

SHRI BHUPESH GUPTA : What about the other thing ? Mr. Chattopadhyay....

SHRI OM MEHTA : Before Mr. Bhupesh Gupta raises it, I have already talked to both the Ministers who are concerned with the subject and they have assured me that they will try to make a statement before the House adjourns.

MR. CHAIRMAN : Next item. Mr. K. Brahmananda Reddi.

THE SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS (AMENDMENT) BILL, 1976

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

SHRI BHUPESH GUPTA (West Bengal): I move that Mr. Brahmananda Reddi be more present in the House.

SHRI K. BRAHMANANDA REDDI :
Yes, I have got the greatest respect for this House; I belong to this House. Sir, I move :

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

Sir, I do not like to make any lengthy speech just now. I would wish to answer the remarks made during the discussion at the end. I do not want to consume the time of the House. But I would just say briefly that the question of revising the lists of Scheduled Castes and Scheduled Tribes has been under the consideration of the Government for many years. In 1965, a committee popularly known as the Lokur Committee was appointed to go into the question and that Committee made its recommendations. Those recommendations

were considered by the Government. Then this Bill was presented to Parliament. Then a Joint Select Committee was formed and the Joint Select Committee went into that question and submitted its report. That report was examined by the Government and in the course of their consideration of the report of the Joint Select Committee there were some matters on which the Government could not see eye to eye with the recommendations of the Committee. When the matter came up for consideration in the Lok Sabha, a lot of controversy was generated on a few issues and ultimately on account of the dissolution of the Lok Sabha in 1970, the Bill lapsed. Subsequently there were representations from several communities and even from several Members of Parliament. I suppose, and from other responsible citizens saying that this matter should be considered again. We tried to go into the questions raised in the comprehensive report of the Joint Select Committee and thought that the matters on which there was no controversy or much divergence of opinion could be separated from the other controversial issues and we should bring a Bill and have it passed so that some considerable number of Scheduled Castes and Tribes, who are not considered just now as Scheduled Castes and Tribes, may be benefited by reservations and other concessions. Therefore, in the previous session I introduced a Bill in the Lok Sabha. As it came at the fag end of the session, several Members said that they had no time to go into the matter deeply and therefore it could better be brought up in the next session. I agreed. Now, therefore, in pursuance of that I have brought this Bill which was passed yesterday in the other House with some amendments brought by the Government. And I am now before you with the same Bill seeking your approval.

I wish to submit to you that this Bill is a non-controversial Bill in the sense that it does not seek to exclude anybody who is today getting certain benefits. Kindly remember that because lot of remarks that might be otherwise made may be

avoided. This does not seek to exclude anybody. The aim of this Bill is simply this : If any community is today treated as Scheduled Caste or Scheduled Tribe in a certain area of a State, we are saying subject to some other factors and limitations, that particular community will be and should be considered as Scheduled Caste or Scheduled Tribe in the rest of the State. That is why we call it as a sort of removal of area restriction Bill. If in Karnataka or West Bengal or any other State certain community is treated as Scheduled Caste or Scheduled Tribe in three districts or four districts, then subject to certain limitations that community should be considered as such in the rest of that State also. That is all. That is the limited scope of this Bill. Therefore, this does not disqualify or disable anybody. This will only confer some benefits on about 500 to 600 million people in India and mostly from Maharashtra, Andhra Pradesh, Gujarat, Karnataka and Madhya Pradesh broadly speaking.

Therefore, this is not a Bill for including certain communities or excluding certain communities except to the very limited extent as has been mentioned. Therefore, if the honourable Members are likely to plead the case of any community which may deserve consideration, but which is not here since the scope of the Bill is restricted, those remarks may not be relevant. Therefore, I am trying to point on to the House the very limited scope of the Bill, the non-controversial nature of the Bill and the purpose of the Bill which is to confer a benefit on a considerable section of the people without disqualifying anybody who would be now getting that benefit.

The question was proposed.

श्री भोला प्रसाद (बिहार) : सभापति महोदय, मैं इस बिल का समर्थन करने हुए यह चाहता हूँ कि कुछ अनुसूचित जाति या अनुसूचित जन-जातियों के नाम सूची में छूट गये हैं, उनको अभी भी हममें जोड़ने का प्रयास करना चाहिए और उनको जोड़ा जाना चाहिए। मिसाल के लिये बिहार में थारू जाति जो कि एक जन-जाति है और जिसकी आबादी 1 लाख 75 हजार है। यह थारू जाति

उड़ीसा और यू० पी० में भी है, लेकिन जन-जातियों की सूची में थारू जाति का नाम दर्ज नहीं है और यह तब जब कि इसके लिये बिहार का जो ब्रेकवर्ड क्लेम कमिशन है वह भी सेंट्रल गवर्नमेन्ट के पास हॉम मिनिस्ट्री के पास पहुँचे ही सिफारिश कर चुका है। इसके बाद भी पता नहीं क्यों बिहार की इस थारू जन-जाति जिसकी आबादी वहाँ 1 लाख 75 हजार है को इस सूची में नहीं जोड़ा गया और उसको अभी तक अलग रखा गया। मेरी यह माँग है कि अभी भी उनको इस सूची में जोड़ लिया जाय।

सभापति महोदय, इस बात को कहते हुए मैं एक दो सवाल अनुसूचित जन-जाति और अनुसूचित जातियों के बारे में करना चाहता हूँ। संविधान में और जनप्रतिनिधित्व कानून में जो उनके लिये विशेष सुरक्षा की व्यवस्था की गयी है, लेकिन उस पर ठीक ढंग से अमल नहीं हो पाता है, इसकी ओर मैं ध्यान दिखाना चाहूँगा। सबसे पहले मैं यह कहना चाहता हूँ कि संविधान और जन प्रतिनिधित्व कानून के जरिये जो चुनाव क्षेत्र बनाये जाते हैं उनमें अनुसूचित जाति और अनुसूचित जन-जातियों के अलग क्षेत्र मुक़रर किये गये हैं। यह जरूरी भी है क्योंकि अभी भी आजादी के 30 साल बीत जाने पर भी अनुसूचित जन-जातियों और अनुसूचित जातियों की स्थिति ऐसी है कि वे अभी भी समाज में पिछड़े हुए हैं। अगर उनके लिये अलग सुरक्षित क्षेत्र न बनाये जायें तो सही मायना में आबादी के हिसाब से उनको अभी भी प्रतिनिधित्व नहीं मिल सकता। यद्यपि 22 प्रतिशत उनकी आबादी है, पूरे देश में परन्तु पार्लियामेंट या विधान सभाओं में उनका उचित प्रतिनिधित्व नहीं हो सका अभी भी वास्तविक स्थिति यही है और इसीलिए अलग क्षेत्र बनाये जाने का प्रावधान संविधान में किया गया है और कानून में भी इसकी व्यवस्था की गयी है। लेकिन इसके क्षेत्रों की बनावट के सिलसिले में यह देखा जाता है और जैसा कि पिछले वर्ष जो डेलिमिटेशन किया गया, निर्वाचन क्षेत्रों का, उसको रिवाइज्ड किया गया। मिसाल के लिये खुद मैं बिहार के मुंगेर जिले से आता हूँ। वहाँ मुंगेर जिले में जो हरिजन सुरक्षित पार्लियामेंटरी क्षेत्र था, जो कि सन् 1950 से ही चला आ रहा था, उसको उड़ा दिया

[श्री भीमा प्रसाद]

गया। और इसलिए कि कुछ निहित स्वार्थ के जो सामंतवादी विचारधारा के नेता हैं उन्होंने इसके लिए काफी कोशिश की कि यह हरिजन क्षेत्र नहीं रहे। इस आधार पर 1957 में लगातार आ रहे उस पार्लियामेंटरी हरिजन क्षेत्र में जिसका नाम पहले जमुई क्षेत्र था, अब उसका नाम बदल दिया गया है बेबुसराय क्षेत्र, हालांकि उस क्षेत्र में 4 विधान सभा क्षेत्र मुंगेर जिले के हैं जो कि लखीसराय और जमुई मंडल के तहत हैं, वे अभी भी उस क्षेत्र में हैं और उस पार्लियामेंटरी क्षेत्र में 2 विधान सभा हरिजन क्षेत्र अभी भी हैं जो कि 1952 में थे, 1962 में थे, बाद में भी बराबर रहे, वे अभी भी हरिजन क्षेत्र हैं, और जब पिछले साल फिर से रेव्यू किया गया उसमें हरिजन पार्लियामेंटरी क्षेत्र को उड़ा दिया गया। मुंगेर जिले में अब एक भी हरिजन पार्लियामेंटरी क्षेत्र नहीं है और ऐसा इसलिए किया गया क्योंकि हम यह सुनते हैं कि खाम तौर से कुछ निहित स्वार्थ के ऐसे लोग हैं जो कि हरिजनों का प्रतिनिधित्व नहीं चाहते हैं, उन लोगों की कोशिश से और खास तौर से सगठन कांग्रेस और दूसरी प्रतिनिधितादी पार्टियों के नेताओं की बड़ी कोशिश के बाद वह मुंगेर जिला में जो हरिजन पार्लियामेंटरी क्षेत्र, जमुई क्षेत्र था उसको खत्म कर दिया गया।

