

[Shri Bhupesh Gupta]

action against them. It is not a question of students, I am concerned more with the inspiration, with the organisation behind the whole thing that has happened. This paper will continue to come out. Your Motherland is writing.

SHRI LAL K ADVANI Do You suggest that the CPM is behind this?

SHRI BHUPESH GUPTA I said Jana Sangh

श्री लाल आडवाणी : उपाध्यक्ष महोदय श्री भूपेश जी पता लगा ले, मार्क्सिस्ट है क्या ?

SHRI BHUPESH GUPTA Why are you bringing in CPM in this?

श्री लाल आडवाणी : यह सारा झगडा आपका अपना है। लेकिन इस झमेले में कहीं शहदरा का मामला न उलझ जाय।

SHRI BHUPESH GUPTA Here is Mr Home Minister sitting. I mentioned this thing to him yesterday immediately I got the report. I would like to know what he has done, whether he has made any investigation. On a matter like this he should make a statement. He should tell us something about it. Many of us are associated with that paper just as Mr Advani is associated with Motherland, the inspiration behind these people. Therefore he should kindly tell us, I would like to know what he has done.

MR DEPUTY CHAIRMAN The House stands adjourned till 2-15 p.m.

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

The house reassembled after lunch at fifteen minutes past two of the clock, Mr. Deputy Chairman in the Chair.

**MOTION RE TWENTIETH REPORT OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES FOR THE YEAR 1970-71—contd.**

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT

**OF PERSONNEL (SHRI RAM NIWAS MIRDHA)** Sir, it is gratifying that a large number of hon. Members have taken part in this debate. This is really as it should be because the subject under discussion is one of the highest urgency and of the highest importance. Members have made very valuable suggestions. They have analysed the problems of the Backward Classes with great penetration, sympathy and emotion and many good suggestions have come. It is a measure of the national concern that this House has discussed the subject with such seriousness and in such great depth. This Report is presented before this House in pursuance of the provisions in the Constitution. Article 338 of the Constitution provides for the appointment of a Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and the Scheduled Tribes under the Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament. The Commissioner's Office is a high, constitutional office and it is always our endeavour to give the highest consideration to whatever recommendations they make and whatever they have said in this Report, whatever suggestions they have given, will be very seriously considered.

SHRI KALYAN ROY That you have been considered for the last 25 years.

SHRI RAM NIWAS MIRDHA: Where the State Governments are concerned, they will be consulted and persuaded to fall in line, and I am sure that the results would be very heartening. The present Commissioner, Shri Shankarrao Mane, is a dynamic and dedicated person, and has done a lot of good things to improve the working of his organisation. He and his organisation have conducted a number of special investigations, sometimes, at our suggestions, and mostly on his own initiative. And the policy of the Government is that his own powers and the structure of his organisation should be strengthened.

as much as possible so that he may be able to discharge his constitutional responsibilities in an effective manner. Apart from this Office of the Commissioner, we have a Committee of Parliament on Scheduled Castes and Scheduled Tribes, which has done very useful work. Its reports have been most penetrating and helpful, and they have highlighted the problems that face the backward communities. Taking the cue from Parliament, many of the State Legislatures have also appointed similar Committees, and they are also doing a very useful work. These Committees, along with the vigilance that the hon Members exercise from time to time in tabling questions and in initiating discussions on the problems of the Scheduled Castes and the Scheduled Tribes have really helped in highlighting the problems and also in bringing about some solutions to this very vast and complex problem.

Well, Sir, it is very unfair to say, as Shri Kalyan Roy and some others have suggested, that nothing has been done during the past 25 years. If you see the progress that has been made in various spheres whether it is the economic development or educational progress or social advancement, you will find that things have changed considerably. But it cannot be denied that whereas a lot has been done, much more remains to be done. I can assure the hon House through you, Sir, that the Government will never be wanting in doing all that it can within the limits of its resources and powers to see that these problems are tackled in a proper way and that these very old and complex problems that surround this basic aspect of our national life are dealt with as speedily as possible.

Sir, reference were made to atrocities on Harijans. In this House we have had many occasions when these points were raised and instances were given when the Scheduled Castes and the Scheduled Tribes were not properly treated, some instances of grave injustice to them, of atrocities on them were presented before this House. It is really sad that after all these years of freedom, these

atrocities take place. Some of the Members suggested that this can also be due to the rising level of consciousness among the Scheduled Castes and their assertion of their rights under the Constitution and the laws. Sir, there is some truth in that because the mere fact that more instances of atrocities are being reported does not mean that the situation is worse than before. More and instances of such atrocities are being reported because the Backward Classes are trying to assert their right under the Constitution and the law. They are having recourse to the law enforcement agencies which they did not do before. Formerly they were afraid of approaching the police and the State authorities and the district authorities. But now they have self-confidence and courage to approach the police authorities and to report those cases which in the olden days they did not dare to do. So, Sir, these figures of increase in the number of atrocities should be seen in a proper perspective which means they should not be taken to mean that the things are getting worse. They should be taken to mean that they can also because of the assertion of the new-found confidence that the Backward Classes have and the confidence that they would be heard and their expectation that justice would be done to them by the law enforcement authorities.

