

[28 July, 2006]

RAJYA SABHA

SHRI JAI PARKASH AGGARWAL: Sir, I introduce the Bill.

**The Constitution (Amendment) Bill, 2004 (Amendment of
Articles 341 And 342) — Contd.**

MR. DEPUTY CHAIRMAN: We will now take up further consideration on the Constitution (Amendment) Bill, 2004 (Amendment of articles 341 and 342), following a motion by Shri Silvius Condpan on 12th May. Mr. Natchiappan to continue the debate.

DR. EM. SUDARSANA NATCHIAPPAN (Tamil Nadu): Actually, this Bill attracts a very important issue of having the right to reservation for certain people who are employed as tea garden workers, who have habitually, and by their nature, lived in a very backward condition. Their educational qualification is very low. Their children could not get proper education. Their living condition is worst and also, they are living a socially isolated life. Especially in Assam, these people are not at all accepted in any other job. They could not have skill development also. That is why, this community has come forward with this request of declaring them as Scheduled Tribes. This matter was taken up even at the level of discussion and debate in the Assembly. From the details that I have, I came to know that certain communities, which were covered by this type of job, were already recommended by the then Chief Minister, and now the present Chief Minister also has recommended to the Government of India for including them in the Scheduled Tribes List. Sir, no doubt, there is a Commission for that purpose and there are some procedures to be followed for inclusion or deletion of a particular community. But, at the same time, when these types of problem arise and it is brought to the notice of the people and also at the level of Assembly, the attention of the Government of India should be much more. Therefore, the hon. Member has come forward with this Private Members' Bill to amend the Constitution. When we take up this issue, similar circumstances are available throughout India. When the Scheduled Tribes or Scheduled Castes were identified even in the

days of British Rule, they were identified on the basis of what was the condition of their living, what was their social status, how much they were earning, even how they were having the hair-dress, how they were wearing the clothes, what type of vessels they were using, what type of houses they were living, what was their nature of work. These were all the aspects taken into consideration. Sir, these people are totally dependent on tea gardens and they have got no world outside. They go in the morning and return in the evening, and throughout the night, they live just like animals and then they come back again in the morning. They don't have any social life: They have got the seclusion. They also don't have the economic status to raise their status to come forward and have more education in colleges or universities. This is the situation even after so many years of attaining the Independence. These people should be protected and they should be given more concessions. They should be included in the Scheduled Tribe list so that attention can be paid and the Government can have more measures for their benefits. With this, they can improve themselves in their education and social status. If they come forward for having better education and if they are having more opportunities of skill development, then, naturally they will get more opportunities to earn more, and, their social status will be accepted by the community. There are many people belonging to Scheduled Tribes, who have passed the Civil Services examination, have become IAS officers and have got very good posts throughout India. They are working in a better capacity when you compare them with people who have got educational facilities for the last three generations or having convent education. Therefore, the capacities of the Scheduled Tribes or such people is not at all lower when you compare them with other people who have got opportunities of having better education for generations. For these types of people who are identified and who have already been recommended, necessary steps should be taken. These are the things which can happen anywhere. Sir, I give you a small example. In Tamil Nadu, if a person is performing the job of a *dhobi*, cleaning the clothes of a particular Scheduled Caste community, he is also classified as among Scheduled Caste people because that is not at all accepted by other communities. Because people are classified

by their professions also, they could not come out of social seclusion. Therefore, if they are having a particular job throughout that generation and they could not come out of the clutches, then the Government of India should pay more attention towards them. A special survey should be done for this purpose to study as to what is their status and social life.

Therefore, I request that the Government of India should consider this Bill seriously. They should not take it in a normal course by telling us that we will consider it, and, therefore, you withdraw this Bill. This matter has already been well debated and taken up by the high level politicians in the Assam State. Similar problem exists throughout India, where for generations people have been counting in the same profession. They could not come out of that because they could not see the window and feel the new breeze. Therefore, once again, I request the Government to seriously consider this Bill and pay attention to this matter. Sir, I support this Bill and expect that the Government of India will take personal interest in this matter and see that these communities are included in the Scheduled Tribe list. With these words, I conclude. Thank you.

श्री सुरेन्द्र लाठ (उड़ीसा) : उपसभापति जी, इस बिल को यहां प्रस्तुत करने के लिए मैं श्री कौंडपन जी को धन्यवाद देना चाहता हूँ। अगर हम देखें, तो हमें पता लगेगा कि देश के विभिन्न भागों से विशेषकर उड़ीसा, झारखंड, बिहार, छत्तीसगढ़, मध्य प्रदेश के बहुत सारे लोग सैकड़ों वर्ष पूर्व आसाम के चाय बागानों में काम करने के लिए गए थे और उनमें बहुत बड़ी संख्या अनुसूचित जाति और अनुसूचित जनजाति के लोगों की थी। ये लोग आज से 100-150 वर्ष पूर्व वहां काम करने के लिए गए थे। जहां से ये लोग गए थे, वहां पर इनको अनुसूचित जाति और अनुसूचित जनजाति का दर्जा प्राप्त था, लेकिन वर्षों तक आसाम के चाय बागानों में काम करने वाले जो श्रमिक हैं, उन्हें आज भी अनुसूचित जाति और अनुसूचित जनजाति का दर्जा प्राप्त नहीं हो सका है।

उपसभापति जी, संविधान की धारा 341 और 342 में जो व्यवस्था की गई है, उसके अंतर्गत प्रदेश सरकार की लिस्ट के अनुसार इनको अनुसूचित जाति और अनुसूचित जनजाति का दर्जा

दिया जाता है, लेकिन मैं आपसे कहना चाहता हूँ कि ऐसे लोगों की बहुत बड़ी संख्या पूरे देश में फैली हुई है, जो मूल रूप से अनुसूचित जाति और अनुसूचित जनजाति के हैं, लेकिन फिर भी उनको अपना यह संवैधानिक अधिकार नहीं मिल पाया है। महोदय, मैं असम के बारे में कहना चाहता हूँ आज चाय बागानों में काम करने वाले जो श्रमिक हैं, वे पीढ़ियों से वहाँ रहते हैं और आज भी उनकी आर्थिक अवस्था बहुत ही शोचनीय है। उनका विकास नहीं हो सका, है, सामाजिक विकास भी नहीं हो सका है। इसके अलावा जिस प्रकार से उनकी शिक्षा की व्यवस्था और उन्हें जो अन्य सुविधाएँ मिलनी चाहिए, वे आज उनको नहीं मिल पा रही हैं।

महोदय, इस बिल के माध्यम से यह कहा गया है कि सारे देश में एक समान नीति की घोषणा की जाए। पिछले वर्षों में एक कमीशन की नियुक्ति की गई थी। उस कमीशन ने कुछ वर्गों को, जो अनुसूचित जाति या अनुसूचित जनजाति के हैं, उन्हें आइडेंटिफाई किया था और उनको शैड्यूल्ड लिस्ट से जोड़ा गया था। किन्तु उसमें भी बहुत सारी विसंगतियाँ रह गई हैं। इन सब लोगों को केवल प्रदेश स्तर तक नहीं, सारे देश में ये जहाँ भी जाएं, इनको इनका अधिकार मिलना चाहिए और इनको अनुसूचित जाति या अनुसूचित जनजाति का दर्जा प्राप्त होना चाहिए, ऐसा इस बिल के माध्यम से कहा गया है।

महोदय, मैं उड़ीसा से आया हूँ। मैं जानता हूँ कि बहुत सारी संख्या, संथाल कोलाहण और इस प्रकार की जो आदिवासी जनजातियाँ हैं, जो उड़ीसा में तो जनजाति के वर्ग में आती हैं, किन्तु असम में अभी भी उनको ओबीसी के ग्रेड में लिया जा रहा है। इसके कारण उनकी जनजाति के हिसाब से जो सुविधाएँ मिलनी चाहिए वे उनको नहीं मिल पा रही हैं।

महोदय, मैं सदन का ध्यान आकर्षित करना चाहता हूँ कि यह बिल बहुत महत्वपूर्ण है। इसके माध्यम से समाज के पिछड़े हुए अनुसूचित जाति/अनुसूचित जनजाति के लोग, जो अपने अधिकारों से वंचित रहे हैं, उनको उनका अधिकार मिल सकेगा। महोदय, अगर हम देखेंगे, तो बहुत सारी ऐसी जातियाँ हैं, जिनको बंगाल, त्रिपुरा, उड़ीसा, बिहार में अनुसूचित जनजाति का दर्जा प्राप्त है, किन्तु असम में उनको यह दर्जा प्राप्त नहीं है। इसलिए सरकार इस बारे में ध्यान दे और सारे देश में इस प्रकार के जो वर्ग हैं, उनको चिन्हित करे और उनको यथाशीघ्र अनुसूचित जनजाति या अनुसूचित जाति की जो शैड्यूल्ड लिस्ट है, इसके साथ जोड़ा जाए, जिससे इनको इनका संवैधानिक अधिकार प्राप्त हो सके।

मैं फिर से आपको धन्यवाद देते हुए और जिन्होंने यह बिल लाया है, उनको धन्यवाद देते हुए, इस बिल का समर्थन करते हुए अपनी बात समाप्त करता हूँ।

PROF. P.J. KURIEN (Kerala): Sir, I stand to support this Bill. It is discrimination that the same caste of people or same group of people

is considered Scheduled Caste or Scheduled Tribe in one State and as non-Scheduled Caste in other States. Sir, India is one and our Constitution is one for all of us. And if a set of people is given privilege in one State and they are denied the same privilege in the other States, it is nothing but discrimination. This discrimination, I understand, is justified by a term called 'area restriction'. This area restriction was brought about at the time of framing of the Constitution by perhaps some narrow minded or parochially thinking people. I have no hesitation in saying that. Sir, in any case, the labourers working in tea gardens are the poorest people. Of all the labour class, the tea garden labourers are the most deprived lot. Sir, in Kerala, the workers in tea gardens though they are called workers, but they have no work because most of the tea gardens are closed. They are not getting wages; they are starving. This is the condition of the tea garden workers, who are not Scheduled Castes. What would be their position if they belonged to the Scheduled Castes? Even today people consider them as untouchables. Sir, it is not only the question of economic status. Why do they demand the Scheduled Castes status? Because social empowerment will be possible only by giving them this Scheduled Castes status. Sir, some people think it is just a matter of job and economic power. It is not. It is much more than that. Sir, political power, social power, and social empowerment will be possible only if we confer on them the Scheduled Castes status. Therefore, Sir, once again, I would say that I support this Bill.

Secondly, Sir, these people originally come from other States like Bihar, Andhra Pradesh, Madhya Pradesh or West Bengal, and they are enjoying the status of Scheduled Castes in those States. The Government should not have waited for a Private Member to bring this Bill. I am of the view that the Government should have brought forward this Bill to correct the anomaly or correct this distortion in our constitutional provision. Sir, it is not that only these communities are to be considered for this status, there are other communities also in our country who actually belong to the Scheduled Castes communities, but they are deprived of this Scheduled Castes status.

Sir, in this context, I would also like to say about dalit Christians and dalit Muslims. Sir, I recall when I was a Member of the Lok Sabha some years back, there was a Bill by which we conferred the Scheduled Castes status on neo-Buddhists and it was welcomed by all. The framers

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of the Constitution at that time could not include the neo-Buddhists as Scheduled Castes. Likewise, due to a wrong perception of the status of the people, dalit Christians or dalit Muslims are also deprived of the Scheduled Castes status.

In my State, Kerala, unfortunately, there is this caste system. Dr. P.C. Alexander is here. He will bear with me. There is actually a kind of caste system where one set is called Syrian Christians and the other set is called dalit Christians. There is no relation between the two.

Economically, educationally, and socially, Syrian Christians are advanced. They behave as if they belong to an upper caste, if there is an upper caste. But dalit Christians are a different group. Their way of life is different. Everything is different. Once upon a time they were untouchables. They should be given the status of the Scheduled Castes but are not given.

Same is the case with dalit Muslims, even though their number is less. Sir, I have an experience of mine. When I was a student, I had a friend whose name was Isaac. He belonged to the Scheduled Castes. He passed the SSLC along with me in the year 1959. Everyone in 1959 who passed SSLC is employed, well-off and leading very good life. This friend of mine sat with me and studied with me. That is why I am raising it here. I am sorry to say that even today, he is an agricultural worker. He could not get a job because of two reasons. Firstly, he belonged to the Dalit for whom there is no reservation. Economically he is poor; he has no other way. Even today, this gentleman is an agricultural worker. So, I am seeing this kind of injustice with my own eyes. I am only saying that in addition to these communities, which are deprived of the Scheduled Caste status and because of which they are suffering there are other communities also. There are other castes also who should be considered for inclusion in the list of Scheduled Castes. The Government should consider appointing a new commission to study the status of all these backward, poor, under-developed and underprivileged people. They are actually socially backward and untouchable. Once upon a time, these people, who are our own countrymen, were untouchables and it is because of this that the Scheduled Caste position is conferred on them. All those who were untouchables once upon a time

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and who were not included in the list of Scheduled Castes should be brought into the list and for that, I request that the Government should appoint a commission, new commission, to study and revise the list of the Scheduled Castes.

