक्त करा कर उन से किसी मामले को इनवैक्टीनेट करा सके और इनवैस्टीनेट करवा कर जो फाइडिंग्ब माएं उनको बाइंडिंग रूप से लाग करा सके ।

झायोग को यह भाषिकार भी होना चाहिये कि जो डाक्यू मैंट्स चाहे मंगा सके, जिस को भी एवीडेस के लिए बुलाना चाहे बुखा सके झीर जहां चाहे जा सके। व्यापक झांधिकार झायोग को मिलने चाहियें।

कमीशन का जो स्टाफ होगा वह कितना होगा इसको भी स्पष्ट नहीं किया गया है। मेरी मांग है कि इसका जो भी स्टाफ हो उस मे से नब्बे प्रतिगत कम से कम हरिजन, बादिवासी मौर प्रत्पसंख्यक हो ।

भाषोग का जो स्कोप है वह सैंट्रल गवर्नमेंट तक ही सीमित म हो कर पब्लिक ग्रंडरटेकिंग्ब, स्टेट गवर्नमैंट्स, यूनियन टैरिटरीज भौर यहां तक कि लोकल बाडीज भी उसके प्रधिकार क्षेत्र में मानी चाहियें भीर उन पर भी उसकी सिफारिके लागू होनी चाहियें ।

कमिझनर जो इस वनत है वह होम मिलिस्टरी के अन्डर है । शासन के दबाब की बजह से वह हरिजनों और प्रादिवासिओं की समस्याओं को कहा तक हल कर पाया है, उसको कहा तक सफसता मिल पाई है इसमें मुझे सम्वेह है धौर धव जो कमीशन बनाया जा रहा है यह भी भगर होन मिलिस्टरी के खंडर ही रहेवा तो इसको भी सफलता यिस वाएकी इसमें सुझे सन्देह है । मेरी मॉग है कि इस कक्षीसन को होम मिनिस्टरी से इन्क्रिपेन्डेन्ट होना चाहिये । उसके सिर पर नंगी तलवार नहीं लटकती रहनी चाहिये कि गवनेमेंट के खिलाफ उसने कुछ लिख दिया तो उसकी नौकरी चली जाएगी या उसके खिलाफ कोई कार्रवाई हो जाएगी । इस प्रकार का भय भायोग के सदस्यों को नहीं हौना चाहिये, चेयरमैन को नहीं होना चाहिये ।

जहां पर एट्रासिटीज होती हैं वहां पर सामूहिक जुर्माने करने का भ्रष्ठिकार भी इस भायोग को होना चाहिये ।

मोबाइल कोर्टस की स्थापना करने का भी ग्रधिकार इस ग्रायोग को होना चाहिये ताकि यह छूग्राछूत के मामलों से निपट सके।

संविधान की धारा 335 में यह उपबन्ध है कि हरिजनों, आदिवासियो का जो कोटा है वह पूरा किया जाएगा सबजेक्ट ट मैंटेनेंस आफ एफिश्रेसी यह शर्त इन पर ही क्यों लागू होती है, जनरल पर को लागू नहीं होती है। इसमें एमेडमेंट होना चाहिये । एफिशेसी वाली बात सब पर लागु होनी चाहिये केवल हरिजनों ग्रौंर भादिवासियों पर नहीं । इनका जो कोटा है इसको अनिवायें रूप से भरा जाना चाहिये। जिस प्रकार से लोक सभा भीर विद्यान सभाभा भादि मे जो इनके लिए स्मान सुरक्षित हैं वे अनिवामं रूप से घरे वाते है उसी प्रकार से नौकरियों में भी जिलने उनके वास्ते स्पान सरक्षित हैं वे सनिवाम रूप से भरे जाने चाहियें, अभर मिसेव टेनिंग देने की जरूरत हो तो बह भी उलको दी जानी चाहिये । इनको म विदेश भोजा जाता है और न ही निदेशी स्काल रशिय ही दिए जाते है।

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इस जकार का की मेदभाव है उसको दूर करने का सारा संधिकार कमीशन को सिलना चाहिये । बेस्ट बंगास, मणीपुर, उड़ीसा सौर प्रसम सरकार ने प्रमुच्छेद 335 के तहत नोकरियों की भर्ती के लिये कानून बनाया है प्रीर प्रनिवार्य कर दिया है । उसी प्रकार से सैन्ट्रल गवर्नसेंट को भी कानून बनाना चाहिये प्रौर भर्ती प्रनिवार्य करनी चाहिये ग्रीर जिस प्रकार वेस्ट बंगाल सरकार ने पीनल क्याज रखा है उस प्रकार का क्लाज केन्द्रीय सरकार को भी रखना चाहिये ।

उपाध्यक्ष महोदय, कल माननीय गृह र, ज्य मली श्री मण्डल ने कहा था कि ऐट्रोसिटीज से निपटने के लिये हमने स्पेशन कोर्टम नियुक्त करने के लिये राज्य सरकारों को निर्देग दे दिये है। मेरा कहना है कि यह टकराने वाली बात हो जाती है क्योंकि राज्य सरकार उस बान को पूरा करती है कि नहीं यह उन पर निर्भर करना है। तो जिस प्रकार से इमजेमी केसेज के लिये स्पेशल कोर्टरा केन्द्र सरकार ने बनाये है, उसी प्रकार से सैन्टल गवर्नमेट इस मामले में भी लीड ले और इस काम को राज्यो पर न छोडे। उद्देश्य विफल हो प्रन्यथा हमारा मे कि जायगा । इस बिल हे "There shall be a Commission for the Castes and Scheduled Scheduled (ए) मे है कि म्रौर 338 lribes." "There shall be a Commission for the minorities to be known as the Minorities Commission."

भव यह ग्रैङ्ग्ल्ड कास्ट्स और ग्रैड्यूल्ड ट्राडब्स कमीशन किस नाम से जाना जायगा सका भी उल्लेख इस बिल में होना चाहिये। बाहे मादव धिकार प्रत्याग के नाम में हो या जिस किनी भी नाम से हो, वह इस बिल में स्पष्ट हो जाना चाहिये।

इन झंख्यों के साथ मेरी मांग है कि सरकार केरे सुझाबों पर गौर करे घौर आयोग को इतना शंक्तिशाली बना दे ताकि जिन घांधिकारों से यह मोय दंजित हैं उनको यह प्रायोग जिल्ला सके झौर सवर्ण सवाज के साथ बराबरी में यह लोग झा जायें ऐस कोई कारगर उपाय करे। इतने व्यापक झधिकार इस कमीशन को दिये जायें। इन शब्दों के साथ में इसका समर्थन करता हूं।

*SHRI K. KUNHAMBU (Ottapalam): Mr. Deputy-Speaker, I wholeheartedly support the 46th Constitution Amendment Bill moved by the hon. Minister Shri Mandal. As we find from the statement of objects and reasons of this Bill, it seeks to set up a Commission for Scheduled Castes and Scheduled Tribes and also for linguistic and various minorities. Article 338 of the Constitution reads as follows:

"There shall be a Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President.

It shall be the duty of the Special Officer to investigate all matters relating t_0 the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports t_0 be laid before each House of Parliament."

The Hon. Minister Shri Mandal has in his opening speech said that in place of Special Officer a fulfledged Commission consisting of very eminent persons will be appointed to look after the matters relating to the welfart of the Scheduled Castes. This proposed Commission will investigate matters relating to safeguards provid. ed for the Scheduled Castes & Scheduled Tribes and make such suitable recommendations which will enable the Government to tackle their problems more effectively than has been done so far. It is a very welcome measure and I extend my wholebearted support to these measures.

Sir, the Special Officers to look after the welfare of Scheduled Castes & Scheduled Tribes are appointed from

^{*}The original speech was delivered in Malayalam.

time to time. But have we evaluated the performance of these Special Officers? My opinion is that these Special Officers are just as impotent as the castrated bulls in the country side. They can't just do anything. More than 25 reports have been submitted to the Government by these Special Officers. Each one of these reports must be containing hundreds of recommendations. How many of these recommendations have been implemented so far? I would say that not even 10 per cent of them have been imple-During the 5th Five Year mented. Plan out of the total amount allotted for the welfare of Scheduled Castes & Scheduled Tribes Rs. 5 crores had to be surrendered at the end of the Plan This only shows how much interest the Government takes in this matter.

Scheduled Castes & Scheduled Tribes constitute 20 per cent of the population. Reservation to the extent of 18 per cent given to them in various services. This is what the Government **cl**aims. Our experience is that while the quota of reservation is filled in respect of posts of scavengers, peons. chowkidars etc. it is not done so in respect of higher posts. It is often said by the officers in various Government departments that suitable candidates are not available for filling the vacancies in the higher posts. This plea to say the least is absurd. It is the part of a conspiracy to keep the harijans out of important posts in Government service. This situa-

tion should change.

While we are discussing the Bill which seeks to set up a Commission for Scheduled Castes & Scheduled Tribes, I wish to mention one or two points about the changes that are made in the list of Scheduled Castes & Scheduled Tribes. I would particularly mention about certain communities in Kerala. The purpose behind amending the list from time to time is to include more backward people in the list so that they also get all the facilities that are available to the Scheduled Castes & Scheduled Tribes. There are many lakhs of people belonging to Peruvannan community in the Malabar area of Kerala. They are socially & economically very backward. Similarly, there are the Kudumbies and Christian converts who are also very backward. The Government of Kerala and Members of Parliament from Kerala have demanded on many occasions that these communities should be included in the list of Scheduled castes. But so far no step has been taken in this direction. The hon. Minister is a very kind hearted person and the cause of harijans is very dear to him. He can understand the problems of harijans better than anybody else. Therefore I plead with him to give sympathetic consideration to the demand which I have raised.

Sir, reservation and other facilities will end by 1980. 32 years have passed since we became independent. The purpose behind reservation was to bring harijans upto the level of sucially and economically advanced communities. I don't say that nothing has been done during the last 32 years In fact, many things have been done Put the reality is that it will take derades to bring them upto the level of the forward communities. Therefore my earnest demand is that the reservation and other benefits should be extended for a further period of at least 30 years. The Government should bring forward necessary constitutional amendments in the next session.

Sir, is it because there is no law to protect the harijans that many of their basic problems remained unsolved? Certainly not. For example there is a provision in the Constitution abolishing untouchability. But untouchability is being practised overtly or covertly in many parts of our country. Can anybody in the House point out a single village where there is no untouchability being practised. It is not because of any dearth of law that the problems of harijans have not been solved. It is mainly because of the criminal negligence and total indifference on the part of the bureaucracy in implementing the law that the harijans in our country have not been able to get their due share. We should not forget this fundamental Therefore, while making legisfact. lation we should ensure that it is implemented effectively. I congra-

tulate the hon. Minister Shri Mandal for bringing about this Bill to amend the Constitution. It is a very welcome step. At the same time we have to work honestly and dedicatedly for the welfare of harijans so that they get a place in the sun. In this connection, I have to make a suggestion and I hope that the hon. Minister will consider this. The Central and State Governments prepare many schemes to help the halijans. But they are simply not aware of what is being done for them by the Government. It is very necessary to make them conscious of their rights and also to make them aware of the various schemes that are formulated and implemented by the Government. Therefore my suggestion is that social workers should be appointed by the Government at the Centre as well as in the States to undertake this compaign It is a sad reality that we could not do in this country in a long span of 32 years what the Negros in America could achieve within - 15 ycars. Only recently I asked a question in Parliament My question was how many officers are there in I.O.C. who are drawing more than 3000 rupees per month. I got a reply saying that there are 53 such officers in this pay range, out of whom there were only 3 officers who belong to Scheduled Castes and Scheduled Tribes. Whether it is in respect of IAS or IPS or ambassadorial posts, the representations of harijans is next to nothing Same is the case about high courts and Supreme court. I hope the hon. Minister Shri Mandal will be able to do something for them. I wish him all success in his endeavour to do good to these hapless people. I wish him Once again I wholehear-Godspeed. tedly support this Bill.

भी एस॰ एस॰ सोमानी (चितौडगढ): उपाध्यक्ष महोदय, मैं 48वें संविधान (संसोधन) विधैयक का स्वान्त करता रूं और उसके समर्थत में खड़ा हुआ हूं। परन्तु मैं इस सम्बन्ध में कुछ मौलिक बाहें निवेदन करना चाहता हूं। हमारे देश में जातिवाद काफी समय से चला मा रहा है मौर हर निष्ठावान् भारतीय चाहता है कि इस देश में जातिवाद समाप्त हो, सब लोग समान हों भौर सब को समाप्त मबसर मिले । हम ने शिड्यूल्ड कास्ट्स मौर शिड्यूल्ड ट्राइब्ज के लिए जो व्यवस्था कर रखी है, उस व्यवस्था में यह भायोग बनाना तो ठीक है, परन्तु वैचारिक दृष्टि से में निवेदन करना चाहता हूं कि देश में शिड्यूल्ड कास्ट्स म्रीर शिड्यूल्ड ट्राइव्ज का एक नया वर्ग खड़ा किया जा रहा है,

13.28 hrs.

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

हम देख रहे हैं कि जहां पर भी कोई घटना होती है, या कोई प्रश्न खड़ा होता है, या किसी पर ग्रन्थाय होता है, तो सारा समूह खड़ा हो कर उसका विरोध करता है । मैं समझताह कि शिड्यूल्ड कास्ट्स ग्रौर शिड्यूल्ड ट्राइब्ज की व्यवस्था को समाप्त करना चाहिए । एक ऐसी व्यवस्था बनानी चाहिए, जिसमे सम्पन्न व्यक्ति, ग्रर्द सम्पन्न व्यक्ति ग्रौर गरीब व्यक्ति, ग्रर्द सम्पन्न व्यक्ति ग्रौर गरीब व्यक्ति हों, ग्रौर यह निर्धारित किया जाये कि गरीब ग्रादमियों को हमें क्या मुविधायें देनी चाहिए, ग्रर्द सम्पन्न लोगों को क्या सुविधायें देनी चाहिए, या नहीं देनी चाहिए ।

हम देखते हैं कि जिन लोगों के पास दिल्ली, बम्बई तथा कलकता में बड़ी बड़ी कोठियां हैं, जो कारों में सफर करते हैं, शिड्यूल्ड कास्ट्स झौर शिड्यूल्ड ट्राइव्ज के नाम पर उन्हें कई प्रकार की सुविधायें मिलती हैं, परन्तु सबर्ण जाति के जिस भरीब झावमी के पास खाने के लिए रोटी भी नहीं है, उसको कोई. सुविधा नहीं मिल सकती है, क्योंकि घह शिड्यूल्ड कास्ट्स या शिड्यूल्ड ट्राइब्ज का नहीं है।

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इस लिए हमें इस व्यक्ष्या पर फिर से 'विचार करना चाहिए । और यह निचार हो भी रहा है कि लोगो को उनकी मार्थिक उस्विति दें झनुसार सुव्छिाये दी जाये । जो मजाक्षप्रस्त व्यक्ति है, च है वह किली भी जानि का हो, उसे सुविधाये दी जायें ।

हमने कुछ जातियों को शिड्य्ल्ड कास्ट्म भीर शिड्यूल्ड द्राइव्ज ने रखा है। मेरे पास दावल भीर चारण जातियों के लोगों के उरिप्रै नेन्टेशन्ज पडे हुए है। वे कहते है कि वे गिड्यूल्ड कास्ट्स म नही रहना चाहते है। लेकिन सरकार ने उन्हे जबर्दन्ती अनुसूचित जातियों मे रखा हुआ है।

तो जहा इम प्रकार की स्थिति पैदा इहोती हो . .

भी सूरज भागः (अम्पाला) हमारे पास मेजिए जो निकलना चाहते हैं। कमेटी भनी हुई है इस रे लिए।

श्री एत० एत० सोमानी: घर भेगेगे। जहा एक ग्रोग हम यह सोचते है कि हम यह भेद समाप्त करे, हम मब लोग भाग्तीय है च हे हिल्दू हो, च हे मुसलमान हा, च हे गौर किसी भी जाति के हा, यहा इस तरह से भेद सैदा करना किम प्रकार उच्चित हो सकना है ? भेद कर के काम करना है ता हम उनकी झार्थिक स्थिति के अनुसार ग्रोग उन के प्रभावो के प्रनुसार इस प्रकार की व्ययस्था करनी च हिए ।

भी सूरज मान थाप इक्वेट नहीं कर सकते है। गरीब बाह्मण के साथ छुमाछून धोता है क्या ?

सी एतः एतः सोमानी . ग्राप जो थात कह "हे है कि बाह्यणों के माथ या सवर्ण जातियों के माथ छुद्राछत नहीं होता, तो जो परम्पराएं गलत पडी हुई हैं उन पर प्रहार करिए....

भी झूरज भान . हां, तो उन पर दोहरी मार पड़ती है कि यद यरीब भी हैं भीर आ छूत भी हैं । सी इस॰ इस॰ सोमानी : गंकराजां जी मलत कारों मांगते हैं तो उन पर महार करिए । परन्तु उस के कारण एक सलग धर्व खडा कर क आप समाज की मूल धारा से धलग होकर चलना पाहते हैं तो मैं समझता हू कि यह उचित नहीं होगा । झाज डान गैड्यूल्ड कास्ट और गैडयूल्ड ट्राइव कितने घर्यो के लिए बने रहना चाहते है ?....

श्री भूरत भागे. जब तक उन की हालत सुधग्ती नही है तब तक देना पडेना ।

श्वी एस० एस० सोमानी अहस्थिति तो कमी होने पाली नही है क्योकि....