Now it is asked what action is taken. Many times it is being debated in this House and it was mentioned during this debate also that stringent measures are not taken and that the people neither the police officials who are concerned in this nor the other persons who are well-connected are taken to task. Sir, that is also not giving a true picture of the situation. There are a number of instances when the law enforcement agencies have gone to all possible extent to see that the defaulters, however highly placed they are brought to book. I can give any number of instances when local Panchas and Pradhans or persons highly connected have been brought to book. I do not think any complaint could be made that people who are really responsible for these atrocities are not being properly dealt with. So far as police officers are concerned, wherever they have been found to be at fault or

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where any lapse on their part is discovered, some of them have been suspended and strict actions have been taken

The House is well aware that the problem of law and order is a State subject. But that does not mean that the Central Government has not been active. On the other hand, within the limits of Constitutional restraints we have been impressing on the State Governments that they should take this problem very seriously. The Prime Minister herself is greatly concerned about this, and whenever any occasion arises, when she meets the Chief Ministers, she impresses upon them that highest importance should be given to solving these problems.

In order to attend to the difficulties of the Backward Classes who are sometimes oppressed we have made various suggestions that there should be a special machinery at the State level where the highest attention should be paid to them. We have suggested to the State Governments and many of the State Governments have acted on our suggestions. Some of them have established special cells sometimes under the direct supervision of the Chief Minister who will look into these problems, problems regarding reservations in services, problems regarding atrocities and problems regarding economic development. State level committees have also been formed and we can say with confidence that there is greater awareness on the part of the State Governments to give the highest priority to these problems and to give them all possible attention.

So while instances of such atrocities can be cited, instances when they have been very seriously dealt with when the most influential people have been brought within the clutches of law can also be cited to a great extent. So, Sir, we have to take a balanced view of the whole thing and see that all the benefits that are meant for the Backward Classes flow to them.

The Home Minister in his very moving speech made a special reference to the responsibility of the public irrespec-

tive of political affiliations to help the Harijans. He said that the society as a whole should come up to help the Harijans in the assertion of his rights. This is not only a good sentiment, but this is the only basis on which such a vast and complex problem can be tackled. Mere governmental action cannot accomplish what we want to do. Whereas law and legislation can assist in the process of social evolution and social correction, what is more important is that there should be the widest possible consciousness on the part of the society as a whole, the society at large, that it is their bounden duty to solve this problem, to give serious consideration to this problem. Sir, I would appeal to the hon. Members here that they should also think of it as a problem of national importance which can be solved only by participation from everyone irrespective of party considerations, irrespective of other considerations. The governmental machinery will assist this process, but the main thrust, if I may say so, should come from the society as a whole and that thrust is coming up if opinions expressed in this House are any reflection of the mood of the nation or the mood of the society. It is really heartening that more and more attention is being paid to these things. This is something in which we should, all of us, be involved and only then, such a vast and important problem, an old complex situation, can be remedied.

Another important thing that has been suggested in this House is regarding service reservations. Sir, our Constitution is unique in many ways. It is unique in that it provides reservations in the legislature at the State level and at the Central level. I do not think any democratic country in the world has done so. But we have done so because of our past heritage which we inherited from Gandhiji and other great leaders, the founders of our republic and the framers of our Constitution. In their wisdom they put clauses in the Constitution to safeguard the backward classes and these provisions are unique in the world. There is no country in the world where there is reservation in the legislature, there is no country where there is

reservation in the services. This is a thing of which we can really be proud of that we have made provisions in our Constitution and established methods of ensuring that the provisions are implemented. In the same way, the reservation in services is also a Constitutional right which we are enforcing through our various orders. Shri Kumbhare suggested, why do we not make a law and have a tribunal to see that these are enforced? I suggest that our present instructions have all the powers of law and are being interpreted by the courts in the proper spirit. But at the same time, they have resilience which enables us to give more and more concessions to plug holes where we find difficulties. The present arrangement of having rules and regulations issued at the executive levels has been found to be satisfactory and I do not think that the situation could improve if there is a law. On the other hand, the law would be imparting more rigidity in the operation of the reservation procedures and may hinder us because we have some latitude under the present regulations. We are increasing the reservations in promotion every time we are considering one scheme or another, and we have made a lot of progress in that respect. Similarly, in the reservations also, when we vary the percentages, there also we can do it by an executive order. If it were under a law, the whole process of legislative amendment would have to be gone through. So, I do not think we need any law or tribunal for this. The present system is working very well and I am sure that we have made a lot of progress in this respect. One of the measures of success of our educational and other development programmes is that in the higher services of our country we are fulfilling almost all our reservations. If any proof were needed of the success of our development effort for the backward classes, particularly in the educational sphere, no better proof can be found than from this fact that there is almost no lapsing or de-reservation of posts in the higher services of our country. So this is an achievement of which we can well be proud of and this is not something new. Since 1964, except for a year or so when a few posts could not be filled by the

Scheduled Tribe candidates, reservations in all our IAS, IFS, IPS and other higher Central services are being fully filled by persons for whom the reservations were made. This is something which is really heartening. There are some areas of technical posts and others where we are trying to see that there also there is some improvement. We recently started this scheme, and I said in my opening speech, for having special training courses for technical graduates. The UPSC holds examinations for engineers and other technical services. It holds competitive examinations. So we have formulated a new scheme and we have established two centres where persons with technical background would be coached to appear in the UPSC competitive examinations. I am sure very soon we would have full reservations in those areas also.