In Kerala also, every month, there is some agitation or other, with the demand that the list of Scheduled Castes should be enlarged. I remember some people came to Delhi. They met the Prime Minister and other leaders. During the NDA's rule also, people came and met leaders and Ministers. Everybody said we will consider. Everybody expressed sympathy, but, nobody took action—neither when NDA was in power nor now. Nobody has taken action to correct this anomaly and injustice. So, I request the Government to consider appointing a commission to correct this anomaly.

Sir, my third point is that even if we confer the Scheduled Castes status to a certain community, by that alone, the community will not come up. We have had reservation for Scheduled Castes for more than 50 years. Even after 50 years, we find that the position of the Scheduled Caste people is much lower in the society. They are backward—socially, economically and educationally. What is the reason for that? Sir, I think the main reason is that the focus was not given to educating them. Unfortunately, Sir, in Government posts, not only in States, in the Centre also, a number of vacancies are unfilled. The reason is that eligible candidates are not available from the Scheduled Caste communities. There are vacancies of doctors, engineers and other professionals, but eligible candidates are not available. What is the reason? The reason is lack of education. So, I am suggesting that you not only confer the scheduled caste status and reservation on them, but also educate them. How can you give reservation unless qualified people are available? Simply, on the pretext of reservation, you cannot appoint any person as a doctor. You should have a doctor, you should have an engineer. That means, focus should be given on educating them, on their education. For that, the Government should bring forward a separate programme, a separate plan. In addition to conferring scheduled caste status, what is needed is that a separate programme, a separate plan of action for their upliftment in Education should be devised. Education is the key factor of progress, and it is required for development, for social empowerment also, and that has to be imparted. With regard to

this Bill, I am suggesting that not only these communities should be brought to the list of the Scheduled Castes, but special emphasis should also be given on the education of these communities. I have seen that in plantation sector their children do not go to school. I was an MP. once from Idukki Lok Sabha seat. A lot of plantation workers are there. Actually, most of their children do not go to schools. Or if, they go to school it is only up to the third or fourth standard, after the seventh or eighth standard, they drop out. The percentage of drop-outs is much more in these areas than in other areas. How to tackle the problem of drop-outs in education? For that, special attention has to be given. The mid-day meal scheme will help to some extent. But, it has to be strengthened. Other programmes should be devised so that parents of children in these areas, and also of these communities, will send their children to primary schools. Even 25 per cent of those children who are sent to schools, do not reach the tenth standard. This is the real problem. Therefore, I am suggesting that the Government should come forward with a programme to help these scheduled castes and backward class people in furthering their education, and reducing the drop-outs from schools. Sir, with these words, I once again support the Bill and request the Government to come forward with an official Bill to include these communities and other communities, which I mentioned, in the list of Scheduled Castes. Thank you very much.

SHRI MATILAL SARKAR (Tripura): Thank you, Mr. Deputy Chairman. Sir, I rise to support the Bill brought forward here by the hon. Member, Shri Silvius Condpan. This is a very important piece of legislation that he has suggested by bringing forward this Bill. Sir, this is a case of anomalies in the list of Scheduled Castes and Scheduled Tribes to be rectified and executed uniformly all over the country. My friend just now told that these anomalies have resulted in discrimination also. These anomalies have to be removed by the Government as quickly as possible. Sir, the tea labourer communities are in question in respect of this Bill. Most of these communities now have dropped their tea garden profession under compulsion of poverty. Most of them in our State primarily belong to the tea labourer community, yet most of them are working as agriculture labourers. Whatever it may be. The Munda community, the Urang community, and the communities that Mr. Silvius Condpan have referred, they are treated as the Scheduled Tribes in our State. They are treated as a Scheduled Tribe in our State. But, as it is known, the

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State Government of Assam has already recommended these names and is constantly persuading with the Central Government for inclusion of these communities in the Central List. I do not know why this is getting late. I am eager to hear from the hon. Minister why these have not been included. Sir, the State Government has passed a Resolution; the State Assembly has passed a unanimous Resolution, and they have sent it to them, so far as I know. Mr. Kurien must be knowing it. And after repeated persuasion, Sir, these are not considered. By supporting this Bill, I am drawing the Attention of the Government in this regard.

Sir, similar to these communities, in our State there are communities, viz. Rupini and Reang, which belong to a Scheduled Tribe in our State, but in our adjacent or neighbouring States like Mizoram and West Bengal,—where these communities have been extended to different areas also—they are not equally treated as a Scheduled Tribe, and they are not included in those States as members of the Scheduled Tribe. Apart from Rupini and Reang, there are some other communities also. So, these anomalies exist all over the country.

Sir, there is one important community—everybody knows, that is, basically, a Scheduled Caste—Namasudra—by the name of which community we recall the story of Sambhuk Mani in those times of Ramayana; I do not like to go into details any further. That Namasudra community is in the list of Scheduled Castes in our States. It is in the list of Scheduled Castes in West Bengal. But in most other States of the country, the Namasudra community is not included in the list of Scheduled Castes.

Sir, coming to the process of identification of the communities, I would like to refer to the OBCs. In OBCs, there are two Commissions. One is the National Commission, and the other is the State Commission. The State Commission has selected so many communities belonging to OBCs. But in the Central List, all of them have not found a room. In our State, so far as I know, there are 46 communities in the State List, but in the Central List, there are only 42 communities. Four communities are not getting the benefit of inclusion in the Central List. Sir, something should be done to remove all these discrepancies, discrimination and anomalies so that some sort of uniformity can be established in the

case of Scheduled Castes, Schedule Tribes and OBCs. In some States, an OBC is treated as an Upper Caste; in another State, that is treated as OBC, and in some other States, that is treated as a Scheduled Caste. The same community is treated differently in three States.

In reply to a question put by me, the hon. Minister has replied that there are eight States in the country, where there is no reservation for OBCs. There are eight States where there is no reservation because in all those eight States, the reservation has exceeded 50 per cent. Without giving a single percentage to the OBC, already 50 per cent has been consumed. That is why the OBCs are not getting reservation in those States. An all-party delegation of the Tripura Legislative Assembly met the Prime Minister. I was with them. We met the hon. Minister for Social Justice and Empowerment. We had given a memorandum. In a further note I had given many information. But no serious step has been taken with regard to introduction of reservation for OBCs in Tripura and in some other States of the country. I know about eight States. Their number may increase also. It is a social torture, as Prof. Kurien has referred to. Actually we are free from these things in our State because there is an atmosphere of a democratic movement and with that we have eliminated this type of distinctions. We take pride in it also. We all sit together; we all dance together and we merrymake together. We share sorrows and happiness together. There is no distinction like this. But it is painful that in many parts of the country these atrocities are still going on. There are regions demarcated for the Scheduled Castes, but limited benefits go there and all other benefits go to other parts. I don't want to go into it at length. But I thought I should share it with you. I think there is a Ministry. There is a Government. They should look into all these things and see that this type of menace is reduced to zero so that after 50 years or 60 years of our independence we can, at least, head such a State where we can say that we have abolished all these casteist tortures. This should go as we have done in our State. It should be done not by making law. Of course, the law is there. The untouchability has been abolished in our country by law. But in application it should be done by the human community by mixing together, by acting together and by working together. This way we have developed a democratic movement. We have united all the poor people irrespective of caste and creed. We united all poor people and these things

have been reduced. I think it is so in West Bengal also. I think if this message goes all over the country, we can get rid of this type of casteist menaces and tortures.

Sir, before I conclude, I again support the Bill and say that not only Munda, Urang, Khana and all other communities that have been referred to by Members from different States but also Reang and Rupini are not included in the Scheduled Castes list. Namsudra is a Scheduled Caste. But in many States it is not recognised as Scheduled Caste. These things should be looked into and remedial measures should be taken.

With these words I support the Bill. I think the Government will respond positively. Thank you.

श्री धर्म पाल सन्नवाल (पंजाब) : धन्यवाद उपसभापति महोदय, आपने इस विधेयक पर बोलने के लिए मुझे समय दिया। इस विधेयक में उन लोगो की आवाज सुनाई देती है जो बहुत समय से अपने को अनुसूचित जाति और जनजाति की सूची में दर्ज करवाने के लिए काफी समय से कोशिश कर रहे हैं। कई कमीशन बने और वे कमीशन भी अपनी रिपोर्ट देते रहे लेकिन उनकी कोई सुनवाई असम में नहीं हो पाई। इसका इतिहास यह बताता है, कि जब अंग्रेजो का साम्राज्य था तो उस समय उड़ीसा से, वैस्ट बंगाल से और मध्य प्रदेश से, बिहार से, आंध्र प्रदेश से असम में चाय के उद्योग को प्रफुल्लित करने के लिए अच्छी-अच्छी किस्म के पौधे लगाने की जरूरत पड़ी, बगीचे लगाने की जरूरत पड़ी, तो उसके लिए उन प्रदेशों से मजदूरों को असम में बसाया गया। जबकि वे जहां के मूल निवासी थे वहां उनके प्रदेशों में उनकी जाति को, समुदाय को शैडयूल्ड कॉस्ट और शैडयूल्ड ट्राइब्स में स्थान मिला हुआ है और वे वहां उसका लाभ उठा रहे थे। लेकिन असम में उनको शैडयूल्ड कॉस्ट और शैडयूल्ड ट्राइब्स में स्थान नहीं दिया गया। इस तरह से वे उस लाभ से वंचित चले आ रहे हैं। इसके लिए कंस्टीट्यूशन की धारा 341 और 342 में अमेंडमेंट करने की जरूरत पड़ी। तो मैं इस विधेयक का पुरजोर समर्थन करता हुआ, आपके माध्यम से हाऊस का ध्यान इस तरफ दिलाना चाहता हूं कि जब इस बात की जरूरत पड़ी कि कंस्टीट्यूशन में जो लोग पिछड़े हैं, पीछे हैं, जिनको समाज में कोई स्थान नहीं मिला और यहां तक कि वे मदिरों में जाकर अपनी इबादत भी नहीं कर सकते थे और कुंओं पर पानी भी नहीं पी सकते थे और तब वे चलते थे तो उनको अपनी पहचान के लिए अपनी पगड़ी में या टोपी में एक इस तरह का निशान लगाना पड़ता था जिससे यह पता चले कि ये लोग अनुसूचित जाति से ताल्लुक रखते हैं। ऐसी अवस्था में जरूरत महसूस हुई कि इन समुदायों के लोगों को किस तरह से एजुकेशन दी जाए। राष्ट्रपिता महात्मा गांधी जी ने भारतवर्ष से इस कलंक को धोने के लिए जो लोग गंदगी धोने का काम करते थे, जो सफाई सेवक थे उनकी