तीसरी बात जो रिजर्वेशन के मिलसिले में उठाना चाहता हूँ वह यह कि हरिजन, अनुसूचित जाति और अनुसूचित जन जातियों के लिए जो नौकरियों में सुरक्षित कोटा की व्यवस्था की गई है उस पर भी अमल नहीं होता है। खुद सरकार के किन्हीं विभागों में चाहे वह डिफेंस हों और दूसरे महकमे हों या जो सरकार के अन्य राजकीय क्षेत्र हैं, उद्योग हैं, या फिर निजी क्षेत्र हैं, जहां जहां भी हरिजनों और अनुसूचित जन जातियों के लिए नौकरियों की व्यवस्था करने के बारे में कोटा निर्धारित है, लेकिन उस कोटे के मुताबिक उनको वहां पर नहीं लिया जाता है और खुद इसमें जो यह रिपोर्ट है—कमेटी ऑन द वेल्फेयर आफ शेड्यूल्ड कास्ट्स एंड शेड्यूल्ड ट्राइब्स, 41वीं रिपोर्ट—रिजर्वेशन फॉर शेड्यूल्ड कास्ट्स एंड शेड्यूल्ड ट्राइब्स इन सर्विसेज के संबंध में, उसमें जो ध्वनित किया गया है मैं उसकी ओर सरकार का ध्यान दिलाना चाहता हूँ। उस रिपोर्ट

के पेज 26 में जो पैरा 1.33 है उसमें कमेटी ने यह विचार व्यक्त किया है—

“1.33. The Committee regret to note that the percentages of recruitment of Scheduled Castes and Scheduled Tribes in the Navy and Air Force are negligible and the position in regard to the recruitment of Scheduled Castes and Scheduled Tribes in the Officers' rank in all the Branches of the Defence Services is most unsatisfactory. The Committee have taken note of the executive instructions issued by the Ministry of Defence to all Recruiting Centres for preferential treatment to be given to Scheduled Castes and Scheduled Tribes in the recruitment of Defence services. The Committee, however, feel that the percentages of recruitment of Scheduled Castes and Scheduled Tribes in the Defence services are indicative of the fact that the present methodology of recruitment followed by the Ministry of Defence has served little purpose and has not yielded the desired results. The Committee are convinced that unless reservations for Scheduled Castes and Scheduled Tribes are introduced in the Defence services; no perceptible improvement in the representation of Scheduled Castes and Scheduled Tribes in those services can be expected. Moreover, when the Constitution provides for reservations for Scheduled Castes and Scheduled Tribes in the making of appointment to services and posts in connection with the affairs of the Union or of a State; there is no reason why the Defence services should be excluded from the purview of those reservations . . .”

“The Committee, therefore, recommend that reservations for Scheduled Castes and Scheduled Tribes should be introduced in the Defence Services forthwith. The Committee feel that it was really unfortunate that the Defence Services were so far excluded from the purview of reservations for Scheduled Castes and Scheduled Tribes contrary to the letter and spirit of the Constitution.”

इसी तरह से दूसरे विभागों में भी है। मैं एक-दो का जिक्र करना चाहता हूँ।

Again, Sir, at page 29, para 1.44 it is said :

"The Committee also recommend that a law should be made whereby the reservation orders in favour of Scheduled Castes and Scheduled Tribes would come into force in the public sector undertakings automatically from the date of establishment of a public sector undertaking or the date of issue of such an order by the Department of Personnel and Administrative Reforms, whichever is later."

इसी सिलसिले में . .

SHRI K. K. MADHAVAN (Kerala) : Sir, may I know whether this is relevant to the Bill which is exclusively meant for classification of Scheduled Castes and Scheduled Tribes ?

SHRI N. H. KUMBHARE (Maharashtra) : This is about welfare of Scheduled Castes and Scheduled Tribes. So, he can say it.

SHRI BHOLA PRASAD : Sir, at page 39, it is said and I again quote :

"1.55. The Committee note that reservations in favour of Scheduled Castes and Scheduled Tribes have since been provided in respect of appointments for Class II posts and to the lowest grade of Class I posts is Scientific and Technical services meant for research. However, as pointed out by the Committee in their Twentyfifth Report (Fifth Lok Sabha), the Committee are of the opinion that time has come when the qualified Scheduled Caste and Scheduled Tribe candidates should not be deprived of their due right of reservation in services on the plea of "Scientific and Technical posts." The Committee would, therefore, like the Government to examine their policy or predilection of reservation certain posts from the reservation orders on the plea of "Scientific and Technical posts". In all Scientific or Technical posts, including all those in Class I, there should be reservation for Scheduled Castes and Scheduled Tribes in Services.

The Committee are in principle opposed to any category of posts being exempted from the purview of reservations. The Committee, therefore, recommend that all exemptions from the rule of reservations for Scheduled Castes and Scheduled Tribes should be done away with."

MR. CHAIRMAN : The hon. Member may take another appropriate opportunity to explain all these things to the Government and to the House.

श्री भोला प्रसाद : सभापति महोदय, मैंने उद्धरण इसलिए दिया कि रिजर्वेशन के सम्बन्ध में जो भी प्रावधान संविधान में और कानून में है अनुसूचित और जनजातियों के लिए उस पर अमल नहीं हो रहा। इसलिए इस पर ध्यान दिलाना जरूरी था। मैं उम्मीद करता हूं कि सरकार इसके बारे में उचित तरीके से ध्यान देगी और यह जो उपेक्षा की जा रही है जिससे ट्रेजिन और अनुसूचित जातियों को जो प्रतिनिधित्व मिलना चाहिए, जो काम मिलना चाहिए, चाहे वह सरकारी विभागों में हो या दूसरी जगहों में, वह नहीं मिल रहा है, वह अवश्य में नहीं होगा।

SHRI V. B. RAJU (Andhra Pradesh) : Sir, I do not want to make any speech. I would like to have a clarification from the hon. Minister. About the First Schedule, Part I, page 18—I am referring to the State of Andhra Pradesh—under item No. 29, it is mentioned "Sugalis, Lambadis". Sir, there is another called 'Banjara'. That is a more popular word. Sir, as you are well aware, before Andhra Pradesh was constituted, it had two parts actually—the coastal area of Andhra and the Telangana area of Hyderabad. In the Telangana area of Hyderabad, they are styled as Banjaras and they have been actually struggling for inclusion, and I do not know exactly their fate, and we do not know whether the Ministry has taken care of them. We do not have the earlier list before us. It will be good of the hon. Minister if he includes them so that these poor people may not go by default.

PROF. N. M. KAMBLE (Maharashtra) : Mr. Chairman, Sir, I rise to support the

[Shri V. B. Raju]

Scheduled Castes and the Scheduled Tribes (Amendment) Bill, 1976. The hon. Home Minister has stated that the Bill, is a non-controversial one and has been brought forward for a very limited purpose and the limited purpose as he defines is just removal of certain area restrictions. While stating that this Bill is a non-controversial one, he also gave the history of the Bill. He said that the Bill was brought forward in consequence of the Lokur Committee's Report and only after that Report the Bill was introduced. A Joint Select Committee was also formed and the Report of that Joint Select Committee of two House is also with the Government. But he made a remark that the suggestions made by that Committee were such—I do not know what sort of suggestions were there—that the Government could not see eye to eye with the recommendations made by the Committee. That shows that the suggestions might have been controversial or very controversial.

Then, unfortunately, because of the dissolution of the Parliament in 1970, the Bill lapsed and in the last session again a fresh Bill was introduced and the hon. Home Minister stated that at the time of the introduction of that Bill a lot of heat was generated and the Members wanted that they should have some time to examine the Bill in detail.

SHRI K. BRAHMANANDA REDDI: This very Bill without any amendment that was passed yesterday by the Lok Sabha was introduced in the last session. The Bill that was introduced in 1967 was different.

PROF. N. M. KAMBLE : That lapsed. But the history of the Bill in general is like this. In the last session the time of the introduction, as he stated, a lot of heat was created. Now, if that was so, what was the necessity of bringing forward this type of controversial Bill? Is it just to satisfy some such Members who want that this Bill should be passed in any form as early as possible? As a matter of fact, Sir, if the Bill that was introduced last time was to be taken into consideration, along with the suggestions of the Members and the Committee, the aspirations and the

expectations of the Scheduled Castes and the Scheduled Tribes would have been fulfilled. But, my submission is that this Bill which is brought forward now completely falls short of the expectations and the aspirations of the Scheduled Castes and the Scheduled Tribes.

Now, this Bill has been brought forward in exercise of the powers conferred by article 341 and article 342 of the Constitution. As a matter of fact, Sir, the first Order came in 1950 after the framing of the Constitution. In that Order, Sir, if one just takes a look at it, it is stated therein that : In exercise of the powers conferred by clause (1) of article 341 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following order, namely so and so.

Sir, this 1950 order, according to me, was not basically in keeping with Article 341 of the Constitution because article 341 & 342 define the Scheduled Castes and the Scheduled Tribes which are to be brought under Schedules 1 and 2- respectively Article 341 says :

"The President may with respect to any State (or Union Territory), and where it is a State . . . after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State....".

Now, these words "tribes or the races or the groups within the castes" are very important, because in this article 341 there is no mention, whatsoever, of any religion. But, unfortunately, in the order of 1950, the clause 3 says :

"Notwithstanding anything contained in paragraph 2, no person who professes a religion different from Hindu or the Sikh religion shall be deemed to be a member of the Scheduled Castes."

This was an addition to the direction for specifying inclusion of the Schedule Castes

over and above the one already given. In article 341, there is no mention of the religion. However, even if we take this amended order there is nowhere, in the constitution as a matter of fact, the definition of Hindu given. However, article 25 of the constitution does give an explanation to this particular word "Hindu" and it says :

"Explanation II. In sub-clause (b) of clause (2) the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly."