भी सूरजभान नही होगी तो बराबर चलना रहेगा

भ्वी एत०एत० सोमानी आज आप यह माध कर रहे है, झारो दूसरी मार दरावर चलती रहेगी

अयंः इत्य द सिहंय दव (प्रात्त्व) ग्राथ यह कहिए कि समाज के उत्त्व नीचका भाष है सह सनाप्त हा, आरक्षण नहीं।

श्वी एन० एन० सोमानी इम वजह से जो एक मनावैंग्रानिक बात है वह मैं कहने चाहता हू। माननीय स स्य न राज न हो। मै उन से अनुरोध करूगा कि जो जिचार में मन मे है उसे कहने का मुझे प्रधिकार है। आप को उसे मुनना चाहिए।

मै यह कहना चाहता हू कि साज किसी व्यक्ति '.' सामने' जब यह बाल झाती है, च हे वह हमारे लोक समा थे सदस्य हों गेहेपूरड कास्ट झौर मेड्यूल्ड ट्राइन्ज 4:, वह किसी समाज म जाकर खड़े होते हैं और कही उस में यह इधारा होता है कि यह धेड्यूल्ड कास्ट या गेड्यूल्ड ट्राइन थे: एम व्यो है तो एक मनो-वैज्ञानिक प्रभाव इसका पड़ता है और मैने कई जन्ह इस बात का मनुभन्द किया है ! मुले दुख हुआ इस बात का का यनुभन्द किया है ! मुले दुख हुआ इस बात का का यनुभन्द किया है ! मुले दुख हुआ इस बात का का यह हमारे माननीय सबस्य हैं संतर् के झौर इस का बह का बाद की यह ज्या पैया होती है, जोवों के अवर एक डुराध पैदा होता है, दन, दूरी पेवा होती है, यह अनुचित बाल है। इस प्रसंग में में यह कहना चाहना हूं, हमारे साननीय सवस्य शायद इस मे मुझ से सहमत नहीं होंगे, लेकिन में यह कहना चाहता ह कि झार > एस - एस - इस मामले मे देश में एक बहुत बड़ा काम कर रहा है, इस वजह से कि वहां पर छः छ सी, बाठ ग्राठ सौ भौर हजार आदमी इकठ्ठे होते हैं, उन में कौन हरिजन है, सौन झेड्यूल्ड कास्ट का है, कौन शेड्यूल्ड ट्राइब का है या कौन ब्राह्मण है, कोन वैभ्य है, कौन महाजन है, कुछ पना नही लगता । सब साथ बैठने है, साथ उठने हैं, साथ साथ सभी तरह रें काम करते हैं। इस तरह से एक बहुत वड। काम झार० एस एम। इस देश में कर रहा है। इमलिए मैं यह निवेदन करना चाहना हू कि यह जो एक मनोबैंजानिक प्रभाव पडता है, इस को मै चाहना हू कि माननीय सदस्य सूरज भान जी भी समझे कि इस को दूर करना च।हिए ।

ग्राप ने जो ग्रारक्षण की व्यवस्था की है, इम ग्रारक्षण की व्यवस्था को देखने के लिए भ्राप ने श्रायोग बनाया जो सारे उन वे श्रधितारो कि व्यवस्थ। करेगा, में उस का विरोध नहीं कर रहाहु। यह बहुत ग्रच्छी बात है कि ग्राप सबैधः निक संरक्षण सारे प्रवधनो को दे रहे हैं परन्तु एक बात जो सरकारी कर्म-चर्भारयो से बात करने पर पना लगी है वह मै कहना चाहता हू। हमारे कुछ मिल कह रहे थे कि नौकरियों मे जो रिजर्वेशन है वह पूरा उन को नही दिया जाता । मै चाहता ह कि उस की पूरी तरह से पाबन्दी होनी च।हिए झौर जो व्ययस्थ। झाप ने कॉयम कर रखी 🖁 उस के अनुकूल उन लोगो को नौकरियों में प्राथमिकता मिलनी चाहिए । परन्तु इस प्राथमिकता के प्राखार पर क्या होता 🖁, रावस्थान में भी कुछ लोगों ने मुझ से कहा कि ब्रोड्यूल्ड कास्ट स्रोर शेड्यूल्ड ट्राइव्ज के जो लोग जार साम से नौकरियों में माए वे इस साल या 8 साल से जो उन नौकरियों में काल कर रहे थे, इस झारकण की पढति

के कारण, उन के उसर हो वए यानी को एन अधिकारी यें सवाडिनेशन में काम कर रहे थे वह उन कें आफिसर बन जाते हैं और जो आफिसर थे वह उन के सवाडिनेट बन जाते है । इस कारण प्रशासनिक कार्य मे एक फास्ट्रेशन आता है । आज कई अधिकारी इस फस्ट्रेशन को कारण प्रशासन को ठीक तरह से नही चला पा रहे हैं । एक नही सैकड़ो उदाहरण ऐसे मिल सकते है जहां पर कि इस प्रान्धान के कारण प्रशासन को ठीक तरह से नही चला पा रहे हैं । एक नही सैकड़ो उदाहरण ऐसे मिल सकते है जहां पर कि इस प्रान्धान के कारण प्रशासन को ठीक तरह ते प्रधिक री थे वह सवाडिनेट बन गए । इमलिए मैं यह चाह्ना कि इस ग्रान्धान के बाद जो प्रोमोशन दिया जाता है वह सारा प्रोमोशन मेग्ट्स क आधार पर दिया जाने ताकि किसी प्रकार का फन्ट्रेशन लोगो मे पैदा न हो ।

इसी दजह से मैं यह निवेदन कर रहा थ। कि यह देश को आगे बढाने के लिए सच्छा कदम होगा यदि हम जाति के झाधार पर तिभाजन करने के वजाय बेदल अमीर झौर गरीब वा निभाजन करे श्रीर गरीब सादमियो को सब सूविधाए दे कर उस दर्ग को मना-त कर वे उन को भी सब को हम ग्रमीर बना सारे लोगो को सुख-सुविधार्देदे। इस तरह से हम एक नये समाज का निर्माण देश मे कर सकते है, वरना यह अल्पसख्यको की बात या शैडयूल्ड् कास्ट और शेड्यूल्ड ट्राइट्ज की वात, यह हमारे देश को झागे बढ़ ने म कभी सहायक नहीं हो स्कता, ये देश से जातिवाद को समाप्त करने में कभी सह यव नहीं हो सबता। इस लिए मे विनम्ब शब्दों में निवेदन करना चाहता हू कि आज नहीं तो आने वाले कुछ वर्षों से हम इस बात के ऊपर विचार करे। अगर इस देश को झागे ले जाना है झौर सभी लोगो को समान अवसर देना है तो यह नही होना चाहिए कि इ। देश में सवगं जाति का भुआत व्यक्ति तो कोइ सुविधार नही प्राप्त कर सकता परन्तु शेड्य ल्ड बगस्ट भार शेडयूल्ड ट्राइब्ज का सर्व-सम्पन्न व्यक्ति, मैने जैसा निवेदन किया कोडियों और कारो वाला व्यक्ति इस नाम से सारी सुविधाएं प्राप्त कर सक्सक

इस सिलसिले में मैं एक उदाहरण -राजस्थान कों अन्त्योदय योजना का देना 'चाहता हूं। उस मन्द्र) दयपोजना के झंदर अत्येक गांव में से पांच-पांच गरीब परिवारों को छांटा गया है। लोयस्ट परिवार, को छोटा गया है। वह ब्राहण है, हरिजन है, सवर्ण हैं वैंग्य हैं या किसी भी जाति के हैं इस बात को नहीं देखा गया है। जो गरीब परि-वार, हैं उनको छोटकर ग्रागे बढ़ाया जा रहा है। क्या सारे देश में आप इस प्रकार की व्यबस्था नहीं कर सकते हैं? आप कर सकते है।

प्रायोगों के खर्वे के लिए 25 लाख की राशि रखी के खर्वे के लिए 25 लाख की भी बढ़ सकती है। प्रशासनिक ग्रादेश से ग्रापने जो कमी जन गठित किया हैं वही काम कर रहे हैं। उन पर इतनी घनरा।शि खर्च करके उसी ग्रनुशत में लाभ भी ही भकेगा इसमें मुझे शंका है।

ग्रान देश मे एक नया विचार चल रहा है कि गरीब ग्रीर ग्रमीर दोनों को एक स्तर पर लाया जाए। जो भी ग्रायिक ग्रभाव में ग्रपना जीवन गुजार रहे हैं उनके लिए. मारी मुविधायें जुटाई जायें फिंग् चाहे वे किनी भी जाति के क्यों न हों। मै समझता हूं इमी अक्षार से इस देश को प्रधिक लाभ पहुंच सकता है

इन गब्दों के साथ मैं ग्रापको धन्यवाद देता हूँ कि ग्रापने मुझे बोलने का ग्रवसर प्रदान किया ।

SINHA SHRI PURNANARAYAN (Tezpur): Mr. Chairman Sir, for the last two years some of us in this House have had the privilege of serving on a Committee appointed for the welfare of the Scheduled Castes and Scheduled Tribes. We had an opportunity study the socioto economic and socio-political condition of the Scheduled Castes and Scheduled Tribes to some extent. It is expected ahat the Commissioner for Scheduled

Castes and Scheduled Tribes will act hand in glove with the Committee for the Welfare of Scheduled Castes and Scheduled Tribes. Still the findings of the Committee after non-official discussions and after visits to different areas in which the Scheduled Castes and Scheduled Tribes have gone in conflict with other communities or are living with their inherent, traditional beliefs and customs, are these; we have almost always felt that, perhaps, a stronger body. appointed by the Parliament or the Central Government, should go into the whole question of the lot of the Scheduled Castes and Scheduled Tribes after 32 years of our independence. There are traditions, there are superstitions, there are prejudices governing their lives. The threefourth of the population who do not belong to the category of Scheduled Castes and Scheduled Tribes have still got people with equal amount of live and compassion towards the Scheduled Castes and Scheduled Tribes. Also the Scheduled Caste and Scheduled Tribe people should make efforts on their own to come up to the standard expected.

We have been to Burma, and we have seen the Burmese people. I may be permitted to observe that, if the Intelligence Quotient of the Burmese people where there are no Scheduled Castes/Tribes is compared to that of the people belonging to the Scheduled Castes and Scheduled Tribes in India, we will find that our people belonging to the Scheduled Castes/Tribes are more intelligent. They understand things much better than the general population of those countries, that is, Burma and other South East Asian countries. We say all of us are equals but there are more equals than equals. We have left out 15 to 20 crores of people unequalled. How were they neglected? We have experience in some matters like promotion from lower categories to higher cate-There are other things like gories. area of consideration, zone of consideration, etc. There is still the most dangerous word for the Scheduled

Castes and Scheduled Tribes. That is suitability. If the people at the helm of affairs, i.e. the top executives do not consider a particular person aspiring for a higher post as suitable. he will, in spite of all your constitutional safeguards which protect his interests, not secure the promotion. This suitability clause is a dangerous clause for our people. If a section officer in the Central Secretariat is taken up, compared to a Secretary or a higher ranking officer in the Government of Burma, the standard of intelligence and efficiency prevailing in him will be better than his counterpart in other countries. If our people are considered to be unfit. these people who are considered inferior in intelligence, understanding, efficiency and the brain power compare to the Indian counterpart, are ruling the whole of South East Asia and other parts of Asia. If I may be permitted to say so, without casting any reflection, they are running their commerce, they are running their government as efficiently perhaps as our people who are on the higher ladders of the society calling themselves as born administrators and an inborn cultured people. Thev are running their administration perhaps much better. In Japan, the Japanese people are running an administration in which there is no poverty and no inflation but here we have not only poverty but also inflation.

Within the limited time I will say a few things about the Bill. The Bill which conceives replacing the Commissioner by a Commission is quite a good one in itself but it leaves many The Commissioner makes things. recommendations. We, the committee, go and inquire why a particular thing was not done, what is our recommendation and what is the action taken by the government on what the committee discuss. The Commissioner submits a report under the Constitution to the Parliament. It is discussed here. But what is happening? Simply expressions of feelings, sentiments and and agonies and filling of records some volumes but the creating

Scheduled Castes and the Scheduled Tribes remain where they were 25-30 years ago. Very little and significant improvement has come in their lives. This Commission will replace the Commissioner. "There shall be . Commission for Scheduled Castes and Scheduled Tribes." A one sentence law but the Commissions of Inquiry Act still governs the functions of the Commission. The Commission of Inquiry Act provides powers to the Commission as a civil court, But has the civil court got the power to compel the physical appearance of a person who is required to be examined? Has the civil court been able to conclude a case and pass a decree within six months or a year? The litigation goes on for years together. They never end. Take for example the Statements counter-statements, rejoineders, per se adjournments and taking down of evidence. Shrimati Gandhi went to Imphal to appear before the Trikha Commission. She appeared for one day after three or four times of futile attempts were made by the Commission to produce her before them. After hearing on the first day, she left. Why not give the powers to the Commission to get her back into the court or the Commission for the hearings to be completed?

This is the Commission of Inquiry Act. Provisions are there-they are like the snakes without poison or venom. The purpose for which these Commissions of Inquiry were appointed and the Commissions of Inquiry Act was brought runs counter to each other. Therefore, I would submit to the hon. Minister who is piloting this Bill to make provisions for another act in order to give the right or the purpose for amending the constitution of Minorities Commission and the Commission for Scheduled Castes and Scheduled Tribes. There should be a follow-up act. Sir, I have practised for quite some time. I would like to say that there must be another Act give the due powers which will the Commission for necessary to Scheduled Castes and Scheduled Tribes and the Commission for the Minorities to enforce attendance of persons who are required by them for enquiries of different nature. Besides, there should be time limit also. Unless the Commission is given mandatory powers, there is no way of punishing the persons. Atrocities are prevailing against a particular community. I am of course in favour of this Bill; I am not opposing it; I support it. But this is incomplete. Some hon, friends have even suggested Special Courts Act. This Parliament has passed the Special Courts Bill.

MR. CHAIRMAN: You must now conclude.

SHRI PURNANARAYAN SINHA: Mr. Chairman, you denied me the time yesterday. You must give me time now.

MR. CHAIRMAN: That does not mean I should give you more. You have taken ten minutes. You try ,o finish it now.

SHRI PURNANARAYAN SINHA: I understand that the preamble in the Special Courts Bill is for dealing with the persons who have committed excesses after the proclamation of emergency, that is, during the emergency. This Special Court Bill is for that. There is no relationship with offences committed against the minorities. So, the Preamble runs counter provisions of the Special to the Courts Bill. You will please examine the Preamble again. The Special Courts Bill will not come into play at all after the passing of the Constitution Amendment Bill. So, my submission to the hon. Minister who is piloting the Bill or to the Government as a whole is that these two Commissions cannot do the functions of the **Commissions** because the Commissions of Inquiry Act provide for special occasions for which the Commission is appointed. This is a general Commission. This is a Commission for all times to come. There is no period fixed or particular subject assigned to it. Who will make a reference to the Commission to enquire into? These provisions are to be followed by way of another Act. Therefore, I am insisting upon the practical proposition that by amending the Constitution which enables the Government to constitute Commissions, there should also be another act by which the Commission or Government will appoint a Tribunal.

Mr. Chairman, the Tribunals should be there in order to make the recommendations to be applicable for taking action. Here only the recommendations will come before us-they will be placed before the House And we will debate on them for five hours or fifteen hours or so. Thereafter, no action will take place. Another Special Bill will have to come. Courts Therefore, for following up the appointments of the Commissions, there should be an act also authorising the Commissions to send particular cases to try the people by the tribunals, after instituting complaints against particular individuals or associations or communities, even Government authorities. particular Without that there will be no reluct. The attitude today is this. I have one experience which I will narrate to you. Our Committee went to Koraput. Some of our members of Parliament were deemed to stay in the Guest House there, of the Dandakaranya Project. At 10 O'clock in the night we went there. Professor Mavalankar will be interested to know this. You will be surprised to know that there was not even a dog to bark! When we went there at 10 O'clock this was the position, not even a dog to bark not to speak of anybody receiving the Hon'ble Members of our Parliament? There should have been some person to receive them. They are supposed to stay there. But there was not even a dog to bark. This is the sort of treatment meted out to Members...

PROF. P. G. MAVALANKAR (Gandhinagar): They would not have found entry. if a dog was there!

SHRI PURNANARAYAN SINHA: Dog is against burglars and thieves and so on. I meant to say that there was not even a dog to bark against burglars and so on. I am only saying this to show to you that this is the way in which Members of Parliament were received. In the morning the Chairman of the Dandakaranya Development Authority came to me in the Circuit House and he said he was very sorry. But is that enough? This is a betrayal of their lack of social responsibility and human responsibility towards the poor, naked, and half-naked scheduled caste and scheduled tribe people of this country.

Sir, somebody was speaking about the R.S.S. I am not against the RSS.

करागे ६६८ते लग्मी करमध्ये म स्टती करामूलेंच गोंविन्दः प्रशासे कर दर्शनम

They speak about Saraswati; they speak about Lakshmi. In the Dumka District of Bihar, in Deoghar subdivision, the Adivasis are dying of starvation and of disease. Do you not expect the RSS to go there and to work among them? They should definitely go there. Some hon Members have recited the tales of woe of the people there. Of course RSS is a social organisation. If there is any meaning to call them social organisation, they should go there and work among them there. This is my plea. I am not at all criticising their programme. Let them go out and work among them. Let people understand that RSS is really doing good work as a social organisation. Let them work among the Harijans and Adivasis. For the RSS, let me say, they are also nationalists and sons of Mother, India, RSS should uplift them and make them feel that RSS is a social organisation interested in helping them. I expect the RSS organisation to work for the welfare and for the upliftment of all the people. Let them take up the cause of the scheduled castes and scheduled tribes people. Sir, if we had taken all the necessary steps so far, there would have been no need at all for having the discussion now on the reports of the Commissioner for Scheduled Castes and Scheduled. Tribes with such agony and tension.

PROF. P. G. MAVALANKAR: You give so much importance to RSS?

SHRI PURNANARAYAN SINHA: Yes, I give so much importance to it. I have great regard for them, for their workers, as a body of selfless and dedicated workers, I want the RSS to lift up these people who are lying low. That is m_v submission.

Then I wish to point out that there should be another Act which should follow this,-after making these provisions by amending the Constitution, in order to make the Commission more effective. We should give real powers to the Commission in order that they may appoint tribunals and decide the cases and punish those found guilty. The other day, in Imphal, Mrs. Gandhi did not appear before the Commission on the second day and she flew back to Calcutta and made a statement against the Commission. Therefore, the Commission given real powers for should be ordering the Police to arrest such people without releasing them on bail and bring them before the Commission for giving evidence. Otherwise the report of the Commission will be submitted to the President and it will be referred to this House for discussion which may continue for a long period. Perhaps it may be debated again and again for five to fifteen times. But the sufferings of the Castes and Scheduled Scheduled Tribes will remain for ever.

SHRI G. M. BANATWALLA: I would like to make a humble request that there is no Cabinet Minister present at the moment. I want you to make an observation to that effect and then we shall proceed. Please ' make an observation. We are discussing the question of minorities.

SHRI PURNANARAYAN SINHA: It is sufficient that the Minister of State in the Ministry of Home Affairs is present.

PROF. P. G. MAVALANKAR: What Mr. Banstwalla has said is correct, but it is not just a question of minorities. The question is that the House is discussing the Constitution Amendment Bill. It is a serious matter. On such an occasion, there should be a Cabinet Minister present. I know that Mr. S. D. Patil is there. The point is that the Constitution Amendment Bill has to be passed by a special majority of 2/3 Members present and voting and there should be an absolute majority for passing the Bill. Then why is it that a Minister of Cabinet rank has not been present all along?

Constitution

SHRI KANWAR LAL GUPTA (Delhi Sadar): It is a matter of propriety.

PROF. P. G. MAVALANKAR: It is a matter of constitutional obligation. I do not want to count the number of Members present now and then raise another point of order, But certainly, a Cabinet Minister must be present when the Constitution Amendment Bill is discussed. I would like you to make an obervation on this.

MR. CHAIRMAN: I am very much thankful to Mr. Banatwalla. I have to make the observation that in spite of the clear-cut intention of the House, this has been pointed out several times, on several occasions, at least for the last 2 or 3 days it has been insisted upon. I do not know what is coming in the way of hon. Cabinet Ministers. Anyway this is the observation which I can make.

PROF. F. G. MAVALANKAR: I would again say that it is also the duty of all hon. Members to be serious in this matter. I would say that also.

MR. CHAIRMAN: Now, Mr. Barrow.

SHRI A. E. T. BARROW (Nominated Anglo-Indians): Sir, this 46th Amendment Bill by a process of conversion is sought to be made into 45th Amendment Bill. This Amendment Bill seeks to legitimise the birth of the Minorities Commission. It appears that this Minorities Commission was conceived in sin and was almost

stangulated unwittingly or deliberately by the Japata mid-wife at birth. I referred to the resignation of Mr. Minoo Masani and the nearresignation of Professor V. V. John. Mr. Minoo Masani was my respected colleague in Parliament for many years. A man of outstanding intellectual ability, a man with a distinguished career in public life. His resignation has been responsible for compelling Government to give statutory character to the Minorities Commission. His resignation was а dignified protest against the Minorities Commission being considered an appendage of Government, I mere intrument of Government. I would ask Government that either in the Act, or by an executive order instruction, this Commission should be given functional autonomy. It is essential that ıt should not become a mere department of the Home Ministry. I would also request that the tenure of Members of this Commission should be clearly defined, whether it is three years or five years, so that they know that within a limited period they will have to produce results.

14.00 hrs.

