

भी लाल कृष्ण शर्मावाणी : अगर हम नहीं लेने वाले हैं तो इसका जनकारी होनी चाहिए।
... (अवधान) ...

THE DEPUTY CHAIRMAN: Unfortunately, you were not in the House the whole day. It had been announced before lunch and after lunch that they are not going to take up the Constitution (Amendment) Bills.

श्री एच के एल भगत : नहीं हम नहीं ले रहे हैं। सुबह प्रार्थना कर दिया था। हमने... (अवधान) ... लन्च के बाद प्रनाम कर ही गया था, मैंने कह दिया था।

THE DEPUTY CHAIRMAN: I hope you will be more informed.

SHRI DIPEN GHOSH (West Bengal): Just one thing, Madam, let the Bill regarding the Scheduled Castes and Scheduled Tribes be moved and let it be passed without discussion or debate and the House be adjourned *sine die*.

SHRI H. K. L. BHAGAT: That is right. It will be doing justice if the House passes it without any debate.

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): I also associate myself with Mr. Dipen Ghosh.

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Bill, 1989

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMAR BAJPAI): Madam, I beg to move:

That the Bill to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or

incidental thereto, as passed by the Lok Sabha, be taken into consideration."

This House is aware of the deep concern that our Prime Minister and our Government have for the welfare of the Scheduled Castes and the Scheduled Tribes. Many new initiatives have been taken particularly in the last few years to improve the lot of the Scheduled Castes and the Scheduled Tribes. Since we got independence Pt. Jawaharlal Nehru and then Mrs. Indira Gandhi and now our Prime Minister have been trying to improve the economic and social condition of the Scheduled Castes and Scheduled Tribes. In trying to discharge a mandate of the Constitution, Poverty Alleviation Programmes which provide special attention to the Scheduled Castes and Scheduled Tribes have been expanded and intensified. First the IRDP and other programmes were improved considerably and now these have been replaced by a bigger scheme of the Jawahar Rozgar Yojana. Drinking water wells and irrigation wells have been provided for this group. The needs of housing have been met by the Indira Awas Yojana. The programme for liberation of scavengers has been given a greater impetus. The education of Scheduled Castes and Scheduled Tribes which is of crucial importance to their growth and development has received much greater attention. The number of students studying beyond the Matriculation stage has gone up to 13 lakhs. Coaching centres have been increased. A special drive is currently on for filling up the backlog which had arisen as a result of non-fulfilment of reserved seats for SC/ST. And that drive is continuing. Efforts are also being made to free them from bonded labour and to find land for cultivation. As you all know among the landless labourers about 48 per cent are from the Scheduled Castes and Scheduled Tribes.

We are witnessing today the sign of fruits of development reaching the Scheduled Castes and Scheduled Tribes. With greater spread of education and with the socio-economic condition improving the relations in society sometimes come under tension as a result of this change. Higher caste groups sometimes do not like the change in the socio-economic structure and tensions develop. The demand for justice, for equality, for a human living standard, for knowledge, for education and freedom leads, in some cases, to retaliation by groups which are not enlightened enough to recognise the healthy signs of growth.

Madam, previously also the Government of India has tried to remove untouchability. In the Constitution we have abolished untouchability. But to remove it completely from the society, in 1955 the protection of Civil Rights Act was passed and again, to give it more teeth, some more clauses were added to it in 1976. Now we find that that is not enough. This Act was passed specifically for the removal of untouchability and against those who are practising untouchability. The Bill which I am bringing here is especially against atrocities. For the first time, we have defined atrocities in this Bill. There are 15 types of atrocities which we have identified. I will not read it. I will mention only two or three points. The Bill defines atrocities as follows:

If somebody forces a member of the Scheduled Castes or Scheduled Tribes to drink or eat any inedible or obnoxious substance; or

Forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or does any similar act which is derogatory to human dignity; or

Wrongfully occupies and cultivates any land owned or allotted to or notified by any competent authority to the allottee to a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred; or

Wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land or premises or water; or

Compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do *begar* or any other similar form of forced or bonded labour other than any compulsory services for public purposes imposed by Government.