झौपड़ियों में जाकर निवास किया और यहां तक कि उनके आश्रम में जो भी रहते थे वहां पर भी अपने सभी अनुयायियों से कहा कि आप अपनी गंदगी खुद ही साफ करें। डा० अम्बेडकर साहब, जो मुहार जाति से ताल्लुक रखते थे और महाराष्ट्र से थे, और वे भी इसी दलित वर्ग से थे और जब कंस्टीट्यूशन बनाने की कमेटी बनी, उसमें उनको चेयरमैन बनाया गया कि बाबा साहेब उन लोगों के लिए इस कंस्टीट्यूशन में स्थान दें, एक जो नवभारत बन रहा था उसमें उनके लिए स्थान हो और वे भी आजादी का मान प्राप्त कर सकें। कांग्रेस पार्टी का एक इतिहास है जिसके लोगों ने बस्तियों में जाकर खुद उनकी बस्तियों की सफाई की और उनको कुओं पर लाकर कुओं से पानी पिलाया और उनको इबादत करवाने के लिए मंदिरों में लेकर गये। यह कांग्रेस पार्टी का एक इतिहास है। डा० अम्बेडकर साहब ने देखा कि स्त्री जाति को भी पांव की जूती समझा जाता है, स्त्री जाति और दलित लोगों के साथ इस प्रकार का व्यवहार किया जाता था कि वे अपने पीछे एक कांटों वाली छड़ी (झाड़ी) लगाते थे, ताकि उनकी परछाई, उनके पांव की परछाई भी जमीन पर न पड़ सकें, उनको भी वह छड़ी साफ करती जाये। इस तरह को देश में वातावरण था, उनके लिए डा० अम्बेडकर साहब जी ने कंस्टीट्यूशन में प्रावधान करके उनको यह रिवायत दी, उनके बच्चों के लिए रिजर्वेशन की बात आज भी चल रही है और जो कि आज से 20 साल पहले खत्म हो जानी चाहिए थी, लेकिन आज भी समाज उसी नजर से उन अनुसूचित जाति के लोगो को देखता है जिस नजर से पहले देखता था। आज कुछ बच्चे पढ़ लिख गये हैं, लेकिन उनके सिर पर एक तमगा है, आज भी समाज में बहू-बेटी और बेटी की कोई साझेदारी नहीं है। आज भी जाति दर जाति हिन्दू समाज में बढ़ती जा रही है। मैं इसके लिए आज एक बात और कहना चाहता हूं जैसा कि असम के उन आदिवासियों के लिए कंस्टीट्यूशन में प्रावधान होना चाहिए कि उन लोगों को भी वह राइट मिल सके। इस तरह से 341 में, मैं आपके समक्ष इस हाउस में यह बात भी लाना चाहता हूं कि आज जो शैड्यूल्ड कास्ट है उसके भी दो वर्ग बन चुके हैं। कुछ लोग पढ़ लिखकर ऊंचे-ऊंचे पदों पर बैठे हैं, लेकिन उन्हीं के समुदाय के कुछ लोग आज भी गांव में घास खोदकर, पशुओं का गोबर उठाकर और लोगों की गंदगी उठाकर अपना निर्वाह कर रहे हैं। इस बात की तरफ भी देखने की जरूरत है, इसके लिए मैं आपके समक्ष एक प्रस्ताव रखता हूं कि जो शैड्यूल्ड कास्ट के लिए, अनुसूचित जाति के लिए धारा 341 बनी हुई है, उसमें ऐसा प्रावधान किया जाये कि हर स्टेट को, हर प्रवेश को, वहां की जो भी गवर्नमेंट है, उसको यह निर्देश दिया जाये कि वह उन लोगों की, उन समुदायों की पहचान करे और अपने स्टेट में एक अमेंडमेंट करके अमेंडमेंट तो हमें पार्लियामेंट से करनी चाहिए, क्योंकि कंस्टीट्यूशन में अमेंडमेंट करने का अधिकार पार्लियामेंट को है या राष्ट्रपति जी को है। इसलिए उसमें एक धारा शामिल की जाये, जिसमें कि उस स्टेट को अधिकार दिया जाये कि जो भी समुदाय इस लाभ से वंचित रह गये हैं, शैड्यूल्ड कास्ट के लाभ से वंचित रह गये हैं, आज भी उनके बच्चे पढ़े नहीं हैं, आज भी वे घास खोदकर, आज भी वे जूता बनाकर, आज

भी वे गंदगी उठाकर अपना निर्वाह कर रहे हैं, उनके लिए उमसें अलग से प्रावधान किया जाये ताकि उनको भी मौका मिल सके कि वे भी इस आजादी का मान प्राप्त कर सकें। मैं इन्हीं शब्दों के साथ, आपके माध्यम से इस हाउस से मांग करता हूँ कि हमें आज उन लोगों की तरफ देखना चाहिए जो बहुत पीछे रह गये हैं। सोशली, इकनॉमिकली, एजुकेशनली जो लोग अब भी पीछे हैं, उनको आगे आने का मौका दिया जाए, इसके प्रावधान हेतु धारा — 341 में अमेंडमेंट करके हर स्टेट को यह अधिकार दिया जाए कि वह उस समुदाय की पहचान करके रिजर्वेशन विदहन रिजर्वेशन — कोई अलग से रिजर्वेशन की मांग हम नहीं कर रहे — हम यह कहते हैं कि उसी रिजर्वेशन से उनकी पापुलेशन के आधार पर उनको भी ओवर रिजर्वेशन दी जाए, ताकि वे भी समाज में आगे आ सकें। इन्हीं शब्दों के साथ, मैं इस विधेयक का समर्थन करता हुआ इस हाउस से यह आशा करता हूँ कि हम लोग एकजुट होकर उन लोगों की तरफ देखें कि वे लोग, जो अब भी पीछे बैठे हैं, कैसे आगे आ सकते हैं। धन्यवाद। जयहिन्द।

प्रो० राम देव भंडारी (बिहार) : माननीय उपसभापति महोदय, मैं इस विधेयक का समर्थन करता हूँ। यह विधेयक अपने ही देश के एक राज्य, असम में शेडयूल्ड कास्ट्स और शेडयूल्ड ट्राइब्स के समुदाय के साथ जो कौन्सिलेशन डिस्क्रीमिनेशन हो रहा है, उसको समाप्त करने के लिया लाया गया है। महोदय, डेढ़ सौ वर्ष पहले की बात है, जब ब्रिटिशर्स ने असम में चाय बागान लगाने का सोचा। मुझे इतिहास की बहुत जानकारी तो नहीं है, मगर मैं जानता हूँ कि उस समय असम में बड़े जंगल, पहाड़, नदिया थी और ऐसी विषय परिस्थितियां में वहां काम करने की सभी लोगों की हिम्मत नहीं हुई होगी, इसीलिए ब्रिटिशर्स ने कई राज्यों, उड़ीसा, बिहार, मध्य प्रदेश, आंध्र प्रदेश, संथाल परगना से मजदूरों को बुलाया। उनमें अधिकांश शेडयूल्ड ट्राइब्स के मजदूर थे। महोदय, शेडयूल्ड कास्ट्स और शेडयूल्ड ट्राइब्स के मजदूर भले ही शेडयूल्ड रूप से मजबूत नहीं रहे हों। कुछ लोगों का कहना है कि मानसिक रूप से वे बहुत मजबूत नहीं थे, लेकिन शारीरिक रूप से वे बहुत मजबूत थे। जहां खून-पसीना बहाने की जरूरत पड़ती, वहां वे किसी से भी अधिक मेहनत करते, पसीना बहाते। इसलिए ब्रिटिशर्स ने, इन राज्यों से इस कठिन परिस्थिति में काम करने के लिए उनको बुलाया और वहां चाय बागान लगा। महोदय, मैं दूर नहीं जाना चाहता। बिहार के गिरमिटिया मजदूर तो आज दुनिया के कई देशों में राज भी चला रहे हैं और उस देश के विकास में मदद कर रहे हैं। पश्चिमी बंगाल, त्रिपुरा और असम-इन तीनों राज्यों में ये मजदूर गए। इन तीनों राज्यों में से दो राज्यों, त्रिपुरा और पश्चिमी बंगाल में इन्हें शेडयूल्ड कास्ट्स और शेडयूल्ड ट्राइब्स की श्रेणी में रखा गया, मगर पता नहीं, किस कारण से असम में इनको अन्य पिछड़ा वर्ग में रखा गया है। महोदय, कई आयोग भी बने- धेबर आयोग, पतस्कर आयोग, चन्दा आयोग, लोकुर आयोग- इन आयोगों ने इनकी सामाजिक, आर्थिक स्थिति का असम जाकर निरीक्षण किया है अध्ययन किया है।

सभी आयोगों ने यह कहा कि इनको शेडयूल्ड कास्ट्स और शेडयूल्ड ट्राइब्स की श्रेणी में रहना चाहिए। महोदय, ये कहां से आए थे, जिस मूल प्रदेश से आए थे, वहां भी इनकी स्थिति अभी शेडयूल्ड कास्ट्स और शेडयूल्ड ट्राइब्स की है। पश्चिम बंगाल और त्रिपुरा में शेडयूल्ड कास्ट्स और शेडयूल्ड ट्राइब्स की श्रेणी में इनको रखा गया है। इनका कल्चर, रहन-सहन, रीति-रिवाज एक जैसा है। मूल प्रदेश में त्रिपुरा में, पश्चिम बंगाल में, असम में एक जैसे हैं, फिर क्या कारण है कि इनको असम में अभी तक पिछड़े वर्ग में रखा गया है? यह बहुत बड़ा कंस्टीट्यूशनल डिस्क्रिमिनेशन है। शेडयूल्ड कास्ट्स एंड शेडयूल्ड ट्राइब्स में अगर इनको रखा जाएगा, तो सरकार की ओर से कई तरह की सुविधाएं इनको दी जाएंगी, चाहे पढ़ाई-लिखाई, अध्ययन-अध्यापन, जॉब में हों, इस तरह की सुविधाओं से भी वे वंचित हो रहे हैं। एक प्रकार से जो उनके अधिकार हैं, मैं तो कहूंगा कि जो इनके जन्मसिद्ध अधिकार हैं, उनसे हम इनको वंचित रख रहे हैं। सी०पी०एम० के एक माननीय सदस्य कह रहे थे, ये विसंगतियां और भी कई राज्यों में हैं। मैं ओ०बी०सी० के बारे में जानता हूँ, कुछ ऐसी जातियां हैं, जो किसी एक राज्य में शेडयूल्ड कास्ट्स हैं तो दूसरे राज्य में ओ०बी०सी० में हैं। एक यूनिफॉर्मिटी होनी चाहिए पूरे देश में, शेडयूल्ड कास्ट्स और शेडयूल्ड ट्राइब्स या ओ०बी०सी० के सवाल को लेकर, लेकिन वह यूनिफॉर्मिटी नहीं है। मैं, एक समाज की बात कर रहा हूँ, जो निशाद-मल्लाह समाज है। अगर वह दिल्ली में रहता है, तो वह शेडयूल्ड कास्ट्स है और अगर बिहार में रहता है तो वह ओ०बी०सी० है। अभी बिहार से कई जातियों की रिकेमंडेशन आये हैं कि उनको शेडयूल्ड कास्ट्स में रखा जाए। उनकी जो आर्थिक और सामाजिक स्थिति है, उसके हिसाब से उसे इस श्रेणी में रखना चाहिए। सेंट्रल गवर्नमेंट के पास वे रिकेमंडेशन लंबित हैं, मैं अनुरोध करूंगा कि जिस राज्य से भी प्रकार की रिकेमंडेशन आई है, उन पर विचार करना चाहिए। शीघ्रता से विचार करना चाहिए। बहुत लंबा समय लग जाता है और बहुत लंबी प्रक्रिया से उनको गुजरना पड़ता है हम सभी के पास इस तरह से डेलीगेशन लेकर आते हैं। सेंट्रल गवर्नमेंट को इस संबंध में शीघ्रता से फैसला करना चाहिए।

महोदय, आजादी के 59 वर्ष बाद भी इस देश के जो शेडयूल्ड कास्ट्स और शेडयूल्ड ट्राइब्स हैं, दलित हैं, पिछड़े हैं, उनको अभी भी न्याय नहीं मिला है। कई ऐसी ऊंची संस्थाएं हैं, जहां उनका रिप्रेजेंटेशन नहीं है। मैं सुप्रीम कोर्ट, हाई कोर्ट की बात कर रहा हूँ। वहां अगर उनका रिप्रेजेंटेशन आप देखेंगे, तो वह नहीं है। उनका रिप्रेजेंटेशन नहीं होने से उनकी जो समस्या है, उनकी जो बुनियादी समस्या है, उनकी जो पीड़ा है, वह उन तक नहीं पहुंच पाती है।

(उपसभाध्यक्ष (प्रो० पी०जे० कुरियन) पीठासीन हुए)

इसलिए ऐसी संस्थाओं में भी उनके लिए स्थान होना चाहिए। अभी देश में रिजर्वेशन की

जरूरत है। ओबीसी रिजर्वेशन की चर्चा चल रही है। बड़ा भारी विरोध किया कुछ लोगों ने AIIMS तो ओबीसी रिजर्वेशन के विरोध का अखाड़ा बन गया था। ये जो पांच-दस-पंद्रह परसेंट लोग हैं, जो नहीं चाहते हैं कि सभी को सामाजिक न्याय मिले, कंस्टीट्यूशन ने जो उनको अधिकार दिया है, वह अधिकार उनको मिले। वे लोग उनको रोकना चाहते थे। एम्स में एन्टी रिजर्वेशन में कौन लोग थे, डॉक्टर और डॉक्टर का बेटा। एक-एक की गिनती जो जाए तो पाएंगे कि उनमें ज्यादातर डॉक्टर्स थे और डॉक्टर्स के बेटे थे। वे नहीं चाहते हैं कि इस श्रेणी के लोग, शेड्यूल्ड कास्ट्स, शेड्यूल्ड ट्राइब्स और ओबीसी के लोग अच्छे पदों पर आए। वे टेक्लीकल पदों पर आए, आईआईटी से इंजीनियर बने और एम्स से डॉक्टर बने, वे लोग नहीं चाहते हैं। वे अभी भी यह चाहते हैं कि सारे देश का हिस्सा मारकर, सभी समुदायों का हिस्सा मारकर, केवल 15-20 प्रतिशत के पास ही रहे। बाबा अम्बेडकर का नाम ले रहे थे, उन्होंने लम्बी लड़ाई लड़ी थी, पेरियार साहब थे। हमारे कर्पूरी ठाकुर जी भी थे। जब उन्होंने आरक्षण लागू किया तो उनकी मां-बहन को गाली दी गई। जब वीपी सिंह ने मंडल कमीशन लागू किया तो उनकी मां-बहन को गोली दी गई। इस देश में ऐसे लोग हैं, तो सामाजिक न्याय का विरोध करते हैं। मगर कमजोर लोगों के अधिकारों की रक्षा करने के लिए कांस्टीट्यूशन है। महोदय, मैं आपसे कहना चाहता हूँ कि एक न एक दिन ये लोग अपना अधिकार लेंगे क्योंकि अधिकार छीना जाता है। उनको आसानी से अधिकार नहीं देंगे, वे अपना अधिकार छीन कर लेंगे। महोदय, असम में शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स के संबंध में जो बिल हैं, मैं इस बिल का पुरजोर समर्थन करता हूँ। मैं सरकार से अनुरोध भी करता हूँ कि जो कांस्टीट्यूशनल भेदभाव या डिस्क्रिपेंसी हैं, हम एक बहुत बड़े समुदाय को उसके अधिकारों से वंचित कर रहे हैं। हम तुरन्त उनके इस अधिकार को वापस करें। आपका बहुत-बहुत धन्यवाद।