My friend, Shri Rachaiah, said yesterday that the task of the Minorities Commission h_{BS} been increased, because it will have to deal, not only with linguistic minorities, but also with religious minorities and, therefore, sufficient experienced personnel should be made available to this Commission.

If I might remind this House, India is a land of minorities. Apart from religious minorities, the Hindi speaking people are a linguistic minority in certain States, Bengalis are a linguistic minority in others, Tamilians are a linguistic minority in the north; the Anglo-Indians are the only linguistic minority in every State. Thus, we are a land of minorities.

The problems are going to be innumerable and, therefore, there must be functional autonomy for the Commission, the tenure must be laid

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down and there must be sufficient experienced personnel.

It is not generally known that Article 338 of the Constitution also makes a reference to the Anglo-Indian community. If you read section 3 of this Article, it makes a reference to the Anglo-Indian community. The history of these Commissions has, in my view, been not only wholly uninspiring but also utterly frustrating, ritualistic and routine ineffective. There are two crucial infirmities. One is the infirmity of being antediluvian The reports are presented several years late and by the time they are taken into consideration by Parliament, the grievances have lost all relevance. The reports are like stale fish; odour, unpleasant; substance unpalatable. The second infirmity is that these reports are merely and purely recommendatory. There is nothing mandatory about the recommendations. The result is that Government, whether unwittingly or deliberately, allow the efflux of time to make the recommendations irrelevant. If the Government is not going to make the recommendations mandatory, the Government must give in writing and lay it on the table of the House the reasons for rejecting the recommendations of the Minorities Commission and the other Commission.

I also make a plea to Government to call an annual conference of the Chief Ministers, Education Ministers and the Members of these Commissions to go into the action taken on the recommendations of the Commission. It is essential that this is done. I want Government to lay down policy as to the treatment of minorities. There are no guidelines given to administrators on how they should deal with difficulties and complaints of the minorities. I consider that there should be two basic concepts in the treatment of minorities: the first is the principle of equality in fact and the second is the priciple of differential treatment. A fundamental right in theory is hollow and meaningless;

it must be a right in fact, a tangible result. It must establish equality with the majority in fact, not only in theory if it is to be a living reality. I will give you two examples of this. When I was a young man, I went and saw a comedy called: Gentlemen Prefer Blondes. 1 am trying to distinguish between the symbolic and the real. This is what one of the ladies said: "A kiss on the hand is all very fine; But B diamon bracelet will last a lifetime." That is the difference between symbolism and reality. But I am not taking up the cause of the lady....

MR. CHAIRMAN: Why do you want to deprive her?

SHRI A. E. T. BARROW: I do not. I say that Article 30 gives minorities the right to establish and administer educational institutions. The Muslim community set up the superstructure and the infrastructure of a university but Government by its obstinate, obdurate and illogical approach will not confer minority status on Aligarh Muslim University. Here in verity is an illustration of a fundamental right in theory, not in fact.

The other principle which I would like to emphasise is that if minorities are going to have equality with the majority in fact there must be differential treatment in certain cases and this differential treatment will be justified. These two principles, I am referring to, are internationally accepted principles and they have been accepted by the Supreme Court. One of the recommendations of the Sub-Commission to the Commission on Human Rights contains these words:

"Protection of minorities is the protection of non-dominant groups, which, while wishing in general for equality of treatment with the majority, wish for a measure of differential treatment in order to preserve basic characteristics which they possess and which distinguish them from the majority of the population. The protection applies

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equally to individuals belonging to such groups and wishing the same protection..."

I am glad the hon. Education Minister is here because in the Draft National Policy on Education, I should like this to be put in.

"...It follows that differential treatment of such groups or of individuals belonging to such groups is justified when it is exercised in the interest of their contentment and the welfare of the community as a whole."

In 1933 Albania sought to justify certain measures on the ground that they applied equally to the majority as well as to the minority communities. The League of Nations referred this to the International Court of Justice, and this is what the International Court of Justice said:

"There must be equality in fact, as well as ostensible legal equality, in the sense of the absence of discrimination in the words of the law. Equality in law precludes discrimination of any kind, whereas equality in fact may involve the necessity of differential treatment in order to attain a result, which establishes an equilibrium between different situations"

The Supreme Court in the Ahmedabad St. Xaviers College Society Vs the State of Gujarat case in 1974 have paraphrased and reiterated there principles in these words;

"....The problem of the minorities is not really a problem of the establishment of equality, because, if taken literally, such equality would mean absolute identical treatment of both the minorities and the majority. This would result only in equality in law, but inequality in fact. The distinction need not be elaborated for it is obvious that equality in law precludes discrimination of any kind; whereas equality in fact may involve the necessity of differential treatment in order to attain a reA MARY MANAGERY SHARPY IS

sult which establishes an equilibrium between different situations."

"It may sound paradoxical, but it is nevertheless true that minorities can be protected, not only if they have equality but also, in certain circumstances, differential treatment."

These two principles must be accepted by Government As I have said, I am glad the Education Minister is here and I hope when I get all opportunity to speak on the Draft National Education Policy he will accept certain amendment_s which I hope to mov_c in this respect.

What is the purpose of this equality in fact and differential treatment? I wish to emphasize that it is not to have a pampered or privileged section in society, but to instil in the minorities a sense of security and a feeling of confidence.

I say this to the Janata Party memwithin Lers here You are moving, your own Party from one crisis to another and the country unfortunately is drifting and is drifting dangerously The situation at present has been defused by referring everything to the hon Prime Minister. Let the Ministers now turn their attention to their primary duty, which is to minister; and the word "minister" has to be taken in the Biblical sense. You must minister to the people. I appeal to the Ministers to remember the words of Milton when England was in a chaotic state "The hungry sheep look and and are not fed". This is what is nappening to the country today. The minorities are suffering from a sense of insecurity. You have denied the Muslims the minority character to their University their confidence is shaken. The Christians, as never before are agitated and angry because of the so-called Freedom of Religions Bill.

Finally I say this to the Janata Party: As Wisdom is justified by her works, so will the Janata Govarnment.

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औं कंवर वास गुपर (दिल्ली सदर): सभाधति जो, मैंने अपने मित्र का भाषण अभी सुना, उनका भाषण सुनकर मुझे प्राप्त्यां भी हुआ और दुख भी हुमा। मैं आजा करता था कि सरकार ों जो मंशोधन सदन के सामने प्रस्तु जो विचार उन्होंने व्यक्त किए-उन्होंने कहा कि बच्चा पैदा तो हो गया लेकिन मर गरा-बच्चा पैदा तो छक हुमा और यह विधे-यक जो है वह उन 6 नि रटानिक है, बच्चे को और ज्यादा मजबूत बना के तर यह लाया गया है। इस को धेयक के लि र में सरकार को हादिक बयायो देना चाहता ह।

मभापति जी. इस विश्वेय में दो कमीशनो के निर्माण की बात कही गई है- एक शेख्यल्ड काम्टस, तथा शेटयल्ड टाइब्स के लिये ग्रीर दमरामाइन ग्टिंज के निये । जहातक जोडयूल्ड वाग्टस औं जोडयूग्ड ट्रंइब्स का ताल्न्भ है - उम इस बात को स्वीया करते हैं कि झाज में नहीं, मैंभडों मालों में यह हमारे समाज के माथे भर हमारे हो का रणा से एक कलंक है। इन्पान इन्सान मे भेद करना इन्भानियत नहीं है। दूख को बात यह है कि 30 मालो की ग्राज दी के बादे भा हम इस कनंत्रको मिटानडी गये। यह एक श्रच्छी बात है मौर मैं म कार को वधाई देना चाहता हं-हमारे सविधान के निर्माताओं ने शेडयल्ड भास्टम और शेडयूल्ड टाइब्म के लिये संविधान में कुछ नेफगाईम रखे थे ग्रीर हम री अनता पार्टी ने भाव र में माने के बाद उन सेफ-गाईस को पूरा करने के लिये कम शनों के निर्माण के लिये संविधान में दोबारा संशोधन करने का प्रयास किया है। इस में केवल सेफ गार्डस की ही बात नहीं है, बल्कि कमी सन के फंगान को बहुत थाइड बनाया है. उन की पावर्ज दी गई हैं। इस इस में रेही व्यवस्था की जी रही है हि राष्ट्रपति किसी भी मामले को इन्हें सौध संकर्त है भौर अवीजन भी यदि स्वयं किसी मामले को लेना चाहेतो जेसकता है। इसके निमे में सरकार का धन्यवाद करता हूं और बधाई देता हूं।

एक बात मैं अकर कहूंगा कि पिछले तील सालो में जो सरकार यहा पर रही-उन के सामने भी ये रिपोर्ट भात। थी, लेकिन बे सूण्ज की रौशनी नही देख पानी थी। मै भएमे उन मितो मे पूछना चाहता हूं। जो पहले बहां राजगढ़ी पर बैठे ये----गेडयूल्ड कास्टम भीर प्रेडयूल्ड ट्र इश्स के लिये वे भांसृ तो जरूर बहाते थे लेकिन पिगेर्टम को उन्होने धूप में ला कर नही खा, उन पर विचार करने का तो मवाल ही पदा नही होता। लेकिन अनता पार्टी के सापे के बाट इन रिपेटेंम पर चर्चा हो रही है ग्रांग इतना ही नही हमारा सप्नी पार्टी के लोग इम बान को बहुत जीर मे कहते है।

लेकिन एक बात में स वार झे अखर लहना चाहगा-मधिधान बनने के बाद पिछले तीम सालों में सविधान में जो सेफ गाईस दिये गये है- उन के कोई माइस्टिफिक स्टडो होनो चाहिये। भिर्छने तभि मानो मे सरक र ने जेडयल्ड भारटस और घोडयल्ड टाइब्स के लिये जो थग उठाये उन का ममाज भर क्या इम्पेक्ट थडा-इस कं माइफि टफिक स्टडी होनो चाहिये इम में कोई सन्देह नहीं कि झाहिस्ता-ग्राहिस्ता ग्रमन जरूर हो रहा है और सब बडा मनग ग्राज में यह मानता ह कि सैंव हो माला से जो लानता चली झा रही थी. पहली बार चारा शंकराचथों ने मिल कर यह वहा किः हम छन्नाछत की वीमारी को देश से खत्म करना चाहते है। यह एक बहत बड उप-लब्धि है। मभो तक यह हँता ग्राया था-ये संगराचार्य ऐसा करते थे कि इस मन्दिर में यह जायग वह नही अथगा. लेकिन झब जंकराच यों ने, जो हिन्दू धर्म क अथ. रिष्टी माने आते हैं, पहली बार क्रम्भ के मुखे पर विश्व हिन्दू परिषद के मम्मेलन में यह कहा कि हम इनचेविलिटो के खिलाफ देश में एक जहाद बाडा करना चाहते हैं। इस का मतलब यह हैं

है कि बाहिस्ता बाहिस्ता हम बागे जा रहे है, से केन प्रगति जितनी होनी चाहिये थी, उतनी नहीं है, गति जितनी होनी चाहिये थें उतनी नहीं है। यह गति कैसे मायेगी- मेरे प्रपने विचारों में इस के लिये दो चीजे जकर होनी चाहियें- एक तो यह कि अब तक इन लोगो की प्राधिक प्रवस्था ठीक नही होगे, तब तक यह बीमारी चलती रहेगे, । आज बाब जगजीवनराम जी को कोई हरिजन नहीं कहता कोई नही बहता कि हम आप को खाना नही बिनाऐंगे। इमलिए जरूरत इस बात की है कि हम इत पिछडे हए वर्ग, क गरीब पिसे हए वर्ग जो सैंगडो मालो से हमारी बर ह से मस बत मे हैं, झाथिक स्थिति ठ क करे। हमार, जो इको-नाकि मिनिस्ट्रेज है चाहे वह पेट्रोलियम की हो, चाहे वह फाइनेन्म की हो, चाहे वह इंडस्ट्रीज के हो या कोलममाइन्स की हो, जितन भी इकोंनामिक मिनिस्ट्रीज है, वे इस प्रकार की योजनाए बना र जिन मे शेडयल्ड कास्टम ग्रार शेडयन्ड टाइब्स के लोगो को ज्यादा से ज्यादा लाभ मिले और उन को जो अर्थिक सबस्था हे वह जो आज समाज में दूसरे लोगो की आधिवः मवस्था है, उस के बराबर ग्रा जाए। इस के लिए एक व्यापक योजना बनाई 31A -चाहिए। जब तक ग्राधिक स्रवस्था ठीक नहीं होती है, तब तक दस, पांच मंत्री बना विये या मेम्बर ग्राफ पालियामेंट बना दिया उन को कुछ पदो पर बैठा दिया, इन से कोई साभ होने वाला नही है। आधिक अवस्था साधारण लोगों की ठीक होनी चाहिए।

दूसरी वात जो में कहना चाहता हूं वह यह हैं कि यह बीमारी तभी दूर होगी जब समाज के इस घंग में शिक्षा का ज्यादा प्रमर होगा। घर्ष शिक्षा का प्रमाव बहुत कम है। शिक्षा मंत्री ज: भी यहां पर हैं। मैं उन से कहना च हूंगा कि इन लोगो को शिक्षा के सुविधाएं देने के लिए स्वेशल को चिग सेन्टर हर एक राज्य में खेले जाएं जहां पर वे कम्नीर्ट दिब एग्जामिनेशन्स के लिए तथारी कर सकें। उन्न की बढ़ां पर न परीक्षाओं के लिए तथारी करवाई जानी चाहिए भौर वहां पर मुफ्त में वर्षर वैसे दिये उन लोगों की कॉंचिय का इतजाम होन चाहिए । जब तक ये दोनों र्च जें ठी । नही होती है तब तक ये ऐसे हें बने रहेंगे भौर कितनी जल्दी इन चीजों को किया जाएगा, मै समझता हूं उतन। ही म्रच्छ होगा।

कन्वर्टम के बारे में कहा गया कि जिन्होंनें धर्म परिवर्तन कर लिया है, उन को भी हरिजनों को दी जाने वाली सुविधाएं देनी चाहिए। मैं इस के खिलाफ हुं। मैं ममझता हे कि जब एक मादमी ने ग्रपना सोगल स्टेटम बटल लिया तों उम को कोई हक नहीं होन चाहिए कि टह उन मुविधाद्यों को ले। मैडमके खिलाकहा ये मविवाए केव'न उन्ही को मिलनी चाहिए जो शे इ गुल्डे कास्टम आग गे इ गुल्ड टुटव्स के है। दूसरों के निए यह नहीं होना च हि ! । एक बाल में और कहना चाहगा और बह यह है कि इस कमीणन का जो इस समय दार रा है, वह वढाना चाहिए । बमीशन की जा रियोट आएगी, में नहीं चाहता, कि वह संख्यान के ऊपर धार्राडग हा। अगर मरकार पर वह बाइडिंग होगी तो वह टीक बात नहीं होगी। किमी भी भर्माणन की रिपोर्ट गण्कार q٧ बाइडिंग नही हाती है वह तो एड-वाइजरी हाती है, रिवमेडेटरी हानी है लेकिन में यह अरूर कहता कि मदन के सामने जो कमीणन की रिपार्ट AIQ. उस के साथ एक्झन टेकन रिपोर्ट भी सदन के मामने आनी चाहिए । उस कमीझन की रिपोर्ट पर मरकार ने क्या कार्यवाही की है, वह एक्सन टेकन िपार्ट भी सदन के सामने जरूर लाई जाए । इस कमीशन के बारे मे मेरा दूसरा सुझाव यह होगा कि इस कमीशन को कुछ ग्रांधक पावन मिलनी चाहिए जैसे कमीमन आफ इक्वायरी एक्ट के मन्दर कमीमन को यह ग्राधकार है कि किसी भारमी को वह बला सकता है बिटमेस के रूप में तो इस के भी कुछ कमीशन आफ हंग्वायरी एक्ट की तरह

के अधिकार होने चाहिए ताकि वह एक जूडीक्स डिसिजन ले सके ग्रन्थवा जब तक वह जुडीक्स डिसिजन नही ले सकेने, तब तक कोई कार्यवाही नहीं हो मकेंगी।

तीसरी बात यह है कि इन्होने माइनोरिटी कमीशन बैठाने की वति कही है। मैं समझता ह कि एक बहत बड़ा कदम है और मै तो यह कहूंगा इट इज ए फदर म्रान दि कैप ग्राफ जनता गवर्नमेंट क्योंकि 30 वर्षों में यह पहली गवनंमेट है, जिम ने इस प्रकार का माइनॉग्टि। कमीजन बैठाया है, सेन्टर की नरफ में यह माइनोरिटी कमीशन बैठाया गया है। ये लोग इतने माल तक राज्य करते रहे ग्राम भी इनके लिए बहाने रहे, गीत ग्राज भी गाने है लेविन इन्होने कुछ नही किया । चव्हाण माहव ने परमो खद कहा कि हमने गलनी की ग्रलीगढ मस्लिम यनिवर्मिटी को माइनोरिटी कारेक्टर न दे कर । कांगी वाले भी यहने है कि हम ने गलती की थी। लेकिन यह संशोधन किम ने किया ? हमने किया। हमने कोई गलती नही की। हम म्राज भी कहते है कि मण्डनोरिटो कारेक्टर या हिन्दु या मस्लिम का मवाल नही होना चाहिये हम उसके खिनाफ है। अगर मस्लिम कल्चर को ग्रागे बढाते के लिए सरकार को कुछ इंतजाम करना है, त्रिस्चियन कल्चर के लिए कुछ करना है, हिन्द्र कल्चर के तिए करना है तो उसके लिए सरकार झलग से मदद करे जसे मुमलमाना के लिए देवबंद है।

That is ,a cultural place where Muslim students come and read about their culture. I want that the Government should support it financially and otherwise. Similarly, there may be some centres for Christian culture; there may be some centres for Hindu culture, I am prepared to go to that extent that the Government - should support all of them financially and otherwise. But so far as the universities are concerned, you should improve the academic standard, not that this is a Muslim University or a Hindu University or a Christian University. I do not see any reason in that except the sentiments, nothing else. We should not be guided by the sentiments. Are we serving the Muslim minority by all this? I say, emphatically, no. You are not serving the Muslim minority; you are not serving the Christian minority. These are only sentimental things.

मेरा कहना यह है कि ग्रलीगढ़ यनिवर्मिटी का जो किस्मा हम्रा है क्या वह हिन्द्र मम्लिम रायट था ? ग्राज तो ग्रागको पता चल गया है कि नही था । हमने यहा पर बहम की प्रांर उमको कस्थनल क्लर दिया । श्रपने पोलिटिकल म्बार्थों के कारण हमने उसे इस नग्ह का बना दिय। । बाद मे जा कर कम्धनल रायट इसको हम ने बना दिया पहले नही था यह कमिशन जो बैठे वह इस बात की तह मे भी जाए, गाइडलाइज भी दें पालिटिगियज के लिए भो दे कि उनको क्या बोलना है और क्या नही बोलना है। केवल पालिटिक्ल एइस को पूरा करने के लिए, कुछ वोट्म लेने के लिए हर चीज को पोलिटिकल क्लर जो हम दे देते हैं यह बहुत दुख दायी है । मेरे पास दादरी से चालीम पचाम लोग ग्राए उन्होने कहा कि हमने समाचार पत्नो में यह मब कुछ पढा है। क्या सारी की मारी पालिमेट ऐमी है कि जिन को तथ्यों के बारे में बिल्कूल भी मालूम ही नही है ? क्या यह कोई हिन्दू मस्लिम झगडा था ? नही था। क्या पालिय/मेट में ऐमा कोई ग्रादमी नही है जिस को यह सब मालूम हो ? यहा क्या होता है ? यहां एक सेक्शन है जिस की कोशिश हैं---मैं कंस्पिरेसी कहंगा ----कि अनत पार्टी से माइनोरिटी को भलग करा दिया जाएं और यह वातावरण पदा कर

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वि कंबरनाल मुपत]

दिमा जाए कि जनता पार्टी के राज्य में माइनोरिटीज सुरक्षित नहीं है हालांकि जनता पार्टी ने ही पहनी बार माइनोनि-टीज में िश्वाम पैदा करने के लिए, उनकी सिक्योरिडी के लिए यह कामेकन एप्बाइट किया है । श्रापंकी हमारी नीयत पर शुबह करने की जरूरत नही है। गह बहुत वडा करम हमने धारे बढाया हैं । मैं हिन्दू, मुस्लम या किश्चिग्रन किसी भी कम्युनलिज्म के खिलाफ हु मै पूछा। चाहना हू कि भेया यह मच नही है कि ग्रलीगढ मुस्लिम युनिवसिटी हो थी जिन ने मुल्क का बटवारा करवाया ? नया म्राप इसमे इत्कार कर सकते है। कुठ लोग है जो कहते है देश में एक हो कम्यननिज्म है । जितने हम राजनीति मे काम करने वाले है Let us have a political consensus Whether it is a Hindu communism . .