So, if at all they had to make any changes, according to article 25, Explanation II, this order of 1950 ought to have included reference to persons professing Jain, Sikh and the Buddhists but I do not know for what reason the Jains and Buddhists are excluded. Therefore, I feel that the order of 1950, of which these amendments are the offshoots, is contrary to article 341 and also article 25. That is my first submission. And if this is so, then I think that the present Bill is not in order. That is my humble submission and, therefore, would request the hon. Home Minister to refer back this Bill to the Lok Sabha and bring a comprehensive Bill which would satisfy the aspirations and expectations of the Scheduled Castes and the Scheduled Tribes. Not only that, Sir, the purpose for which articles 341 and 342 give authority to or confer power on the President is thereby defeated. Sir, I shall come to this particular section of the Buddhists converted from scheduled castes because I am much concerned with it. Yes, I am a Buddhist myself.

There is another thing, Sir, which the hon. Home Minister said yesterday in Lok Sabha that the Members should not think of only poverty and try to include the castes and the communities because it is not a real test as far as the castes are concerned, and the real test was untouchability. If that is so, I would urge upon the Home Minister to see whether the Buddhist converts, especially from Maharashtra, suffer

or do not suffer from this stigma or untouchability even after conversion apart from their economic or the political status. If that be so, I would certainly urge upon the hon. Minister to include this particular group of castes, which is mentioned in article 341, in this particular Order. In the State of Maharashtra and in some other States like Madhya Pradesh, Gujarat, Andhra Pradesh, Tamil Nadu, Uttar Pradesh, Punjab and so on, many people have converted themselves to Buddhists. In Maharashtra itself, according to the 1951 Census, their number was only 1,80,823 as against the total population of 36,10,00,000 odd. The percentage was as meagre as .05. If you take the 1971 Census, the Buddhist population in India was 38,12,000 and odd. Maharashtra itself accounted for 32,64,000 and odd. The other States accounted for the rest of the Buddhist population in India, such a big slice of the population has been suffering for the last 20 years. They have no political facilities and there are no measures for their economic upliftment. Leave aside their social status because the social status is rather based on the religious consideration. We talk of secularism. But here in India everything that is done, is done against the background of religion, be it elections or be it anything else. I would not like to take the time of the House by quoting so many things pertaining to religious discriminations on caste tests, vis-a-vis the scheduled castes and the scheduled tribes and the Buddhists. But I would like to mention one thing here, namely, untouchability. I think the hon. Home Minister is quite aware of the instances where even after conversion, the Buddhists, who were formerly scheduled castes, are treated worst than the scheduled castes. I am ashamed to mention here the atrocities committed on these people like raping, their women folk making them naked and taking them in a procession in the streets, polluting their drinking water wells by throwing dead corpses of animals and so on. So many types of atrocities are there. These things are still going on. They are treated worse than the untouchables and

[Prof. N. M. Kamble]

if untouchability is the only criterion, then why don't the Government come forward with a comprehensive Bill so that such of the scheduled castes and the scheduled tribes who have been deprived of these concessions for a long time, as well as the Buddhists-converts in Maharashtra and other States who are also suffering from these disabilities could be included in this Order.

Sir, as I said earlier, this Bill, according to me, is not in order because the Order of 1950 itself is violative of articles 341 and 25 of the constitution. When we went to the higher authorities in the Government including the hon. Home Minister, the Chairman of the Committee on Constitutional Amendments, hon. Shri Swaran Singh and others, we were given some hopes and they said 'We do agree with what you say'. Many of our leaders and many of our delegations met these authorities. Many of our memoranda are with them. They do agree and say that this should be done. But I do not know what prevents them from doing this. As a matter of fact, Sir this particular Bill relates to policy matters. But in such matters, the hon. Home Minister or the other Ministers are not taking the responsibility on them and they are consulting the bureaucrats.

Sir. As you are aware, the bureaucrats are dead against these Scheduled Castes and Scheduled Tribes. I am saying this with my own experience moreover there are so many reports of the Commissioner of the Scheduled Castes and Scheduled Tribes, also there are so many reports of the Parliamentary Committee on the Welfare of the Scheduled Castes and Scheduled Tribes. If we now clamour today for a secular State and a committed judiciary, the time has come to say that we also need a committed bureaucracy, committed to the provisions of the Constitution, particularly the provisions meant for the Scheduled Castes, Scheduled Tribes and the weaker sections of the people. Sir, our beloved Prime Minister on many occasions has made it clear that the 20-point programme and various different policies and

plans of the Government are meant for the weaker sections of the society. But unfortunately, in the matter of policy decisions taken by the Government, in the matter of all welfare schemes, they remain on paper only because the bureaucracy in this country does not allow these things to be done. I would, therefore, request the hon. Minister that instead of bringing such a non-controversial Bill and getting it passed hurriedly and that too at the fag end of the Session on the last day he should bring forward a comprehensive Bill. Looking to the heat created—about which he himself has said and looking to the sentiments of the various Members in the Joint Select Committee and the representatives of the Scheduled Castes and Scheduled Tribes who have expressed their views in the other House, he should definitely bring forward a comprehensive Bill which would, as a matter of fact, stand up and satisfy the aspirations and expectations of these weaker sections of the people.

With these words, I conclude.

MR. CHAIRMAN : Yes, Mr. Deorao Patil. Try to be brief because a number of Members are to participate.

SHRI DEORAO PATIL (Maharashtra) : Sir, I welcome and whole-heartedly support the Bill. Under the existing orders relating to the Scheduled Castes and Scheduled Tribes, some communities have been specified as Scheduled Tribes only in certain areas of the State concerned and not in respect of the whole State. This has been causing difficulties to the members of those communities in the areas where they have not been so specified. The present Bill only seeks to remove this area restriction. Sir, before going to speak on the Bill, the object of which is to remove the area restriction in respect of the Scheduled Castes and Scheduled Tribes, I must congratulate the Prime Minister, Shrimati Indira Gandhi. There is no doubt that because of the keen interest for the down-trodden, the Scheduled Castes and Scheduled Tribes Order (Amendment) Bill, 1967, which lapsed in December 1970 had been reintroduce-

ed, only to remove the area restriction, in Lok Sabha in the last Session.

We cannot forget the personal interest the Prime Minister has taken in getting this Bill passed during the current Session itself. The main hurdle of area restriction has been removed for which the huge affected tribal population of the country will surely bless the Government and our benign, benevolent and dynamic leadership. She has fulfilled the assurances given to our delegation in the month of November 1963 by her late father Shri Jawaharlal Nehru. The Maharashtra Pradesh Adivasi Seva Mandal Warlikar delegation headed by me met the late Pandit Jawaharlal Nehru on 26th November, 1963, and requested and demanded to remove the area restriction in Vidarbha region of the Maharashtra State.

Shri Jawaharlal Nehru had addressed me a letter dated 26-11-1963 stating in it that he was happy to see me and all the members of the delegation and that there were anomalies, as pointed out in the memorandum, in the list of the Scheduled Castes and Scheduled Tribes and that he had directed the Ministry concerned to look into the matter and to remove these anomalies.

The Adivasi population of the unrecognised Scheduled Tribes, of non-Scheduled and non-specified areas in the Vidarbha region of Maharashtra state, numbering about 14 lakhs, and in other States numbering about more than 50 lakhs, was affected and they were suffering for no fault of theirs but because of the prevailing condition of residence stipulation. Sir, in my earlier speeches also I had stated that there was discrimination between father and son, discrimination between brother and sister, discrimination between two brothers—one brother living in the Scheduled area being treated as a Scheduled Tribe and the other brother living in a non-Scheduled area being treated as other backward class. Therefore, this question of removal of area restriction in the State has been approved then by the State Governments as well as by the Central Government. Since the days of the late Panditji and Shastriji, this

problem appears to have been stalled under the pretext that a Bill will have to be brought before Parliament and since those days. Government were repeatedly assuring on the floor of the House, about bringing a Bill to this effect. Shrimati Indira Gandhi after becoming the Prime Minister, decided to remove the area restriction, and the Bill to that effect was introduced in Lok Sabha on 12th August, 1967. In the third session of Lok Sabha, a memorandum signed by more than one hundred Members of Parliament, seeking the passage of the Bill was submitted to the Government, but as per decision of the Government the Bill was referred to a Joint Committee of both the Houses on 26th March, 1968.

The Report of the Joint Committee was presented to Parliament on 17th November, 1969 and the Joint Committee's main recommendation was that the present area restriction should be removed. The Bill as reported by the Joint Committee was taken up for consideration by the Lok Sabha on 23rd November, 1970 but consideration of the Bill was held over. Lok Sabha was dissolved in December, 1970 and hence this Bill was lapsed. Again from the year 1974, the problems of the Scheduled Tribes had been vehemently voiced, both inside and outside Parliament. A new Bill was prepared by the Government but this new Bill was pending introduction in the Lok Sabha.

Sir, in the history of tribal development it was a unique occasion when the Prime Minister, Shrimati Indira Gandhi had set her programme at Khandabara village in Maharashtra solely for a tribal function on 15th May, 1976. Among other things, the attention of the Prime Minister was called for urgent action for the tribal welfare, regarding removal of area restriction—which has put the tribals to a great hardship—and a request was made to introduce the Bill which was pending introduction in the Lok Sabha. In this regard, a letter dated 13th May, 1976 was submitted to the Prime Minister by me. On the Prime Minister's instructions, a Bill was introduced in the Lok Sabha in the last session, on 21st May, 1976. Today is the golden

[Shri Deorao Patil]

day for the tribals as area restriction will be removed by this Bill and the tribals living outside the Scheduled areas will be treated as Scheduled Tribes in all the States of the Indian Union.