As regards de-reservation, the impression sometimes given by honourable Members is that when there is a shortfall, we de-reserve the posts and appoint someone else. We have put so many safeguards on de-reservation that it becomes really difficult that any person who is fit to hold that post would not be appointed, provided he belonged to the Scheduled Castes and Scheduled Tribes. The UPSC holds an examination or an interview, whatever it is. If it is found that the reservation has not been filled up, it cannot automatically select others. It has to advertise it again and the next advertisement is only for the Scheduled Castes and Scheduled Tribes. If there is a shortfall in the first selection, the next advertisement should be only for Scheduled Castes and Scheduled Tribes so that they may have competition among themselves and not to have to compete with others. Even if there is a shortfall in the next advertisement, the UPSC has to write to the Department of Personnel and a copy of that letter is sent to the Commissioner of Scheduled Castes and Scheduled Tribes. He corresponds with the Ministry concerned and assists the UPSC to see whether proper candidates are available or not. It is only after this process has been gone through that a post is de-reserved. Even then it is not fully de-reserved. It is carried forward to the next year. Formerly it was carried forward for two years. Now they

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are carrying it forward for three years. So we have tried to make the present procedure foolproof. When there is the slightest possibility of a qualified person being available, we would try to search him and try to see that he comes before the selection authority and gets appointed. . . .

**श्री जगदम्बी प्रसाद यादव (बिहार) :** यह तो तस्वीर का एक चित्र है, मगर जो दूसरा चित्र है उसको आपने नहीं बतलाया। हरिजन बनवासी दूसरी कटिरीज में कम्पिटिशन में नहीं आ पाते हैं जिसके कारण उनके लिए जो स्थान सुरक्षित रहते हैं वे भरे नहीं जाते हैं आज तक हरिजन बनवासियों के विकास की जो गति होनी चाहिये थी, वह अभी तक नहीं हुई है।

**श्री राम निवास मिर्धा :** अगर माननीय सदस्य ने जो कुछ मैंने पहले कहा था, उसको सुना होता तो वे इसके विपरित परिणाम पर पहुंचते। हमारी ओर से पिछड़े वर्ग के लिए जो भी शैक्षणिक सुविधाएं दी गई हैं, उसका एक नतीजा यह हुआ है कि 1964 से लेकर आज तक आई० ए० एस०, आई० एफ० एस०, इत्यादि में, जो भी उच्च सेवाएँ हैं, उसमें एक साल को छोड़कर कभी कोई खाली जगह नहीं रही और सुरक्षित स्थानों में सब लोग भरे गये। इससे बड़ा परिणाम हमारी सफलता का और हमारी योजना की सफलता का और कोई नहीं हो सकता है। We are going still further.

**श्री जगदम्बी प्रसाद यादव :** आप जो बात कह रहे हैं क्या आप स्टेट लेबल पर उसकी सूची दे सकते हैं ?

**MR. DEPUTY CHAIRMAN :** This is not the way. You cannot disturb him.

**SHRI RAM NIWAS MIRDHA :** We have a high-power committee under the Chairmanship of the Prime Minister. . .

**श्री जगदम्बी प्रसाद यादव :** यह वास्टल प्रश्न है। जानकारी लेना क्या डिस्टर्ब करना हो गया !

**MR. DEPUTY CHAIRMAN :** You cannot get up every now and then. इस तरह से जानकारी नहीं ले सकते।

**श्री जगदम्बी प्रसाद यादव :** जानकारी कैसे लेते हैं ?

**MR. DEPUTY CHAIRMAN :** Will you please take your seat? You cannot do it again and again. यह डिस्टर्ब नहीं है।

**श्री जगदम्बी प्रसाद यादव :** अगेन एंड अगेन का सवाल नहीं है, गलत रिमार्क नहीं होना चाहिए !

**श्री उपसभापति :** जो आप कहते हैं वह सही है जो कह रहे हैं वह सब गलत है! यह नहीं हो सकता।

**श्री जगदम्बी प्रसाद यादव :** जो वह कह रहे हैं वह सही है तो स्टेटवाइज इनफार्मेशन दे।

**श्री उपसभापति :** अब आप बैठ जाइए और उनको सुनिए।

**SHRI RAM NIWAS MIRDHA :** This is with respect to selection by UPSC. Some members said that class III and IV reservations are not properly done. I think it was said by Shri Kalyan Chand. There also I will tell you about the procedure we follow. When selection is done through employment exchange I will tell you what we do. In regard to recruitment through employment exchange, the recruiting authority relaxes the standard in respect of Scheduled Castes and Tribes. Instructions already exists that if any of the vacancies reserved for Scheduled Castes and Tribes are not filled by the candidates of the respective categories sponsored by the employment exchange, then specific reasons therefor should be communicated by the recruiting authority concerned to the employment exchange. This would act as a deterrent for brushing aside without adequate reasons the claims of Scheduled Castes and Tribes in the matter of employment in the Government. If no Scheduled Caste candidate is suitable, the recruiting authority has to give reasons to the employment exchange. May be the employment exchange may give another list of candi-

dates Whether it is the UPSC or the employment exchange, we have tried to make the producers as perfect as possible so that all the reserved posts go to the backward classes