AN HON. MEMBER. Communalism, not communism.

SHRI KANWAR LAL GUPTA I meon, communalism Whether it is a Handu communalism or a Muslim communalism or any other communalism, it should be con leinned with all the force Not that one-sided communalism should be condemned Unfortunately, what is going on is just to get votes, just to eatch votes (Interruptions)

SHRIC N VISVANATHAN (TIrupratur): He is a Communist

SHRI KANWAR LAL GUPTA: I am sorry, but I equally condemn both. (Interruptions) Let us have a trial of strength, we don't mind; we are prepared for that. And about Communism, I prefer a good Muslim a good Christian and a good Hindu to a Communist.

SHRI C. N. VISWANA'THAN: Mr. Banatwalls is a good Muslim.

SHRI KANWAR LAL GUPTA: Yes minus his communalism he is much better than a Communist.

मैं चहना हूं कि हम जो राजनीति में काम करते है हम बोलने में कोई ऐसी बात न बोलें जिससे एक धर्म में बहत ज्यादा खाई हो जाऐ जिसमें एक कास्ट की दूसरी कास्ट से लडाई ही जागे, एक राज्य की दूसरे राज्य से लडाई हो जाय। हमे राजनीति मे सयम से काम लेना चाहिये । इसलिये मैने कहा कि पार्टी का सत्ताल नही है. एक नेशनल काशसनैस डेवलेप होनी चाहिये, उसके लियं बूछ गाइडलाइन्म तय होनी चाहिये ग्रौर उनको सरकार को भी तथा ग्रपोजीशन पार्टी को भी मातना चाहिये।

जिस बिल का जित्र मेरे दोस्त ने किया मैं समझता हु उनको इतना धान्होलन करने की जरूरत नही है। प्राइवेट मेम्बर्म बिल यहा तो ऐसे भी ग्राये है कि क्रिकेट खेलने के लिये केवल डेढ घटे ही होने चाहिये । उम पर पूरा शोर नही मचाया । मेरा नम्बर तीयरा है ग्रौर उनके बिल का नम्बर 14 वा है । लेकिन यह शोर भी पोलिटिकल है, उसमे कोई दम नही है । झगर कोई श्रौब नेक्शनेबिल बात है नो श्राप हमे बताइये हमे उसको दूर करने के लिये तैयार हैं सरकार भी दूर करने के लिये तैयार है । हम कोई ऐसा कदम नहीं जठा रेगे जिसमे माइनारिटीज के ऊपर किसी प्रकार का अविश्वास हो, उनमें इनसेक्योरिटी पैदा करे । लेकिन हम माहेंगे कि जो माइनारिटीज के लीडसे हैं में, माइनारटीज को खराब नहीं समझता, लेकिन लीडसँ उनको गुमराह करके कम्युनल कार दे कर देश में इस तरह की बातावरण पैदा करना बाहते हैं जिससे यहां सरिमरता हो गौर जनता पार्टी से टूट कर ने नाइना-

and Committeeton

रिटीज के लोग एक ऐसी जनह अस्यें यहां 19 महीने यहले जें 7 में रहे इमरवेंसी में । उस समय श्री बनात-माला की जवान नहीं खलती भी । भगर बोलनी हो तो भन्दर । उस समय सत बना थे ।

شرم جي ايم بمات والا: (يوبي

نانى) : مەن مهاراشتار (سىلى مەن بہت لوتا نہا۔ یواج یو مسلم لیگ کے مهمهر جذاب سليمان سيته برابو أوا اتهاتے رہے - آپ لوک سَبها کی دیدیت اتھا کو دیکھئے - مسلم لیگ کے ميمدر جداب سليمان سيتو قدم فدم یہ اس کو پوز کرتے رہے تھیں - مہن مهاراشار أسمى مهن إيوز كوتا رها هون - آب کی آواز ضرور بند تھی -ار تریانیزیشی کے آپ جامی تن کو کر آئے سے - اگر ایک بھی آس کے مطالف تها تو مسلم ليا ، تهي م اور نهات والايها -

†[श्रो जाः एमः वन तवालः (पौन्नानी) मै महाराष्ट्र ग्रसेम्बली में बहुत लडता था । यहां पर मुस्लिम लीग के भेम्बर अलाब सूलेमान सेंऽ बराबर भावाज उठाते १हे हैं । म्राप लोक सभा की डिबेट्स उठा कर देखिये । मुस्लिम कींग के मेम्बर श्री सूलेमान सेठ कदम कदम पर उसको भ्रापोज करते रहे हैं, सें महाराष्ट्र असेम्बली में अपोज करता इडा हं। झापकी मावाज जरूर बन्द थी, बौर स्टेरेलाइजेशन के आप हा शी बन कर माये हे । धनर एक भी उसके मला-किन्छ था हो मुस्लिम लीग थी झौर - नतमाला था ।]

भो सबर साल गुप्त : मै कहना बाहता हुं कि यहां इमरजेंसी के दिलों

में जो तुर्कमान गेट में हमा, फिसी ने एक सब्द नही जोता । اللوى جن ايم بالمات، والا - جالب جالب سارسان سیکو کی سییچز یہاں ريکرٽ مهي مرجود هڏي - آپ آي کو ديكو سكتے هوں -

† भिं। मा० एम० मातवाला : जनाव सुसेमान सेत की स्पीचेज वहां रेकार्ड के मौजूद हैं अलप उलको देख सकते हैं।]

MR. CHAIRMAN: You are unnecessarily raising all these questions which are not connected with the Bill. You have a already taken more than iwenty minutes.

SHRI KANWAR LAL GUPTA: This is very much relevant.

MR. CHAIRMAN: May be, but more time will not be allowed.

श्र, कवर ल.ल गुप्त : मै समाप्त कर रहा ह । मेरा कहना हैं कि केवल कमीशन से काम होने वाला नहीं है। हम एक गाइडलाइन बनाये जिससे सब पोलिटिकल पार्टीज, लीडर्स गाइड हों। तब इस कमीशन का फायदा होगा. नही तो केवल कमीशन बनाने से सारी समस्याणे हल हो जाये, यह तो हो नहीं सकता । लेकिन यह कमीशन अपनी जमह एक बहुत भच्छा कदम है। उसके लिए मैं सरकार को बधाई देता हं।

श्र (र.म नदेश कुशत्र ह (सलेमपुर) : सभापति महोदय, मभी मैं भपने श्रव्हे हिन्द्र मित्र का भाषण सुन रहा था, भीर एक मच्छे मुसलमान के साथ उनकी नोक-सोंक भी सुन रहा था । मधी मातनीय सदस्य ने कहा कि एक झच्छे हिन्दू सौर एक सच्छे मुसलमाज को वह एक कम्युनिस्ट से प्रच्छा समझते हैं। मनी एक मच्छे हिन्दू बोल रहे वे झौर

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एक अच्छे मुसलमान उन्हें टोक रहे थे, भौर इम सुन रहे थे । इमको अपने मित, उत्तर प्रदेश जनता पार्टी के अध्यक, जी अव्यास अली की एक कहाव्त याद भा रही है: "हम तुम को कहें हाजी, तुम हम को कहो हाजी, पर है सचमुच दोनों पाजी ।" चाहे कोई हिन्दू र.म्प्रदा-यिक हो धौर चाहे कोई मुस्लिम साम-प्रयायिक हो, अगर वह साम्प्रदायिक है, तो वह पाजी है ।

मैंने कल बताया था कि हमको सब से ज्यादा हैरत यह हो रही है कि ग्रमी इस देश को हिन्दू राष्ट्र बनना है। जवहारलाल नेहरू से लेकर मोरा जी देसाई तक कई हिन्दू नहीं बा। हम बहुमत के लोग हिन्दू लही थे। प्रव कोई नया लोकतंत्र बनेगा, कोई नया हिन्दू राष्ट्र मीर तथा हिन्दूबाद बनेगा, भौर उसमें हम लोग लंध हिन्दू बनेगे ग्रौर बही स्थिति होगी, जो पाकिस्तान मे हुई है। पाकिस्तान में जुनफिकार झली भुट्रो मुसलमान नही थे। वह. ग्रब नये मुसलमान बन रहे है । ईरान में भी नये और असली मुसलमन यब ग्राये हैं, पहले वहा मसली मुसलमान नहीं थे। यह बड़ी भयंकर बात है। में उसमे नही जाना चाहता हूं । लेकिन मैं सिर्फ इतना ही कहना चाहता हू कि हमारे दिमाग बहुत साफ रहने चाहिए, और जो कौई समस्या हो, उसको हम उसी प्रकार से देखें, उसमें हम बढ़ायें घटायें नहीं, धौर हर मामले को हिन्दू ग्रौर मुसलमान की दुष्टि से न देखे ।

यह जो संविधान (संशोधन) विधेयक ग्राया है, उसमें ग्रायुक्त के कर्त्तव्य तो संव जिना दियें गये हैं। वह कौन कौन काम करेगा, यह सारा दोझ ग्रायुक्त पर डाल दिया गया है । बायुबत पर कलीव्यों का बंझ ती इतना डाल दिया गया है कि शादव वह वेचारा मर जाये । लेकिश उन कर्त्तव्यों का निर्बाह करने के किए उसके ग्रधिनार क्या है, यह तो बताया जाये । अधिवार-रहित कर्त्तव्य नपुसक बना देता है सौर कत्तंव्यहोन अधिकार राक्षस बना देता है । अब इस विधेयक मे ग्रायकत को कोई अधिकार है ही नही, तो यह अरण्य-र दन है । हम स्वागत करते है एक सरकार एक कदम आगे बड़ी है और वह "कमीशन " के आगे "ई ग्रार" जोड कर उसको "कमिश्नर" बता देगी । लेकिन इस काम को पूरा करना चाहिए । सविधान-निर्मातामां की मशा थी, ग्रीर सविधान के मूल ग्राटिकल में हर एक स्टेट में भी यह ग्रधिकारी नियक्त करने की वात माफ साफ कहो गई था, जिस को वाद मे हटा दिया गया। मं उसका कुछ उद्धरण सूना देना चाहना ह . ---

"The original Article provided that there should be a Minority Officer both in the Centre and in each of the Provinces. It is now felt that, as the number of minorities has been considerably reduced, it is not desirable to have the cumbrous provision like that for having a_{11} officer in each Province. The purpose of the original Article will be carried out if the Centre appoints an officer and makes him report to the President."

में आपसे यह कहना चाहता हूं कि मूल में ही यह भावना थी और यह प्रावधान था, किन्हीं कारणों से, उस समय काफी टेंशन था, हर जगह करलेझाम हो रहा था, बहुत सी बीजें हो रही थी, तत्काल देश का बंटवारा हुआ था, तरह तरह की भावनाएं थीं, इसलिए, उसको हटा दिया थया और केवल केन्द्र में ही माइतू रिटी आफीसर की निबुक्ति की बात आई लेकिन में साम के निवेषन करका बाहता हूं कि

केन्द्र और राज्य दाना में माप माइनारिटी कमिल्लर नियुक्त कीजिए और इससे आपको एक और फायदा होगा स्टेट में निवन्त करने से कि जहां एक शिकायत होती है कि सारे देश में तो मुसलमान माइनारिटी में हैं लेकिन काश्मीर में वह मैजारिटी में हैं, वहां हिन्दू माइनारिटी में हैं, तो उसका लाभ इनको नहीं मिलेगा मगर माप वहां नियुक्त नहीं करेंगे । इसलिए मेरा भाप से कहना है कि इस को भौर ज्यादा प्रभावकारी ढंग से लागू करने के लिए माप सूबों में भी माइनारिटी कमिक्नर नियुक्त कीजिए और उन को कुछ ग्रधिकार दीजिए कि वह खुद भी कुछ कर सकें। हर जगह वह रिपोर्ट ही करते जाएंगे और अगर कहीं शद हिन्दू या मुद्ध मुसलमान राष्ट्रपति हो गया या प्रधान मनी हो गया तो सब घो पोंछ कर बराबर कर देगा । यह रोज रिपोर्ट करते रहेंगे और वह सब का सब समाप्त करते जाएंगे।

यह मानवता का तकाजा है कि जो लोग भी अल्पसंख्यक हैं या दबे हुए है उन को जितनी भी सुविधा चाहिए वह दी जाय, यह जरूरी है और हम को आप को फराक दिली से यह काम करना चाहिए । मैं आप से यह कहना चाहता हुं कि हिन्दू लोग मौर मुस्लिम लीग में से केवल हिन्दू झौर मुस्लिम शब्द हटा दिया जाय तो इसमें कोई फर्क नहीं पडेगा । दोनों के सारे सिद्धान्त एक हैं, दोनों के विचार एक हैं. दोनों के सारे दर्शक एक हैं। केवल हिन्दू झौर मुस्लिम शब्द हटा दिए जायं । उससे कोई फर्क नहीं पड़ेगा । इसलिए मगर इन सब चीजों पर यहां दोनों के विचारों में एकता प्रदर्शित होती है तो इसमें कोई ग्राश्वर्यजनक बात नहीं है, यह तो स्वाभाविक है मौर यह होना ही चाहिए ।

पृष्ट मन्ती जी ने कुछ उसमें संबोधन पेवा किया है, मैं उसके लिए भी उन को बधाई देना बाहता हूं। धोड़ी सी उन्होंने उसमें प्रयति की दैं। लेकिन मैं धापते कहना बाहता हूं, आप रोख देखते हैं बीड यह हरिजनों कर धौर सल्प-

संख्यकों पर घत्याचार होते हैं और यह सही है कि हम लौग राजनीति से प्रेरित होकर यहां पर गडवड-सडवड करते हैं, अतिभयोक्ति से बोलते है, चाहे हिन्दू हों या मुसलमान हों । हम लोगों को सबसे पहले इस पर ध्यान देना चाहिएं कि इस देश का क्या बनने वॉला है भगर हम लोग इसी तरह से करेंगे । मैं निवेदक करना चाहता हं कि ऐसी बातों पर जिनसे हमारी ग्रीर बहत से लोगों की भावनाएं जुड़ी हई हैं, उन भावनामों का ध्यान में रख कर ही -बात करनी चाहिए झौर घ्यान में रख कर ही कुछ करना चाहिए ग्रौर बहुमत के लोगों की तया सवर्ण लोगों की यह जिम्मेदारी है चाहे जिस तरह से हो ग्रल्पसंख्यकों को ग्रौर हरिजनों श्रीर मादिवासियों को यह विश्वास दिलाएँ कि चाहे जो कुछ भी होगा तुम्हारे ऊपर अत्याचार होगा तो हम उसको रोकेंगे, जो कुछ भी तुम्हारी रक्षा के लिए करना होगा वह हम करेंगे और मैं इन लोगों से भी कहना चाहता हूं कि ग्राखिर यह डर क्यों कि हमको मैजारिटी के लोग खा जाएंगे झौर हम को सवर्ण खा जाएंगे ? भाप भी जरा तन जाइए, जरा खड़े हो जाइए । हिन्दूस्तान में यह थोड़ी गड़वड़ी जरूर है कि जहां के लोगों ने पाकि-स्तान बनाने के लिए सबसे ज्यादा हल्ला किया वहां पाकिस्तान नहीं बना, पाकिस्तान बना वहां जहां किसी ने पाकिस्तान की मांग नही की । जब तक खुर्शीद साहब की हत्या नहीं हो गई, सिन्ध में कभी मुस्लिम लीग की सरकार नहीं बनी, पूरे पाकिस्तान में मुस्तिम लोग की सरकार कभी नहीं ब की लेकिन पाकिस्त न वहां बन गया...

एक माननीय सबस्यः वहां के मुसलमाम पाकिस्तान मांगते न ये ।

धाः राम नरेश कुतवाहाः विल्कुल वही मैं कह रहा हूं कि जहां के लोग पाकिस्तान नहीं मांगते थे वहां पाकिस्तान बना और जहां के लोग पाकिस्तान मांगते थे वहां पाकिस्ताम नहीं बना। कोई बीज ऐसी है, कोई कमजोरी है विश्वा उर लगता है लेकिन मैं विश्वास किलाता हूं दीन सुद क्रूवस से किली जापक क्लास के लिए आप करेंगे हो किसी की इस त्येण में दिस्पत वहीं है कि झाम्यदायिकता पैना करके आपको धरका सके । चनता पार्टी और झरकार की जिस्तेवारी है कि ईमानवारी से सुरस्तमान और हरियातों की, प्रगर कोई उन पर उंगली भी उठाता है उससे उनकी रक्षा करे । इसलिए मैं बाहता हूं कि मन्ती जी साणित के प्रधिकारों में कुठ दूढी करें, कुछ देसे माहिकार दें कि धगर इन पर मन्याय ओर झार्याकार होते हैं तो उनको वह रोक करें ।

साथ ही हर स्टेट में म्रायोग की स्थापना कराये ताकि सीधे सीधे मसेम्बली में उसकी रिपेर्टपर विचार हो सके । ग्रायोग को प्रम वी बनाने के लिए कुछ प्रधिकार दिए जायें बरना यह धायोग तो टालु मिक्सचर है। जब भी किसी समस्या से दूर भागना हो, उसकी तरफ से आंख मुदना हो, उस ग्रोर से व्यान हट.ना हो, माफिया सुंघा कर सूलाना हो तो उसके लिए एक झायोग बना दीजिए, वह मायोग दम साल काम करेगा लेकिन कोई काम नहीं होगा। अगर उमी तरह से टालू मिक्सचर देन, 🗧 केवल पीठ थपथपाना है, बिना मधिकार के कमीशन बनाना है तो यह बेकार है। ग्राप अधिकार दे करके ग्रायोग से ग्रपने कर्तव्य का पालन करायें तो शायद वास्तव में हरिजन, अ।दिव सी एग अल्पन ख्यकों का कुछ भला हो वरना तीस वर्ष तक राज करने के पिछली सरकार ने धोखा दिया. हेवल कागुजों पर कहती रही कि दुध पुत सभ कुछ देगे, तम्हारे लिए स्वर्ग बना देंगे लेकिन नरक में भी रहने के लिए स्थान नहीं दिया, उसंगका फल बे झाज मोग रहे हैं। उनकी दुई शा से हसकों कुछ सबक सीखना चाहिए । केवल जवानी बनाखर्च नहीं, कुछ नगद इनको देना चाहिये।

इत जल्दों के साथ में इस विशेषक का जल्देन नारता हु।

SHRI BHAUSAREB THORAT (Pas-

charget:): Mr. Chairman, Mr. this Fortysinth Constitution Amendment Bill pertains to the sixteenth part of the Constitution. It deals with the special provisions relating to certain classes.

