

MR. DEPUTY CHAIRMAN: Both the Ministers are here. This Bill will take only half-an-hour. *...(Interruptions)...* After this Bill, we will take up the Short Duration Discussion on price rise. *...(Interruptions)...*

SHRI SUKHENDU SEKHAR ROY: Sir, I have to make one submission. We have nothing against taking up this Bill now. The only thing is that in the morning, the Minister of State for Parliamentary Affairs, Shri Rajeev Shukla, assured that the Minister of State for Home Affairs would make a statement. And he has come with the statement. It will only take a few minutes.

MR. DEPUTY CHAIRMAN: I am giving you an assurance that it will be done, if not today, then, tomorrow. *...(Interruptions)...*

SHRI DEREK O' BRIEN: No, Sir. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Anyhow, the consensus of the House is to take the Bill first. Shri V. Kishore Chandra Deo to move the Bill. *...(Interruptions)...* I have given the ruling. *...(Interruptions)...* You cannot decide the agenda. I have to decide. Please sit down. *...(Interruptions)...* I told you that it will be done.

SHRI SUKHENDU SEKHAR ROY: Why tomorrow, Sir?

MR. DEPUTY CHAIRMAN: It is for the Chair to decide. I have given you an assurance. Mr. Minister, I have given an assurance to the hon. Members that if clarifications are not taken up today, then, it will be done tomorrow. Now, Shri V. Kishore Chandra Deo.

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#### GOVERNMENT BILLS—Contd.

##### **The Constitution (Scheduled Tribes) Order (Amendment) Bill, 2013**

THE MINISTER OF TRIBAL AFFAIRS (SHRI V. KISHORE CHANDRA DEO):  
Sir, I move:

That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh, as passed by Lok Sabha, be taken into consideration.

*The question was proposed.*

6.00 P.M.

[THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY) in the Chair].

श्री फगन सिंह कुलस्ते (मध्य प्रदेश): महोदया, मंत्री जी संविधान (अनुसूचित जनजातियां) आदेश (दूसरा संशोधन) विधेयक, 2013 लेकर सदन में आए हैं।

महोदया, इस समय देश के सामने जनजातियों का जो मामला है, उसमें केरल और छत्तीसगढ़ की दो कम्युनिटीज का सवाल है। केरल से प्रविष्टि 27 के पश्चात् "माराटि" को इंसर्ट करना है। महोदया, यह "माराटि" ट्राइब्स एक सीमित क्षेत्र के अंदर है। कासरगोड जिले के होसदुर्ग और कासरगोड ताल्लुक-ये दो ऐसे क्षेत्र हैं, जिन में इनको जनजातीय का दर्जा देने के लिए यह विधेयक सामने आया है। वहीं छत्तीसगढ़ में प्रविष्टि 16 में "असुर" के पश्चात् "अबूझ मीडिया" और प्रविष्टि 27 में "कोरवा" के पश्चात् "पहाड़ी कोरवा" अंतः स्थापित की जानी है। महोदया, छत्तीसगढ़ की सरकार ने इन दो जनजातियों को विशेष जनजाति और जनजाति का दर्जा देने के बारे में कहा है। महोदया, मैं मंत्री जी से केवल यह कहना चाहता हूं कि पूरे देश या प्रदेशों से अलग-अलग तरीके से भारत सरकार के पास जनजातियों का स्टेटस देने के लिए बहुत सारे प्रदेशों से प्रपोजल्स आते हैं। महोदया, मैं अनुसूचित जनजातियों के बारे में और विशेषतः अनुसूचित जनजाति शब्द की उत्पत्ति के बारे में कहना चाहता हूं कि यह आज का सवाल नहीं है।