डा० प्रभा ठाकुर (राजस्थान) : उपसभाध्यक्ष महोदय, मैं श्री सिलवियस कौडपन द्वारा प्रस्तुत संविधान संशोधन विधेयक, 2004 का समर्थन करने के लिए खड़ी हुई हूँ। महोदय, जब भी इस देश में SC/ST समुदायों के उत्थान, कल्याण, उनके विकास और उनके आगे बढ़ने की बात हुई है, मुझे आज कांग्रेस की एक सदस्या होने के नाते यह कहने में गौरव का अनुभव होता है कि आजादी के बाद से हम इस आवाज को समाज के इन कमजोर, दलित, दबे कुचले लोगों को, समाज की मूल धारा में लाने के लिए, आर्थिक व सामाजिक संरक्षण और सम्मान देने की पहल कांग्रेस ने की है, कांग्रेस सरकारों ने की है, और कांग्रेस के नेताओं ने की है।

महात्मा गांधी ने इस समाज को एक विशेष आदर देते हुए पूरे देश के सामने यह बात रखी थी कि ये हरिजन हैं। ये लोग हरि की, ईश्वर की विशेष प्रिय संतान हैं क्योंकि इन्होंने पीढ़ियों से समाज की सेवा की है। इसलिए इनको सम्मानित किया जाए। इस शोषित वर्ग को समाज में

बराबरी का दर्जा दिया जाए। इसी आवाज को बढ़ाते हुए, SC/ST समाज को आरक्षण के जरिए, सबसे पहले बराबर की भागीदारी देने की पहल कांग्रेस सरकारों ने की है। पं० जवाहर लाल जी ने इस बारे में सोचा है, इंदिरा जी ने इस बात पर विचार किया है। समय-समय पर संशोधन के जरिए वे इस तरह के कानून लाए हैं और संविधान में इस तरह की व्यवस्थाएं की हैं कि किस प्रकार से इस समाज और देश में कमजोर, असहाय, सामाजिक और आर्थिक दृष्टि से बदहाल स्थिति में यह लोग जी रहे थे, किस प्रकार इनकी जीवन शैली को ऊपर उठाया जाए और उनको पूरा सम्मान दिया जाए। वे लोग सम्मानित स्थानों पर आए, इसलिए इनके लिए इस तरह की व्यवस्थाएं की गईं। यह सोच कांग्रेस सरकारों की देन है। इस बात का मुझे गर्व है, इस बात की मुझे प्रसन्नता है। जहां कहीं भी इस सिलसिले में भूल हुई है, कुछ कमी हुई है, कुछ छूट गया है तो यह बिल्कुल सही है कि ऐसी भूल को बार-बार दुरुस्त किया जाना चाहिए। यह कमी चाहें कहीं भी हो, चाहे आसाम में हों, पश्चिम बंगाल में हों, त्रिपुरा में हो या ऐसी कोई भूल-चूक देश के अंदर किसी भी प्रदेश या राज्य में हुई है, अगर वह भूल जानकारी में आती है, अगर यह जानकारी में आता है कि सामाजिक न्याय में इन समुदायों के कुछ वर्ग कहीं छूट गए हैं उनके साथ भेदभाव हुआ है, नाइंसाफी हुई है तो उनको पूरा सामाजिक न्याय मिले और उस भूल को सुधारा जाए। इसी क्रम में यह विधेयक इस सदन में प्रस्तुत किया गया है कि अविभाजित बिहार, अविभाजित मध्य प्रदेश, आंध्र प्रदेश आदि प्रदेशों से करीब डेढ़ सौ वर्ष पूर्व चाय बागानों के मालिक, जिन श्रमिकों को आसाम, त्रिपुरा या पश्चिम बंगाल में लाए थे, चूंकि वे श्रमिक जिन मूल प्रदेशों से जुड़े हुए हैं, वहां उनके समुदायों और जातियों को, अनुसूचित जाति और अनुसूचित जनजाति के अंतर्गत रखा गया है, उनको आरक्षण की सुविधाएं उपलब्ध हैं, लेकिन चूंकि अब वे उन प्रदेशों से निकलकर त्रिपुरा में काम कर रहे हैं, पश्चिम बंगाल में काम कर रहे हैं या आसाम में काम कर रहे हैं, वहां पर उन्हें केवल अन्य पिछड़े वर्ग की श्रेणी में रखा गया है, जब कि जो उनका स्वाभाविक हक था, जो उन्हें मिलना चाहिए था, अनुसूचित जाति और अनुसूचित जनजाति में उनको जोड़ने का जो हक उन्हें मिलना चाहिए था, उससे वे वंचित रहे, वर्षों तक वंचित रहे, इस बात का हमें अफसोस है, लेकिन जैसा कि इसमें लिखा भी है—देर आयद दुरुस्त आयद, इस कमी पर नजर गई और इस कमी को सुधारने के लिए यह विधेयक इस सदन में प्रस्तुत किया गया है। जो वंचित हैं, उपेक्षित हैं और कब से प्रतीक्षा कर रहे हैं, कि यह भेदभाव समाप्त हो और जिन मूल राज्यों से वे जुड़े हुए हैं, जहां बिहार, उड़ीसा मध्य प्रदेश में उनकी जातियों को स्वाभाविक मिल रही है, उसी श्रेणी के अंतर्गत उनको रखा जाए और उनके साथ न्याय किया जाए। आखिर वह आवाज आज इस सदन तक पहुंची और इस विधेयक के रूप में सामने आई है। हमारे कई माननीय विद्वान सांसद इस पर अपने विचार रख रहे हैं और इसका समर्थन कर रहे हैं, मैं भी उनके स्वर में स्वर मिलाते हुए, इस विधेयक का समर्थन करती हूँ।

उपसभाध्यक्ष महोदय, मैं यह भी कहना चाहूंगी कि जो श्रमिक समाज है, चाहे वे अनुसूचित जाति और अनुसूचित जनजाति से जुड़े हुए हैं, चाहे वे किसी भी राज्य में हैं और चाय बागानों में जो मजदूर काम कर रहे हैं, उनकी बदहाली की स्थिति पर पहले भी माननीय सदस्यों ने अपने विचार रखे हैं, जिनसे कोई अपरिचित नहीं है। उनके लिए आज अपने बच्चों को पढ़ाना, पालना, मौके पर चिकित्सा की व्यवस्था करना और अपना जीवन-यापन करना, आज के इस महंगाई के दौर में मुश्किल हो गया है। इन श्रमिकों की आय बड़ी सीमित सी होती है, ऐसे में उन्हें अपना गुजारा कठिन होता है। ऐसे में उन्हें सामाजिक न्याय की जो सुविधा संविधान द्वारा दी गई है, उससे भी वे वंचित हो जाएं तो उनके सामने जीवन-यापन की कठिनाई उपस्थित हो जाती है।

उपसभाध्यक्ष महोदय, मैं इस विधेयक का स्वागत करती हूँ। अफसोस की बात यह है कि इतने कानून बने, इतने कानूनों में संशोधन हुए, इतनी कोशिशें हुई, लेकिन दस देश का जो समाजसेवी समाज रहा है, जिसने वर्षों तक समाज की सेवा की है, अपने आपको गलाकर, अपने आपको जलाकर, समाज की सेवा की है, फिर भी वह दयनीय और शोषित स्थिति में रहा है। आज यह हमारे पूरे समाज के लोगों का उत्तरदायित्व है कि वह उन कमजोर और वंचित लोगों को, जिन्होंने इतने वर्षों तक हमारी सेवा की है, उनको सूद समेत उनकी सेवा का पुरस्कार लोटाएं और उन्हें दें, जितना दें, उतना कम है। यह अफसोस की बात है कि आज आजादी के 58 वर्षों के बाद भी ऐसी स्थितियां हैं कि अभी भी आप गांवों में चले जाइए, तो न केवल आर्थिक दृष्टि से बल्कि सामाजिक दृष्टि से भी ये वर्ग उपेक्षित हैं और वंचित हैं। जाने अभी और कितना समय लगेगा, लेकिन यह कोशिश निरन्तर जारी रहनी चाहिए, जब तक कि सचमुच में ऐसी सामाजिक व्यवस्था न हो जाए कि अब कहीं समाज का, जाति का, ऊंच-नीच का कोई भेद-भाव या जो कोई सामाजिक-आर्थिक संतुलन है, वह जब तक बराबर न हो जाए, समान न हो जाए, तब तक यह कोशिश जारी रहनी चाहिए। हालांकि यह वह समाज है, जिसमें ऐसे-ऐसे लोग हुए हैं, जैसे भारतीय संविधान के विधाता बाबा साहेब डाक्टर अम्बेडकर, जो हमारे देश के गौरव हैं। इसमें वाल्मीकि जैसे महाकवि हुए हैं, जो रामायण के रचयिता हुए। जगजीवन राम जैसे लीडर हुए हैं, नेता हुए हैं, जिन पर पूरा समाज गौरव कर सकता है।

महोदय, ऐसा नहीं है कि प्रतिभा पर, मेधा पर किसी एक समाज का या किसी का ठेका नहीं होता। एससी और एसटी समाज में भी उतने ही प्रतिभाशाली लोग हैं, उतने ही मेधावान हैं, किन्तु उन्हें अपनी प्रतिभा को प्रमाणित करने का अवसर नहीं मिला। आजाद भारत में भी अभी तक वैसी स्थितियां नहीं बनी हैं, लेकिन जहां भी उन्हें अवसर मिला है, शिक्षा के क्षेत्र द्वारा कहीं अपना काम कर रहे हैं, जहां भी, जिस क्षेत्र में वे अपना योगदान दे रहे हैं, इस समाज के लोगों ने यह प्रमाणित किया है कि प्रतिभा के मामले में, योग्यता के मामले में किसी जाति विशेष का कोई

अधिकार नहीं होता। वे भी नहीं किसी से कम नहीं है। जहां उन्हें अवसर मिला, उन्होंने अपने आपको प्रमाणित किया है।

महोदय, यह आरक्षण आदि जो व्यवस्था है, यह व्यवस्था यही है कि उनकी समान रूप से अवसर मिल सके, सामाजिक न्याय मिल सके।

महोदय, मैं इसमें एक बात और कहना चाहूंगी कि जिस तरह आज यह संशोधन आया है, कुछ इसी तरह का एक और संशोधन आए, क्योंकि एससी/एसटी के जो समुदाय हैं, उनकी तरफ से कई बार यह आवाज आती है कि विभिन्न राज्यों में कई बार आरक्षण का जो भी लाभ है, उससे एससी और एसटी की जो अनेक जातियां जुड़ी हुई हैं, वे वंचित रह जाती हैं, उन्हें वह लाभ नहीं मिल पाता है। उनकी एक आवाज आती है कि आरक्षण के अर्न्तगत भी कुछ ऐसी व्यवस्था होनी चाहिए कि विभिन्न राज्यों में, जिस भी राज्य में एससी और एसटी के समुदाय का जो अनुपात है, उनका जो प्रतिशत है, उसी अनुपात के अनुरूप यह व्यवस्था होनी चाहिए कि सभी समुदायों को उस अनुपात के अनुरूप आरक्षण का लाभ मिल सके, ताकि आरक्षण का सचमुच में सही लाभ बिना भेद-भाव के एससी और एसटी के सभी समुदायों को मिल सके, कोई समुदाय इससे वंचित नहीं रहे। इसके लिए ऐसी भी कोई कोई व्यवस्था होनी चाहिए कि जिस राज्य में इन समाजों में से जिनका जितना प्रतिशत है, उस प्रतिशत के अनुरूप उन्हें आरक्षण का लाभ मिल सके। साथ ही एक यह व्यवस्था भी हो कि जिन परिवारों के लोगों को एससी और एसटी कोटा का कभी लाभ मिल नहीं पाया, उनको ऐसी स्थिति में आरक्षण सम्बन्धी लाभ में प्राथमिकता दी जाए। महोदय, ऐसी भी व्यवस्था हो, ताकि इससे कई लोग, जो कभी इस व्यवस्था का लाभ ही नहीं ले पाए और अभी तक कमजोर स्थिति में हैं, उनको प्राथमिकता दी जाए। ऐसी भी व्यवस्था हो, ताकि यह जो आरक्षण सम्बन्धी और यह जो इस समाज को सशक्त करने के लिए, ऊपर उठाने के लिए, समाज की जो मूलधारा है, उसमें लाने के लिए जो भी कोशिशें हों, इसमें बिना किसी भेद-भाव के सभी को समान रूप से मौका मिल सके, अवसर मिल सके और एससी और एसटी से जुड़े हुए सभी समुदाय, समान रूप से, जिसे इसकी वास्तविक जरूरत है, वे तमाम जरूरतमंद लोग इसका पूरी तरह लाभ ले सकें और लाभान्वित हो सकें। इसकी भी आवश्यकता है।