So many other things are there. So, for the first time, we have identified and defined atrocities.

Then we have made the punishment more stringent. We have said that all these kinds of atrocities shall be punishable with imprisonment for a term which shall not be less than six months but which may be extended to 5 years with fine. In the previous Act, it was only for one month and like that. We know that most of the atrocities are because of land. They insist on their minimum wages which they are denied. When they insist on the minimum wages, then these powerful people who engage them, torture them and inflict atrocities on them. Now we are witnessing today the signs of fruits of development reaching the Scheduled Castes and Scheduled Tribes. With greater spread of education and improvement in the socio-economic conditions, the relations in society sometimes come under tension as a result of this change. Higher caste groups sometimes do not like change in the socio-economic structure, and tensions develop. The demand for justice, for equality, for a humane living—what I said in the Bill—for knowledge, for education and freedom leads, in some cases to a retaliation by groups who are not enlightened enough to recognise the healthy signs of growth. We can say that these are specially in the rural areas and the Hindu society. In the

[Dr. Rajendra Kumari Bajpai]

a situation, atrocities or a variety of offences are committed on members of the Scheduled Castes and Scheduled Tribes. I have had occasion to tell this House regarding the recent trend, the increase of such offences against members of the Scheduled Castes and Scheduled Tribes because often the question is asked in the House. During 1988, there were a little over 15,000 offences against the Scheduled Castes and 3,300 cases in respect of Scheduled Tribes. Of these, heinous offences such as murder, rape and grievous hurt accounted for about 3,200 cases in respect of Scheduled Castes and 783 in respect of Scheduled Tribes. The nature of these offences in many States indicated that these were not isolated instances but represented a trend in the country. In cities, towns and areas where the society was generally aware about the need to bring about such changes, the upward socio-economic mobility of the Scheduled Castes and Scheduled Tribes was accepted, and tensions did not arise. But in the countryside, in the rural India, tension exists still. But in certain rural areas tradition seems to be difficult to be dislodged and from State to State it differs. In the North, because of some customs, it is more severe. And in some parts of the South also, it is something like that. The Government hence thought that certain special measures would be necessary at this point of time. So, the Bill has come. The cases of such incidents were related generally to land or to continued exploitation by enforcement of traditional demeaning practices. It is regrettable that instances had been reported such as in Kerala where a member of the Scheduled Castes was forced to eat human excreta. There are reports of a bridal party being chased and the houses of this community razed to the ground merely because the bridegroom was riding a horse through a village street when the *baraat* was going on.

The efforts of Government to pro-

vide land have been frustrated in many cases by forcible dispossession or illegal occupation of such land. In Madhya Pradesh recently, the Government launched a special programme to see that possession or effective restoration of land is made to the members of the Scheduled Castes and Scheduled Tribes who have been given 'pattas' of the land. But we received this complaint from every State that 'pattas' are given but the possession is not given. And those who are powerful people in the villages are occupying the land and the Scheduled Caste people or the Scheduled Tribe people are not given. And non-tribal people have purchased tribal land, and in fake names they are occupying that land. So, these are some of the atrocities committed on the poor people. In some unfortunate incidents, the womenfolk of the Scheduled Castes and the Scheduled Tribes are sought to be dishonoured and assaulted with the object of teaching a lesson to that community. Even before the family members, before the parents, even young girls are molested or raped. So, this type of human acts and atrocities are committed. I am saying all this in justification of this Bill.

In tribal areas, incidents of sexual exploration are known to have occurred where willingness of innocent tribal women is secured by exercise of authority or influence. The community is sometimes sought to be pressurised by denying them access to public places, for easing themselves, for cremation or to the source of water, etc. These are the acts of atrocities that are committed against them. Instances have come to notice about fouling of water source by dumping carcass in the vicinity of their houses. All this taken together forms a pattern which calls for more stringent legislative measures. So, we have in this Bill before the House, sought to classify most of such instances as atrocities on the Scheduled Castes and the Scheduled Tribes, perpetrated by others.