आजादी के पूर्व से इनकी स्थिति के बारे में कहा गया कि 26 जनवरी, 1950 को भारतीय संविधान लागू होने के पश्चात ही जनजातियों तथा जनजातीय समुदायों को "अनुसूचित जनजाति" की विशिष्ट संज्ञा देने की आवश्यकता महसूस हुई। भारत सरकार के अधिनियम, 1935 में पिछड़ी जनजातियों का संदर्भ है तथा भारत सरकार के आदेश 1936 की 13वीं अनुसूची के अंतर्गत असम, बिहार, उड़ीसा, मध्य प्रांत, पश्चिम बंगाल, मद्रास तथा बम्बई की कुछ जनजातियों को पिछड़ी जनजातियों की श्रेणी में रखा गया था। सर्वप्रथम आदिम जनजातियों को अनुसूचित करने का प्रयास 1931 की जनगणना के समय में हुआ था। कहने का आशय यह है कि इसमें जिन जनजातियों के बारे में उल्लेख हुआ है या आप छत्तीसगढ़ में उन जनजातियों की कमजोर आर्थिक स्थिति को देखें, तो देश में आज भी 75 ऐसी जनजातियां हैं, जिनके लिए भारत सरकार की पूरी जिम्मेदारी बनती है कि वह इन जनजातियों की सुरक्षा करे, इनके विकास की चिंता करे, इनकी शिक्षा और चिकित्सा के बारे में चिंता करे। यह भारत सरकार की जिम्मेदारी है और सरकार का कमिटमेंट है, इसलिए यह जो विशेष जनजाति "पहाड़ी कोरवा" है, इसके बारे में सरकार को विचार करना चाहिए और देश की सभी 75 जनजातियों के बारे में भी विचार करना चाहिए।

महोदया, सवाल केवल इस बात का ही नहीं है, बाकी जो जनजातियां हैं... मैंने कहा कि आज इस प्रकार के सवाल बहुत उठे, मैंने असम में भी देखा, बंगाल में भी देखा, अन्य क्षेत्रों में रहने वाले जो जनजातीय समाज के लोग हैं, जो विशेषकर मजदूरी के लिए असम में

[श्री फगन सिंह कुलस्ते]

निवास करते हैं, चाय बागान के अंदर उनको "टी ट्रेडिङ्ग" के नाम से जाना जाता है, परंतु वहां पर उनको जनजातियों का स्टेटस प्राप्त नहीं है। दुर्भाग्य इस बात का है कि जहां-जहां पर इस प्रकार की क्षेत्रीय असमानता है, मुझे तो लगता है कि इस सारी विसंगति को दूर करने के लिए सरकार को, मंत्रालय को किसी ऐसे आयोग के बारे में सोचना चाहिए, कोई स्पेशल कमिशन बनाना चाहिए कि जब मध्य प्रदेश के जनजातिया समाज का व्यक्ति, छत्तीसगढ़ के जनजातीय समाज का व्यक्ति, महाराष्ट्र के जनजातिया समाज का व्यक्ति, राजस्थान या गुजरात के जनजातीय समाज का व्यक्ति या पूरे उत्तर के जनजातिय समाज का व्यक्ति, इस देश के किसी अन्य भाग में निवास करता है, तो उसके बारे में भी चिंता होनी चाहिए। इस बात के लिए राज्य सरकारें केवल सिफारिश करती हैं और उस राज्य सरकार की सिफारिश के आधार पर आयोग के पास यह विषय आता है, फिर यह आर.जी.आई. के पास जाता है। तो यह जो स्थिति है कि राज्य सरकारें अपनी सिफारिशें भेजती हैं, वे अलग-अलग स्तर पर भेजती हैं। जब काम की तलाश में वह व्यक्ति एक प्रदेश से दूसरे प्रदेश में जाता है, तो उनकी स्थिति के बारे में भी सोचना पड़ता है और आज सवाल इसी बात का है, इसलिए मैं कहना चाहता हूं कि ऐसे सवालों पर हमें विचार करना चाहिए। आज समय कम है, परंतु मैं माननीय मंत्री जी से इस बात के लिए भी निवेदन करना चाहता हूं कि यह जो प्रश्न है, यह हमारे पूरे देश के सामने है और इसलिए उनको जनजातीय समाज का स्टेटस देने में हमें कोई आपत्ति नहीं है। हम इसका समर्थन करते हैं, परंतु प्रश्न इस बात का है कि देश के अन्य जो हिस्से हैं, उनके सामने भी इस प्रकार की समस्याएं आती हैं। ...**(समय की घंटी)**... आज दिल्ली में उनका कोई स्टेटस नहीं है। हम इसका विरोध नहीं कर रहे हैं, परंतु जब सुविधाओं का सवाल आता है, उनके शैक्षणिक विकास का सवाल आता है, तो इन सारी परिस्थितियों के बारे में सोचना पड़ता है।...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): You, now, please conclude Mr. Kulaste.