महोदय, मैं एक बात और कहना चाहूंगी कि इन समुदायों में जो बच्चियां हैं, उनकी शिक्षा के लिए कुछ विशेष कोशिश होनी चाहिए। ऐसी व्यवस्था होनी चाहिए कि ये बच्चियां जिस विषय की भी शिक्षा हो, चाहे वाणिज्य संबंधी हो, विज्ञान संबंधी हो या तकनीकी हो, वे जहां तक पढ़ना चाहे, जिस विषय की भी शिक्षा प्राप्त करना चाहें, वह उन्हें निःशुल्क मिले। उन्हें उच्च से उच्चतम शिक्षा निःशुल्क प्राप्त हो सके, ऐसी व्यवस्था होनी चाहिए ताकि जो मेधावी छात्राएं हैं,

उन्हें अपनी योग्यता को प्रमाणित करने का अवसर मिले। इस तरह की निःशुल्क शिक्षा की व्यवस्था उनके लिए होनी चाहिए। इन बच्चियों की शिक्षा के लिए विशेष कोशिश होनी चाहिए। इस के लिए उन्हें इस समाज में विशेष अवसर दिए जाने चाहिए।

महोदय, आज हम सभी इस बात से परिचित हैं कि आज कमजोर-से-कमजोर वर्ग के लोग भी अपने बच्चों को अंग्रेजी के माध्यम से पढ़ाना चाहते हैं। इस का कारण यह नहीं है कि वे उन्हें अंग्रेजीदा बनाना चाहते हैं। इस का सीधा सा कारण यह है कि अगर वे अंग्रेजी माध्यम से पढ़ेंगे तो उन्हें रोजगार मिलना सुलभ हो जाएगा। सरकारी नौकरी नहीं तो प्राइवेट नौकरी कहीं मिल जाएगी इस दृष्टि से हर कोई अपने बच्चों को अंग्रेजी माध्यम से पढ़ाना चाहता है। लेकिन आज अंग्रेजी माध्यम के स्कूलों में जिस तरह कई तरह की फीस वसूली की जाती है या चंदा लिया जाता है, वह देना कमजोर वर्ग के लोगों के लिए संभव नहीं है। वे भी अपने बच्चों को वहां पढ़ा सकें, इस के लिए ऐसी व्यवस्था होनी चाहिए कि अगर कमजोर तबके के बच्चे हैं, तो चाहे सरकारी स्कूलों में पढ़ रहे हैं, अगर वे वहां अंग्रेजी माध्यम से पढ़ना चाहें तो उन्हें अंग्रेजी माध्यम से निशुल्क शिक्षा प्राप्त करने की सुविधा होनी चाहिए ताकि अपनी मेधा और प्रतिभा से वे आगे बढ़ सकें और उन्हें रोजगार मिलने में आसानी हो सके। सरकारी स्कूलों में ऐसी व्यवस्था होनी चाहिए ताकि उन बच्चों को भी अवसर मिल सके कि यदि वे अंग्रेजी माध्यम से शिक्षित होना चाहें तो वे बिना अतिरिक्त फीस के निशुल्क शिक्षा प्राप्त कर सकें।

महोदय, इन तमाम बातों के साथ अंत में मैं इस विधेयक का समर्थन करती हूं और जो माननीय सदस्य इस विधेयक को सदन में लाए हैं, उन्हें धन्यवाद देते हुए अपना स्थान ग्रहण करती हूं।

SHRI PRAVEEN RASHTRAPAL (Gujarat): Sir, I am here to speak on the Bill introduced by my colleague. If we refer to the Statement of Objects and Reasons, it is very clear that the issue pertains to the Eastern sector of the country. Looking to the facts mentioned in the Statement of Objects and Reasons, everybody will be tempted to think that he cannot oppose the Bill. One has to support it. I am also in possession of a Resolution passed by the Assam Legislative Assembly. I quote, "The House do now unanimously resolve to impress upon the Government for inclusion of six communities of Assam, namely, *Koch, Rajbongsi, Tayabhom, Chhutia, Moran, Matat* and the community belonging to teagarden and ex-teagarden tribes in the list of the Scheduled Tribes (Plains) of the State of Assam." There is also a certificate certifying that the above resolution was adopted and approved unanimously by the

4.00 P.M.

Assam Legislative Assembly in its sitting held on 5th August, 2004. I am also in possession of a letter from Secretary to the Government of Assam to the Joint Secretary, Ministry of Tribal Affairs, Government of India. According to this letter the Government of Assam has requested the Central Government to take appropriate action in this particular matter. But, we are very sorry to know that no action has been taken till date. But the issue is not that simple. The issue regarding the list of the Scheduled Castes and the Scheduled Tribes is a very complex issue. When we want to amend article 341 and article 342 of the Constitution, we have to be very careful because once you make an amendment in articles 341 and 342, it will not be applicable to a particular State. It will be applicable to the whole of India. Sir, according to my information, the first list of the Scheduled Castes, on the basis of history, on the basis of religion, on the basis of tradition, on the basis of customs, was first prepared by the Census Commission, either in the year 1910 or 1930, and the Commission was known as the Sarte Commission. The Commission has laid down ten criteria for selecting a citizen of this country and to know whether he belongs to a Scheduled Caste or a Scheduled Tribe community or not. If he satisfies all the ten criteria, then, he will be included in the list of the Scheduled Castes. That was the Constitutional requirement because in those days it was the Government of India Act, 1920. Subsequently, it was improved to the Government of India Act, 1935 because the country was ruled by the Britishers by an Act, and there was no Constitution in this country. This list was prepared in the year 1930. It was adopted in the Government of India Act 1935 and when we became free in the year 1947 and when the Constituent Assembly was formed to frame the Constitution of the country, which we adopted on 26th January, 1950, the great Father of the Constitution, Dr. B. R. Ambedkar in the company of Babu Jagjeevan Ram prepared a list taking into consideration all the Scheduled Caste Members and all the Scheduled Tribe Members in the Constituent Assembly and it was finally approved by the leaders of this country, the then President, Dr. Rajendra Prasad, Pandit Jawahar Lai Nehru etc. That list of the Scheduled Castes and the Scheduled Tribes was the first list dated 26th January, 1950 and it was signed by the President of India. And according to the constitutional requirement, the list can be amended only by the Parliament. It cannot be amended by the State Assembly. So, the suggestion made by one of my colleagues, or, some

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of my colleagues that let the State Government decide the issue is not proper. The list of the Scheduled Castes and the Scheduled Tribes in this country cannot be amended and should not be amended by any State Government. It has to be amended only by the Parliament. I request my colleagues that there are certain procedural formalities for making amendment to the list of any State or the list of the Scheduled Castes and the Scheduled Tribes. ...*(Interruptions)*... I will come to that. The list as prepared by various State Governments in those days was adopted as the national list. But, as far as the Scheduled Castes and the Scheduled Tribes list is concerned, once it was finalised on 26th January, 1950, amendment can be made as requested by the State Government, as approved by the Registrar of India, as approved by the National Commission of the Scheduled Castes, as approved by the National Commission of the Scheduled Tribes and then, a Bill has to be prepared by the concerned Ministry and produced before the Parliament.

SHRI SANTOSH BAGRODIA (Rajasthan): Who will take the initiative? Will it be taken by the State Government?

SHRI PRAVEEN RASHTRAPAL: The initiative has to be taken by the respective State Government it cannot be taken by any citizen. So, what I want is that the State Government concerned, I will mention here the State Governments of Assam, Tripura and West Bengal, should first take up the matter with the National Commission of the Scheduled Castes and the National Commission of the Scheduled Tribes, and the Registrar General of India. These are Constitutional functionaries. So, they will write to the Ministry of Social Justice and Empowerment, the Ministry of Tribal Affairs to prepare the Bill for a constitutional amendment, as we have done in Gujarat. I will give you an example of what happened in Gujarat. By an error, the Parliament also committed a small error in the year 1977, and a particular caste of Gujarat, which was not Scheduled Caste, was by mistake included in the list of Scheduled Castes, because the area restriction was removed. A particular sub-caste was Scheduled Caste only for a particular district, and because the area restriction was removed, they became Scheduled Caste all over the State. The entire Scheduled Caste of the Gujarat Government opposed, the State Assembly also opposed, that all over Gujarat they do not belong to Scheduled Caste, only in a particular district they belong to Scheduled Caste. So, area restriction should be re-imposed. It took 27 years to

make amendments in spite of the efforts of entire State Assembly and the Government of Gujarat. Here, I complain, and I go on record that we do talk about Scheduled Castes and Scheduled Tribes, we do make many announcements — when I say 'we', I refer to all Governments, whether it is this Government, or, the previous Government, or the Government before 20 years, or, 30 years — but let me tell you that priority is not given to the matter concerning the Scheduled Castes and the Scheduled Tribes, when it comes to legislate. I was Member of the Parliamentary Committee on Scheduled Castes and Scheduled Tribes during the Thirteenth Lok Sabha, and I had the opportunity, or, rather the Committee had the opportunity of inviting the Ministry of Home Affairs, the Ministry of Social Justice and Empowerment, and the Department of Personnel, and we requested them to tell us whether they are the nodal Ministry for the matter of Scheduled Castes and Scheduled Tribes. Sir, I am very sorry to inform you that all these Ministries told us that they were not the Nodal Ministry as far as the matters concerning the Scheduled Castes and Scheduled Tribes are concerned. Sir, according to my information, in the good olden days, during 50's, 60's, the Ministry of Home Affairs — it was considered next to Prime Minister — was the nodal Ministry for the affairs concerning the Scheduled Castes and the Scheduled Tribes. After some years, that vanished, and now the Ministry of Social Justice and Empowerment itself is also not the nodal Ministry for the Scheduled Castes: the Ministry of Tribal Affairs itself is not the nodal Ministry for Tribal Affairs. That we experienced during the Thirteenth Lok Sabha when various constitutional amendments were carried out by the Department of Personnel and OMs were issued against the rights of the Scheduled Castes and the Scheduled Tribes without consulting the Ministry of Social Justice and Empowerment and also the National Commission for the Scheduled Castes and the Scheduled Tribes. This is an anomaly. So, I will request the Government of today also to first appoint a Ministry as a nodal Ministry for the affairs of the Scheduled Castes, for the affairs of the Scheduled Tribes, so that Ministry will be fully in charge as far as the matters concerning the Scheduled Castes and the Scheduled Tribes are concerned.