From the history of the Bill it is clear that the question of removal of area restriction has been under consideration from 26th November, 1963, that is, for about thirteen years. As a result of this Bill, the unrecognised Scheduled Tribe population will be treated as Scheduled Tribes, and hence there will be an increase in the total population Scheduled Tribes. Government have made a provision in the Bill to re-estimate the population of Scheduled Castes and Scheduled Tribes on the basis of the new lists, and to re-allocate the reserved constituencies. Therefore, it was very necessary to pass this Bill during the current session of Parliament itself.

Sir, I was keenly interested in this issue since 1963 and I did not lose any opportunity in raising my humble voice in the cause of this down-trodden community. Therefore today I get the entire satisfaction of fulfilment of the desired object for which I tried untiringly and ceaselessly for more than 12 years. Let it go on record—my heart-felt congratulations are due to the Prime Minister, Shrimati Indira Gandhi, the Home Minister and also the Members of Parliament for supporting this important measure. I also congratulate the Adivasi leaders and workers who took a keen interest in this important matter.

Sir, regarding the inclusion of some of the communities in the list, the Committee recommended some of the communities to be included in the lists of Scheduled Castes and Scheduled Tribes. Regarding the De-notified Tribes, the Committee received more than 270 memoranda and representations regarding the inclusion of the scheduled Castes and the Scheduled Tribes. Most of them were from the relatively advanced communities and most of them are from de-notified and nomadic communities. The de-notified and nomadic communities are scattered all over the country and their welfare work has not so far

been done. The Committee recommended that they should be treated on a par with the Scheduled Castes and Scheduled Tribes in the matter of social, educational and economic uplift. The Committee have also recommended the fresh inclusion of some communities in the list of Scheduled Tribes. They recommended 72 new sub-castes and 141 new Scheduled Sub-tribes for inclusion in the list. Therefore, I request the Home Minister that this question should be re-considered and a comprehensive Bill should be brought forward.

Sir, I welcome the Bill and congratulate the Home Minister in this regard.

SHRI N. H. KUMBHARE : Sir, the hon. Minister in his brief speech referred to the object of the Bill and we are told that the Bill has a very limited purpose—it is only seeking to remove what is called the area restriction. In other words, if a Scheduled Caste or a Scheduled Tribe is so relation to a particular area, now, with this amendment provision, he will be regarded as Scheduled Caste or Scheduled Tribe in other area. So far as the object of the Bill is concerned, I think there will be no controversy; and we all welcome the Bill. But I must say that the

12 Noon major objective of bringing this Bill has not been accomplished in the real sense. If a Scheduled Caste person resides in one State and then for some reasons or others, he migrates to some other State, why should he not be regarded as a Scheduled Caste? In the brief speech the hon. Minister has made a very touching reference to the recommendations of the Joint Select Committee. There was a Joint Select Committee after the Lokur Committee or Commission had given its recommendations. The Joint Select Committee was there to examine the entire question. All that we wanted was that there should be an integrated approach. In other words, the problems that arise out of exclusion or inclusion should be resolved. Why should there be a piecemeal approach? You resolve one problem and allow the other problems to remain, thereby creating more problems. All that we want is that

you should have an integrated approach to examine the entire thing and to try to find out how best we can resolve the problems that crop up. So what I was submitting was that the Joint Select Committee had considered this aspect and they had made recommendations to the effect that if a person belonging to the Scheduled Castes or Tribes migrates to some other State, he should continue to be treated as belonging to the Scheduled Castes or Tribes. Here, Sir, the word "migrate" is very important. It is but natural that a person may not remain in his State for his vocation, for his employment or for some other purpose. He may be bound to go to some other State. The word "Migration" has a specific meaning in the sense that when he leaves that State, he ceases to be a citizen of that State, and he becomes a citizen of another State. Now, the very simple question is that simply because he goes beyond the area of a particular State, he ceases to belong to the Scheduled Castes or Tribes. This was a serious anomaly and it created a serious hardship. Therefore, it was demanded that you should remove the area restriction on an all-India basis. Sir, here I would like to make a submission that some confusion is sought to be created by saying that, well: it would mean an all-India list. No, it will not be an all-India list. The simple proposal was that when they migrated to some other State, then in that State also they should be regarded as Scheduled Castes or Scheduled Tribes as the case may be. On this point, the Joint Committee's Report was unanimous and secondly, the Minister in charge was also a party to that decision. Then what was the reason for the Government not to adopt it? Now the hon. Minister says that there has been a controversy. But the hon. Minister has not said on which issue the controversy was there. I would like to make it clear that there was no controversy so far as this matter was concerned. There was no controversy at all. On the contrary, the entire recommendation was unanimous, and the Government was party to it. Therefore, when the Members are so much agitated over this issue and when the hon. Minister

knows how much unrest is there he should tell us why they want to have a piecemeal approach and why they do not want to resolve the problem *in toto*. I would like to know from the hon. Minister what was the consideration which weighed with the Government in not accepting this suggestion. Otherwise the impression would be that so far as the problem of the Scheduled Castes Scheduled Tribes is concerned, the Government does not want to deal with the problem with an open mind, and it has got some sort of reservation: "Oh, if it is done, it will inflate their population. Now they are 21½ per cent; they may become 30 per cent." A very enlightened officer told me that they will become 55 per cent. This sort of nonsense is going on outside. There are elements which are working against us. So, what I want to say is that at least the Government should accept what was thought to be just and proper. It is just and proper and simply because a person goes to another State, he does not become advanced. He still suffers from social disabilities. He still suffers from abject poverty.

Even then he is not regarded as Scheduled Caste and he is deprived of all the benefits. Therefore, my submission is that the hon. Minister should at least take note of this and give the reasons as to why the Government has not accepted this unanimous recommendation to which they were also a party.

Besides this, the report of the Joint Select Committee has also made a recommendation in respect of two other important matters. They also do not find place in the present Bill. I may just invite the attention of the hon. Minister to the fact that when this Bill was introduced in 1969, there was one provision which related to refugees from East Pakistan. These refugees who came from East Pakistan were certainly to be regarded as Scheduled Castes in West Bengal. That means, if they were Scheduled Castes, they would be regarded as such and if they were Scheduled Tribes, they would be treated as such. At that time you wanted to confer these benefits on these people. But today where is that

[Shri Deorao Patil]
provision in this Bill? I would like the hon. Minister to explain in the course of his reply why that provision did not find a place in the present Bill. Was there any controversy over this? There was no controversy and I know on which issue there was controversy. The controversy was over the issue of conferring these benefits converts. If a Scheduled Tribe becomes a Christian or if he becomes a Muslim, the argument was that by conversion he loses what is called his tribal character and when he loses his tribal character he should not be regarded as a Scheduled Tribe. That was one point of view. The Joint Select Committee was in favour of excluding such people. The hon. Minister in charge at that time thought that it would be difficult for him to accept it. And it was not accepted. I could understand this. Therefore, the so-called controversy was restricted only to that point and not to other points. But in the name of controversy, the entire beneficial provisions have been taken away and therefore the Scheduled Castes and Scheduled Tribes are very much perturbed. They have an impression that some element is working against their interests. This impression is well bounded when their interests are ignored in this manner.

Then, Sir, I would like to refer to the question of Scheduled Castes who have converted to Buddhism. My friend Prof. Kamble has very aptly dealt with this problem. In the first place we will have to examine and find out whether any legislation or any administrative act has violated the concept of our declared policy of secularism. More so when we are going to amend our Constitution by incorporating the word "secularism" in the Preamble. We are now going to say that India stands for secularism. Very good. We stand for secularism. But this should not be just ornamental. We have to display that we are secular. Therefore, I say it will have to be seen and examined very carefully whether every action of ours is within the purview of the concept of secularism. No discrimination should be made in the name of religion. Therefore, my submission is

this: When you say that a Scheduled Caste person, for purposes of special treatment and privileges and rights, should belong to a particular religion, does it mean that you are treating all the religions on an equal footing? No. It does mean that there is discrimination in the name of religion. In the year 1950, you said that the Hindus alone would be the Scheduled Caste people. In other words, if a particular group or community satisfied the test or the criteria—as has been pointed out by the honourable Minister, the criteria should be educational backwardness, economic backwardness and social backwardness—they are still not considered to be a Scheduled Caste if they were not Hindus. If a person satisfied the criteria, he should be identified and earmarked for special treatment. Why should his religion come in? Why do you want to stick to a particular religion? If a Hindu or if a Sikh or if a Buddhist satisfies the criteria laid down, then he should be allowed to have that benefit. Now, you want to restrict it. It means that you want to favour one religion only. Is it secularism? Is it secularism when you favour one religion in particular? This was in 1950 and then, after six years or so, you provided for the Sikhs also. I have no objection to that. I know that there are thousands of Scheduled Caste persons who have embraced Sikhism. By embracing Sikhism, their conditions have not improved at all. There are still Sikhs who do the work of scavenging. They do the work of cleaning and they are still regarded as untouchables. Therefore, the Government showed some wisdom and included another religion, that is, Sikhism, but that is not enough. It is for the Government to examine this aspect and see that, irrespective of the religion, anyone who satisfies the test is treated as a Scheduled Caste person and. Sir, here is the problem of forty lakhs of Buddhists in this country who were Scheduled Caste people once and who have become Buddhists now. Sir, the other day, I was in the Lok Sabha and the honourable Minister was saying: "Well, we cannot extend this benefit and we cannot provide for bringing the Scheduled Castes under the

list of Scheduled Castes because of paragraph 3, which restricts the inclusion of the Sikhs and Buddhists." This is our grievance. By having this paragraph, that is, paragraph 3, you have done an act which is violative of your ideal and concept of secularism and I can say without fear of being contradicted that if it is examined legally and judicially, it will not stand the test of secularism. Such an act would not stand the test of secularism and it will be quashed as something not secular and as something unconstitutional. This is what we would like the Government to examine. And, Sir, this is not the first time when this matter has been brought to the notice of the Government. No; not for the first time. If the honourable Minister sees the files, he will find that hundreds and thousands of representations have come to his Ministry saying that this is an act of grave injustice which has been done to them and asking Government to do something to remove it. The Government must have received several thousands of representations and would have received deputations and would have seen many *morchas* led by these people also. There is a demand for this and yet the Government is not prepared to consider this question at all.