श्री फगन सिंह कुलस्ते: और इसलिए महोदया, यह बहुत महत्वपूर्ण प्रश्न है।

उपसभाध्यक्ष (श्रीमती रेणुका चौधरी): देखिए, बहुत सारे सदस्य इस महत्वपूर्ण विषय पर बोलना चाहते हैं, इसलिए प्लीज़ आप कंप्लीट कीजिए। ...**(व्यवधान)**...

श्री फगन सिंह कुलस्ते: तो जब वे जवाब देंगे, तो इस बारे में अगर एक संतोषजनक, सकारात्मक जवाब देंगे तो मुझे लगता है कि भविष्य की दृष्टि से और देश में रहने वाली जनजातियों के संबंध में एक अच्छा निर्णय हो सकता है, अच्छा संदेश जा सकता है। आपने मुझे बोलने के लिए समय दिया, बहुत-बहुत धन्यवाद।

उपसभाध्यक्ष (श्रीमती रेणुका चौधरी): श्री अवतार सिंह करीमपुरी जी, बोलिए।

**श्री अवतार सिंह करीमपुरी** (उत्तर प्रदेश): महोदया, आपने मुझे The Constitution (Scheduled Tribes) Order (Amendment) Bill, 2013 पर बोलने का मौका दिया है, इसके लिए मैं आपका धन्यवाद करता हूँ।

**उपसभाध्यक्ष (श्रीमती रेणुका चौधरी):** आप संक्षेप में बोलिएगा।

**श्री अवतार सिंह करीमपुरी:** महोदया, शैड्यूल्ड ट्राइब्स का इश्यु बहुत सेंसिटिव इश्यू है, इसके लिए मैं आपकी बात का सम्मान करते हुए संक्षेप में अपनी बात रखने की कोशिश करूंगा, लेकिन पहली बार मुझे आपके सामने बोलने का मौका मिला है, इसलिए कुछ न कुछ तो आपकी दया दृष्टि रहेगी। महोदया, जो लिस्ट को रिव्यू करने का मैटर है, बहुजन समाज पार्टी इसके साथ अपनी सहमति दर्ज करती है, लेकिन हमारा कहना यह है कि हम शैड्यूल्ड ट्राइब्स के हालात को भी देखें। हम लिस्ट को रिव्यू कर रहे हैं, लेकिन उनकी जो सोशल स्थिति है, जो इकॉनॉमिक स्टेटस है, उसके बारे में हम कब सोचेंगे? आपने केरल की माराटि और छत्तीसगढ़ की दो जातियों की बात की है, उनके अलावा भी जो शैड्यूल्ड ट्राइब्स के लोग हैं, उनकी स्थिति क्या है, वह मैं आपके सामने रखना चाहता हूँ। 2001 का सेंसस बताता है कि मेल एजुकेशन का नेशनल एवरेज 65.38 परसेंट है, लेकिन शैड्यूल्ड ट्राइब्स उसमें 47 परसेंट पर स्टैंड कर रहे हैं। इस प्रकार एजुकेशन के फील्ड में लगभग 18 परसेंट का मेल का डिफरेंस है। फीमेल एजुकेशन का नेशनल एवरेज 54.16 परसेंट है, जिसमें 34.76 परसेंट शैड्यूल्ड ट्राइब्स की फीमेल को एजुकेशन मिली है। इस प्रकार इसमें 19.40 परसेंट का डिफरेंस है। इसके अलावा चाइल्ड मॉर्टैलिटी रेट को अगर हम देखें तो 2005-06 की जो रिपोर्ट है, उसके अनुसार 1000 लाइव बर्थ के पीछे नेशनल एवरेज 62 है, लेकिन शैड्यूल्ड ट्राइब्स के 84 बच्चों की लाइव बर्थ के दौरान मृत्यु हो जाती है। इस प्रकार 1000 बच्चों के पीछे 22 का डिफरेंस है और एक लाख बच्चों के पीछे 2,200 का डिफरेंस है। इसी तरह से इन्फैंट मॉर्टैलिटी रेट जो है, उसका नेशनल एवरेज 22 है, जबकि शैड्यूल्ड ट्राइब्स का 46 है। इस प्रकार इसमें 1000 के पीछे 24 का डिफरेंस है। इसके अलावा जो अंडरवेट बच्चे हैं, उनका नेशनल एवरेज 14 है, लेकिन शैड्यूल्ड ट्राइब्स का 26 है। मात्र 15 फीसदी शैड्यूल्ड ट्राइब्स के घरों में पीने का पानी अवेलेबल है। इस प्रकार हम यह देखते हैं कि आज़ादी के 65 वर्षों तक हम यह कहते रहे कि हम शैड्यूल्ड कास्ट्स और शैड्यूल्ड ट्राइब्स के बड़े हितैषी हैं। आपके यहां बहुत बड़ी-बड़ी योजनाएं बनीं, लेकिन घरातल पर उनका असर क्या है, उसकी एक छोटी सी तस्वीर मैंने आपके सामने रखी है--एजुकेशन के क्षेत्र में, इम्प्लॉयमेंट के क्षेत्र में, इकॉनमी के क्षेत्र में शैड्यूल्ड ट्राइब्स की हालत बहुत खराब है। इसके अलावा जो प्लानिंग कमिशन है, योजना आयोग है, उसकी रिपोर्ट के वॉल्यूम 3 के पेज नम्बर 238 "In LWE areas, women are battered and raped by both the Government and rebels." It has been admitted in the Planning Commission Report, III volume, page 238. "And there is no system of security and redressal for the same. As tribal women move out of their households to find out