Although many of these offences could probably be covered under the normal law of the land, we are witnessing today a difference in degree which calls for a differentiation in kind in respect of these offences. The Bill hence proposes to specify higher punishments as also laying down some minimum punishment for such offences. The Bill also provides for forfeiture of property—these are the salient features of this Act—whether movable or immovable which may have been used for the commission of an offence under this law. The dominant position of certain vested interests embolden them to continue perpetration of atrocities on the Scheduled Castes and the Scheduled Tribes. These provisions are expected to have salutary effect on such tendencies.

Prevention is better than cure and the Bill looks after the preventive measures. If an area is declared prone to atrocities—we will identify these areas—it will become the bounded duty of the law and order machinery to take all possible measures for instilling a sense of safety and security.

We are, for the first time, putting responsibility on the officers. In an officer is found wanting, we will take action... (Interruptions).

SHRI N. E. BALARAM (Kerala): We agree with the Bill, but she is not giving a real picture. I agree with the Bill without discussion.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): It is not a controversial thing. We welcome this measure.

SHRI VISHVJIT P. SINGH (Maharashtra): With such a new-found spirit in the House is it possible to also pass the Constitutional Amendment Bills in the same manner?

DR. RAJENDRA KUMARI BAJPAI: Schemes would be formulated

under the general guidance of the Government of India to provide for such measures as also for providing prompt and adequate relief and rehabilitation in the unfortunate event of atrocities taking place.

So, this is also for the first time that we are doing it.

Then another feature is that special court is now being set up. There is going to be a special responsibility on the public servants. That is another feature of the Bill. The Bill places a special responsibility on the public servants who are not members of SC/ST to take action to protect the interests of Scheduled Castes and the Scheduled Tribes against atrocities being committed, and for taking preventive measures.

With these words, I move that the Bill to prevent the commission of offences of atrocities against the members of Scheduled Castes and Scheduled Tribes, to provide for special courts for the trial of such offences and for relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration.

The question was proposed.

SHRI PARVATHANENI UPENDRA: Madam, while welcoming the Bill, I just want to say this. Mere legislation is not enough. There should be a political will on the part of the Union Government and the State Governments to implement it. We have already the Act relating to untouchability but, still untouchability is being practised. Therefore, all of us should see that the provisions of this Bill are implemented strictly.

THE DEPUTY CHAIRMAN: The question is:

“That the Bill to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes,

to provide for Special Courts for the trial of such offences and for relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 23 were added to the Bill.

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

DR. RAJENDRA KUMARI BAJPAI: Madam, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

VALEDICTORY REMARKS ON THE CONCLUSION OF THE SESSION

THE DEPUTY CHAIRMAN: Hon. Members, before I adjourn the House *sine die*, I would like to say that in spite of the very emotional and very untuly session today, we have done the maximum Business. We have passed the maximum number of Bills today. The legislations relate to journalists, High Court and Supreme

Court Judges, Members of Parliament and, above all, we have passed just now the important legislation, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Bill.

I hope, when we meet again, we will meet on a happy note and in a peaceful atmosphere. I wish all of you a very happy inter-Session period. I hope that there would be a Bill which will save the Deputy Chairman and the panel of Vice-Chairman from the atrocity; I am referring to the noise in the House.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): We meet and disperse peacefully. This is only in between.

THE DEPUTY CHAIRMAN: I am so much used to the noise that when somebody speaks to me softly, I say 'I cannot hear you'. I hope, as I said, there would be a legislation so that the Deputy Chairman and the panel of Vice-Chairman including Mr. Reddy would be free from the torture. I hope, when we meet again, we will meet in a good spirit. I wish you all the best. I thank all of you, those who behaved well and also those who did not behave so well. Thank you very much. The House is adjourned *sine die*.

The House then adjourned *sine die* at forty-five minutes past ten of the clock.