Then, we have a high-power committee under the chairmanship of the Prime Minister to review the representation of Scheduled Castes and Scheduled Tribes in services. It reviews the problem constantly and make suggestions. A suggestion that emerged in the last meeting of this committee was in regard to relaxation of the condition about experience. Sometimes in addition to the minimum educational qualifications, some experience condition is also added. Sometimes you may be wanting an engineer or a diploma holder with so many years of experience. People from backward classes with the required experience may not be available. We are examining this point. We have consulted the UPSC and I am happy to say that the UPSC has been very sympathetic in regard to reservation. We are in touch with them and we want to amend our recruiting rules in such a way that the UPSC or the recruiting authority will have the discretion to relax even this standard, if they think so. This would mean that lack of experience will not debar them and Scheduled Castes people even with lesser experience will be appointed, whereas other candidate will have to fulfil this condition. These are some of the things that we have been doing so far as Government service is concerned.

**SHRI SHYAM LAL YADAV** (Uttar Pradesh): In regard to promotions also something should be done

**SHRI RAM NIWAS MIRDHA**: We are gradually increasing our coverage so far as promotions in service are concerned. Firstly, this was only upto a particular class. I have given the full statement to this House on a number of occasions and if you like I can again give it indicating upto what category in the Government service promotions are reserved for Scheduled Castes and Tribes. Sometimes it is done by giving high grading to Scheduled Caste persons. If their record is good, for instance. It will be regarded as excellent

In this way we have taken reservation to the Class I category also. I would not like to give the details because the schemes are yet under our consideration. We are trying to increase the ambit of our reservations in respect of promotions also and our policy is that more and more liberal provisions should be made so far as these reservations in promotions are concerned and that is the way we are proceeding in this matter.

Well, Sir, while the position regarding the Government service is quite happy, unfortunately it is not that satisfactory so far as the public sector enterprises and the nationalised banks are concerned. They had their own difficulties to start with. Firstly, Sir, they said that they cannot do so under their articles of association. So, Sir, we asked the Bureau of Public Enterprises in the Ministry of Finance to issue written directives to public enterprises that they must make reservations in their services. Some enterprises said that the articles of association have to be amended for which instructions were also issued and we are constantly in touch with them and quite a large number of such enterprises have now fallen in line. Actually, 83 undertakings out of 104 have received such directives and they have also acted on them. But, so far as the practical implementation is concerned, there is still a lot to be said on that score and we are pursuing this matter with them and I can assure the House that we would continue pursuing this because the bulk of recruitment now lies with the public sector undertakings and the nationalised banks since most of the governmental activities, activities of a commercial or industrial nature which were formerly done by the government directly, are now being entrusted to corporations and, therefore, the bulk of recruitment now is in the public sector enterprises and if proper reservations cannot be effected in this sector, I think we would not be doing justice to the backward classes. I can only assure the honourable Members that the Government is really very keen and serious about this and we will pursue it with the various Ministries and the various undertakings concerned. Actually, the parliamentary Committee on Scheduled Castes & Scheduled Tribes has gone

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deeply into this matter and it has given Reports, if the honourable Members would only care to go through them, regarding particular enterprises also and they have gone deeply into this matter and we have also assisted them in every possible way, in seeing which enterprise lags behind, whether proper remedies exist, whether advertisement procedures are properly followed and so on. All this is having a very salutary effect and the Reports of the parliamentary Committee are assisting us tremendously in this task as well as in many other tasks.

Well, Sir, another point was raised and I think it is a very important point. Why no reservations in the private sector? Well, Sir, the private sector may be called the private sector or private enterprise, but under the conditions in which they operate, it is in a way the State-assisted private sector. Most of their equity capital is underwritten by the governmental financial institutions and the bulk of their finance comes from the governmental financial institutions and sometimes it is hardly 5% or 10% or 15% of the entrepreneurs' money which makes the whole thing run and to that extent, I think, we cannot just drop the problem by saying that we cannot touch the private sector. Some way has to be found to see that the private sector also conforms to the extent necessary in this respect and we will do everything in our power in this respect. We are already examining certain ways in which it can be done. Again, here a law would not help us. There may be constitutional difficulties and to implement the law would be difficult. Firstly, what we have tried is that we have approached the Chambers of Commerce, the Federation of Chambers of Commerce and Industry, some industrialists and others saying, "Please co-operate with us in this". And, Sir, I am sure that the debate in this House and the prevailing mood in the country would be taken note of by the so-called private sector people in seeing that they also implement these very important and necessary measures for giving relief to the backward classes so far as representation in employment under them is concerned.