Sir, this is one aspect of the matter and I want to come to the other aspect. The Government of Maharashtra realised that notwithstanding our conversion we still suffer from social disabilities and abject poverty and, therefore, they have given us some benefit and the State Government has said that we are entitled to get all the concessions, facilities and benefits which are available to the other Scheduled Caste people. Moreover, Sir, the Government of India also has extended to us the benefit of Central Government scholarships. When the Government has given us this scholarship facility and when it is given to the Buddhist-convert from Scheduled Caste students, by implication it suggests that the Government is also of the opinion that notwithstanding our conversion we have not been able to make any improvement so far as the educational and social spheres are concerned.

If this is the position, I would like to know from the hon. Minister as to what was the problem in not including them in the list of Scheduled Castes.

Sir, I would not like to take much of your time. The hon. Minister has given us an assurance that it would be possible for them to consider this in terms of an exhaustive Bill. If this is so, it will be in the interest of serving the cause of our Constitution. Otherwise, it will be a black spot; it will be a black Act. Why should Government put restrictions in the name of religion? This is fundamental. And in that light, Sir, I am very hopeful about this.

Sir, as Prof. Kamble has rightly pointed out, we met the Prime Minister. She is very sympathetic. She also feels that in the name of religion discrimination should not be there. And, therefore, our only hope is the Prime Minister. We still feel confident that the Prime Minister will remove this injustice that is being perpetrated.

[The Vice-Chairman (Shri Lokanath Misra) in the Chair.]

श्री बापूरावजी मारुतरावजी देशमुख (महाराष्ट्र) :

उपमहाध्याय, महोदय, शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स पर से रिस्ट्रिक्शन हटाने के बारे में जो बिल आया है उसका मैं समर्थन करने के लिये खड़ा हुआ हूँ। उपमहाध्याय महोदय बहुत वर्षों से यह रिस्ट्रिक्शन था और गवर्नमेंट की तरफ से सभी कमिशन शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स को मिलने थे लेकिन एरिया में राष्ट्र के लोगों पर रिस्ट्रिक्शन होने से एरिया के बाहर के लोगों को उनका लाभ नहीं मिलता था। बहुत वर्षों से उनकी यह डिमांड थी कि एरिया में जो लोग रहते हैं उन्हीं को लाभ मिलना है और बाकी के लोगों को लाभ नहीं मिलना, इसलिये बाकी के लोगों को भी लाभ मिलना चाहिये। आज जो यह बिल आया है इसके लिये मैं माननीय ब्रह्मानन्द रेड्डी होम मिनिस्टर साहेब को धन्यवाद देना चाहता हूँ क्योंकि इससे उन सभी लोगों को, जो शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स की अमात में

[श्री बापूरावजी मासुरावजी देशमुख]
 आने है, उनको लाभ मिलने वाला है। मैं महाराष्ट्र की बात कहना चाहता हूँ कि इस बिल के आने से जहाँ-जहाँ शेड्यूलड ट्राइव एरिया है वहाँ तो वे लोग मूहलियत लेगे ही, साथ ही उन एरिया के बाहर के लोग भी मूहलियत ले सकेंगे। मैं यह कहना चाहता हूँ कि इस सहूलियत से ज्यादा फायदा नहीं होने वाला है जब तक आप उन एरियाज के लिये स्कूल, हास्पिटल, होस्टल, पब्लिक स्कूल नहीं खोलेंगे, क्योंकि वहाँ की इकोनॉमिक कंडीशन बहुत ही कमजोर है! इस कारण से उनके बच्चे पढ़ नहीं सकते, पढ़ाई के लिये बाहर भी नहीं जा सकते। जहाँ-जहाँ ऐसे एरियाज है वहाँ पर फ्री होस्टल, फ्री एजुकेशन का इंतजाम होना चाहिये। मैं आपको यह बताना चाहता हूँ कि वहाँ क्रिश्चियन मिशनरी है उन्होंने फ्री स्कूल खोले हुए हैं, फ्री होस्टल भी खोले हुए है और इसका असर उन लोगों पर पड़ने वाला है। यह असर उन पर न पड़े और क्रिश्चियन न बनें इसके लिये गवर्नमेंट को भी वहाँ पर फ्री होस्टल आदि खोलने पड़ेगे जहाँ लड़के अपनी पुरी पढ़ाई कर सकें और बच्चे फ्री होस्टल में रह सकें! इस दृष्टि से यदि हम देखें तो हमें पता चलेगा कि जब तक उनके लिए पढ़ाई आदि का पूरा इंतजाम नहीं होगा तब तक वे लोग तरक्की नहीं कर सकते हैं। मैं चाहता हूँ कि इन लोगों को जितने ज्यादा से ज्यादा कंसेशन दिये जा सकें उतने दिये जाने चाहिए और अपनी जल्दी तरक्की कर सकें, यह बात तो ठीक है कि एरिया के बाहर के इलाके में भी उन लोगों को मूहलियत प्राप्त होंगी, लेकिन इन लोगों के बच्चों के लिये भी फ्री आश्रम, स्कूल, होस्टल का भी इंतजाम होना चाहिये। और वह अपनी तरक्की जल्द से जल्द कर सकें और आम जनता बराबर स्थान प्राप्त कर सकें। इसलिए मैं चाहता हूँ कि इन लोगों को बराबर का स्थान देने के लिए वे तमाम सहूलियतें दी जानी चाहिये जिनसे ये लोग दूसरों के बराबर आ सकें।

दूसरी बात मैं यह कहना चाहता हूँ कि जैसा कि कहा गया है कि शेड्यूलड कास्टम और शेड्यूलड ट्राइव के लिये रिजर्वेशन सर्विसेस को रखा गया है, लेकिन हमारे देश में जो सफाई का काम करने

वाले लोग और इनकी सबकास्ट के भी लोग हैं उनको उचित सर्विसेस में जगह नहीं मिलती। इसलिए मेरा कहना यह है कि इन लोगों को, खासतौर पर चमार, मोची और सफाई मजदूरों को सर्विसेज में कुछ न कुछ परमेन्टेंट में प्रतिनिधित्व दिया जाना चाहिए। जब हम अपने देश को एक सेकुलर स्टेट मानते हैं और सब का बराबरी का हक देना चाहते हैं तो हमारा यह उद्देश्य होना चाहिए कि एक ही जमान के लोग आगे न बढ़ें बल्कि सभी जमातों के लोग आगे बढ़ें। ऐसी हालत में यह जरूरी हो जाता है कि सब लोगों को सर्विसेज में आने के लिए बराबर का चान्स मिलना चाहिए। मैं समझता हूँ कि हमारे सरकार इस बारे में अच्छी तरह से सोच करके ऐसा इंतजाम करेगी जिससे इन लोगों को सर्विसेज में उचित प्रतिनिधित्व मिल सके। अगर हम समानता के आधार पर सब को आगे बढ़ने का मौका देगे और शेड्यूलड कास्टम और शेड्यूलड ट्राइव के लिए पढ़ाई-लिखाई का उचित प्रबन्ध करेंगे तो इससे इन लोगों को लाभ मिल सकेगा। अगर हम ऐसा नहीं करेंगे तो हमारे देश में कुछ लोग ही आगे बढ़ते जाएंगे और बाकी लोग पिछड़ जाएंगे। इसलिए आज जरूरत इस बात की है कि सब लोगों को और खासतौर पर इन पिछड़े लोगों को आगे बढ़ने का मौका दिया जाय।

दूसरी बात मुझे यह कहनी है कि हमारा देश सेकुलर स्टेट है। यहाँ पर सबको बराबर माना जाता है। जैसा कि हॉम मिनिस्टर साहब ने कहा है कि बहुत पिछड़ी जातियों के लिए वे एक दूसरा बिल लाने वाले हैं यह तो ठीक है कि इस वक्त पिछड़ी जातियों का इसमें शामिल नहीं किया गया है, लेकिन मैं यह कच्चा चाहता हूँ कि हमारे देश में पिछड़ी जातियों की इकोनॉमिक कंडीशन इतनी खराब है कि वे लोग तरक्की नहीं कर पा रहे हैं। महाराष्ट्र में भोतारी, धोबी, भवारी, दिबर, भोई और कोष्टी जमान बहुत पिछड़ी हुई है। यह ठीक है कि जो लोग इनका टेक्स देते हैं या जिनको प्रापर्टी है और जिनकी कंडीशन बहुत अच्छी है शेड्यूलड कास्ट व शेड्यूलड ट्राइव के लोगों की उनको वे कंसेशन नहीं मिलने चाहिए जो अन्य पिछड़ी

जातियों को मिलते हैं। अगर हम ऐसे वाले लोगों को भी सारे कंसेशन देने लगे तो जिनकी इकनॉमिक कन्डीशन बहुत खराब है या जो लोग बैकवर्ड हैं उनको उन कंसेशन्स का लाभ नहीं मिल सकेगा। मैं चाहता हूँ कि हमारे देश में जो शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स के लोग हैं उनको सभी प्रकार के कंसेशन मिलने चाहिए। गर्वनमेंट सर्विसेस में जो लोग ज्यादा पगार लेते हैं या इनकम टैक्स देते हैं उनको भी कंसेशन नहीं मिलने चाहिये। इसके अलावा शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स के लिए वे सभी सहुलियतें प्रदान की जानी चाहिए जो उनकी तरफ़को के लिए आवश्यक है। जब हम उनको मत्र प्रकार के कंसेशन देंगे तभी वे अन्य लोगों के बराबर आ सकेंगे। मुझे उम्मीद है कि मैंने जो ये दो तीन सजेसन दिये हैं इन पर मंत्री महोदय विचार करेंगे। इन शब्दों के साथ मैं इस बिल को सपोर्ट करता हूँ।

SHRI SANTOSH KUMAR SAHU (Orissa): Mr. Vice-Chairman, Sir, I stand to support the Bill because it will immensely benefit the Scheduled Caste and Scheduled Tribe people who were restricted for getting the benefit within a scheduled area within a State and who were not getting the full benefit of mobility inside the State. It is a forward step in the scheme of a national policy regarding the welfare of Scheduled Caste and Scheduled Tribe people.