[श्री अवतार सिंह करीमपुरी:]

work as domestic workers, they are exploited in their workspace.” यह हालत आज शैडयूल्ड ट्राइब्स की है। यह ठीक है कि आप लिस्ट को रिव्यू कर रहे हैं। ऐसा जरूर करना चाहिए, लेकिन उनके सोशल, इकनॉमिक स्टेटस के बारे में इस देश की सरकार को जरूर धिंता होनी चाहिए और उस दिशा में जरूर कदम उठाने चाहिए। महोदया, एक ओर आंकड़ा में आपके सामने रखना चाहूंगा। इस देश में 149 सेक्रेटरी हैं, जिनमें से 4 शैडयूल्ड ट्राइब्स के हैं, 108 एडिशनल सेक्रेटरी हैं, जिनमें से 2 शैडयूल्ड ट्राइब्स के हैं 477 ज्वाइंट सेक्रेटरी हैं, जिनमें से 13 शैडयूल्ड ट्राइब्स के हैं और 590 डायरेक्टर्स हैं, जिनमें से मात्र 7 शैडयूल्ड ट्राइब्स के हैं। इसलिए मेरा आपसे यह निवेदन है कि आप शब्दों और कागज़ों से उनका पेट भरने की कोशिश न करें। धरातल पर आपकी योजनाओं का कार्यान्वयन कैसे हो, इसके ऊपर आपको बैठकर सोचने की जरूरत है? हम पोर्ट ब्लेयर में गए, वहां पर शैडयूल्ड ट्राइब्स आज की डेट में बिल्कुल नंगा, मैं उन जातियों के नाम भी कोट कर सकता हूं, लेकिन समय की कमी है। हम जंगल में गए, वहां शैडयूल्ड ट्राइब्स नंगा रहता है उनको खाने के लिए भोजन नहीं है, उनके लिए एजुकेशन नहीं है, उनके पास रहने के लिए कोई मकान नहीं है। जब हमारी वहां के चीफ सेक्रेटरी साहब से मीटिंग हुई तब हमने उनसे पूछा कि शैडयूल्ड ट्राइब्स के साथ ऐसा व्यवहार क्यों है? उन्होंने कहा कि वर्ष 2004 में एक कमेटी बनी थी, जिसमें anthropologists ने यह रिकमंड किया कि संस्कृति को प्रोटेक्ट करने के लिए शैडयूल्ड कास्ट को as it is रखना पड़ता है।

**उपसभाध्यक्ष (श्रीमती रेणुका चौधरी):** करीमपुरी जी, प्लीज़ कन्क्लूड कीजिए।

**श्री अवतार सिंह करीमपुरी:** मैडम, मैं कन्क्लूड कर रहा हूं। मैं अभी एक मिनट में कन्क्लूड कर दूंगा। उन्होंने कहा कि Anthropologists की यह सिफारिश है कि शैडयूल्ड ट्राइब्स को नंगा रखना, संस्कृति को प्रोटेक्ट करने के लिए जरूरी है। मैं मांग करता हूं कि इस रिपोर्ट को रिव्यू किया जाए और उनके लिए भी रोटी, कपड़ा, मकान, पढ़ाई-लिखाई, सबका इंतजाम हो। जिन जातियों को हम शैडयूल्ड ट्राइब्स की लिस्ट में इन्क्लूड कर रहे हैं, इसके बारे में मेरी यह अपील है कि....