Sir, a very good suggestion was made by Shri Kulkarni and certain other Members that if a financial institution, that is to say, finance corporation gives a loan to a private company, it should be made one of the conditions that it will also implement the reservation clauses. What was said was that a condition of this nature is already being imposed on cooperative societies. He gave the example of Maharashtra. We are noting the fact that in Maharashtra, when the Government subscribes to the share capital of a co-operative society, whether it run an industry like the sugar industry or any other industry, or when it gives it loan, it puts down that condition. We have taken note of that. And we feel that if a similar condition can also be put, when loan or financial assistance is given by public sector financial institutions to private sector enterprises, we hope that we will be able to make some advance in this respect.

Well, then, a lot of other things were said, to which I will briefly refer.

The role of nationalized banks was mentioned, which is a part of the whole thing. Nationalized banks have, unfortunately, not done much, and probably cannot do more or much more in this direction. They do have certain schemes of concessional financing, where a low rate of interest is charged. But the whole procedure is so complicated and cumbersome that it is very difficult for a small, backward person to take advantage of those schemes. But we have a scheme of cooperative societies for tribals and Scheduled Castes. In this connection, I would again refer to the suggestion of Shri Kumbhare that there should be a national corporation with a capital of Rs. 1000 crores for development of backward classes.

Sir, I most respectfully submit that that would not be the best way of going about the matter. Firstly, such excessive centralisation for a very worthy cause will not work in actual practice. Sitting here, having a huge corporation, we will not be able to reach down the village areas where the down-trodden and Scheduled Caste people live. So

our present system of working is the best under the circumstances, which means that there are Girijan Development Corporations, there are co-operative societies for tribals and backward classes in various States and they get all sorts of concessions from the co-operative sector and from the central sector also. Our policy is to encourage such co-operative societies to come into existence and to play their role in this. In some of the States this system is working very well. They have local village societies which are joined together at the district level and then at the State level, and these, I think, are doing good work. A monolithic, huge corporation working from Delhi or from any centralised place would not serve our purpose. Our endeavour should be to strengthen the existing arrangement and to make it work as well as we can.

Before I leave this question of reservations, I shall briefly mention some of the observations that were made by Shri Nawal Kishorji and Shri Kamalnath Jha—he is not there—that these reservations are becoming a vested interest. Well, Sir, with all respect, I submit that reservations are an absolute necessity in the present state of development of backward classes. But for these reservations, almost no progress would have been made for the upliftment of the backward classes.

श्री नवल किशोर : मिर्धा साहब, मैंने आप के रिजर्वेशन को अपोज नहीं किया। मैंने सिर्फ यह कहा कि जो आपका रिजर्वेशन है वह ठीक है, मगर एक बार जो क्लास बन या क्लास टू सर्विस में आ गया या एम० एल० ए० या मिनिस्टर बन गया उसको डिशैड्यूल कर دیجिये ताकि दूसरों को मौका मिले और कुछ लोगों का वेस्टेड इंट्रेस्ट बन जाय।

SHRI RAM NIWAS MIRDHA: I was coming to that. He elaborated by saying that once a person got into the All India Services or a Class I service, to put it broadly, he should be de-

scheduled. Here also, I would respectfully submit that these people have to compete with boys and girls coming from families which have had the benefit of education for a number of generations. The progress that we have made should be judged from the fact that most of the persons who are now coming into the different services through these reservations are the first generation graduate. They are the first graduates in the families. In very few cases, they may belong to the second generation in the sense that the father might have been a matriculate and he taught his son. When this man reaches the stage of being able to educate his other family members, we should not deschedule him. Therefore, this reservation has to continue so that that family can set an example to others and be a source of inspiration to others. Merely one generation progress is no progress. Even if some families might be having people from their own families in the services, it is negligible compared to what you find in other communities where the whole families are getting the highest posts and their in-laws and cousins are getting the highest posts. Therefore, we should not grudge if certain families act as a catalytic agent or act as a leader to the community. They set an ideal which others will try to emulate. I, therefore, submit that reservation is necessary. It will be necessary for a long time to come. We have a huge backlog to make up and therefore the present system of reservation will have to continue.

A lot of interest was shown in the Post Matric scholarships and the amounts of scholarships. The scholarships amount ranges from Rs. 27 in the case of day scholars and Rs. 75 in the case of graduate and post-graduate students. As I said earlier, our proposal is to increase it by 50 per cent. A suggestion was made that we should raise it by 100 per cent. We would be most happy if we could do so. The Planning Commission is considering our request of 50 per cent increase. Our endeavour would be to increase this stipend as much as possible so that the people get



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relief against the cost of living which has increased tremendously during the last few years.

Something was mentioned about foreign scholarships. It was said that this year there are 9 students have come up for foreign scholarships. Hon. Members wanted to know whether this figure would be repeated. The 9 scholarships which were given in 1972-73 have been increased to 21; for Scheduled Castes from 4 to 11, for Scheduled Tribes from 4 to 6, for de-notified nomadic and semi-nomadic tribes it remains 1 and for other economically backward classes it is 3. The last mentioned is a new category which we have introduced this year and they will get three scholarships. There are a large number of people who do not belong to Scheduled Castes and Scheduled Tribes and still they are economically very backward. This fact cannot be denied. We had occasion to debate in this House that the Government policy is that we will not declare other backward classes, apart from Scheduled Castes and Scheduled Tribes, on the basis of caste. We would try to see that the other economically backward classes, except the Scheduled Castes and Scheduled Tribes, are judged not by their caste but by their economic backwardness. This is one of the manifestations of our policy in this respect that we have introduced, even at the highest level of foreign scholarships, 3 scholarships for economically backward classes.