Sir, while supporting the Bill, I would like to read out the relevant provisions of the Constitution. The Constitution has prescribed certain measures to improve the conditions of socially and economically backward people and to bring them to the level of others. And as such they have provided that the President of India, in consultation with the Governor will proclaim an order and that will be placed before the Parliament and that will amend the list of the Scheduled Castes and Scheduled Tribes. This Bill is definitely a step forward because it removes the restrictions on Scheduled Castes and Scheduled Tribes peoples' welfare benefits were confined to a particular area. They can now go to other places and they

will continue to get the benefits within the State. This restriction has now been abolished inside the jurisdiction of the State.

But, Sir, this is not a comprehensive Bill. It would have been much more welcome if a comprehensive Bill covering all the aspects for the amelioration of the weaker sections, the Scheduled Castes and the Scheduled Tribes, of this country had been brought forward. In this connection, Sir, I would like to submit two or three minor points and show to you how these people, by misuse of certain words, have suffered in my State. Now, on page 12 of the Bill at serial number 24 the word mentioned is 'Dewar'. The caste 'Keuta', a class of very backward fishermen found a place in the list of Scheduled Castes in the Order of 1950 but was not mentioned as such in the subsequently revised list of 1956. It was felt that the depressed fishing folk 'Keuta' did not find a place in the revised list because they came under the classification 'Dewar'. But the spelling of the word 'Dewar' has raised the doubt as to whether it refers to 'Dhewar', i.e., the fishermen. Sir, I submit through you to the hon. Home Minister that these concessions to the bulk of fishermen community variously known as 'Keuta' and 'Kaibarta' or 'Dewar'. Under Item 24 'Dewar' may be continued and necessary clarification or modifications to this effect may be made. Sir, I come from a district which is a border district adjoining Bengal and Bihar. Just as one crosses the river on the other side the people belonging to fishermen communities are getting the benefits and not on this side. There is a long history behind it. The then Member of Parliament, Sri Uma Charan Patnaik also wrote to the then Deputy Minister of Home Affairs in this connection. The Scheduled Caste Commissioner also wrote to the Orissa Government that the word 'Dewar' will include other sub-communities and they also get the benefits. Due to subsequent wrong interpretation the people do not get the benefits now. These people sent a memorandum to the hon. Prime Minister and on that memorandum there was an inquiry by the State Government and the State

[Shri Santosh Kumar Sahu]

Government has also recommended that this anomaly should be removed. These people belonging to Keuta or Kaibarra are a backward people. They serve the society. They are economically very backward and it should be provided that the caste 'Dewar' includes these sub-castes also.

Now, Sir, I come to another caste 'Barik', whom we call barbers. They are doing service to the nation. In our list we have included 'Bariki' but not 'Barik'. These people are doing immense service to the society. They are really serving the society. But we cannot say that untouchability should be the criteria for judging a Scheduled Caste as we have brought in legislation banning untouchability. So, Sir, it is basically the economic and social backwardness of a caste which should entitle it to be categorised as a Scheduled Caste. It is, therefore, requested the Bariki Caste should also get these benefits and the economic standard should be the criteria for declarations of Scheduled Castes and Scheduled Tribes at the national level.

I, therefore, want through you to seek clarification from the hon. Minister that these people who are socially and economically backward will be derived of these benefits and that because of some anomaly and some misunderstanding they will not be debarred and allowed to suffer.

Lastly, Sir, removal of area restrictions by the Government of India is a very good thing for which the hon. Prime Minister has to be congratulated and the people should express their indebtedness. I hope, Sir, that when the Home Minister brings a comprehensive Bill the area restrictions of all throughout the country will be removed and he will consider all these points. Thank you.

श्री भद्रया राम मुण्डा (बिहार) : उपमहाध्यक्ष महोदय, माननीय गृह मंत्री ने आदिवासियों और हरिजनों के संबंध में जो बिल इस सदन में उपस्थित किया है मैं उसका समर्थन करता हूँ। यह बिल आज से 10 वर्ष पहले आना चाहिए था क्योंकि उस समय, सन् 1967 में, एक कमेटी बनाई गई थी

दोनों सदनों के सदस्यों की, और उस कमेटी ने सारे देश में घूम कर ऐसे लोगों की सूची बनाई थी जो कि, 1950 में जो सूची बनी थी, उसमें से वे लोग छूट गये थे। लेकिन किसी कारण-वश वह रिपोर्ट सदन में नहीं आई और ऐसे लोग 10 वर्ष तक सारी सुविधाओं से वंचित रह गये। अब 10 वर्ष बाद यह बिल लाया गया है और मुझे आशा थी कि यह बिल पूरी तरह से दुरुस्त होकर आया लेकिन जहाँ तक हम देख रहे हैं, ऐसा नहीं है। इसमें भी बहुत सी त्रुटियाँ रह गई हैं।

पहली बात तो मैं यह कहना चाहूँगा कि आदिवासी और हरिजन देश के नागरिक हैं और देश के नागरिक होने के नाते इन को देश के किसी भी भाग में रहने का, कोई व्यवसाय करने का और कोई संपत्ति रखने का वैसा ही अधिकार है जैसा अन्य लोगों को है, इसलिये इन को जहाँ कहीं भी इस देश के किसी हिस्से में वे जाएं वहाँ उन्हें पूरी सुविधाएँ तब तक मिलनी चाहियें जब तक आदिवासी और हरिजनों को सुविधाएँ मिलती रहेंगी। लेकिन ऐसा नहीं हो सका और इसमें यह व्यवस्था रख दी गई है कि किसी राज्य में या किसी संघ क्षेत्र में जो बनाई गई सूची है उसके अंतर्गत कोई आदिवासी या हरिजन हो तो वह उस क्षेत्र के अंदर जब तक रहेगा तब तक उसको सुविधाएँ मिलेंगी लेकिन इस तरह से भी नहीं हो रहा है; एक क्षेत्र या एक संघ क्षेत्र के अंदर भी अलग अलग क्षेत्र बनायी गयी है और उसमें कुछ लोगों को सीमित रखा गया है। मैं समझता हूँ, यह संविधान के बिलकुल प्रतिकूल रखा गया है। संविधान के आर्टिकल 342 (1) में कहा गया है:

"The President may with respect to any State or Union Territory, and where it is a State . . . , after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State (or Union territory), as the case may be."

एक स्टेट और एक यूनियन टेरिटरी की बात यहाँ पर है। लेकिन आपने हर क्षेत्र में अलग-अलग हर

क्षेत्र बना दिया है—कहीं किसी जिले में, कहीं किसी तहसील में आपने आदिवासी या हरिजन को रख दिया है। इस निस्ट में मैंने देखा है सब इसी तरह से है चाहे बिहार में जाइए, चाहे आंध्र में जाइए चाहे तामिलनाडु में जाइए, चाहे महाराष्ट्र में जाइए, चाहे कहीं और जाइए। यह मुविधा मिलने की अवस्था सम्पूर्ण राज्य में होनी चाहिये; सम्पूर्ण भारत में तो आपने नहीं किया है कम से कम पूरे राज्य में ये मुविधाएं उन को मिलनी चाहिए थीं लेकिन ऐसा नहीं है। एक स्टेट के अंदर भी आपने अलग-अलग क्षेत्र बना दिया है जहां आपने उन को सीमित रख दिया है।

मैं समझता हूं कि यह संविधान के खिलाफ है। मैं माननीय मंत्री जी से निवेदन करना चाहता हूं कि यहां जो गड़बड़ी है इसको आप हटाइए और कम से कम एक स्टेट के अंदर जो भी ट्राइबल हों, शेड्यूल्ड कास्ट हों उन सब को मुविधाएं प्राप्त हों ऐसी व्यवस्था कीजिये।

जो लोग अपने क्षेत्र से बाहर चले जाते हैं उनको आप कोई मुविधा नहीं दे रहे हैं। बिहार, बंगाल, उड़ीसा और मध्य प्रदेश से लाखों की संख्या में हमारे लोग आसाम गये हुये हैं जिनकी संख्या कई हजार की है। इसी तरह से 20-25 हजार हरिजन अश्वमान निकोबार द्वीप समूह में पहुंचे हुए हैं, लेकिन इन तमाम लोगों को किसी तरह की मुविधाएं नहीं मिल रही हैं। मैं आप से कहना चाहता हूं कि आसाम, जहां हजारों की संख्या में आदिवासी और हरिजन गये हुए हैं। आज से 50 वर्ष पहले आसाम बिलकुल जंगल था, वह कोई चाय-बागान नहीं था। अंग्रेजी शासन ने बंगाल, बिहार, उड़ीसा और मध्य प्रदेश से आदिवासी लोगों को लें जाकर जंगल कटवाये, चाय-बागान बनवाये, तमाम रास्ते बनवाये, लेकिन आज उनको कोई फेमिलिटी नहीं है—यहां तक कि अंग्रेजी शासन में इन चाय-बागानों में काम करने वाले हरिजनों और आदिवासियों के लिये आसाम विधान मंडल में चार स्थान सुरक्षित थे और इस कारण आदिवासियों और हरिजनों को आसाम असेम्बली में भी बैठने का मौका मिलता था और अपनी तकलीफों को सुनाने का मौका मिलता था, वह भी अब खत्म कर दिया गया है। इस तरह आसाम में गये हुए आदिवासियों को किसी तरह की मुविधाएं नहीं मिल रही हैं। कहने