By amending Article 338, it has been stated in the Statement of Objacts and Reasons that it will inspire greater confidence among the scheduled castes and scheduled tribes people. Sir, the appointment of the Commissioner for Scheduled Castes and Scheduled Tribes had been made before years and years ago. If you see the functioning of the Commissioner for Scheduled Castes and Scheduled Tribes, it comes to nothing at all. The Commissioner has investigated and inquired into so many things. He makes some recommendations to Government But, action on the report of the Commissioner has not been taken by Government That means you only citate more posts and appoint more persons to those posts. Appointment of a Commission only means appointment of more persons. This is nothing more than that. Look at the powers of the Commissioner I say no power is given either to the Commission or to the Commissioner for Scheduled Castes and Scheduled Tribes It has been stated in Art. 338 that the Commissioner is to be appointed to investigate all matters. Sir, how can the matters be investigated by him without giving him the necessary power? How can this be done? If the person investigating has got no rower, how is it possible for him to complete the investigation and bring the culprits to book? This is very important. Article 388 makes certain special provisions relating to the scheduled caste and scheduled tribe persons. There is a provision made regarding the reservations in appointments. Article 335 making provides for certain claims of the members of the Scheduled Caster and Scheduled Tribes. These claims have got to be taken into pensideration with the meintenance of the officiency of the administration? Siz, this is a really peculiar provision made in this constitution. Instead of appointing more commissions and more officers, I don't understand why the Government has not come forward to amend this Article 335 itself? I say, this is clause which gives a mischievous more power to the bureaucracy, to appoint persons according to their own sweet will. Why do you say, 'consistent with efficiency' in cases of SC and STs only. So, I say, this is a very dangerous clause. Nowhere in the Constitution will you find this thing except in this clause, with regard to the appointment of scheduled castes and scheduled tribes persons only. From this thing one derives two presumptions; (1) SC & ST persons are not efficient (2) All non SC & ST persons are always efficient. Article 335 applies only to the members of the scheduled castes and the scheduled tribes. While making appointment you want to ensure 'efficiency of administration' for SC & ST persons, not for others. There is no such provision made for non-SC and ST persons to see their efficiency while making appointments. In other words, non-SC, ST persons are supposed to be efficient! This is what it comes to. This is the mischief of this clause and this should have been amended long ago. And if you go to Article 310 you will find that there is no mention about the efficiency in regard to appointment of non-scheduled caste persons. Article 311 deals with dismissals. No person shall be 'dismissed or removed from service' unless certain conditions are fulfilled. So, Article 311 deals with the dismissal or removal of non-SC persons whereas Article 335 deals with the appointment of Scheduled Caste and Scheduled Tribe persons. I mean to say that constitution provides safeguards to non-SC and ST regarding their removal from service even though they may be inefficient whereas the SC/ ST persons while being appointed are to be judged as to whether they are efficient. So here is this discrimination same so I say that this is a mischievous clause which should have been smended long ago. At least now why don't you among this Article 335 and omit the words "consistent with the maintenance of efficiency"? You want efficiency only from SC and 37 persons and not from others. This is a thing which should be done now.

Then, Sir, regarding suitability clause, many of our hon. Members have spoken about this.

My hon. friend, Shri Sinha, just now pointed out that when we were in the Committee for the Welfare of Scheduled Castes and Scheduled Tribes and this Committee investigated matters relating to scheduled castes and scheduled tribes, a number of cases came to light where even though eligible persons were available for appointment to certain posts, yet they were neglected on the plea that they Therefore, inwere not suitable. stead of making appointment of more persons on the Commission, you should have come forward to amend Article 335 of the Constitution itself.

Further, if the Commission is apponited, it should be empowered to summon persons for investigation purpose Unless powers under the Commission of Enquiry Act are given to this Commission, there would be no use of appointing such Commissions.

With these words, I conclude.

MR. CHAIRMAN. I had called Shri Sarsonia carlier, but he was not present Later, on he informed me that he had intimated to the Deputy-Speaker and the Deputy-Speaker had allowed him to speak later. Unfortunately, he did not make a note on the list. I have verified it from him on the telephone and I. therefore, call Shri Sarsonia to speak.

श्री झिव नारायण सरसूनिया (करोल-बाग) : सभापति महोदय, ग्रभी संविधान संगोधन विजेयक पर जो चर्ची चल रही हैं, उसके बारे में मैं यह कहना चाहता हूं कि जब कोई विधेमक प्राता है भौर फिर कानून बनती है, ती उसकी जो मंशा होती

है, वह ठीक मंत्रा रहती है लेकिन उसके बाद इसका सारे का सारा काम यही पर समाप्त हो जाता है मौर कानून बनने के बाद वह उनके मागे नहीं चलता । लेजिस्ले-टिव जडिंगियरी और एक्जीक्युटिव, ये तीन प्रकार के ऐसे विग हैं, जो किसी भी प्रकार के कानून के उद्देश्य को पूरा करने के लिए साझीदारी है लेकिन हिन्दुस्तान की कुछ ऐसी बदकिस्मती रही है कि इस उद्देश्य को पूरा करने के, लिए ये तीनों ग्रंग साझीदार नहीं रहे। यदि कानून बनाने वालों की मंशा ठीक रहती है, तो उसके बाद जो उसको कार्यान्वित करने वाले होते है, उनकी मंशा कुछ और होती ह और यदि कार्यान्वित करने बालों की मंशा ठीक रहती है तो जुडी-शियरी में उसके हाथ और मस्तिष्क और विल, जो वहा पर बैठे होते है, वे उस कानून की सारी पण्पज को, जिस पण्पज के लिए कानून बनाया जाता है, उसको बिल्कूल चौपट कर देते है, खत्म कर देते है।

मिसाल के तौर पर मैं यह बताना चाहता हं कि भूमि सुधार का हमारा ग्रान्दो-लन सन् 1954 से मुरू हुया और 25 साल हो गये लेकिन ग्रभी तक वहु समस्या हल नहीं हो पायी । दूसरी ओर आप श्रमिकों को देखिए । उनके लिए कितने कानून बने है लेकिन वे सारे के सारेकानून वैसे हो बने पडे रहते है गौर उन लोगो की गरीबी बैसी की वैसी कायम रखती है। इसी प्रकार से अनटचेबिलिटी का हाल है झौर इसी तरह से अनुसूचित जातियों ग्रीर जनजातियों का हाल है। उनके लिए कानून तो बनो है लेकिन उनका कार्यान्वमन करने वाले जो है मौर उसके बाद जो जुडिशियरी हैं, वह इस तरह से काम करती है कि सब में जाकर मन्ततो-गत्वा कानून की जो मंत्रा है, वह इस तरह बह सड़बड़ाती की रहती है। इसलिए मेरी

सबसे पहले प्रार्थना यह है कि जब इस तरह के कानून बनाये जायें, उनके साथ ये जोतील विभाग हैं, इन सबका तालमेल और उन सबकी मंशा होना बहुत जरूरी है।यह संयोग की बात है कि कमिन्नर की रिपोर्टस पर कल विचार कर लेने के बाद यह विधेयक झाया है। कमिश्नर की जो रिपोर्ट है उसको मापने देखा ही है । उसमे यह है कि 48 लोगों को ला कर खत्म कर दिया गया और जितने मुल्जिम थे उन सबको इसलिए बरी कर दिया गया कि ज्युडिशियरी में जो लोग बैठे हए थे वे उन्हीं की बिरादरी, उन्हीं के वर्गों के सादमों थे जिन्होने उनको जलाया था । झाज तक जिन लोगो के लिए ये कानून बने है, जिनके हित के वास्ते ये कानून बनते है उनको उनसे कोई लाभ नहीं पहुंचा है ग्रीर वह इस वास्ते कि वहा पर वे नहीं होते है, वहा पर वे भाथ हाते है जो प्जीपति होते है या दूसरे वर्गी के लोग होते है, शक्ति-शाली लोग होते है। मै आपको बधाई देता हू कि चेयरमैन ग्रोर सभी मैम्बर्स ग्रापने डमी वर्ग से लेने की बात कही है। लेकिन मागे के लिए भी यही व्यवस्था रहनी चाहिये कि इन नामों के लिए इन्ही के लोग होगे।

15 hrs.

कल मंडल साहव ने एक बहुत अच्छा मुझाव दिया था ? उन्होने कहा था कि स्पेणल कोट् स इनके केसिस के लिए, बननी चाहिये । लेकिन उन्होंने कह दियाकि स्टेट्स के लिए वह इस सुझाव को दे रहे है । मेरा कहना यह है कि केन्द्र इसके उत्तर अमल क्यों नहीं करता है, केन्द्र स्वयं इसकी व्यवस्या क्योनही करता है ? उसको इसकी व्यवस्या करनी चाहिये ।

नौकरियों के बारे में जितने भी प्राय-धान है उनके बारे में बार बार सक्युंकर

33: Constitution . VAISAKHA 27, 1961 (SAKA) (46th Amdi.) Bill 334

सिकलते हैं। मैं जानना चाहता हूं कि उस चोक को कानूनी तरी के से लागू क्यों नहीं किया जाता है 1 भूमि सुधारों को प्राप नवें शेड्यूल्ड में ला रहे हैं। इसो तरह से इन सब चोजों के बारे में कानूनी बंदिश होनी च/हिए 1

झापने कहा है कि सच इंटरवल पर कमीशन ग्रपनो रिपोर्ट देगा । यह वेग है । इससे परपज हल नहीं होता है । स्पेसिफिक टाइम होना चाहिये । निर्धारित समय में यह चीज होनी चाहिये ।

अहां तक सिफारिगे का सम्बन्ध है, उनको लागू करने का जो सिलसिला है वह बड़ा लम्बा चलता है। जो भी मुझाव वह दे उसको पूरो सख्ती के साथ श्रीर प्रविलम्ब लागू प्रापको करना चाहिये, पूरी ताकन के साथ करना चाहिये । साथ ही उस को जो भी सिफारिगें हा वे सर-कार के ऊपर बाध्य हो । सरकार के लिए ग्रनिवार्य रूप से वे मान्य हानो चाहिये। तभी कुछ लाभ इन लांगों का मिल सकता है।

शह भी कहा गया है कि जिन सिफा-रिणो का माना नहीं जाएगा उनके बारे में कारण दिए जायेगे । कानून में जा कारण देने की मुविधा दी जा रही है उससे सारा जो इसफ, परएज है वह हो खत्म हो जाता है । झागे जा कर केवल आरण ही रह आयेंगे, किसी तरह का इम्प्लेटेशन नहीं होगा जो वेग्लैस है झोर जो लूपडोल्स है इनको खत्म किया जाना चाहिये ।

कल मैंने समान शिक्षा की बात कही थी, समान अवसरों को बात कही थी। इसका उत्तर मंत्री महोदा ने मह दिया था कि मह बड़ा भारी तीति का सवाल है।

शिका मंत्री जी बैठे हुये हैं । इनको मालूम है। विल्ली में खितते भी केन्द्रीय स्कूल है भौर पब्लिक स्कूस हैं उन सबका एग्जा-मिनेगन एक महीना पहले होता है झौर रिजल्ट भी एक महना पहले झाता है जब कि बाकी जितने भी सरकारी स्कूल है उनके एग्जामिनेशन भी एक महीने बाद होते है मौर रिजल्ट भी एक महीने बाद माते है। किस नीति के माधार पर यह होता है ? क्या गरीब लोगों के बच्चों को रही सही सोटें भी मागे चल कर इस तरह से नहीं मिलती है ? करो कुलम एक होता है, पाठ्यकम एक होता है फिर यह धांधली क्यों चली मा रही है ? इस तरह की चोजो से जो हमारा परपज है वहीं नष्ट हो जाता है। जो कमीमन बनाया जा रहा है इसके जितने भी मैम्बर हों वे सभी इन्हीं वर्गों के होने चाहिये, ऐसे होने चाहिये जिनमें इन वर्गों का पूर्ण विश्वास हो जो इनके दुंव दर्रको जानते हो ।

भाषके सामने कई उवाहरण है। जैसे आज हो एक घटना अखबारों में आईहै। ति अनुमूचित जाति की नारी के साथ बलात्रार हुआ झौर वह थाने में गयी लेकिन चुकि थानेदार उम पर्गका नही था बल्कि उच्च वर्ग का था इसलिए उसकी रिपोर्ट नही लिखी गई । यही कारण है कि न्यायालयों में जो बडे दर्ग के लोग बैठे होते है वह गरीब के दर्द को नहीं समझते. है। यहां तो इस तरह के संस्कार हैं कि जो कुछ उन ते साथ होता है, वह उनकी किस्मत भे लिखा हुआ है, ऐसा मानते हैं। उन ें लिए यही है, ऐसा मानते हैं। भौर जब तक ऐसे लोग ऊपर बैठे रहेंगे उन के हाथों मे कानून और व्यवस्था रहेगी तब तक लोगों को न्याय नहीं मिल सकता। इ लिने जकरी है कि ऐसे स्थान। पर जहाँ उन्हें न्याय मिलने की या उसने कार्यान्थ्यन की बात हो, वहां उन्हीं लोगों को लगाया Conditation

आध खलका उन्धे प्रात परवास ह मार दर्ष है । अप्यथा होता यह है कि जुम इतना बड़ा होता है लेकिन उसका जूर्माना 1, 2 रु० कर दिया जाता है । मांव के मांव चूक दिए जाते हैं । यह इसीलिए होता है कि वह बड़े धर्म के लोग होते हैं जीर पूंजी-पतियों से मिले होते हैं । यही कारण है कि बहुत से ऐसे कानून जो इन लोगों के लिए बनाये मये हैं उनका सारा परपज ही खत्म ही जाता है । इसलिए मेरा अनुग्रह है कि माननीय मण्डल जी इन बातों को अच्छी तरह से वेखेंगे ।

ग्राज कमीशन की स्थिति. जिस तरह से प्रबंधनताओं ने बतामा डिपार्टमट के तौर पर चल्यने की कोशिश की जा रही है। पहले राष्ट्रपति के प्रधीन था उसी तरह से प्रव भी राष्ट्रपति 🗄 प्रधीन उसका स्टेटस रबना चाहिये । कल यहां पर हमने जब श्रेड्युल्ड कास्ट्स भीर ट्राइब्स मिनिस्टी की बात रखी तो मंत्री जी ने कहा कि गह मंत्रालय से ज्यादा शक्तिशाली नहीं हो सकता । लेकिन एक उदाहरण देना चाहता हं कि लोक सभा के झन्दर जो स्टेग्र है एक तरफ मोती लाल नेहरू इम ग्रोर ग्रा रहे हैं और दूसरी तरफ डा० साहब अम्बेड-कर उन्हें सावधान कर रहे हैं कि संविवान में सभी प्रावधानों को देखना । लेकिन वूसरी तरफ भूतपूर्व गृह मंत्री, श्री गं।विन्द बल्लम पन्त लोक समा सं धाक झाउट करने छड़ी लेकर के दूसरी तरफ जा रहे है तो इससे आप सनझ सकरे हैं कि गह मंत्राल्य कैंसा मन्तिवाली है, ऐसा नही है। उसः पोछे मंगा मार शकित से शकित भावी हैं। उसने साथ ही जो भावना होती है षह मुख्य चीज है । इसलिए इस : यन्दर जिन भाषन मों को लेकर इसको बनाया उनको कार्यान्वित कर्हे मागे चल्योंने तो इन वर्गों के लिए कुछ दितकादी ही सकेवा,

লন্দ্রণা গড়া। মাদল আ নুদ্ধ রমনায়েন। উন্নর্দ লিए সাদকী ফলবোষ বঁরা চাঁ।

MR. CHAIRMAN: We are short of time. I want that Members from the smaller groups should also get time to speak. So, I request every speaker to be very brief. They should take only five minutes.

SHRI B. C. KAMBLE (Bombay South-Central): Sir I would commence my speech with a humble request to the hon Minister Incharge of the Bill that he should refer this Bill to the Joint Committee for three reasons. The first reason is that it involves so much population, namely, SC & ST, other backward classes, Caristian, Muslims, linguistic minorities and others. Secondly, this is reopening of the settlement which was made by the Constituent Assembly. Thirdly, so far as this aspect is concerned, I do not know whether the Government is aware of the implications of the religious and other minorities. So, even if the Government is rushing through this Bill, I am afraid, Government will have its own risk. Therefore, I request the hon. Minister to refer this Bill, in his own interest, to the Joint Committee. Apart from what I have submitted, this Government should give us information about which is that law and which are those rules which are referred in clause 2 subject to which this Commission is going to be appointed. Ĩn clause 2, you say that the Commistions of the religious and other mino ject to law of Parliament and the rules. Which is that Act and which are those rules

Again, if you are keen about religious minorities, tell us who are those minorities. If you are keen about linguistic minorities, tell us who are those linguistic minorities. What are the safeguards, as distinct from the fundamental rights about which we are aware, let the Government come forward and tell us which safeguards the Government intends to porvide, so far as this Bill is concerned.

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What is proposed to be done in this Bill is, that instaead of a special officer, a commission it going to be appointed. Is that going to solve the problem? If we look at the statement of objects and reasons, there is no mention about implementation, no mention about economic advancement or welfare to be achieved. Merely with regard to reporting, there is mention in the statement of objects and Reasons. The function of the former special officers and the function of the proposed commission is going to be the same, namely, investigate, report and recommend. There is no difference whatsoever between the two agencies. One is called special officer and the other is called commission. At least I say: bestow this commission with some little more weight—I am not saying powers. I have tabled certain amendments. Ί would refer to article 344, and whatever weight is given to parliamentary official language committee, should be given to this Commission. The President is required under article 344 to give directions in accordance with the report, either in part or in whole. If you are merely giving recommendatory status to this commission, it is of no use at all.

What is the real intention of this Bill. The real intention is concealed. Really the constitutional status is being reduced to a status which could be done by a mere executive order. I am afraid the position of the commission under articule 340 and the proposed commission would be the same. What is going to be the tennure of commission? Government has no reply. What is the tenure of the personnel of the commission., as compared with the office of the special officer who is appointed in accordance with the agreement in the Constituent Assembly? There was no limitation on the office or tenure,. But so far as the tenure of this commission is concerned—I am not talking

about members- what is the period? The tenure is not decided. The tenure of the personnel, that is, Members, is not decided. What are the conditions of service—that is not decided. Who is going to decide it? Government is going to sit quietly in the secretariat room and it will be decided there according to the rules. It will not even come before the House: there will be no discussion, no law. Quietly everything will be done. The commission can be disbanded completely and the personnel will be no where. Therefore, constitutional status is being reduced. If you want to achieve something give some authority and some weight to them.

Finally I have two other points. As you have reopened questions, consider whether for secheduling the scheled castes, the criteria should be untouchability. Criteria even today is: suffering from untouchability. I ask w'ether you want that criteria? And that criteria should be punishable, punishable by a court. Therefore, you come up with some other criteria Our Constitution has been recently amended. The definition of secular State is given. That definition says that there shall be equal respect for all the religious. You tell us how untouchability will go. There is no escape for untouchables. Therefore, they have become Buddhists. If you withdraw whatever has been given to them, that will be unjust. Government should reconsider that decision. I humbly request that so far as consideration of the interpretation of the Secular State is concerned, the same safeguards should be made available to Buddhists. till they reach a particular stage, except the political safeguard.

With these words, I conclude.