Secondly, I want to inform the Government that one of the biggest States in the country — and I am not criticising the States, but I will have to name for the sake of information of the Government — the

Government is supposed to know, but if they are not aware, let me tell them — Uttar Pradesh has made certain amendments in the list of the Scheduled Castes without permission from the Central Government, without obtaining approval from the Registrar General India, without obtaining approval from the National Commission for the Scheduled Castes and the Scheduled Tribes, and the matter is pending in the Supreme Court or High Court of Delhi. This is a very serious matter. Similarly, as one of my senior colleagues referred to the issue of *dalit* Christians and *dalit* Muslims, that issue is also pending before the Supreme Court. And, the Government of India is fighting on behalf of the Government. The issue is not simple, because the situation in this country is such. In fact, one should aim to go higher and higher. If I am a Group B employee, I should demand the post of Group A. But, in this country, as far as the social structure is concerned, now people say that we want to become Scheduled Castes, and this is something very serious which cannot be digested. In fact, I would like to become a *Brahmin*. But will you give me the right of Brahmins? And, if I don't get, will you protect me? I mean, it is very difficult to become *Brahmin*, and I am very sorry, nobody demands in this country that I may be considered as *Brahmin*. But thousands and thousands of people belonging to different religions, other than Hindu religion, are demanding before the learned Supreme Court that they may be treated as Scheduled Castes. I have sympathy for that. But the problem, as has been rightly pointed out by my colleague from Eastern sector is, on the one side, the Supreme Court has also decided that all reservations, put together, should not go beyond fifty per cent, and on the other side, the Government in power, whether it is the State Government or the Central Government, is deciding the percentage of reservation on the basis of population. Now, you tell me, suppose in a State, there is a population of Scheduled Castes, which is forty per cent and the population of Scheduled Tribes, which is thirty per cent, the reservation should be seventy per cent. It is that simple. I don't understand how the Supreme Court can decide that reservation should not exceed fifty per cent. I mean, there is no logic behind it. But, again, as nobody can challenge the Supreme Court, nobody can challenge the Parliament also. Now, there is a great problem all over the country, and that is why, with due respect, there will be difference of opinion; the poor will oppose poor. The present Scheduled Castes will not like that their list should increase, because the Census

will count population on the basis of Scheduled Caste Hindus. There cannot be Scheduled Castes among Islam; there cannot be Scheduled Castes among Christianity. Mahatma Gandhi had also said in those days, 'once you leave Hinduism, it is your decision, you have gone to a particular religion. Now, again when you come back and say that there is discrimination within that religion, then you must approach the head of that religion because, according to their scriptures, there cannot be discrimination.' At least, in this religion, there are old days scriptures where there were discrimination. So, the Scheduled Castes are getting benefit being untouchables in those days, and let us not discuss that. Even now, we have untouchables in the rural India. But, let me restrict to this very issue. It is a very complex issue. I will request the Government of India one thing, I mean, with due respect. I fully agree with the Mover of the Bill. The issue is very serious as far as Assam, West Bengal and Tripura is concerned. They belong to Scheduled Castes; they belong to Scheduled Tribes of their original State. They were poor and were brought by the then Government for doing a particular work in difficult areas. Now, the Scheduled Tribe status is always given on the basis of area. It should be a hilly area; it should be a forest area; it should be specific. Now, there is no religion, as far as Scheduled Tribe is concerned. A man belonging to Christian, a man belonging to Islam, a man belonging to Hindu religion can be a Scheduled Tribe. But that is not the case when we come to Scheduled Castes. There cannot be Scheduled Castes in any other religion, other than Hindu, and we need not discuss that. We know the reason. Sir, we know the reason. So, it is a very complex issue. So, there should not be difficulty in accepting them as Scheduled Tribes because tea is always planted in an area where there are hills, where there are mountains, and if you permanently stay there, you are a Scheduled Tribe. If you are born in that area, you are a Scheduled Tribe. So that way, the issue of Eastern sector requires specific attention. It is really a serious problem as far as Assam, West Bengal and Tripura are concerned. It is to be solved in that manner. Now, the three State Governments and the Government of India could discuss how to solve the problem together. They may come to a decision and find a solution. But, if you are going to amend Articles 341 and 342, then, once again, Government of India must appoint a Commission, which should again go into details. And, for the information of the Government, right now, there are nearly 1200 entries waiting to

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be included in the list of Scheduled Castes. Hundreds of castes in the country have made applications saying that they may be included in the list of Scheduled Castes; it is not a matter of one or two.

Sir, the biggest amendment in the list of Scheduled Castes took place during the year 1977. After that, the Government of India, whosoever was in power, have not attended to this very difficult, very unpopular and very complex issue. And, it is not the job of politicians alone. It requires social activists, religious leaders and senior bureaucrats. It requires men who are residing in the area, who are residing in the State, to sit together and decide. They will have to travel all over the country, consult lots of people, know about the customs, traditions, races, and, as one of my colleagues very rightly suggested, the condition of those people in a particular State. Then only you can decide that a particular caste should be considered as Scheduled Caste or a particular tribe should be considered as Scheduled Tribe and included in the list.

Reference was also made, indirectly, to reservation. There again, it is not that qualified persons are not available. I have put questions to all Ministries in the present session of Parliament, as to what is the position as far as reservation, implementation and backlog of vacancies. I have got information pertaining to one particular department; the hon. Minister is also present here. According to information available with me pertaining to the Department of Legal Affairs, as on 1st January, 2006, there are 358 officers in Group B. The percentage of total employees is only 0.84 as far as Scheduled Tribes are concerned. A requirement of the Constitution says that it should be 8 per cent. The percentage of Scheduled Caste Officers is only 0.5 as against the requirement of 5 per cent. Now, we come to Group C. It constitutes only clerks, you don't require Doctors and Engineers for Group C! The total number of employees is 577; the percentage of Scheduled Castes is only 4.33 as against 15 per cent; the percentage of Scheduled Tribes is only 0.69 as against 8 per cent. Now, do we assume that even clerks are not available among Scheduled Castes and Scheduled Tribes? These figures were readily available; these are the latest figures. This is the position in all the departments. There is no will; there is no attempt to fill up the backlog. This is in spite of requests from the most senior person of the Government, the most respected, Prime Minister of the country, who has written D.O. letters to all Ministers saying that the backlog

of Scheduled Castes and Scheduled Tribes should be filled in on or before December 2005. We will be reaching December 2006 very soon; but, the backlog, as it stood in the month of April 2004, has not been filled by any Ministry of this Government. This is not an ordinary issue. And, in one of the biggest Ministries, the Ministry of Railways, there is a backlog of 15,000 posts. It is not in recruitment; it is in promotion. Now, what do you require for promotion? — My friends belonging to the bureaucracy are sitting here — it requires only Departmental Promotion Committee. It does not require advertisement; it does not involve any expenditure and it is very easy to fill up the backlog of promotion; Group B should be promoted to Group A and Group C should be promoted to Group B. There are about 15,000 vacancies. Ministries such as those of Defence, Finance, Health and Family Welfare and many other ministries are not even giving me the figures. Let me tell that priorities should be given. This House is aware about the Bill introduced by the Ministry of DOPT regarding reservation Act. It is more than one year since the Bill was introduced in Rajya Sabha. It was referred to the Standing Committee. The Standing Committee has already sent a Report. But no attempt has been made to introduce that Bill and we are not able to pass it. If this is the priority given to the issues of the Scheduled Castes and the Scheduled Tribes, there is no end to it. This is also a very serious issue. It requires attention of the highest authority. It is not only the job of the Ministry of Social Justice or the Ministry of Tribal Affairs. They cannot do this work alone. This is an issue concerning the Constitution of India. It requires amendment in the Constitution. It has to be referred to the Law Ministry; it should go to the Prime Minister. Who will do all these formalities? I will request the present Government of India to pay appropriate attention so that justice is done to the Scheduled Castes and the Scheduled Tribes as far as the correction of the list and issues concerning their welfare are concerned. The National Common Minimum Programme is not a Common Minimum Programme of a political party. It has now become a programme of the Government of India, on the booklet, it is "National Common Minimum Programme of the Government of India". All these issues are written there in the book. Assurances are given. We have already completed two years. We are running the third year. I request at this stage also that appropriate attention may be given. My colleague, who has introduced the Bill, is perfectly right in introducing this Bill. Since it is a Constitutional

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Amendment, the Government may kindly give an assurance on the floor of the House that the Bill will be introduced by the Government in due course and then he can be requested to withdraw the Bill. Thank you.

SHRI N. JOTHI (Tamil Nadu): Thank you, Sir. Sir, I thank Shri Condpan for having brought this Bill. Sir, even after nearly 57 years of Independence, we are struggling for the inclusion of certain SCs and STs in the list of respective States. This is the first problem that we are facing. The second problem is that a person who is a Scheduled Caste or a Scheduled Tribe in a State is not recognised in another State. A forward-community person in one State is a forward-community person in another State; a Hindu in one State is a Hindu in another State. But a Scheduled Caste person in one State cannot be a Scheduled Caste person in another State. Why is this discrimination? Our forefathers who have propounded this Constitution might have thought that in the year to come there may not be a necessity for any differentiation among the people in the country. Unfortunately, it still persists. We have to look into the matter and redress the issue. Sir, I belong to a Dravidian party—All India Anna Dravida Munnetra Kazagham. It is a Dravidian party. It has its leanings towards Thanthai Periyar and Periyar Ramasami, who propounded a party wherein he questioned, 'Where is God?' Please prove that there is a God. He has questioned this. According to him, there is no God. We are all followers of him. When there is no God at all, where is the community; where is caste; where is sub-caste? It is very unfortunate. When there is a question relating to God itself is there, then where is the question of community or caste? It is a shame in this 21st Century that we still discriminate people on the basis of caste and community, especially Scheduled Caste and the Scheduled Tribes. It is a legacy of the Vedic concept. It is very unfortunate. Our Hindu religion has brought this. Unfortunately, people are not thinking on that. It is very sad. I really thank my friend for having brought this Bill. Sir, let us examine this deeply. Sir, articles 341 and 342 respectively are for Scheduled Caste and Scheduled Tribes. Sir, it says that a list should be prepared separately for each State. That list may not be applicable to other States. Now, for example, Tamil-speaking States are Pondicherry and Tamil Nadu. The list prepared in Pondicherry is not applicable to Tamil Nadu. Sir, a community as Scheduled Caste' in Pondicherry, a Tamil-speaking person in Pondicherry, is not a

Scheduled Caste person in Tamil Nadu. It is really unfortunate. We cannot permit it. Now, even no discussions are required. I hope Law Minister will immediately respond to this to bring a Constitution Amendment. For so many ordinary matters, Constitution Amendments are brought in, and for this vital matter, I don't know why so much discussion is required even now. Sir, no doubt, there is misuse and abuse in obtaining caste certificates. As a lawyer, I have my own experience. Sir, in Tamil Nadu, a particular community called '*Reddiar*' is a forward community. A particular community called '*Konda Reddy*' is in the Scheduled Tribe list. So, many forward community people, for the purpose of joining medical college and to get employment, just add one word '*Konda Reddy*'. They are '*Reddiar*' already; they add prefix '*Konda Reddy*' and march over the genuine people. So, an amendment was brought during my leader's period, Dr. MGR's period, that certificate should be issued by not less than Deputy Collector. So, safeguard was given. Similarly, there is a community called '*Naidu*' a forward community. There is a particular community called '*Naidee*'. All '*Naidus*' now want to become '*Naidees*' so that Scheduled Caste benefit can be obtained. Of course, these are all the problems. But, in the Supreme Court, in two judgements, one Lavarda Giri vs. Andhra Pradesh, and another is Madhuri Patil vs. State of Maharashtra, Justice K. Ramaswamy had given the judgement. He said that if any deviation from regular obtaining of certificate is being made by a person in a fake manner, or if anybody obtains a false certificate, he gave ten guidelines. If anybody violates them, he should be prosecuted and put to jail. This is the ruling of the Supreme Court. More than 15 years have now passed, and no law has been made by this Parliament to make it punishable by any penal provision. Those judgements have become dead letters now. He gave ten guidelines on how to stop any non-genuine person from obtaining certificates. What are the safeguards to be made? He gave ten guidelines in those two judgements. Both the judgements were delivered by him. He finally said that if a person obtains a certificate by false means, he should be prosecuted and put to jail. But, nobody cares about it; nobody bothers about it and all kinds of talks are there for their own development and Scheduled Caste improvement. It is very sad. A situation has come where we should take the Bill further to remedy the situation. Sir, there is another judgement of Supreme Court which has dealt with this issue that unless there is an amendment by the Parliament, it is not possible. A judgement of the Supreme Court

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about three years ago has said that unilaterally, a State Government cannot include any community either in the Scheduled Caste List or the Scheduled Tribe List. It should be only by a Presidential Order with the concurrence of the State Government. Sir, that is the issue as on today. Unless articles 341 and 342 are amended as prayed by my colleague, it is not possible. So, the order of the day now is that they must bring in an amendment in the Constitution to remedy the problems of our own brothers. Sir, they have been suppressed for three thousand years. Fortunately, Tamil Nadu is an oasis in the desert of India. We have 69 per cent reservation, piloted and passed by my leader, Dr. J. Jayalalitha, and also included in the Ninth Schedule of the Constitution in item 257A. It is there in the Ninth Schedule as item No. 257A. The title of the Act is— 'The Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993'. This has been made as an Act. The Supreme Court stayed even this Act. Under the guise of creamy layer position, 50 per cent alone is now allowed. To get over that, supernumerary posts are now created and we are now performing it in our State. Sir, Tamil Nadu(*Interruptions*)

SHRI V. NARAYANASAMY (Pondichery) Sir, this 69 per cent reservation is continuing there for the last thirty-five years, since DMK regime and thereafter. It is not their innovation.

SHRI N. JOTHI: I am sorry. If he does not know the history, what can I do?

SHRI V. NARAYANASAMY: I know the history. (*Interruptions*)

SHRI N. JOTHI: I am very sorry. In that case, how could it be included in the Ninth Schedule? You don't want to give it any credit, what can I do? All right. Sir. The first amendment to the Constitution that was adopted by our country, was due to a communal G.O. issued in Tamil Nadu. For the first amendment to the Constitution, we are the reason, that too on community reasons. Sir, while appreciating Mr. Silvius on this matter, I also request him to visit Tamil Nadu and see how we are moving as brothers. I am a Tamilian. I have no caste feelings. My friend, Narayanasamy will, at least, understand that. We feel shy in adding our community name with us. Whereas, in very many States, I see that next to the name, the community name automatically comes. I don't

want to give examples. People may feel little hurt on that. The community name automatically follows the name of a person whereas in Tamil Nadu, we feel shy on this and by seeing the name, nobody can understand to which community a person belongs. We never ask a person's community. He feels insulted. Sir, to that extent, we have come forward.