का मतलब यह है कि आप इस रेस्ट्रिक्शन को हटा दीजिए आदिवासी और हरिजन जहां-कहीं भी जायें उनको मुविधा दीजिये क्योंकि यह व्यवस्था तो अस्थायी रूप में है। हम नहीं चाहते कि आदिवासी और हरिजन हमेशा इन मुविधाओं का उपयोग करते रहें। हम चाहते हैं कि एक निश्चित अवधि के अंदर हर तरह की मुविधा देकर आप हमको इस लायक बना दीजिये जिसमें वे और लोगों के साथ चल सकें। उनके बाद ये मुविधाएं देना बन्द कर दीजिये। जब तक यह नहीं होता तब तक ये मुविधाएं जारी रखिए। इसके साथ ही मुझे यह भी कहना है कि आज तक आपने जो मुविधाएं दी हैं उनका भी ठीक से इन्तजाम नहीं हो सका और इसीलिये आपको जरूरत पड़ रही है और इन लोगों के लिए आप अवधि बढ़ाते चले जा रहे हैं। जैसा कि अभी माननीय कुम्भारे जी ने कहा और एक दूसरे साथी ने भी कहा, आदिवासियों के बीच में अंग्रेजों के समय से ही हजारों की संख्या में ईसाई मिशनरी काम कर रहे हैं और उन्होंने कई लाख लोगों को कन्वर्ट भी कर लिया है। विदेश से अपार धनराशि आ रही है और उनके बीच काम हो रहा है। उनके बीच में अच्छे-अच्छे कॉलेज और विद्यालय चल रहे हैं और उनमें उनके लड़के पढ़ रहे हैं। जो लोग कन्वर्टेड नहीं हैं उनका वहां कोई स्थान नहीं है। कन्वर्टेड लोग बाकी आदिवासियों से बहुत आगे बढ़े हुए हैं। 100 वर्षों से उनके बीच में काम हुआ है। आज वे उन्नत समाज के लोग हो गये हैं। उनमें ब्राह्मणों से भी कन्वर्टेड लोग हैं, कायस्थों से भी कन्वर्टेड लोग हैं और बनियों से भी कन्वर्टेड लोग हैं तथा अन्य आदिवासियों से भी बाकी आदिवासियों से यह कह दिया गया है कि इन लोगों से कम्पीटीशन करके, प्रतियोगिता में उत्तर कर मुविधा लो, हमने मुविधाओं का इन्तजाम कर दिया है। इस प्रकार जो हो रहा है इसमें आदिवासियों का कल्याण नहीं हो रहा है और जो पिछड़े लोग हैं वे पिछड़े ही रह रहे हैं। इसीलिये कई मानो से लोग कह रहे हैं कि कन्वर्टेड और न कन्वर्टेड लोगों के लिये अलग-अलग इन्तजाम कर दो। कन्वर्टेड लोग अपनी मारी सामाजिक बातों को छोड़ देते हैं, उनके शादी-ब्याह, पर्व त्यौहार, पूजा-पाठ सब कुछ अलग हो जाता है।

[श्री भइया राम मुण्डा]

सब कुछ अलग हो जाता है। मैं यह नहीं कहता कि ऐसे लोगों को कोई सुविधा नहीं दीजिये। आप उन को भी सुविधायें दीजिये लेकिन अलग से दीजिये ताकि बैकवर्ड लोग आसानी से उन सुविधाओं का लाभ उठा सकें। लेकिन आज ऐसा नहीं हो रहा है। दूसरी, और, जैसा कि कुम्भारे जी ने कहा जो हरिजन ईसाई हो गये हैं, बुद्धिस्ट हो गये हैं या जिन्होंने इस्लाम धर्म ग्रहण कर लिया है उन की सुविधायें आप ने समाप्त कर दी। पिछले 25 वर्ष में कितने ही लोगों को इस के कारण नुकसान उठाना पड़ा है और कितना नुकसान उठाना पड़ा है इस को वे लोग ही जानते हैं। मैं समझता हूँ कि यह नीति सेकुलरिज्म के बिल्कुल खिलाफ है और ऐसा नहीं होना चाहिये। जैसा आदिवासियों के साथ होता है वसा ही उन के साथ भी होना चाहिये तभी मही माने में ममानता होगी और तभी मान्य होगा कि एकमा न्याय हो रहा है। लेकिन आज ऐसा नहीं है इससे आदिवासियों और हरिजनों के बीच में बड़ी निराशा है। इस तरह का भेद नहीं होना चाहिए। वे भी भारत के नागरिक हैं और बहुत बहादुर जाति के लोग हैं। आदिवासियों के लिए मैं कहना चाहता हूँ कि पहाड़ों के बीच में रहने के कारण उन में इतनी क्षमता है कि वे भारत के किसी भी हिस्से से बड़े क्षेत्र में भी जा कर रह सकते हैं और दुश्मनों के साथ लड़ सकते हैं। पिछला युद्ध जो कि बंगला देश से हुआ था उसमें पहाड़ के जो आदिवासी गये थे वह पहाड़ी क्षेत्र में जा कर इतना लड़े कि उन्होंने दुश्मन के छक्के फुड़ा दिये। एक आदिवासी जो हमारे जिले के ही है, बिल्कुल जंगल के आदमी है, वह गरीब घर का था। उसका नाम आलवर्ट है। वह पूर्वी क्षेत्र में लड़े और कितने ही लोगों को मारते हुए शहीद हो गये। भारत सरकार ने उनको परमवीर चक्र दिया है। इस के लिये मैं सरकार को बधाई देता हूँ।

श्री एन० एच० कुम्भारे : पाकिस्तान बाईर पर भी ऐसे लोग गये हैं।

श्री भइया राम मुण्डा : ऐसे लोगों को कमजोर बना कर रखना देश के लिये खतरनाक है। ये तो आप के अमेट है। इसलिये जो भी आप योजनाएं बनाते हैं उन का ठीक से इम्प्लीमेंटेशन

होना चाहिये और एक निश्चित अवधि के अंदर उनको आप इस लायक बना दीजिये कि वे आप के साथ कंधे से कंधा मिला कर देश के निर्माण में अपना योगदान दे सकें।

अंत में मैं कहना चाहता हूँ आदिवासियों के संबंध में कि उनकी अपनी अपनी भाषायें हैं। हर प्रांत में अपनी अपनी भाषाएँ हैं, लेकिन पढ़ने और लिखने के लिये उनको दो भाषायें सीखनी पड़ती हैं—एक तो अपने प्रांत की भाषा और दूसरे अंग्रेजी। यह दोनों भाषायें उनके लिये फारेन लैंग्वेज है और दोनों भाषाओं को सीख कर नौकरी चाकरी में आप के लड़कों के साथ उनको बैठना पड़ता है। हिन्दी भी उन की मातृ भाषा नहीं है और अंग्रेजी भी नहीं है और आप की अपनी मातृ भाषा है। सिर्फ आप को अंग्रेजी अपने लड़कों को सिखानी पड़ती है। तो आप के लड़कों के साथ आदिवासी लड़के कैसे मुकाबला कर सकते हैं, लेकिन नौकरी में जब इंटरव्यू होता है या टेस्ट होता है तो जितना आप अपने लड़के को योग्य समझते हैं उतना ही आदिवासी लड़के को भी समझने लगते हैं। उनकी जो सुरक्षित सीट है वह भी उन्हें नहीं मिलती है। आजकल तो ऐसा भी नियम रखा गया है कि तीन वर्ष तक कोई उम्मीदवार न मिले तो वह सीट डि-रिजर्व हो जायेगी। बहुत जगह जान-बूझकर भी डि-रिजर्व किया जाता है। इस कारण आदिवासियों को जितनी संख्या में सेवाओं में आना चाहिए उतनी संख्या में नहीं आ सके हैं।

दूसरी बात मैं यह कहना चाहता हूँ कि मैंने यह लिस्ट देखी है। इसमें पता नहीं, माननीय मंत्री जी इसका जवाब देंगे, 1971 की जनगणना के अनुसार उत्तर प्रदेश में आदिवासियों की संख्या 1,98,565 है, दादरा और नगर हवेली में 64,445, गोवा, दमन और दीव में 7,665, लक्कादीव, मीनीकाय और मिनीदीव द्वीपसमूह में 29,540 दिखाई गई है। यह पापुलेशन 1971 की है। लेकिन इस बिल में सब खत्म हो गये, कहीं जिक्र तक नहीं है। उत्तर प्रदेश, दादरा और नगर हवेली, गोवा, दमन और दीव का कहीं जिक्र नहीं है। पता नहीं क्या हो गया। मंत्री जी ने इसका कारण भी नहीं बताया क्यों ऐसा हो गया। यह आश्चर्य की बात है।

उप-सभाध्यक्ष (श्री लोकनाथ मिश्र) : जब जवाब दोगे तब बतायेगे ।

श्री भइया राम मुण्डा : पता नहीं यह लोग कहाँ चले गये, हिमालय की ओर चले गये या कहाँ गये ये पता नहीं चला । मैं माननीय मंत्री जी से निवेदन करता हूँ कि इसकी जांच करे और विधेयक लाकर इनको फिर से बनायें । इन शब्दों के साथ मैं माननीय मंत्री जी को धन्यवाद देता हूँ और निवेदन करता हूँ कि मेरे इन तमाम सुझावों पर ध्यान दें । जय हिन्द ।

SHRI V. C. KESAVA RAO (Andhra Pradesh) : Mr. Vice-Chairman, Sir, I welcome this Bill. The Minister has stated that this is a non-controversial Bill and I agree with him.