**SHRI N. H. KUMBHARE** (Maharashtra): The present percentage of scholarships is one scholarship for a population of one crore. Therefore, I request the Minister to increase the scholarships.

3 P.M.

**SHRI RAM NIWAS MIRDHA**: Sir, foreign scholarships are less because normally even if you have enough money, it is difficult for you to go abroad and study because the Reserve Bank is very rigid and rightly so, and they allow persons to go abroad for studies only in courses which are not available in this country. And in view of the progress that we have made in

the sphere of higher education in the last few years, there are a very few courses which are not here for which a student has to go abroad. The hon. Member may see in this context that we have reservations in higher technical institutes like the IITs. We have reservations in medical colleges, and we have special courses in all branches of science and technology. So, since we have these reservations, the need for the students to go abroad for higher education is not as great as it used to be. So this figure is not as low as the hon. Member's observation would suggest.

Sir, something was said about prohibition in tribal and other areas. Nawal Kishoreji mentioned it. And Kalyan Chandji mentioned about Lakhimpur Khiri. They wanted that liquor shops should be removed from some of these areas. The Government also feels very seriously on this. And particularly, our Home Minister is very keen that these liquor contractors should as far as possible be banned from tribal areas. These liquor contractors cause no end of trouble in that area, and they are the focal point for all unsocial activities and crimes. In many cases, these things are abetted by them. And exploitation of tribals also takes place by money lending or other things. They forcibly sell liquor to tribals, who do not need it and then try to recover money. So, we have taken up the matter with the State Governments. We said, please review your policy and draw up a programme to abolish the present system of excise contracting in tribal areas. This is the policy which we want to follow and we do hope that the State Government would cooperate in this. The State Governments mostly say that it will mean loss of revenue to them. We approached the Finance Commission also. Probably, we were late. We said, "please take this also into account that if the States introduce prohibition in the tribal areas or take some temperance measures, they should be assisted by the Finance Commission also". But I still hope that we will be able to find some way to compensate the State Governments in their steps to enforce some sort of prohibition in these areas.

As regards liquor shops in Harijan mohallas and other things, that matter is also before us and we have written to the State Governments and given them a set of guidelines as to how they should act. For example, on national high way, there should not be any liquor shops so that liquor is not easily available to drivers and others. Near the schools or temples, there should be no liquor shop. If the people of a particular locality, let us say, two-thirds of them, do not want a liquor shop, it should be removed. These are the measures which we have recommended to the State Governments and I am sure they would at least introduce prohibition in tribal areas where the situation is really very difficult.

About the special problem of terminology—the name of churas, etc. used in Delhi and other places—the whole thing is being held up because the legislation in this respect is not being proceeded with because of various reasons. The Cabinet is seriously considering the matter. It has appointed a Committee of Ministers to go into the whole problem and it is only after the legislation is introduced that nomenclature of castes or inclusion of other tribals in the Schedules would be taken up.

**श्री कल्याण चन्द (उत्तर प्रदेश) :** मेरा कहना यह है कि उत्तर प्रदेश और दूसरे प्रान्तों में केवल बाल्मिकी लिखा जाता है खाली आपके दिल्ली में यह है कि बाल्मिकी के साथ चूड़ा भी लिखा जाता है।

**श्री राम निवास मिर्धा :** अभी जो राष्ट्रपति जी का आर्डर है उसमें दिल्ली प्रदेश के सामने लिखा है कि इन जातियों को शेड्यूल करेंगे और जब तक उस राष्ट्रपति जी के आर्डर को नहीं बदला जाता, तब तक उस शब्द को वहाँ से हटा लेना सम्भवतः उनको एक दिक्कत में डाल देगा, इसलिये जब कि पूरे राष्ट्रपति जी के आर्डर को बदलने का प्रश्न आयेगा और वह संसद द्वारा ही बदला जायगा, तब यह हों सकेगा कि ऐसे शब्दों का प्रयोग किया जाय जो कि अच्छे हों और जिनकी

वजह से उनको कोई असुविधा न हो। अभी हेर-फेर करने में शायद दिक्कत हो जायगी और उनको जो फायदे हैं वह सम्भवतः उनको नहीं मिल सकेंगे।

As regards other measures for Balmikis—scavengers and people doing unclean jobs—mention was made of the Malkani Committee. Well, we are trying to do all that we can.

**SHRI HAMID ALI SCHAMNAD (Kerala).** Sir, I mentioned yesterday that there are some tribals in my State whose existence is not recognised by the rest of the community. Recently photos have come out in some Malayalam papers about some of these families in Kerala especially in hill areas. These people do not figure anywhere on the voters lists. They go about naked. They do not draw any regular rations. They live only on fruits and honey. In this way these tribals are carrying on in some of the Malabar regions. I want to know whether Government has taken a note of these people. I also want to know whether they come in the mainstream of humanity and, if not, could they be brought within its fold?