DR. HENRY AUSTIN (Ernakulam): I wish to enter with a brief intervention. The founding fathers of our Constitution thought that some safeguards should be incorporated in the Constitution for the corporated in the Constitution for the

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SHRIMATI PARVATHI KRISH-NAN (Combatore): On an earlier occasion, discussion went on. They agreed for a Select Committee without a formal amendment. He can bring

DR. HENRY AUSTIN: There are precedents. That is what I say. Recent evidence has shown that secular character of the State is under severe erosion and the concern for the Scheduled Castes and the Scheduled Tribes has become more widespread. When, such is the situation in the country, it is not enough that we shed some crocodile tears or touch the fringe of the problem and say instead of special officers we will have a statutory Commission. If you really want to win their confidence and want to convince the Scheduled Castes and the Scheduled Tribes that you are serious and that you really want to rectify the situation, come forward with better proposals or send this Bill to a Joint Select Committee.

Regarding the proposed Commission for minorities. I should say, if you follow the proceedings of the Constituent Assembly, responsible leaders coming from the monirity sections, particularly the Christian minorities came forward to say that they did not need any protection any afeguards in the Constitution. I have read those proceedings. They said that they would trust the sagacity, wisdom and the goodwil of the leaders of national life. I do not want to be partisan, but please examine the experience of that particular minority communty in the context of the incidents that have taken place recently. At that time Pandit Jawaharlal Nehru and other eminent men who adorned the Constituent Assembly were very gracious. They appreciated this gesture and certain assurances were given that the interests of the minorities will be safeguarded. Has your Government fulfilled those assurances and respected these gestures which the national leaders had shown? Dom

[Dr. Henry Austin]

weaker sections of society, particularly the Scheduled Castes and the Scheduled Tribes. Of course, the linguistic minorities also were taken to be a segment of society which need spe-I am afraid even those cial touch. eminent men in the Constituent Assembly were not really aware of the magnitude of the problems then faced by the Schedule Castes and the Scheduled Tribes in particular. Few thought of realising the fact that one fourth or even more of our body was constitued by the Scheduled Castes and the Scheduled Tribes. It was a passing sympathy, lip sympathy that was shown. Thirty years of experimenting with this social transformation has revealed that we have not touched the fringe of the problem, Therefore, it has become a topical issue and, therefore, more concrete and effective steps should be taken to meet the problem and to accept the challenge. This suggestion to substitute a Commission consisting of more members in place of special officers for safeguarding the interests of the Scheduled Cartes and Scheduled Tribes will not serve the purpose. It should be created in such a way that is should impose the confidence of these sections. For the Commission which you are proposing, no specific functions are assigned. Tf recommendations have only recommendatory rather than mandatory powers. You have to come forward with concrete suggestions which should give more confidence to the people who feel that earlier provisions had not really been effective enough in the Constitution. I am afaird, no such proposals have been put forward. My suggestion, therefore, would be that this Bill is sent to a Joint Select Committee. I know it is too late in the day to ask for a Select Committee to go into the whole matter. If that is possible, I would request for a Select Committee where we could discuss the problem, elicit opinion and come forward with concrete sugges-We will have an opportunity tions. to exchange views and collect all shades of opinion.

now the confidence of the minorities stand taken?

I welcome the suggestion of having a commission, but it should be of such a character that it will be able to inspire confidence in the minorities. What is the tenure of the commission? Who are the persons you are going to recruit for that commission? If they are going to be nominees of the Government and if there is no fixed tenure, it will be just a superficial thing and it will not serve the purpose. There is the other single largest minority the Muslims. You know the agony and hardship they are passing through with regard to law and order problem, demand for minority status for AMU, etc. In all these respects they need somethning more than what you have envisaged under the present proposals. Taking all these matters into account, while I welcome this constructive step forward, I submit that you have to put more teeth into the whole thing in order to win the confidence of the minorities, both religious and linguistic, more so of the scheduled castes and scheduled tribes who constitute a substantial segment of our society and in whose liberation and advancement, the future of this country depends.

SHRI G. M. BANATWALLA (Ponnoni): Sir, the Constitution Fortysixth Amendment Bill is before the House The Bill seeks to give constitutional status to the Commission for Scheduled Castes and Scheduled Tribes and also to the Minorities Commission. I thank and congratulate the Government for coming out with this Bill. It is since long that we have been demanding the appointment of a Minorities Commission. In. deed, we are thankful to this Janata Government for the creation of the Minorities Commission. But there are certain aspects of the Bill which have to be taken into consideration. I do not rise in any spirit of confrontation against the Government with respect to this Bill. It is a welcome measure, but there are serious shortcomings which have resulted in discontentment among the minorities. I have moved an amendment that the Bill should be circulated to elicit opinion by 2nd August, 1979. I have moved this amenment with the object of pointing out that there is serious ditcontentment among minorities with respect to a few important aspects concerning the appointment of the Commission. For example, we have always been asking for a separate commission for religious minorities. What is envisaged in the Bill is one commission for both the linguistic and religious minorities. If the Bill is circulated to elicit public opinion, it will clearly reveal to the Government that the opinion of minorities is to have a separate commission for linguistic minorities and for the religious minorities. Similarly, we have been asking for mandatory powers for the Minorities Commission subject of course, to certain important provisions to which I will come later.

Minorities The Commission, I understand, has already submitted its annual report. I regret that the report has not yet been placed on the Table of the House. Otherwise, we would have benefited a lot especially at this time of offering our remarks. The Minorities Commission submitted its report on Aligarh rlots. I am sure, it has already submitted its report on Jamshedpur riots and on riots in Perambet Tamil Nadu. But all these reports have not seen the light of the day. Despite our asking the Government umpteen times, they have not been placed on the Table of the House. I once again reiterate my demand that these reports should not be held back and there should not be further delay in placing them on the Table of the House.

When the Minorities Commission was set up by an executive order, the Government expressed very good sentiments about the Commission. I invite the attention of the House to the notification of the Ministry of Home [Shri G. M. Banatwalla]

Affairs dated 12th January, 1978. The notification said:-

"In order to preserve secular tradition and to promote national integration the Government of India attaches the highest importance to the enforcement of the safeguards provided for the minorities."

The notification further said and I quote: -

"The Government of India trusts that the State Governments and the Union Territories Administration and others concerned will extend their fullest cooperation and assistance to the Commission."

I thank the Government for all these noble sentiments. However, I am constrained to remark that towards the Minorities Commission was treated by this Government in a most shabby manner. All this led even to the resignation of the first Chairman of the Minorities Commision, Shri Minoo Masani. I will not go into details because I had spoken about that several times in this House.

15.29 hrs.

[MR. SPEAKER in the Chair.]

The present Chairman of the Minorities Commission also had to say that he was prepared to quit. I have here the Indian Express dated November 13, 1978 with the major headline 'Ansari wants to quit'. This is all because of the shabby treatment the Minorities Commission has received from the Government. The Minorities Commission made several recommendations. An important decommendation was with respect to the restoration of the minority character of the Aligarh Muslim University. It has not been accepted by the Government. The Mincrities Commission made an important recommendation, namely, the withdrawal of the PAC from Aligarh at the time of the earlier Aligarh riots. In defiance of that, the PAC of ill repute, was deployed even now leading to very tragic incidents. But I will not go into all these details. I was only trying to point out that unless and until healthy attitude is taken towards the Minorities Commission, not much can be expected

I must emphasise that the Minorities' Commission is not to be a mere show-piece; it is not to be merely a piece of ornamental value for the purpose of window-dressing. It must have effective power; and I must say that the recommendations of the Minorities' Commission, the recommendations of the Commission for Scheduled Castes and Tribes, should be mandatory in nature, subject of course to certain provisions, to which I will refer when the amendment stage comes. This is not merely my idea. They forget what they have said. The press reports say:

"The Janata Party in its Working Committee meeting in August 1977 suggested appointment of two Commissions, the Minorities' Commision and the Commision for Scheduled Castes and Tribes."

It says further:

"It also suggested that the recommendations of these Commission should be binding on the Government"

So, you have forgotten your own resolution in the Working Committee meeting in August 1977. These are matters that require to be considered.

Article 350-B provides for the appointment of an officer for the purpose of the Linguistic Minorities. We have here a proposal for a single Commission for both linguistic and religious minorities. In that case, the Problems of the religious minorities will be over-shadowed, will be eclipsed, by the stupendous problems faced by the linguistic minorities. I, therefore, appeal to the Government to have two separate Commissions for the purpose.

I must also refer to the functions of the Commission. The Government had a very uncertain, besitant and oscillating stand with regard to the functions of the Commission. Nearly 8 functions were listed in the original notification appointing the Minorities Commission. Then this Bill was introduced and the functions were all curtailed to a mere eye-wash. But I am happy we gave amendments; I am happy that there was reconsideration on the part of this Government and the functions are sought to be restored.

SHRIMATI PARVATHI KRISH-NAN: Sir, the Minister is surrounded by a halo!

MR. SPEAKER: It is a reflection of the light.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR PRATAP CHANDRA CHUN-DER); He is in the limelight.

SHRI G. M BANATWALLA This Minorities Commission has a great role to perform. Very high are the expectations Many hopes are attached to the Minorities Commission. The very first task that it has to take up now is with respect to the growing weling of insecurity among the minorities I may mention here that the Minister for Social Welfare and Finance of the Government of Maharashtra, Shri Shanti Naik, is reported to have said that a number of fire aim licences have been issued to RSS volunteers in Maharashtra after the Progressive Democratic Front coalition came into office. This news ap1 peared in the Times of India in its issue dated 13th May 1977. The Minorities Commission must look into st. But more than that, I want the Government to look into such statements being made by the Ministers of the Government of Maharashtra.

Mr. Speaker, Sir, the Minorilies Gemmission has also to look into Verious other aspects. for example there is a deep-rooted, deplorable conspiracy to defame the Aligarh Muslim University and its students and to tarnish their fair image. I will not go into details with respect to it, but I have here the statement made by the Chief Minister of U.P., Shri Banarsi Das. This statement and the vacillating stand that he has taken show the great political pressure that is brought on him and the political motives with which he is concerned. When the Dadri incident first took place, he stated in the Vidhan Sabha, in the U.P. Legislative Assemblyand I quote from the Times of India dated 11th May 1979:

"The Chief Minister, Mr. Banarsi Das, said in the Vidhan Sabha today that he feared that people who were opposed to Aligarh Muslim University having a minority character were responsible for attacking AMU students at the Dadri railway station yesterday."

That was the first statement by the Chief Minister made at a responsible place, in the august House, the Vidhan Sabha of UP. But there are such political pressures upon him that he had to change his statements. Sir, the Minorities Commission has to address itself to several tasks, as I said, the first being this growing unrest among the minorities, the growing feeling of insecurity among the minorities. I was referring to the statement by the U.P. Chief Minister. He has made such a malicious statement as-I may quote again from the Times of India dated 13th May 1979:

"Mr. Banarsi Das confirmed that the 31 shops burnt down by the violent AMU students belonged to one particular community. "It appeared as if the objects for burning, were selective', he said."

What a blatant untruth that has been said! I visited Aligarh. It is the duty of the Minorities Commission to visit Aligarh and to see that facts come out; I have seen over there that 347

shops belonging to both the comrounities have been destroyed and set ablaze. Take the case of Zakaria market, take the case of Minto Circle and any of those places. You will find that a cycle shop belonging to one Mr. Banne Khan was set ablaze, a hotel of Waris Ali was set ablaze, another cycle shop belonging to one Mumtaz was set ablaze and a timber shop of one Mr. Hafiz Khan was set ablaze. There are so many of them, and yet the Chief Minister of the State goes on record to make such provocative statements which arc total untruth. It is a deplorable situation that we have here. Sir, he goes on further to say, and I quote again from the same report.

"What had happened in Sambha last year was, in fact, a butchery and a masacre of Hindus."

When there is a tension in Aligarh, when Jamshedpur is burning, here comes a Chief Minister with scant respect to the facts and with most provocative statements adding fuel to fire. Certainly, as Mr. Kanwarlal Gupta said, the Minorities Commission should lay down certain guidelines for all of us as to how we should speak. But here is the Chief Minister of a State which has witnessed an increasing number of riots since the formation of the Janata Government, indulging in such statements and adding fuel to fire. Sir, the Chief Minister goes on to sey. and I quote:

"Mr. Das asked how could Muslim Communalists talk of insecurity of minorities when they themselves are responsible for the Partition of India?"

The statement is most deplorable. This attitude of linking the question of the insecurity of the minorities today with the partition of the country is highly deplorable, and I condemn it. I am constrained to remark that this statement of the Chief Minister is an unabashed exposure of the deep-seated prejudices of the head of a State, and goes to strengthen the impression getting current that the Government's policies are infested with partialities and consideration of political vengeance.

I wanted to say a lot more about all these aspects. The Minorities Commission has to address stall to several important tasks in the interests of national integration and to see that communal harmony is not only maintained, but promoted in our motherland. The Minorities Commission had submitted a report about the Aligarh Muslim University Bill. We have discussed it and I am not going into it, but now there is another Private Member's Bill called the Freedom of Religion Bill. Let the Minorities Commission come forward with its report with respect to that controversial Bill also That Bill is not Freedom of Religion Bill, but it is Restriction on Freedom of Religion Bill, and it cuts at the root of article 25 which grants religious freedom not only to profess and practice but also to propagate religion.

I must, in deference to your being restless conclude by drawing the attention of the Government to two more important things. The first is that there is some misunderstanding prevailing about the appointment of the staff of the Minorities Commission. The Chairman thinks that he has the power to appoint the staff, the Commission as a whole think that they have the power to appoint the stuff, and the Secretary went ahead and appointed the staff without consulting anybody. What I mean to say is that these are matters which should not hang in the balance. I understand that Government are very busy with their internal quarrels. However, they must find time to expeditiously lay down certain guidelines to see that these matters are properly looked into, and that the Chairman and the Commission itself are in a position to function properly.

This Minorities Commission should sloc have regional offices in order to be more effective.

I conclude by saying that the present Bill is a welcome one. I have already thanked the Government, I have congratulated the Government, for coming forward to grant constitutional status to the Minorities Commission, but the purpose of naving an effective Commission will not be served unless and until the shortcomings which I have pointed out are removed. I hope that they will receive the serious consideration of the Government and the House.

ग मंत्राला में राज्य मतः (अ भरिक साल मडल) : श्रीमन्, मैं मादनीय सदस्यों का अन्ग्रह मानता हं कि उन्होने इस आयोग के गठन का सभी तरफ से स्तागत किया है। मै उस : लिए भी अनुग्रह मानता हं कि सभी माननीय मदस्यों ने इन कमीशनो का जो काम है उसकी सराहना की है। जो भी सुझ।व दिए गए है मौर जो भी उपाय बनाये भये है जिससे इम कमीशन को ग्रोर भें। ग्रनग्दार बनाया जा सकता है, इस, काम को धसरदार बनाया जा सकता है या इस, नाम ें सम्बन्ध मे, इस ; फंक्शंग ग्रीर जरिन्डिक्शन ; सम्बन्ध मे. इसकी रेक ईंशन्स की इम्पार्टें। के सम्बन्ध मे, टेन्योर ऐडं कंडीशंस और टर्म्स के सम्बन्ध में उन सब तबारे म मै विस्तार से तो नही कह सकता लेकिन मैं इतना कहना चाहता हु कि माननीय नदस्यों ने जो चिन्ता व्यक्त की है, यह हमारी भी चिन्ता है। माननीय सदस्यों की तरह हम भी चाहते हैं कि यह बिल जल्दी से जल्दी स्वीकृत हो जाये, जिससे इस कमी-भन को, जो धभी एक एक्सीक्यूटिव झाईर के तहत काम कर रहा है, स्टैच्यूटरी बैंकिंग मिल जाये । माननीय सदस्य भी बह बाहते हैं कि इस कमीमन को स्टै-न्यटरी बैंकिंग विल जाये, जिससे इसकी

महत्ता और र्गारमा बढ़ेगी और तेन्द्रीय सरकार तथा राज्य सरकारों झादि सब पर इसका ग्रसर और प्रभाव बढ़ेगा ।

मुझे यह कहते हुये थोड़। दु:ख हो रहा है कि इम बारे में थोडी देर हुई हूं। खुद कमीणन को भी एतराज है कि हम लोगों ने इस कमीशन को स्टैच्यूटरी बैंकिम देने मे थोड़ा बिलम्ब किया है। हमारी कतई कोई मंगा नही है कि झब हम इसमे एक क्षण काभी बिलम्ब करे। इसलिए माननीय सदस्य, श्री कांबले, ने जो सशो-धन दिया है कि इस विधेयक को जायंट सिलेक्ट कमेटी में भेज दिया जाये, या माननीय सदस्य, श्री बनतवाला, ने जो संग धन दिया है कि इसको पब्लिक झ.पी-नीयन जानने के लिए परिच।लित किया जाये, मैं उनको मानने मे झसमर्थ हूं।

इस 1 ग्रतिण्कित कुछ सुझाथ दिए गये है । जैसे, माननीय सदस्य ने कहा है कि कमीशन का टेन्युर क्या है । सबको यह विदित है---- और ग्रगर विदित नहो है, तो मै सूचना दे इना चाहता हं---- कि यह कमीशन "मॉनेट है और इस व चेयरमैन और मेम्बरों का टेन्युर निश्चित किया जाएगा, जिस विष् इस बिल मे प्रावधान किया गया है.

"Subject to the provisions or any law made in this behalf by Parliament, the Commission shall consist of such person or persons as the President may appoint and the conditions of service and tenure of office of the person or persons so appointed shall be such as the President may by rule determine."