SHRI V. NARAYANASAMY: At least, as far as the Thevar' community is concerned, we understand that in their name 'Thevar' will also come.

SHRI N. JOTHI: Sir, he cannot keep quiet. What can I do? That is why, I pray that he should be made a Minister so that he can be elsewhere; he won't be here. I can recommend one or two portfolios for him also so that he can be sent away from the House. I am very sorry. What should I do(Interruptions)...

SHRI V. NARAYANASAMY: Sir, let the hon. Member tell us, in the Thevar community, the word 'Thevar' also comes in their names or not. Let him say, 'No'. Let him say in the House that it is not there. He has been(Interruptions)...

SHRI N. JOTHI: Sir, when I am talking about the glory of Tamil Nadu, he is envious on that because he is a little away. He is a little away from Tamil Nadu and that is why he is feeling very envious. We have unseated Congress Party in 1967(Interruptions)...

SHRI V. NARAYANASAMY: No, you have not done(Interruptions)...

SHRI N. JOTHI: We have unseated, Sir(Interruptions). United DMK, I understand that. I was the Students' Leader at that time. We unseated them, and, that is why, they don't want to give any credit. But as far as all the social reforms are concerned, the Dravidian Party coined the term 'social justice'; it's all from Tamil Nadu. We are the springboard for social justice for the whole of India. I feel proud about it. Tandai Periyar was the person who brought it on our shoulders and we are carrying it ourselves. We may have differences with another Dravidian parties there, but still, on this issue, we will not differ. We will be together on all social matters. Sir, the question is how to solve this problem? Sir, my friend has brought this Private Members' Bill and the very thin attendance in this House indicates that it has not much support. But I appeal to the Central Government, please don't keep them away, the

day is over. If you employ a Scheduled Caste person or Scheduled Tribe person, his family will rise as far as its economic condition is concerned. Once they go up, you will see that rest of them also go up in life. The Community will march forward and the social imbalance can be reduced. A person born in this country is not there to toil forever or to commit suicide. He must live in a honourable manner. He must live in a very honourable manner, both in the field of education and employment. Had the caste system not been abolished in Tamil Nadu, I would not have been here in the second row. I would be tilling the soil somewhere in my village, fighting with my brothers. I have come here from humble resources, very humble resources. I cannot be compared with Reddy *garu* here. My resources are very humble. My resources are very simple. I am here because of Thanthai Periyar, because of my leader MGR and because of my leader Jayalalitha, because they have got a social vision. So, we must have a social vision. The Parliament should have a social vision in uplifting our brothers who have been suppressed continuously for the past 3,000 years. I am very sorry, Sir, the teachings of Thanthai Periyar are very crude at times. He would use very unpolished words at times. But, it actually achieved its purpose. He went all the way to Kerala, Vaikkam, where he removed the untouchability. He was a social reformer. But, there is no statue of him.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): His statue is there in Vaikkam.

SHRI N. JOTHI: Here in Parliament. I compare him with Mahatama Gandhi. Really, Sir, he is a great person. I had an occasion of seeing him, talking to him; he visited my house. I am very happy. I remember the moments; I was a very small boy then, So, this is the position in Tamil Nadu, Please take Tamil Nadu as an example in social reforms and social justice. By joining issue with my friend, Mr. Silvius Condpan, in a cordial manner, I would go one step further. We must make it a constitutional burden. If a forward community boy marries a Scheduled Caste or a Scheduled Tribe person, he should be given preference in employment; he should be given cash awards. Then only the untouchability will go and inequality will go. In Tamil Nadu, we have got a G.O. If a forward community person, girl or boy, marries a Scheduled Caste person, if he goes in inter-caste marriage—here inter-caste does not mean sub-caste and inter-caste, it means from top caste to the

down caste, if you cut across the line, you must give him employment opportunity and educational opportunity. He must be given preference in medical seats also. We must have a quota. In Tamil Nadu, we have got a quota. I don't think if they have got a quota like this in Pondicherry. In Tamil Nadu, we have got a quota. We have reserved five seats for inter-caste marriage quota. We must do that way. That way we must achieve the position. Sir, I request Mr. Silvius Condapan, because he was a former Minister in Assam, he must go a little further. Because he brought in an initiation, I would request him to push it forward. We are with you. We will be with you. A stage has come wherein we must now eradicate this kind of caste feelings. And, the certificates obtained in one State should be made applicable in other States. Sir, I am asking a very simple question to the Law Minister. Sir, a lawyer enrolled in Assam, a lawyer enrolled in UP, a lawyer enrolled in Tamil Nadu can go and practise anywhere in India. Nobody can question him. He can even go and practise in Jammu and Kashmir. Whereas, a Scheduled Caste person in one State, cannot be a Scheduled Caste person in another State. Why? When you recognise the Banaras Hindu University Degree, why don't you recognise a Scheduled Caste person from Banaras? You recognise the Degree of Utkal University, but you don't recognise a Scheduled Caste or a Scheduled Tribe person of Bhubaneswar in Tamil Nadu. Why, Sir? We must evolve a common system. Of course, there will be some abuses, some misuses. But still, we must see the caste system goes, not only mere in employment opportunities or in recognising certificates. The certificates should be only for some period, not forever. We must have a unified India, we must have unified citizens of India, without caste and, if possible, without religion. Sir, if a man comes, he comes alone, If he goes, he goes alone. Whether he is a child or an old person, the community never goes with him; the religion never goes with him. But, there are separate graveyards for different religions, separate graveyards for different communities. Why? Is it not a shame on this nation? Are we not disowning our responsibility? Is it required after 1947, when we got independence? Even now, the Scheduled Castes people or the Scheduled Tribe people have no independence. They have to struggle for their livelihood. I never belonged to a Scheduled Caste or a Scheduled Tribe. But still, I feel for them. I consider them as my brothers. Because Periyar's teachings are flowing in my blood; my leader's teachings are flowing in my blood. That is why I am saying

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this. Why should these inequalities be there? Why should castes be further recognised? Why should religion be further recognised? I feel very sorry in saying this. If any comrades here so wish. They can correct me; even among Communist leaders, the caste name runs with their name. I feel sorry that the communist leaders have their caste names going along with their names. Why? What does your religion say? What has Karl Marx said? Religion is an abin. Religion is the most intoxicating thing. That is what they have said. But you have that intoxication with you, in your name, even though you proclaim yourselves to be the Communist leaders!

Sir, we intend to achieve a united India, a casteless India. What my friend is now praying for, through this Private Member's Bill, is something very simple; it is a simple Bill. It should have been given even before asking for it. Even in the Bible it is said: "Asketh, you shall be given." If you ask, it will be given. But, I say, it should be given before asking. We should not hesitate in passing this Bill, Sir. I appeal Mr. Bhardwajji, the legal exponent in this matter, to pass it. He knows all the judgements I have referred to now; he also knows about the recent judgements given by the Supreme Court, that unless the President approves, nobody, no community, can be included. It is further said that once a caste is included in one State, it should be recognised in all the States. It should never be a disadvantage to any person. After all, who are they? They are not asking for the community; they are not saying that they want to be born in the community! Nobody is asking that. Nobody asks that he wants to be born in this religion. Nobody is asking that. This is man's creation. God itself is the creation of man. Who has seen God? Who has seen somebody preaching something? Nobody has seen. I have never seen God, at any point of time, even in my difficult days. Thereafter, somebody said that God would help you without disclosing Himself. God will never come without disclosing Himself! When were are questioning the very existence of God saying, bring Him here, I want to see him, or I want to see the Goddess, or, give me the address, I shall go and see Him there, when that is the level of social reform we are making, where does community come? We are talking about terrorism: we are talking about religion-based terrorism and so many such things. I really feel sad about that.

They must read the preachings of Periyar. He questioned, 'where is

God?' He spent 70 years of his life questioning the existence of God. Where is God? Where is community? How can you see a man or see his community? I have seen it in Delhi several times that people belonging to the Scheduled Castes are very fair and much more good-looking than the forward community people of my area. I am surprised how they have been named as belonging to the Scheduled Castes. It is very sad on our part, Sir. I feel that it is very shameful for this country to continue with this caste system. We must abolish this. We must have one India, and we must have one kind of citizens. And Sir, to avoid any inequalities, we must approve this Bill. I am for this Bill and I am supporting this Bill. Thank you very much. Sir.

सुश्री अनुसूइया उइके (मध्य प्रदेश) : उपसभाध्यक्ष महोदय, भारत के संविधान में संशोधन करने के लिए यह जो बिल लाया गया है, सर्वप्रथम मैं इसका समर्थन करती हूँ। सभी सदस्यों ने इस पर बहुत विस्तार से चर्चा की है। मैं संक्षिप्त में कहना चाहूँगी कि किस तरह से पूरे देश में अनुसूचित जाति और अनुसूचित जनजाति का जो आरक्षण है, वह समान होना चाहिए। वास्तव में इसकी बहुत आवश्यकता है, चूंकि हम देखते हैं कि राजस्थान में अनुसूचित जनजातियों का जो दर्जा है, वह मध्य प्रदेश में नहीं है। इसी तरह से महाराष्ट्र में इन जनजातियों का जो दर्जा है, वैसा दर्जा मध्य प्रदेश में नहीं है और इसी तरह से अनेक प्रदेशों में ये विसंगतियाँ हैं। जब कि उनके जो मूल वंशज हैं, उनका जो रहन-सहन है, जाति है, वह सब आदिवासियों की तरह है और वे अनुसूचित जनजाति की तरह रह रहे हैं, लेकिन उनको आरक्षण का जो लाभ मिलना चाहिए, उससे वे वंचित हैं। इसलिए मैं निवेदन करना चाहूँगी कि जैसे राजस्थान में “मीणा” जनजाति है, जो अनुसूचित जनजाति के रूप में जानी जाती है, लेकिन मध्य प्रदेश में इसको अनुसूचित जनजाति का दर्जा प्राप्त नहीं है। इसी तरह महाराष्ट्र में जो “हलवा” जनजाति है, वह मध्य प्रदेश में अनुसूचित जनजाति नहीं है। ऐसी अनेक जातियाँ हैं, जैसे मध्य प्रदेश में अहीर जनजाति के बहुत लोग हैं, उनकी वेशभूषा, उनका surname, सारी चीजें परंपरागत रूप से आदिवासी अनुसूचित जनजाति की तरह हैं और वे लोग उसी प्रकार से अपनी संस्कृति के अनुसार रहते हैं, लेकिन उनको अनुसूचित जनजाति के रूप में मान्यता न मिलने के कारण, वे आर्थिक रूप से और सामाजिक रूप से काफी पिछड़े हैं। मैं माननीय सदस्य जी से कहना चाहूँगी कि आज आप जो संशोधन लाए हैं, यह बहुत ही अच्छा है और अगर इसी तरह से पूरे देश में अनुसूचित जाति और जनजाति के लोगों के लिए समान रूप से आरक्षण कर दिया जाए, तो निश्चित रूप से हमारा जो वर्ग है, जो पिछड़ा हुआ और गरीब है, उस वर्ग के सभी लोगों को इसका लाभ मिल सकेगा।

उपसभाध्यक्ष महोदय, मैं NDA की सरकार को धन्यवाद देना चाहती हूँ। जब श्री अटल बिहारी वाजपेयी जी की सरकार थी, तो उन्होंने संविधान में संशोधन करके कई प्रदेशों में ऐसी जातियाँ और जनजातियों को आरक्षण का लाभ दिया था, लेकिन कुछ जातियाँ अभी भी इस आरक्षण के लाभ से वंचित हैं। अगर पूरे देश में इस तरह का आरक्षण उनके लिए समान रूप से कर दिया जाए, तो निश्चित रूप से हमारे अनुसूचित जाति और अनुसूचित जनजाति के लोग आगे बढ़ सकेंगे और उनका विकास हो सकेगा। इन्हीं शब्दों के साथ, मैं अपनी बात समाप्त करती हूँ। धन्यवाद।

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Thank you Miss Anusuiya Ukey . Now, Shri Santosh Bagrodia . (Interruptions)

एक माननीय सदस्य : अब क्या पैसे वाले भी बोलेंगे?

SHRI SANTOSH BAGRODIA: Sir, I will start with this sentence since he has made a comment. This is the only country in the world—I would like to underline, this is the only country in the world—where people fight with each other to get themselves declared as backward. This is the only country. Somebody said that he wants to become a Brahmin. So, naturally I also want to be declared as a Scheduled Caste. (Interruptions).