**SHRI R. M. NIWAS MIRDHA :** I do not know to which tribe the hon. Member is referring to. I also do not know whether they are at present in the Schedule or not. But, we will take up this matter with the Kerala Government and we will persuade them to have some special programmes for their development and we will see what can be done.

As regards their registration in the voters' lists, that again is the responsibility of the State Government. We will certainly write to the State Government and see what can be done. I would also request the hon. Member to write to the State Government in this matter. If the State Government has any difficulty in the matter we will be prepared to help them in all possible ways.

Well, Sir, now we come to the Fifth Plan which is being formulated.

SHRI N JOSEPH (Andhra Pradesh) Sir, the other day I requested the hon Minister to consider the question of inclusion of Scheduled Caste Christians also in the list of scheduled Tribes and requested the Home Ministry to constitute a committee to go into his matter. This problem is especially dominant in the State of Andhra Pradesh, where there are 45 lakhs of these people. No mention has been made about them.

SHRI RAM NIWAS MIRDHA Sir, the hon Member referred to the problem of Christian converts or Scheduled Caste persons who have been converted to Christianity and stated that we are trying to suppress them and that Christianity would not be suppressed because it was not suppressed by hundreds of years of wars and things like that. I would respectfully submit, Sir, that Government has no intention of suppressing the Christians. We rather value them as a very important segment of our national life and we want them to progress and prosper and we will always endeavour that they occupy a place of honour in our society, which they even now do. As regards this problem I will just read: No person who professes a religion different from the Hindu or the Sikh religion shall be deemed to be a member of Scheduled Caste. Now, this is done because the criterion followed is that the community should be suffering from extreme social, educational and economic backwardness arising out of the traditional practices of untouchability. I do not think anyone would contend that untouchability is a part of the Christian tradition. We feel that untouchability is prevalent only in the Hindu society and the Sikh society and we feel that this is not a scourge which is present in the Christian religious tradition. It is true that many Christians are backward. Well, Scheduled Castes are also backward but the yardstick for bringing them in the Lists is the measure of social disabilities under which they suffer in the traditional society and in the context of religion "Varnashram Awastha", as the Home Minister referred, it cannot be extended to other religions where this difficulty does not arise. But that does not mean there are

no backward classes or backward people in other religions. For them some of the State Governments are giving help. Kerala itself has done it, Tamil Nadu has done it. They have given concessions to them which are available to other backward classes. But to include them as Scheduled Castes would create a lot of difficulties. Therefore, while we should not lag behind in formulating measures for helping the backward among the Christians, the hon Member's proposal for appointing a committee to go through the whole matter is not well taken and I would say that the Government is not agreeable to this. But we will do all in our power to see that the backward amongst the Christians get their due share. We have huge new programmes under the next Plan to meet the minimum needs of the people and they will take care of persons of the lower economic strata irrespective of their caste or religion and I am sure the Christian community would also get its due share and wherever difficulties arise we would be able to solve them from that point of view.

Well, Sir, I was mentioning about the Fifth Plan. The backward classes sector was intended to be supplemental in nature to the all-round efforts to raise the standard of living of the people in the country in general. Experience has shown that most of these programmes, in the absence of adequate financial backing and organisational support, had little impact on the economic and educational backwardness of the Scheduled Castes and Scheduled Tribes. Allocations under the welfare of backward classes which was meant to be supplementary to the outlays in the general sector of development have tended to substitute the latter. So, we have decided to evolve a new strategy. Now, that strategy is that in addition to making certain allocations for Centrally-sponsored schemes for the welfare of backward classes, they must get their due share from the general sector of development as well. However much we may like to put in the Central sector, a very large amount of reliance would have to be placed on the general sectors for helping the bulk of the backward

classes. So we are having a new strategy in this Plan in that every sector is being asked to demarcate areas and, if possible, even to quantify the amount that can be made available to the backward classes from their respective sectors. For example, in the tribal areas we have suggested to the State Governments that they should have a plan within a plan—a sub-plan—for the tribal areas for roads, irrigation, agriculture and education. They cannot say 'We are building ten big dams in the whole plan in the whole State and so this is our expenditure on irrigation'. We would tell them "Please demarcate certain areas in the State-tribal and other backward areas—and tell us how much of the outlay on irrigation, for example, you are going to spend in the tribal areas?" This is a very serious and difficult exercise but our team from the Home Ministry and from the Backward Classes' Welfare Division has gone round the States—and I have also joined the discussions in some States—and we are trying to help them in formulating a plan within a plan so that we can definitely say that this is the money that is available for these backward areas; this is the money that is available for these backward classes in these particular schemes. And we are happy to say that the Planning Commission fully supports our stand, they have also laid down some guide-lines on how the sub-plans and other schemes have to be formulated. And we have insisted that the Plan frame should include a certain in-built mechanism which would see that these allocations flow to those areas. So, firstly we will have as much of a Central sector as possible from the Planning Commission for Centrally-sponsored schemes and, along with that, we would see that due share to the backward classes and backward areas is made available so far as the general developmental sectors are concerned.