कनीशन खुद तो प्मनिट है, लेकिन कमी-शन के जो चेयरमैन हैं, झौर होंगे, उसके जो सदस्य हैं, झौर होंगे, उनका टेम्बुर सरकार 1- विचाराधीन है और हम बहुस जल्दी ही इस पर निर्णय नेने जा रहे हैं, ग्रीर इस्रों: थारे मे रूस बन जाएया ।

माननीय सदस्य ने यह चिन्ता व्यक्त की है कि जब एक बार टेन्युर तय हो जाएमा झौर टम्चें एंड कमी मन् ' फिक्स हो जायेंगी, तो सरकार व मी मन ' वेयरमैन वा सदस्यों ' काम से खुकाया नाराज हो कर उने कार्याक्तय मे हो तो फेर अदल नही कर संकेगी। मै माननीय सदस्यों को मा म्दर करता चाहता ह कि ऐसा कुछ भी नही किया जाएगा ।

न्त्र। रूरब भाव पोछे होता रहा है।

श्रः धनिक लाल मडन माननीय मदम्य का कहना सही हैं, लेकिन मेय ह आ शामन देा चाहना हू वि उन के कार्यकाल मे, जब कि वे दफ्तर म है, इस तरह ना काई अभी काम नहीं किया जायेगा ।

माननीय वस्यों ने नाम ं बारे मे भी कुछ मुझा दिए है। श्री मून्ज भान ने सुझाथ दिया है कि इस कमीशन को हम सिभिल राइट्म कमोणन का नाम क्यो नही देने है। माननीय स्दस्य को शिदित है कि प्रारम्भ मे सिथिल राइट्म कमीशन बनाने का ही प्रस्ताव या विवार था, नेकिन स्वयं अनुसूचित जातियो और अनुमूचित जन-जालियों के माननीय सहस्यों ने इसका धिरोध किया । उन्होंने कहा कि "नहीं", इसके मनसूचित आति मौर मनुसूचित अनजातियों के हितों की रक्षा नहीं हो पायेगो । उनकी समस्याम्रों सौर उनके हिलों के संवर्धन के लिए पूरे समय 葪 एक कलन कानीगन बनाया आ ? चारकार ने उच्छती बात को सान लिमा, मौर एक के बजाय दो कमी जन बना दिये। झब

मुझे खुशी है कि भाननीय स्वस्म ओ बनतवाला ने इस बात को स्वीकाश किया कि उनके अमेण्डमेंट के बाद हम लोगो ने ऐसा किया । बात ऐसी नहीं थी, फिर भी यदिवह ऐसा ही मानते है तो हमें इसमें भी कोई मापत्ति नही है । वास्तविकता यह थी कि ग्रयस्त, 1978 में जो बिल पेण किया गया, उसके बाद प्रधान मत्री जा को कमीणन के चेग्ररमैन से बातचीत हुई ग्रोर उन दानो की इच्छा से इसकी ऐसा बनाया गया है । यह कहना ठीक है कि पहले का बनिम्नत इस बिल में काफा मुवान् हुआ है यार उनकी जा बाते थीं, कराब-गराब उनना इसमे ला दिया गया है ।

अब बात रह जाना ह - रि मेण्डे शन्ज को । मालनीय सदम्यां, खास ५ र मालनीय सदस्य बनतयाना जी का यह कंटना है कि कमाशन की जो रिप मण्डेणन्ज हो, वे मेण्डेटरी हानी चाहिये। लेकिन आप भा इस बात स सहमत होगे कि कोई भी सरकार अपने जपर कमोशन को नहीं बना सकती है। लेकिन इतना ग्राक्वामन ग्रवश्य दिया गया है ग्रौर मैं इस भवसर पर भी माननीय सदस्यों को ग्राग्वासन देना चाहता हूं कि अहा तक होगा कमीशन को सिकारिशों को माना जायगा, बिरले हो कोई ऐसी रिकमेण्डेमन होगी, जिसका नहीं माना आ रेमा, लेकिन उस का कारुण बतलाया जायगा कि उसको क्यों सहीं माना जा रहा है। सरकार की नीयत इस मामले में बिल्कुल सन्छ दे, सरकार कसीवन की गरिमा को बनाये रखना नाहती है और जिस तरह के पार्वनियों की हम यहां रख रहे हैं। हम उनकी संवाह मान

कर चलेंगे। इस सम्बन्ध में मन में कोई दुविधाया शंका रखना ठीक नहीं है।

दूसरी बात मैं यह कहना बाहता हूं कि राष्ट्रपति की उन की सिफारिशों को सदन की टेबिल पर रखवायेंगे, इस से माननीय सदस्यों को उन पर बहस करने का मौका मिलेगा मौर अब बहस करने का मौका मिलेगा तो जैसा सदस्य चाहेंगे सरकार वैसाही करेगी । सरकार सदन के ऊपर नहीं है, माननीय सदस्यों से ऊपर सरकार नहीं है । जब कारण बतलाते हुए वह बात सदन के सामने आयेगी नो माननीय सदस्यों को उस के बारे में अपने विचार प्रकट करने का ग्रवसर मिलेगा । इस लिये इस के बारे में किसी प्रकार की कोई शंका नही करनी चाहिये ।

श्र**ा रःमवितः।स पःसवान** (हाजोपुर) : जिस समय जो सरकार ग्हेगी वह वैसा ही कानून बना लेगा ।

अशे घनिक लाल बंडल : यह सरकार हो या कोई भी सरकार हो, वह सदन के ऊपर नहीं है।

महोदय, माननीय सदस्य बनातवाना साहब ने कहा कि धर्म के प्राघार पर, मजहब के ग्राघार पर हो कमीशन का गठन होना चाहिए था। उन का ऐतराज यह है कि धर्म के ग्राघार पर ग्रीर बोली के ग्राघार पर, भाषा के ग्राघार पर -दोनों को मिला कर कमीशन बना दिया गया है, जब कि दोनों के लिये प्रलग-ग्रलग कमीशन होने चाहिए थे। जैसा मैंने शरू में कहा था-एक कमीशन बनाने का इरादा था, लेकिन माननीय सदस्यों के एतराज्ज करने पर, जोरडालने परदो कमीशनों का गठन हुग्रा है।

धन्तिम बात मुझे यह कहनो है कि धव इस में कोई भी विलम्ब नहीं होना चाहिये । सुधार के लिये हमेशा गुंजाइश रहती है, कोई भी यह दावा नहीं कर सकता कि सारी धच्छी बातें कह दी गई हैं, ग्रगर 1144 1.8-12. कोई ऐसा वावा करता है तो गखत है, सुधार के लिये बराबर गुंजाइश रहती है। लेकिन बिलम्ब हो रहा है धौर विलम्ब से ग्रंधेर होने का खतरा है। इस लिये मैं निवेदन करना चाहूंगा कि प्राप ग्रपने संशोधनों को वापस कर लें ग्रौर इस को स्वीकार कर सें।

श्रो राम बिल।स प।सवान : ग्रध्यक्ष महोदय, मैने दो, तीन चीजें कही थीं, जिनका जवाब मंत्री महोदम्न से नहीं ग्राया । एक चीज तो मैं ने कही थी कमीशन से परामर्श लेने के बारे में । कोई भी काम शेड्यूल्ड कास्ट्स मौर शेड्यूल्ड ट्राइब्स के हित में करें, तो कमीशन से परामर्श लेने को कहा जाए ।

दूसरा मेरा प्वाइन्ट यह था कि एक ही ग्रार्टीकिल में इन दोनों को क्यों जोड़ दिया गया है। पहले माइनोरिटोज कमी मन का ग्रलग ग्रार्टीकिन था ग्रौर गेड्र्र्ल्ड कास्ट्स और गेड्र्र्ल्ड ट्रड्या का प्रलग ग्रार्टीकिन था। ग्रब दोनों को एक ही ग्रार्टीकिन में किया जा रहा है।

मेरा तीसरा प्वाइन्ट यह था कि कमीशन ग्रगर किसी ग्रपराधी को बुलाता है ग्रीर वह नही ग्राता है, तो उस के लिये कमीशन को शक्ति दो जाए। मैं चाहूंगा कि मंत्री जी सेरे इन प्रश्नों का जवाब दें।

श्वशिक लाल मंडल : कमी झन किसी भी चोज की जांच करेगा तो कमी झन की जो इन्वेस्टो गेट करने की पावर है, जांच करने का जा उस का ग्रधिकार है, उस जांच के कम में जिन को कमो झम बुलाएगा, वे नहीं ग्राएगें ऐसी माननोय सदस्य को शंका है। ... (बयबधान) व्यक्ति ग्रीर सरकार में मेद कर लीजिए। जहां तक सरकार की बात है, सरकार की तरफ से सरकारो लोगों को ग्रादेश है कि उन को उपस्थित होना ही है, उन को जाना ही है, उन को जो कुछ कमो शन डारा पूछा जाए, वह बताना ही है, तो बे उस का जवाब देंगे ग्रीर ग्रगर फाइल मांगी जाती है, तो वह भी दी जाएगी। ग्रब जहां तक नासरिकों का खवाल है, क्यनिस का सवाल है, उस को काम्पेल करवे के जिए क्या किया जा सकता है ? इस उरह को बात तो कमोशन माफ़ इंक्वायरो एक्ट में भी नहीं है जैसा कि तिरखा साहब का उदाहरण दे कर बताया गया कि तिरखा साहब का जो कमीशन मनोपुर में है, उस में जब श्रीमती इन्दिरा गांधी को बुलाया गया, तो बे एक दिन गई म्रोर उसके बाद बिना बताए चली गई । मब उस में क्या कर सकते हैं ? इसलिए मैं ने यह बात कही है !... (ब्यबधान)

MR. SPEAKER: I think, all of us are interested in passing this Bill.

Mr. Banatwalls, are you pressing Your motion for circulation?

SHRI G. M. BANATWALLA[,] Yes, Si₁

MR. SPEAKER: I shall now put amendment No. 1, moved by Shri Banatwalla, for circulation of the Bill, to the vote of the House.

Amendment No. 1 was put and regetived.

MR. SPEAKER: Before I put the motion for consideration to the vote of the House, this being a Constitution Amendment Bill, voting has to be by division. Let the lobbies he cleared.

The question is:

"That the Bill further to amend the Constitution of India, he taken into consideration."

This being a Constitution Amendment Bill voting has to be by Division.

Let the Lobby be cleared.

Lobbies have been cleared. Divi-

The Lok Sabha divided:

[16.05 hrs

Division No. 28]

AYES

Abdul Lateef, Shri Agarwal, Shri Satish Ahuja, Shri Subhash Alhaj, Shri M. A. Hannan Alluri, Shri Subhash Chandra Bose Amin. Prof. R. K. Amsari, Shri Faquir Ali Appalanaidu, Shri S. R. A. S. Argal, Shri Chhabiram Arif Baig, Shri Austin, Dr. Henry Bairagi, Shri Jena Bal Shri Pradvumna Balak Ram, Shri Baldey Prakash, Dr. Banatwalla, Shri G. M. Barakataki, Shrimati Renuka Devi Barman, Shri Palas Barrow, Shri A. E. T. Basappa, Shri Kondajji Basu Shri Dhirendranath Berwa, Shri Ram Kanwar Bhadoria, Shri Arjun Singh Bhagat Ram, Shri Bharat Bhushan, Shri Bhattacharya, Shri Dinen Borole, Shri Yashwant Chakravarty, Prof. Dilip Chand Ram Shri Chandan Singh, Shri Chaturbhuj, Shri Chaturvedi, Shri Shambhu Nath Chaudhary, Shri Motibbai R. Chaudhry, Shri Ishwar Chaudhury, Shri Rudra Sen Chunder, Dr. Pratap Chandra Danwe, Shri Pundalik Hari Das, Shri R. P.

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 Des, Shri S. S.
 Kushwaha, Shri Ram Naresh

 Dave, Shri Anant
 Lakshminarayanan, Shri M. R.

 Dawn Shri Raj Krishna
 Mahala, Shri K. L.

 Desai, Shri Morarji
 Mahata, Shri C. R.

Deshmukh, Shri Nanaji Deshmukh, Shri Ram Prasad Dharia, Shri Mohan Dhurve, Shri Shyamlal Digvijoy Narain Singh, Shri Durga Chand, Shri Dutt, Shri Asoke Krishna Fernandes, Shri George Ganga Singh Shri Gattani, Shri R. D. Ghosal Shri Sudhir Gopal, Shri K. Gore, Shrimati Mrinal Goswami, Shrimati Bibha Gosh Guha, Prof. Samar Gupta Shri Kanwar Lal Harikesh Bahadur, Shri Hukam Ram, Shri Jain Shri Kalyan Jasrotia, Shri Baldev Singh Joarder, Shri Dmesh Joshi Dr. Murli Manohar Kailash Prakash, Shri Kaldate Dr. Bapu Kamble, Shri B. C. Kapoor, Shri L. L. Kar, Shri Sarat Kaushik, Shri Purushottam Kesharwani, Shri N. P. Khan, Shri Ghulam Mohammad Khan, Shri Kunwar Mahmud Ali Khrime Shri Rinching Khandu Kidwai Shrimati Mohsina Kodiyan Shri P. K. Kotrashetti, Shri A. K. Krishan Kant, Shri Krishnan, Shrimati Parvathi Kunhambu, Shri K. Kureel, Shri Jwala Prasad

Mahi Lal, Shri Malik, Shri Mukhtiar Singh Mallikarjun, Shri Mandal, Shri Dhanik Lal Mangal Deo, Shri Mathur Shri Jagdish Prasad Mavalankar, Prof. P. G. Meerza, Shri Syed Kazim Ali Mehta Shri Ajit Kumar Mehta, Shri Parasannbhai Mhalgi, Shri R. K. Mirdha Shri Nathu Ram Miri Shri Govind Ram Mishra Shri Janeshwar Mishra, Shri Shyamnandan Mondal, Dr. Bijoy Mritunjay Prasad, Shri Munda, Shri Govinda Munda, Shri Karia Murmu, Father Anthony Nahar, Shri Bijoy Singh Naidu, Shri P. Rajagopal Narendra Singh, Shri Nathu Singh, Shri Nathuni Ram, Shri Nathwani, Shri Narendra P. Nayak, Shri Laxmi Narain Onkar Singh, Shri Oraon, Shri Lalu Paraste, Shri Dalpat Singh Parulekar, Shri Bapusaheb Paswan, Shri Ram Vilas Patel, Shri Dharmasinhbhai Patel, Shri H. M. Patel, Km. Maniben Vallabhbhai Patel, Shri Meetha Lal Patil Shri Chandrakant Patil Shri S. B. Patnaik, Shri Sivaji

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Phirangi Prasad, Shri Pipil, Shri Mohan Lal Pradhan Shri Pabitra Mohan Raghavendra Singh, Shri Rai Shri Gauri Shankar Rai Shri Shiy Ram Raj Keshar Singh, Shri Raju, Shri P. V. G. Rakesh, Shri R. N. *Ram Awadhesh Singh Shri Ram Charan, Shri Ram Dhan, Shri Ram Kinkar, Shri Ram Sagar, Shri Ramachandran, Shri P. Ramapati Singh, Shri Ramjiwan Singh, Shri Rangnekar, Shrimati Ahilya P. Ranjit Singh Shri Rao, Shri Jagannath Rao, Shri M. Satyanarayan Rasheed Masood, Shri Rathor, Dr. Bhagwan Dass Ravindra Pratap Singh Shrj Reddi, Shri G. S. Rodrigues, Shri Rudolph Roy Shri A. K. Roy Dr. Saradish Sahoo, Shri Ainthu Sai, Shri Larang Sai, Shri Narhari Prasad Sukhdeo Saini Shri Manohar Lal Samantasinhera Shri Padmacharan Saran Shri Daulat Bam Sarda, Shri S. K. Sarkar, Shri S. K. Sarsonia, Shri Shiv Narain Satapathy, Shri Devendra Satya Deo Singh, Shri Shah Shri Surath Bahadur

Shakya Shri Daya Bam Shankar Dev. Shri Shankaranand, Shri B. Shastri, Shri Ram Dhari Shastri, Shri Y. P. Sher Singh Prof. Sheth, Shri Vinodbhai B Shiv Sampati Ram, Shri Shukla Shri Madan Lal Sikandar Bakht, Shri Sinha, Shri Purnanarayan Sinha, Shri Satyendra Narayan Somani, Shri S. S. Suman, Shri Surendra Jha Suraj Bhan, Shri Surendra Bikram, Shri Suryanarayana Shri K. Swamy Dr. Subramaniam Talwandı, Shrı Jagdev Singh Tan Singh, Shri Tej Pratap Singh, Shri Thakre, Shri Kushabhau Tiwarı, Shri Brij Bhushan Tiwary Shri D N. Tohra, Shri G. S Tripathi Shri Madhay Prasad Tyagi, Shri Om Prakash Vajpayee, Shri Atal Bihari Varma, Shri Ravindra Verma, Shri Brij Lal Verma, Shri Hargovind Verma Shri R. L P. Verma Shri Raghunath Singh Verma Shri Sukhdeo Prasad Yadav, Shri Hukmdeo Narain Yadav, Shri Jagdambi Prasad Yadav, Shri Ramjılal Yadav, Shri Sharad Yadvendra Dutt, Shri Yellaiah, Shri Nandi Zulfiquarullah Shri

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^{*}He voted by mistake from a wrong seat and later informed the Speaker accordingly.

NOES

*Brij Raj Singh, Shri *Negi, Shri T. S. *Parmar, Shri Natwarlal B. *Ram, Shri R. D. *Shrikrishna Singh, Shri Suman, Shri Ramji Lal *Swatantra, Shri Jagannath Prasad

MR. SPEAKER: Subject to correction, the result of** the Division is: Ayes 205; Noes 7.

The Motion is not carried by the required majority.

(Interruptions)

PROF. P. G. MAVLANKAR (Gandhinagar): It will collapse!

AN HON. MEMBER: Shame.

PROF. P. G. MAVLANKAR: In spite of our support, you could not pass it.

MR. SPEAKER: Support by absence . . .

*Wrongly voted for NOES.

**The following Members also recorded their votes for AYES: Shri Dhanna Singh Gulshan, Shri Ram Sewak Hazari, Shri Yuvraj, Dr. Ramji Singh, Shri Chandradeo Prasad Verma, Shri K. N. Dasgupta, Shri Mahmud Hasan Khan. Shri Ram Deo Singh, Shri Manohar Lal, Shri Dharma Vir Vasisht, Shri Raghubir Singh Machand, Dr. Vasant Kumar Pandit, Shri D. P. Shah, Shri Madan Tiwary, Shri Narmada Prasad Rai, Shri Chatra Bahadur Chhetri, Shri M. P. Sinha, Shri Bharat Singh Chowhan, Shri R. L. Kureel, Shri Anant Ram Jaiswal, Shri Halimuddin Ahmed. Shri D. Amat, Shri Ajitsinh Dubhi, Shri Roop Nath Singh Yadav, Shri Natwarlal B. Parmar, Shri T. S. Negi, Shri Brij Rej Singh, Shri Jagannath Presed Swatantra, Shri R. D. Ram, and Shri Shrikrishna Singh.

SHRIMATI PARVATHI KRISH-NAN: The Railway Minister is not here. The Railway Minister is having a Consultative Committee meeting. What sort of a Minister is he? He does not care for the Minorities Commission.

(Interruptions)

SHRI G. M. BANATWALLA: It shows their attitude towards the Commission. It is a grand conspiracy. It shows their true colour. On the one hand they say that they want to give Constitutional powers. On the other hand they are not present in the House when the Motion is put to vote. It is a deception. It is a conspiracy. It shows their attitude of deception, which they have done to the nation, with respect to this particular Bill.

SHRI K. GOPAL (Karur): We would like to know this. How can this happen? Why are their members not present?

SHRI G. M. BANATWALLA: Please allow me to make a submission on this very thing. Their true colour is coming out. The RSS faction is not wishing any constitutional status to the Commission.

(Interruptions)

SHRI K. GOPAL: The absence of Members is deliberate.

(Interruptions)

SHRI G. M. BANATWALLA: It is nothing but a grand conspiracy.

SHRI B. SHANKARANAND (Chikkodi): It is shameful. Tender resignation.

PROF. P. G. MAVALANKAR: It was a very important Bill.

SHRI K. GOPAL: In the Railway Consultative Committee 40 Members are sitting. Why? AN HON. MEMBER: Where is the Deputy Prime Minister? Where are the other Ministers?

(Interruptions)

SHRI K. GOPAL: RSS Members are absent. It is deliberate.

SHRI G. M. BANATWALLA: There is a grand conspiracy by the ruling party. It is a very deplorable situation. (Interruptions)

SHRI B. SHANKARANAND: Where are the two Deputy-Prime Ministers? Where are the other Ministers? They were not present during voting . . . (Interruptions)

SHRI G. M. BANATWALLA: Sir, you should be strong in your observation condemn this attitude of the ruling party. They talk so much for the protection of minorities.

(Interruptions)

PROF. P. G. MAVALANKAR: Sir, I am on a point of order.

SHRI G. M. BANATWALLA: Yesterday everybody was present . .

(Interruptions)

SHRI K. GOPAL: Sir, I would like to know why the Consultative Committee meeting is going on now when there is a voting on the Constitution Amendment Bill?

SHRI B. SHANKARANAND: Where are the two Deputy-Prime Ministers and other Cabinet Ministers? (Interruptions)

THE MINISTER OF PARLIAMEN-TARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Sir, more Members are present. They can count them . . . (Interruptions)

THE MINISTER OF COMMERCE, CIVIL SUPPLIES AND COOPERA-TION (SHEI MOHAN DHARIA): Sir, what can we do when there was some fault in the machine?