श्री मंगनी लाल मंडल (बिहार) : उपसभाध्यक्ष महोदय, मैं इनकी बात के सदर्भ में यह कहना चाहूँगा कि हमारे यहाँ जो वर्ण व्यवस्था है, वह विषम है। यहाँ एक affidavit से हम अपना धर्म बदल सकते हैं, अगर हिन्दू है, तो कल सिख हो सकते हैं, ईसाई हो सकते हैं, affidavit काफी है, लेकिन हमारी वर्ण-व्यवस्था इतनी कठोर है कि किसी से affidavit आप अपनी जाति नहीं बदल सकते हैं। इसलिए माननीय सदस्य यह जान लें कि इस देश में वर्ण-व्यवस्था कितनी कठोर है, और वर्ण-व्यवस्था की शोषण की चक्की कितनी निर्मम है।

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): Sir, I don't think this is the correct position of law. These are all social arrangements. The Constitution doesn't recognise all this. The Constitution recognises equality in the society and that is the goal, whatever we assume Brahmin, Kshatriya, Vaishya, etc. They were Manu Samriti's arrangements which have been totally abolished from India. Sir, these Samritis are not divine; they are added by the society. The real thing is the Shruties in which the God says,

ईशावास्यमिदं सर्वं यत्किंचिजगत्यां जगत्।

Everybody is pervaded by God, one God. There are not 20 or 30 Gods. *(Interruptions)*.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Everybody is equal in the eyes of God and also in the eyes of the Constitution.

SHRI H.R. BHARDWAJ: Sir, the God treats everybody. There is only one Sun for the whole world; there is one Moon for the whole world; there is one air for the whole world. This is only man who has created discrimination....*(Interruptions)*...

श्री मंगनी लाल मंडल : यह कहने में तो बड़ा अच्छा लगता है कि संविधान में सबको समान अवसर है, उसी संविधान में विशेष अवसर का भी प्रोविजन है। समान अवसर की बात करने वाले इस कांस्टीट्यूशन में ही यह व्यवस्था है कि किसको विशेष अवसर दिया जाए। हमने कांस्टीट्यूशन को चैलेंज नहीं किया है, कांस्टीट्यूशन का जो प्रोविजन है, उसी में समान अवसर के साथ विशेष अवसर की बात कही गई है। उन्होंने कहा कि मैं जाति बदल लूंगा, मैं भी बैकवर्ड हो जाऊंगा, इस पर मैंने कहा कि बदलना चाहें, तो भी आप अपनी जाति नहीं बदल सकते हैं। यह जो वर्ण-व्यवस्था का सामाजिक संस्कार है, वह बड़ा खराब है और यही सामाजिक संस्कार हर चीज को शासित कर रहा है। इसीलिए ये अपनी जाति नहीं बदल सकते हैं। जो सामाजिक संस्कार है, यह संस्कार विषमतामूलक न हो, यह सबसे बड़ा सवाल है और इसी के लिए आरक्षण है, इसी के लिए यह बिल है।

SHRI H.R. BHARDWAJ: Sir, I don't like this kind of comments from the Members of Parliament. Sir, the Indian Constitution recognises equality. But there is a protective discrimination allowed in our Constitution in favour of those who have been ill-treated for centuries, just like untouchables. So, our Founding Fathers like Mahatma Gandhi and B.R. Ambedkar thought how to bring them in the mainstream. So, they allowed protective discrimination in those cases, not for others. Therefore, this is the goal that until they come up like others, they should be given reservation in Parliament and State Assemblies. They have a different kind of a case. So, that is recognised, and that was also for a few years, 10 years, 20 years or 30 years, and since we are not able to bring equality among those people, we are continuing with it. Don't blame the Constitution, This is man made....*(Interruptions)*...

श्री मंगनी लाल मंडल : महोदय, मैंने कांस्टीट्यूशन को blame नहीं किया है। लेकिन मैं एक बात कहना चाहता हूँ, मैं आखिरी बात कहना चाहता हूँ कि उन्होंने पेरियार साहब का नाम लिया

है। पेरियार साहब हमारे गॉडफादर हैं। पेरियार साहब नहीं होते तो, संविधान का पहला संशोधन नहीं होता और जो शैड्यूल्ड कास्ट, बैकवर्ड कम्युनिटीज है, उनके लिए रिजर्वेशन का स्पेशल प्रोविजन नहीं होता। इसलिए हम संविधान को चैलेंज नहीं कर रहे हैं। लेकिन देश के प्रथम राष्ट्रपति डा० राजेन्द्र प्रसाद जब मद्रास गए, तो सबसे पहले पेरियार साहब ने कहा कि हम संविधान को जला देंगे, क्योंकि आप बताइए कि हमारे लिए कहां रास्ता है, और इसमें क्या प्रावधान को जला देंगे, क्योंकि आप बताइए कि हमारे लिए कहां रास्ता है, और इसमें क्या प्रावधान किया गया है, क्या व्यवस्था की गई है। इसलिए अब इसे चुनौती देने का सवाल नहीं है। सवाल है संविधान में हमारे लिए कुछ नहीं रहेगा, तो हम आवाज उठाएंगे। लेकिन हमारे लिए जब व्यवस्था है, और यह भी संविधान के प्रथम संशोधन के द्वारा तो हम कहेंगे कि इसे implement करें।

SHRI V. NARAYANASAMY: Sir, I would like to make only one observation. Initially, while starting this speech, Mr. Santosh Bagrodia started with this controversy. He said that in the whole universe, the world over, according to him, people are not fighting for reservation. It is only in India that the people are fighting for reservation. This is not the case with any other country. That is what he said. I take strong exception to it because unless and until people fight for their right in India, they will not get it. Therefore, they have been fighting for their right and they are getting their right because of the system prevailing in the country because only one section has been dominating in India, they have been in power, suppressing the other communities. Now, when the other communities are coming up, they are not able to tolerate it. That is what is happening now...(Interruptions)...

SHRI N.JOTHI: Please give me one minute. Sir, he has said that only in India, people are fighting for reservation. It is because of the fact that only in India, there is a caste system. Nowhere in the world, there is a caste system. That is the point...(Interruptions)...

SHRI MATILAL SARKAR: You can change your religion. But, you cannot change your caste...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Not only that, even if you change your religion, the caste must continue.

SHRI H.R. BHARDWAJ: There is no caste system in Islam, in Christianity. These are only our values...(Interruptions)...Sir, in Islam, they are all equal. Is there any caste in Christianity? No. In Christianity, everybody is equal.

PROF. P.J. KURIEN: Theoretically no.

श्री मंगनी लाल मंडल : मैं विधि मंत्री जी बात को चैलेंज करता हूँ, जब कानून मंत्री कहेंगे कि इस्लाम में जाति व्यवस्था नहीं है। मुसलमान के जो पिछड़े वर्ग के लोग हैं, उन्हें रिजर्वेशन देते हैं। वे आज संविधान के विपरीत बात कर रहे हैं।

SHRI H.R. BHARDWAJ: In Islam, all are equal. We borrowed this equality from Islam.

श्री मंगनी लाल मंडल : आजमी साहब हमसे सहमत होंगे कि यहां इस्लाम में वर्ण व्यवस्था है। यहां conversion हुआ है।...(व्यवधान)...

श्री हंसराज भारद्वाज : इस्लाम में सब बराबर हैं।...(व्यवधान)...

मौलाना अबैदुल्लाह खान आजमी (मध्य प्रदेश) : सर, ओबीसी में मुसलमानों को रखा गया है। अलबत्ता मैं एक बात कहूंगा कि ओबीसी में मंडल कमीशन में 7.5 परसेंट, यह ओबीसी मुसलमानों का हिस्सा बाकायदा रखा हुआ है। यह इस बात को दर्शाता है कि आपने जात-पात की व्यवस्था की है।

दूसरी बात यह है कि अगर दलित मुसलमान हो जाए, तो उसको रिजर्वेशन नहीं मिलेगा, दलित अगर इसाई हो जाए, तो उसको रिजर्वेशन नहीं मिलेगा। यह कौन सा कानून है? यह बहुत बड़ी मुसीबत है। इस बात को खत्म होना चाहिए।...(व्यवधान)...

†مولانا عبید اللہ خان اعظمی: سر، او بی۔ سی۔ میں مسلمانوں کو رکھا گیا ہے۔ البتہ میں ایک بات کہوں گا کہ او بی۔ سی۔ میں منٹل کمیشن میں 7.5 فیصد، یہ او بی۔ سی۔ مسلمانوں کا حصہ باقاعدہ رکھا ہوا ہے، یہ اس بات کو درشتا ہے کہ آپ نے ذات پات کی ویو سٹہا کی ہے۔

دوسری بات یہ ہے کہ اگر دلت مسلمان ہو جائے، تو اس کو ریزرویشن نہیں ملے گا، دلت اگر عیسائی ہو جائے، تو اس کو ریزرویشن نہیں ملے گا۔ یہ کون سا قانون ہے؟ یہ بہت بڑی مصیبت ہے۔ اس بات کو ختم ہونا چاہیے...مداخلت...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please sit down. ..(Interruptions)... Please sit down. ...(Interruptions)... پلیز بیٹھیں، بیٹھیں۔
..(Interruptions)...

[28 July, 2006]

RAJYA SABHA

मौलाना अबैदुल्लाह खान आजमी : हिंदू रहेगा तो उस को रिजर्वेशन मिलेगा ...(व्यवधान)...

†मौलाना عبید اللہ خان اعظمی: ہندو رہے گا اس کو رزرویشن ملے گا۔۔۔ مداخلت۔۔۔

उपसभाध्यक्ष (प्रो० पी०जे० कुरियन) : प्लीज बैठिए।

मौलाना अबैदुल्लाह खान आजमी : ईसाई हो जाने के बाद क्या उस की आर्थिक हालत बदल जाती है ...(व्यवधान).... दलित अगर मुसलमान हो जाता है...(व्यवधान)....

†मौलانا عبید اللہ خان اعظمی: عیسائی ہو جانے کے بعد کیا اس کی آرتھک حالت بدل جاتی ہے۔۔۔ مداخلت۔۔۔ دلت اگر مسلمان ہو جاتا ہے۔۔۔ مداخلت۔۔۔

उपसभाध्यक्ष (प्रो० पी०जे० कुरियन) : प्लीज बैठिए।

मौलाना अबैदुल्लाह खान आजमी : हिन्दू रहता है तब तक रिजर्वेशन मिलता है, यह कहां का इंसाफ है? अगर दलित मुसलमान हो जाता है, ईसाई हो जाता है ...(व्यवधान)....

†मौलانا عبید اللہ خان اعظمی: ہندو رہتا ہے تب تک رزرویشن ملتا ہے، یہ کہاں کا انصاف ہے؟ اگر دلت مسلمان ہو جاتا ہے، عیسائی ہو جاتا ہے۔۔۔ مداخلت۔۔۔

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): What the Minister said is ... (Interruptions)...

SHRI V. NARAYANASAMY: Sir, it is unfortunate that ... (Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Narayanasamyji, please sit down. ... (Interruptions).... Azmiji, please sit down. That is okay. ... (Interruptions).... Why do you discuss it? ... (Interruptions)....

श्री अनवर अली (बिहार) : इस्लाम में जाति की व्यवस्था नहीं है, लेकिन मुस्लिम समाज में ...(व्यवधान).... वह ओ.बी.सी. के चलते नहीं है। वह सैकड़ों साल से हैं, और ऊंच-नीच के नाम पर यह होता है। ...(व्यवधान).... यह आप को समझना चाहिए।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please stop this discussion now. ... (Interruptions).... Mr. Anwar, that is enough. ... (Interruptions).... That is enough. Please sit down. ... (Interruptions)....

That is enough. ...*(Interruptions)*... That is enough. That is enough. ...*(Interruptions)*...

श्री अनवर अली : एक दूसरे को हिकारत की नजर से देखता है ।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please sit down...*(Interruptions)*... Please sit down. That is enough. .. *(Interruptions)*... Mr. Azmi, please sit down. That is enough. ..*(Interruptions)*... Mr. Azmi, please take your seat. ...*(Interruptions)*... Mr. Azmi, sit down. ...*(Interruptions)*... Mr. Azmi, sit down. ... *(Interruptions)*... Please take your seats ...*(Interruptions)*... Okay That is enough. Mr. Azmi, please sit down. ...*(Interruptions)*... What is this? ...*(Interruptions)*... Mr. Azmi please take your seat. That is enough. ...*(Interruptions)*... That is enough. ...*(Interruptions)*... Okay. ...*(Interruptions)*... This is not good. What is this? ...*(Interruptions)*...

SHRIMATI SUSHMA SWARAJ: Sir, I am on a point of order. ...*(Interruptions)*... उपसभाध्यक्ष जी, प्राइवेट मेंबर्स का समय खत्म हो गया है, हाऊस एडजर्न करिए ।...*(व्यवधान)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The House stands adjourned till 11 A.M. on Monday, the 31st July, 2006.

The House then adjourned at fifty-eight minutes past four of the clock till eleven of the clock on Monday, the 31st July, 2006.