So this is the basis on which we are going to formulate the Plan and this is the strategy on which we are working. There are many tribal people who are scattered who are outside our Tribal Development Blocks and what to do with them? We are having some sort of an

area development approach which means a big area is taken as a unit of development and that area would cover even the isolated pockets of tribal concentration. We hope that this strategy will be reflected in the various State Plans and we will be able to make some advance in this respect.

Sir, these are some of the things I wanted to say. A lot has been said by hon. Members on various aspects, allotment of land, etc. Shrimati Pratibha Singh strongly argued that the land should be taken from the temples. After the implementation of ceilings we would see that the surplus land available as a result of land reforms is given to the poor Scheduled Castes and Scheduled Tribes. There are reservations in allocation of land in many States and our endeavour would be to see that they get land, not only that they get land but they get the wherewithal to cultivate the land. That is much more important. Sometimes it is casually said, they cannot cultivate the land given to them, they sell off the land and so why give them land at all? They can cultivate the land and they can do it as good as any other person provided they have the wherewithal to do it and for that purpose we have our schemes for marginal farmers and small farmers. And we have seen that the eligibility conditions under some of these schemes are framed in such a way that there also priority is given to the Scheduled Castes and Scheduled Tribes. So we are going through this difficult and complex exercise but we hope we would succeed in this and see that the difficulties of the Scheduled Castes and Scheduled Tribes are removed as much as possible.

In the end I would refer to the amendment that has been moved by Shri Kumbhare. He made six points (a) to (f) in his amendment and his speech contained an elaboration of some of those points. For example he spoke of rural employment guarantee scheme which is something like the minimum wages programme for landless agricultural labourers mentioned by some others. Well, a law does exist for fixation of minimum wages and most of the States have fixed

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minimum wages. They are low and they have to be increased but what is more important is that those laws have to be implemented. And these laws cannot be implemented unless we as a whole or the society as a whole, as was mentioned by the hon. Home Minister who intervened in the debate, see that they are able to enjoy their rights and they are able to get the full benefits from the schemes that we are making. Merely drawing up a plan or issuing orders from here or passing legislation would not help. The Untouchability Offences Act is there and we would enforce it. We are trying to have a mechanism for enforcing it. In our present Plan we are making a special provision for the first time to finance machinery to see that these Acts are implemented. The task before us is so massive that it is possible to tackle it only if we all join together and I cannot do better than to reiterate the appeal of the hon. Home Minister that we should regard it as a national problem, that the society as a whole should seek to intervene on behalf of the backward classes. Then and then only we would be able to make some appreciable dent in the situation.

With these words I request Mr. Kumbhare who is a very eminent and alert Member—I had the privilege of working with him in many Committees, I know that the problem of backward classes is very dear to his heart—to withdraw the amendment. I can only say that the Government is fully in sympathy with whatever he feels and says, not only that but we will endeavour to work in the spirit of his amendment and the suggestions made in his speech. With these words I would appeal to him that he should withdraw his amendment and the matter should rest at that.

**SHRI N. H. KUMBHARE:** In view of the assurance given by the hon. Minister to consider the various suggestions made in my amendment I do not want to press it.

*The amendment was, by leave, withdrawn.*

## THE PAYMENT OF BONUS (SECOND AMENDMENT) BILL, 1973

THE MINISTER OF LABOUR (SHRI K. V. RAGHUNATHA REDDY): Mr. Deputy Chairman, Sir, I beg to move :—

“That the Bill further to amend the Payment of Bonus Act, 1965, be taken into consideration.”

This is a very simple Bill and I will not take much time of the House. The Payment of Bonus Act, 1965, as you are aware, was amended on the 1st September, 1973 to provide for the payment of a minimum bonus in respect of the accounting year commencing on any day in the year 1972 at the rate of 8-1/3 per cent. of the salary or wage of the employee and for the deposit of a part of the bonus, in certain cases, in the provident fund accounts of the employees. Some hon. Members expressed and also representations were made by the various trade union leaders to the effect that the entire amount of bonus due to the workers should be paid in cash. These representations have been considered with the utmost respect by the Government and it is proposed to meet the workers' request for the payment of the entire bonus in cash. The amending Bill, now before the House, has been introduced for this purpose. I request that this may be taken into consideration. This is the most non-controversial Bill that has ever been moved on the floor of this House and I hope that the House would be pleased to pass this Bill without any discussion at all.

*The question was proposed.*

**श्री जगदम्बो प्रसाद यादव (बिहार) :** श्रीमान् उपसभापति जी, जैसा कि मंत्री जी ने कहा बिल तो वास्तव में स्वागत योग्य है कर्मचारियों को नकद पैसा मिले, नकद नारायण का कोई विरोध करे, यह ठीक नहीं है। लेकिन मैं मंत्री जी से यह जानना चाहता हूँ कि आप इतना प्रसन्न हैं और उस प्रसन्नता को प्रकट करने के लिए सदन को भी कह रहे हैं। इसलिए मैं जानना चाहता हूँ कि बोनस की जो आधार शिला बनी थी कि बेज में जो