(Interruptions)

MR. SPEAKER: Is there anything wrong in the machine?

(Interruptions)

SHRI G. M. BANATWALLA: It is an intolerable fraud on the part of the ruling party. It is an intolerable situation. (Interruptions) A fraud on the nation. An intelorable situation. You must join us in our agony. This is a fraud on the entire nation.

MR. SPEAKER: Mr. Mavalankar, what is your point of order?

PROF. P. G. MAVALANKAR: My point of order 13 this. This was a Constitution Amendment Bill and therefore, the House knows that it required two majorities: (1) twothirds of those present and voting and (2) an absolute majority. It was known to the House and known to all of us that the voting was going to take place any time after 3 p.m. Therefore, a large number of members should have been present in the House and not just in the Lobby or the Central Hall, but in the House itself...,

AN HON. MEMBER: We did not even go for lunch.

PROF. P. G. MAVALANKAR: We did not go for lunch because there was no lunch break. The point is that some of us wanted to speak and participate and lend our support but at that time the Chair and the Minister of State for Home Affairs seid 'No more speeches because we are eager to pass the consideration stage.' Therefore, we were deprived of our legitimate right to speak, but ,we accepted that as we wanted the Bill to be passed . . .

MR. SPEAKER: What is the point of order ?

PROF. P. G. MAVALANKAR: The point of order is this. Those of us who wanted to speak were denied the chance to speak on the precise understanding that there will be voting at

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{Prof. P. G. Mavalankar}

a particular time. And, when the voting has taken place, I would like to know whether it was a pre-planned thing on the part of the Government to have the voting at a particular time and have the Bill collapse. In spite of the fact that all of us on this side have voted, many on their side are absent. They should be ashamed of it . . . (Interruptions) I am ashamed that my friends in the Janata Party who make all tall talks about the welfare of the Scheduled Castes and Scheduled Tribes and other minorities have chosen to remain absent at the crucial hour when all of us on this side have supported them. I want your guidance now.

MR. SPEAKER: There is no such point of order.

(Interruptions)

PROF. P. G. MAVALANKAR: They are not keen to have the Bill passed at all . . . (Interruptions)

DR. HENRY AUSTIN: As you know, Sir, the minorities and the Harijans were very much interested in the Bill. I want to know from the Prime Minister what happend to this Bill.

SHRI G. M. BANATWALLA A fraud on the nation.

MR. SPEAKER: Mr. Banatwalla, you yourself pressed for circulation.

SHEI G. M. BANATWALLA: I did not ask for a vote.

MR. SPEAKER: You could have asked for a voice vote.

SHRI G. M. BANATWALLA: The Bill has collapsed here. That was not the situation at my amendment. You could have taken that attitude. You cannot take sides when there is a fraud on the nation.

I will say my point of order in one sentence and resume my seat.

My point of order is this. This is a government measure and the goveminent through its own callousness

has not seen that it goes through. A government measure has fallen. It must submit its resignation immediately. A fraud has been perpetrated on the nation. Therefore, I seek a ruling and a direction from you that such a government should tander its resignation. It should be done immediately and here and now. A fraud on the nation has been played. Ask the Government to resign. It was a measure brought by the government. They shouted from housetops that they were sincere that they wanted to pass this Bill. A direction is wanted from you. Give a direction. A government measure has fallen because of the callousness of the Let them resign. Let government. them tender resignation.

(Interruptions)

SHRI B. SHANKARANAND: This Constitutional Amendment Bill was a measure brought by the Government itself. The Government and the ruling party wanted to show that they are doing something for the scheduled castes and scheduled tribes. (Inruptions). Please see that not more than 10 Cabinet Ministers are present today. The two Deputy Prime Ministers are absent as also many Members of the ruling party. My point of order is that the Government has not succeeded in this measure and the Bill has fallen. The point is whether the Government is competent to remain in power or tender its resignation. They have lost the confidence of the scheduled castes and scheduled tribes and the minorities of this country. The Government should tender its resignation and I demand this immediately. They are unfit to rule the country. Though this measure was supported by us, this has fallen through.

SHRI K. GOPAL: Sir, it was stated that the Bill will be taken up at a certain point of time. I would like to tell you, Sir, how callous the Government has been. I was in a meeting convened by the Minister of Railways and there were about forty Members sitting in that meeting. How do you allow a meeting like this when there is a Government measure of this nature? I would like the House to recall that when in the Rajya Sabha the Privy Purses Bill fell through, the Congress Party was then in power, we dissolved the Lok Sabha. I would join Shri Banatwalla and ask the Prime Minister to dissolve the Lok Sabha today. I would also like to ask him whether it was deliberate. Yesterday in the Janata Party elections, there were 300 Members present, even today they are sitting outside. You have raised high hopes among the public. Tomorrow, Constitutional Amendment another Bill on cow protection is coming; you will see everybody here. Sir, you have to pass strictures on the Government and they have to tender their resignation and dissolve the Lok Sabha . . . (Interruptions)

PROF. SAMAR GUHA (Contai): Sir, these sincere friend3 who are sincerely giving expression to their feelings were not sincerely present in the House at the time of voting. Now most of them have become very vocal after the doors were opened . . . (Interruptions). My point is whether it is the practice of the House that at the time of voting when the first vote is taken and the instrument does not sometimes correctly reflect the strength of the Members present in the House, then the physical verification . . (Interruptions).

MR. SPEAKER: Mr. Samar Guha, this is not a point of order.

(Interruptions)

MR. SPEAKER: This is not a point of order. Please . . .

(Interruptions)

PROF. SAMAR GUHA: It is always the practice: first, the counting is insde. After that, if anybody has failed to record his voting : . . (Interruptions) Why has it been done? It is absolutely a wrong procedure. (Interruptions) More than half the Members were present in the House. Before making the physical counting, why was the door opened? Why was it done. It cannot be done. (Interruptions) The instrument does not reflect the strength of the House . . . (Interruptions)

SHRI B. SHANKARANAND: Don't support the Government so shamelessly. . . . (Interruptions)

PROF. SAMAR GUHA: If anybody failed, or if anybody's voting has not been properly recorded . . . (Interruptions) why was the door of the lobby opened before the physical counting was done? (Interruptions)

MR. SPEAKER: I now call Mrs. Ahilya Rangnekar.

श्रीमतो प्रहिल्या पं.० रागमेकर (बम्बई-उत्तर मध्य) : ग्रध्यक्ष महोदय, यह बडा गम्भीर मामला है स्रौर जिस तरीके से इस को डिफेण्ड कर रहे है--हमे सम द्वाती है। यह पहला चांस नहीं है. मभी कछ दिन पहले दिल्ली के बारे मे जो संविधान संशोधन विधेयक ग्राया था. उस वक्त भी उस को पोस्टपोन करना पडा था। उस के बाद तो यह गवर्नमेट वेन्चेज की रेस्पोसिबिलिटी थी कि सब लोगों को इस के लिये मोविलाइज करते। कल पार्टी का चुनाव था, सब यहा मौजूद थे। जमशोदपूर ग्रीर ग्रलीगढ की घटनाग्रों को देखते हुए यह संशोधन बहत महत्वपुर्ण था। लेकिन इस के बारे में सरकार मे कोई सीरियस नहीं है। ग्राप ग्रपोजीशन को इस के लिये रेस्पोसिबिल नही ठहरा सकते, क्योंकि सब ने इस बिल को सपोर्ट किया है. लेकिन उसके बावजुद भी भाप सब लोगों का मोबिलाइज नहीं कर सकते । यह रूलिग पार्टी की रेस्पोंसिबिलिटी थी। इस के लिये झाप को स्टेटमेन्ट देना चाहिये कि यह जानवझ कर हो रहा है या क्या हो रहा है - इस को वतलाना चाहिये।

(Interruptions)

MR. SPEAKER: This is not to be made into another debate, Now Mr. Roy.

SHRI KRISHNA CHANDRA HAL-DEE (Durgepur): On a point of [Shri Krishna Chandra Halder] order. I have a right to raise a point of order. (Interruptions).

MR. SPEAKER: I have called Mr. Roy.

SHRI A. K. ROY (Dhanbad): I have got an equally bona fide point of order. My point is that the ruling party has definitely failed, politically and morally, on a very vital issue, and the ruling party must be censured. I suggest that you adjourn the House sine die, and allow us to think afresh politically about the whole situation. Similarly, I should say that the Opposition who are valient fighters for the minority cause have also failed. I can say that under 183 only after sometime there will be some discussion. Where is the Leader of the Opposition? Not only the Leader of the House has got the responsibility but the Leader of the Opposition has also got an equal responsibility on this matter. So, I say that boththe Ruling Party and the Opposition -of them have failed. (Interruptions). This is my point of order.

SHRIMATI PARVATHI KRISH-NAN (Coimbatore): I am really sorry to say that things have come to such a pass that an important issue like this is being treated so lightly. I am really surprised and amazed that the Government can treat this matter so lighly because here is an important Constitution Amendment Bill Since morning most of us have been sitting here on both sides and wanted to participate in the general discussion. And you came, and in your wisdom, your smile and your pleasure called the Minister to reply. Now we thought that the Minister would at least agree to refer this matter to a Select Committee in which case we would not have all these con-But he, in his wisdom--clusions. Laurel and Hardy of the Ministry of Hom eAffairs were both sitting hereis not accepting any amendment. (Interruptions) Meanwhile, one of the Professors of Physics thought that he could go by remote control along with all the other Members. So, he had a meeting of the Consultative

Committee going on. At that precise moment, he was being brought in. So, he thought that he should continue there and operate by a remote control. Is this the responsible Government I ask you, because here we are sitting in the background of uncertainty in the country, in the background of mutual recriminations. And when the debate was going on, Mr. Banatwalla pointed out how the Chief Minister of Uttar Pradesh had contravened an Article of the Constitution.

MR. SPEAKER: Is this the point of order.

SHRIMATI PARVATHI KRISH-NAN: This is very important, Sir. (Interruptions) Therefore, we have failed to carry out one of the fundamental duties under the Constitution which is that of creating more harmony and not disharmony. It is in this background that we have had this absolute tragic comic. I do not know what to call it. (Interruptions) It is a tragedy for the country. It is a comedy for them, because they are indulging in their acting, comedy and other quarrels day after day. Dr. Murli Manohar Joshi can come and wave his shirt like this but he cannot come and see that their people This is the vote for this amendment. kind of hypocrisy that they are play-We have to take a very serious ing. notice of it. I hope you will get beyond the word 'please' and throw some light on this matter.

भी गौरोझंकर राय (गाजीपुर) : मान्यवर, यह बड़ी दुर्भाग्यपूर्ण स्थिति है । इस के लिये किसी को गर्व नहीं है । यह बात सही है कि सदन के नेता जो हैं, उन को भपनी पार्टी के भीतर इस बात का इन्तजाम करना चाहिए कि गैर-हाजिरी न हो । गैर-हाजरी क्यों हुई ? (अवच्यान) जरा भाप सुन लीजिए । सब से दुर्भाग्यपूर्ण बात यह रही कि सबी लोगों ने बोटिंग नहीं की । माप जरा परसेन्टेज माफ बोटुस डिफोन्ट पार्टीब के देख लीजिए । हमारे बरोजीश्वन के लोग जो महां मौजूद थे, वे भी बाहर चले गये और फिर बाहर से झाए झौर ये कहते हैं कि हम एन्यूजियेस्टीकली इस को सपोर्ट करते हैं। (ब्यबबान)

मान्यवर, मेरी जरा सुन तो लीजिए । ये कितने लोग यहा बैठे थे भीर उनमें से कितने बाहर चले गये ? (ब्यवचाल)... मान्यवर, यह इस्तीफा देने का सवाल नही है। इस सदाल पर सरकार इस्तीफा दे कर बंनतवाला जी मौर दूसरे लोगों के हाथ में इन्कुमत देने वाली नही ह । (ब्यवचान)

THE PRIME MINISTER (SHRI MORARJI DESAI): May I say, what has happened is certainly not edifying for us. It is a lapse; I do recognise that....

SHRI DINEN BHATTACHARYA: Regrettable.

SHRI MORARJI DESAI:Regrettable, you may add as many adjectives as you want; I am prepared to accept them.. It is a warning we will take certainly. But on that, to spend the time of the House just now, is it fair? It is all that I ask.

To say that the Government resign on this there is no meaning.... (Interruptions).

It is not going to happen.. (Interruptions) I am very sorry. I personally feel that when we counted...

SHRI K. LAKKAPPA (Thunkur): Mr. Speaker... (Interruptions)

MR. SPEAKER: You have come just now; you were not even present here then.

SHRI MORARJI DESAI: Even after the voting took place, when I counted the Members here, upto here, they were at least 230, not counting the other people. There was something wrong with the machine....(Interruptions).

SHRI B. SHANKARANAND: No.,

SHRI MORARJI DESAI: I did not want to raise that point at that time because the doors were opened and I could not say so, that is why I did not speak about it. It is a matter of regret certainly, I cannot say that we are not responsible for something which has happened. But to say that this was a deliberate attempt to do this is something which does not befit the person who said that, it is not right.... (Interruptions)

MR SPEAKER: I have heard enough. Two points have been raised(Interruptions)

SHRI KRISHNA CHANDRA HAL-DER: There should be a special session. The ruling party has failed to muster enough Members....

MR. SPEAKER: I have allowed your party Members to speak please resume your seat.

SHRI KRISHNA CHANDRA HAL-DER: I want to say**

MR. SPEAKER: No, I am not allowing. It is the same thing again and again. Don't record.

SHRI KRISHNA CHANDRA HAL-DER:**

MR. SPEAKER: Two Members from your party have already spoken.

SHRI DINEN BHATTACHARYA: On a previous occasion a special scssion was convened to pass a constitutional amendment.

MR. SPEAKER: You have made your suggestion...(Interrupptions) I do not know whether there should be a debate on this: the motion is lost; there is nothing to that.

SHRI SHYAMNANDAN MISHRA (Begusarai): Sir, I have been trying to rise on a point of order; I wanted to request the Chair to proceed to the next item on the agenda...(Interruptions)

**Not recorded.

SHRI G. M. BANATWALLA; It cannot proceed; you decide and you give a ruling on that.

MR. SPEAKER: They have got the right to speak just as you have got; let him say.

SHRI SHYAMNANDAN MISHRA: It seems that after the game was lost. it has indeed been temporarily lost. about that there could be no doubt here could be no mechanical failure when the Members did not stand up in their seats and tell the Speaker that there had been mechanical failure and they had not been counted, but the point remains, there should have been a sincere expression of regret from the Minister of Parliamentary Affairs. The Prime Minister has indeed made up for the lack on the part of the Minister of Parliamentary Affairs and we indeed feel very much ashamed of the whole performance. There is no doubt, as the hon. lady Member said that yesterday we were present in no less a strength than 272 when we voted for party elections and we could have managed that much of strength to-day. We feel sincerely sorry and ashamed of it. But my submission to you is to lose no time, to create no second zero hour but to proceed to the next item.

SHRI HARI VISHNU KAMATH (Hoshangabad): I have a two fold requested to make. At the outset I express my sincere regret that I could not be present here. This is the first time in my parliamentary life that it has happened that I could not be present at the time of 'division'.

MR. SPEAKER: That should have been the reason.

SHRI HARI VISHNU KAMATH: I want to make this clear to the House And you, Sir. I would implore that the interval between the ringing of the Division Bell and the closing of the doors should be more than 34 minutes. minutes. As soon as I heard the Bell in the room, tomorrow is the last day and I as Chairman of the Committee had to wind up... SHRI G. M. BANATWALLA: Today is the last day....

SHRI HARI VISHNU KAMATH: To-morrow is the last day of the Session.

SHRI G. M. BANATWALLA: It has failen.

SHRI HARI VISHNU KAMATH: As soon as I heard the Bell, I came from the room. I was held up near the lift as the lift did not come up in time. I came down from the Third Floor. The lift stopped at the Second Floor, and then at the First Floor...

MR. SPEAKER: This is an explanation for your absence.

SHRI HARI VISHNU KAMATH: To my consternation I found the doors closed and I found my colleagues, two of them, were also sitting outside.

MR. SPEAKER: If I call for the explanation of every member.... (Interruptions)

MR. SPEAKER: Mr Kamath, you have made your suggestion already

SHRI HARI VISHNU KAMATH: My suggestion is that in 1964...

(Interruptions)

SHRI G. M. BANATWALLA: Please give the ruling.

(Interruptions)

MR. SPEAKER: I have heard you already

SHRI D. N. TIWARY (Gopalganj): I want to make one submission

मध्यक्ष महोदय यह पहली घटना नहीं है जो यहां इस हाउस में हुई है। इसके पहले भी पंडित जवाहरलाल नेहरू के समय भी वो दो मर्तवा कांस्टीट्यूशन एमेंडमेट फेल ,किया है पूरी उपस्थिति के अभाव में। श्रीमती इत्दिरा गांधी के समय भी दो दो मर्तवा फेल किया है। माज भी फेल हुमा है तो कोई नई बात नहीं है। इसका मतलब यह नहीं है कि तख्ता ही उलट दिया जाए। यह कोई नई बात नहीं है। ऐसे हौता रहा है। इसलिये हल्ला गुल्ला करने की जरूरत नहीं है। MR. SPEAKER: Two points have been raised before me. One is that there has been a failure on the part of the voting machine. No such objection had been taken immediately after the voting took place and there is no reason to think that the voting machine has failed.

The second objection that has been taken is that because the Government could not command the requisite majority for passing the Bill, the Gov_ ernment must resign. I see no substance in this contention.

(Interruptions)

SHRI G. M. BANATWALLA: There is every substance. An important measure...

MR. SPEAKER: There is no substance in this contention. The Government must always command the confidence of the majority of the House. Even in this voting, the Government has come with much more than the majority of the House Therefore, there is no question of my asking the Government to resign.

Now I go to the next item— The Lokpal Bill, 1977, as reported by the Joint Committee.

SHRI G. M. BANATWALLA[.] Mr. Speaker, Sir, there is one sentence... (Interruptions)

MR. SPEAKER: I have heard you Mr. Banatwalla, no more one sentence 8 hours have been allotted for all the three stages of the Bill. If the House agrees, we may have 5 hours for general discussion, 2 hours for clauseby-clause consideration and I hour for third reading.

SHRI K. LAKKAPPA: We stage a walk out.

Shri K. Lakkappa and some other Members then left the House.

SHRI G. M. BANATWALLA: In protest....

MR. SPEAKER: No. Mr. Banatwalls I have heard you fully. I have heard you.

(Interruptions)

SHRI G. M. BANATWALLA: We want to stage a walk out in protest. Allow us to record our walk out in protest.

MR. SPEAKER: Mr. Banatwalla, I am not going to allow, no recording, nothing.

(Interruptions)

SHRI BANATWALLA:

SHRI G. M. BANATWALLA then left the House.

16.45 hrs.

MAY 17, 1970

LOKPAL BILL

MR SPEAKER: I hope the House will agree. 8 hours have been allotted for all the three stages. If the House agrees, 5 hours may be given for general discussion, 2 hours for clause-by-clause consideration and 1 hour for the third reading The Mini_ ster will move the Bill now.

1645 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

SHRI HARI VISHNU KAMATH (Hoshangabed): On a point of order, SI. The House would like to know whether the time has been fixed by Business Advisory Committee. Who has fixed the time? Under the rules, the Business Advisory Committee. has to meet and fix the time.

MR, DEPUTY SPEAKER: We are asking the House to agree.

SHRI HARI VISHNU KAMATH: We have not agreed. It has only been mentioned by the Speaker. It has not been agreed to by the House.

**Not recorded.