Sir, this Bill has come to the Members only today. Of course the Bill had been introduced in the Lok Sabha during the last session but it was not discussed at that time and the Bill was not supplied to the hon. Members of this House.

Sir, there are many mistakes in the Schedule. Of course the hon. Minister has stated that there is no possibility of including or excluding any caste in the Schedule. But, Sir, as regards the names of the castes, there are many names which are wrong, some with the wrong spelling, and some names are factitious also. So far as the list of Scheduled Castes for Andhra Pradesh is concerned, the name against No. 9 is Beda Jangam, Budga Jangam. Sir, Jangam is a caste but what is Beda Jangam? In Andhra Pradesh there is no Beda Jangam. Malajangam of course is there. So, instead of putting Malajangam they have put Beda Jangam here. Now Malajangam who are actually a Scheduled Caste won't come into this list at all. Probably these Malajangams have been agitating for the inclusion of their name. Their name has not been included but some other name has been included here. So also, Sir, is No. 17—Dakkal, Dokkalwar. Actually the name is Dekkala. What is Dakkal? There is a mistake of not putting the correct vowels which must be accepted by the officers concerned and corrected. Other-

wise this will give some concessions to some other castes and the castes which should be Scheduled Castes may not be getting any concessions. So also, Sir, is No. 20. Take No. 20—Dombara is there. It is wrong; it must be Dommara. There is no caste like Dombara in Andhra Pradesh. Take No. 21—Ellamalawar, Yellamalawandlu. Yelama is a community. They are said to be the ex-rulers. Yelamavaru we call them. There is some spelling mistake here. Here it is said, Ellamalawar. Our Chief Minister comes from Yelamavaru community. If Yelamavaru also comes under this, I do not know where we are going. Take No. 29—Jambuvulu. They are actually called Jambavalu or Jambavantulu. Take No. 52. It is Pambada here. It should be Pambala. I would request the Minister that his Ministry should correct all these mistakes. In the case of the Scheduled Tribes also, there is some confusion. Many other castes convert themselves into the Scheduled Castes and Scheduled Tribes in order to get some benefits. That is happening. There are Konda Reddi and Konda Kapu in the Andhra list of Scheduled Tribes. As you know, Sir, Reddis are a very powerful caste in Andhra Pradesh. They are landlords. Of course, there may be one or two poor people also. What are they doing? These people add Konda before their names, get concessions, get selected to the IAS and IPS. I know of one case. A district collector who was a Kapu, a rich community in Andhra Pradesh, added Konda before his name. Kondakapu became a Schedule Tribe and he got himself selected to the IAS. Nobody cares for that. Like that, there are so many IAS and IPS officers. They change their names or add some Scheduled Caste or Scheduled Tribe names and come into this list and get jobs thereby, cheating the Government and getting something.

As regards my friends here, they have been arguing that if a person changes his religion, he also should be taken as a Scheduled Caste. They change their religion only to hide their caste. Chamars and others are becoming Neo-Buddhists or Sikhs because they want to hide their caste ;

they want to tell others that they come from a higher caste, so that they may get some respect by calling themselves as non-Scheduled Castes. Like that, they are getting into Buddhism or Sikhism or into some other religion. So, in the Constituent Assembly it was discussed threadbare and it was decided that only a Scheduled Caste who belongs to the Hindu religion and who worships the Hindu gods should be treated as a Scheduled Caste.

But later on, after representations from some of these neo-Buddhists or some Sikh Scheduled Castes, some concessions have been given to them. There is no casteism in Sikhism. I do not know how a Scheduled Caste man calls himself a Sikh Scheduled Caste when there is no casteism in Sikhism. There is no casteism in Jainism. There is no casteism in Buddhism.

PROF. N. M. KAMBLE : Probably the hon. Member does not know that there are Mazbi Sikhs who are treated as Scheduled Castes by the Sikhs themselves.

SHRI V. C. KESAVA RAO : That may be your idea. But at the time of the preparation of the lists, I was there as a member of the Constituent Assembly. It was discussed threadbare and it was said that only persons professing the Hindu religion and worshipping Hindu gods should be treated as Scheduled Castes. Now, I do not know why neo-Buddhists. . .

SHRI N. H. KUMBHARE : It may be in an Act of Parliament, but it is not in the Constitution. Can you show me where in the Constitution it is said that this should be restricted only to Hindus ?

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : Mr. Kumbhare, you had your say. Even supposing that he makes a wrong statement, you cannot get up any time you want that way.

SHRI V. C. KESAVA RAO : Another thing is, in Andhra Pradesh long back, some decades back, there were some Christian Scheduled Castes and Christian Scheduled Tribes. Even Reddys were sometimes Christians. They had become Chris-

tians thinking that the British Government would give them all facilities. They got all facilities including educational facilities. They started schools in Christian localities. Now what they are doing is—they are actually cheating the Scheduled Castes—they are calling themselves Mala, Madiga and Chamar and they are coming into power. They have all the facilities for education, whereas a Scheduled Caste man in a village cannot educate his child properly. But the Christians by calling themselves Mala or Madiga or Chamar are getting all the facilities and they are coming into power. His father is a Christian ; his grandfather is a Christian ; his religion is Christianity ; he goes to Church everyday ; he marries a Christian girl. But for the purposes of these benefits, he calls himself a Scheduled Caste man. Many such cases are there. Everyday it is happening. These Christians are calling themselves Scheduled Castes or Scheduled Tribes and are getting jobs. There are many such IAS and IPS officers. But the actual Scheduled Castes people hardly come up to graduation because the difference is there between the Christians and Scheduled Castes in the matter of education. The Christians send their children to good schools, whereas the Harijan boys cannot go to a good school. They have to go to the village elementary school. So their standard will not come up to the level of the Christians. So like this, Christians in Andhra Pradesh are cheating, by saying that they are Scheduled Castes even though they profess Christianity and belong to the Christian religion. I will request the hon. Minister to enquire into these things and see that something is done to the Scheduled Castes. As regards the lists, I once again request the hon. Minister to correct them, whether they are clerical mistakes or spelling mistakes.

Sir, lastly in Andhra Pradesh the fishermen community has been trying to get included in the list of Scheduled Tribes. These fishermen live on the sea coast. The State Government has also recommended that they should be included in the list of Scheduled Tribes. But so far it has not been done. They have sent representations

to the hon. Prime Minister, the hon. Home Minister and so many other Ministers also. I think these fishermen require sympathetic consideration. If it is not possible to include them now, I will request the hon. Minister to consider their inclusion at a future date. Thank you.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : Mr. N. K. Bhatt. He is not here. Now, the hon. Home Minister will reply at two O'clock. The House stands adjourned till 2 p.m.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at three minutes past two of the clock, the **Vice Chairman (Shri Lokanath Misra)** in the Chair.

THE SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS (AMENDMENT) BILL, 1976—contd.

SHRI K. BRAHMANANDA REDDI : Mr. Vice-Chairman, Sir, all the hon. Members who were kind enough to speak on the Bill have supported the measure and therefore my thanks are due to them. Under the circumstances, an elaborate reply may not be necessary.

Though I claimed at the outset, in my opening remarks, that this Bill is a non-controversial one and that there could be no objection to the provisions of the Bill, still, since the honourable Members supporting the measure have made certain observations, I think they call for a reply.

I will take up those points one by one and try to reply to them to the best of my ability. Shri Bhola Prasad has spoken about the delimitation of constituencies not having been done properly in the Monghyr district of Bihar and he has also said that recruitment is not properly done and that the reservation policy is not being properly implemented. These are, broadly speaking, outside the scope of this Bill. However, I would like to say that, subject to cor-

rection, the delimitation of constituencies is done by the Election Commission and, if I remember right, a Scheduled Caste seat is delimited not only on the basis of census, not merely on the basis of the total population, but also on the concentration of the Scheduled Caste population. It may be that in an area, they may be more and it may be that in an area, they may be less. But still the concentration may be more and, therefore, that seat may attract reservation. Then —this is also subject to correction—another impression which we generally gather is that wherever delimitation is to be made in contiguous constituencies, they make the changes. However, I can tell the honourable Members that the delimitation of the constituencies is purely the job of the Election Commission and the Election Commission is assisted by the Members of Parliament and the members of the local committees which are purely advisory bodies.

SHRI SRIMAN PRAFULLA GO-SWAMI (Assam) : The committee consists of members on the basis of 5:5.

SHRI K. BRAHMANANDA REDDI : That is right. Now, so far as the reservation policy is concerned, Sir, as you know, it is the particular concern of the Government that the reservation policy that has been made either for the Scheduled Caste or for the Scheduled Tribe should be implemented both in letter and in spirit. Though there might have been lapses here and there on account of various factors, I do not want to go into those details just now. But in later years we see that by and large these reservation provisions are adhered to. And, Sir, it is a matter of gratification also to know that even in the IAS, IPS, etc., in recent years, all seats are filled by the Scheduled Caste and Scheduled Tribe candidates.

SOME HON. MEMBERS : Not all; only the quota seats.

SHRI K. BRAHMANANDA REDDI : Obviously. Not all the seats, but only the seats reserved for them. It means that.