**उपसभाध्यक्ष (श्रीमती रेणुका चौधरी):** थैंक यू करीमपुरी जी। इसके बाद नहीं, Nothing will go on record after this.

**श्री अवतार सिंह करीमपुरी:** मैं एक मिनट में कन्क्लूड कर रहा हूं।...

**THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY):** Nothing is going on record. Now, Shri P. Rajeeve.

**श्री अवतार सिंह करीमपुरी:\***

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\* Not recorded.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Now, Shri P. Rajeeve. You have to be very brief. There are more than ten speakers still, and the Chairman has said only half-an-hour.

SHRI P. RAJEEVE (Kerala): Madam, this is one of the rarest occasions for us to support a Bill moved by the Government. I would like to congratulate the hon. Minister, Shri V. Kishore Chandra Deo, for bringing in this Bill, which the Government of Kerala had failed to do so. The hon. Minister has done a very good home-work, and he went through all files. Madam, our Member of Parliament from Kasargod, in the Lok Sabha, Shri P. Karunakaran, has been raising this issue since 2002. The hon. Minister had sat with him, and taken so much initiative. So, I would like to congratulate him.

Madam, while incorporating the deserving communities to SC and ST category, we should look into the plight and status of the SC and ST communities in our country. Our distinguished Member, Shri Karimpuri, mentioned about the status of STs in Andaman and Nicobar. Madam, Kerala is the most developed State in our country. In Social Human Index, Kerala is always compared with the developed nations and the socialist countries. But, in the last one year, around 60 tribal children died in Attappady in Palakkad District. Madam, 60 tribal children died due to malnutrition! This is a very pitiable condition in Kerala. The Kerala Government has failed to protect the interests of the Scheduled Tribes in the State. I hope the Minister would intervene. He has taken some steps to resolve that problem. I request the hon. Minister to visit Attappady. The hon. Minister of Rural Development, Shri Jairam Ramesh, is here. He is well-aware of that issue also. But nothing has been done, after your declarations.

THE MINISTER OF RURAL DEVELOPMENT (SHRI JAIRAM RAMESH): He is not factually right.

SHRI P. RAJEEVE: Madam, nothing has happened. After the hon. Minister's visit and declaration, the situation is the same. The children are dying due to malnutrition. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please, please. ...*(Interruptions)*... You can't shout across like this.

SHRI P. RAJEEVE: Madam, the Chief Minister stated that because of alcoholic consumption of the tribal women these all malnutrition things are happening. This is a very shameful statement by the Chief Minister of Kerala.

Madam, there are several communities which are deserving to get the status of Scheduled Tribe. But this is a very complex process for getting the status. Actually, the Marathi community in Kasargod, Hosdurg, were enjoying this status from 1952 up to 2002. Thereafter, without any proper study and analysis, they were deprived and denied this status. Actually, this is a rectification legislation to restore the status which was enjoyed by this Marathi community. Madam, there is a Korwa community in Chhattisgarh. They are getting the ST status. In some States, it is Korba community, in Kerala it is only SC. In Kudumbi, Kerala, they are not enjoying any SC or ST status. But in Goa they have ST status. In Maharashtra, they have ST status. There are several differences for the same community depending upon other factors. Sir, I request the Minister to do a very comprehensive scientific study. While giving reply in Lok Sabha, the Minister himself has stated that the Ministry is not aware of the names of the communities which are actually getting the right of SC and ST status. So, I request the Minister to intervene in this matter and give the status to the deserving communities the status of SC and ST. At the same, there are serious issues of land problem. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please conclude. You have to conclude, Mr. Rajeeve. ...*(Interruptions)*... I will not allow anything to go on record.

SHRI P. RAJEEVE: He should take all these issues positively and once again I would like to congratulate him for moving this Bill. Thank you, Madam.

SHRI K. R. ARJUNAN (Tamil Nadu): Madam Vice-Chairman, before beginning my maiden speech, I first of all thank our beloved leader Dr. Puratchi Thalaivi Amma, hon. Chief Minister of Tamil Nadu who made me a Member of this House.

I Thank you, hon. Madam, for providing me this opportunity to speak on the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2013 brought to this House to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh.

While participating in the discussion I first of all welcome this Bill which is brought to this House for inclusion of communities in the list of Scheduled Tribes.

With extreme gratitude to our beloved hon. Chief Minister of Tamil Nadu, Puratchi Thalavi Amma, I request the indulgence of the Chair to allow me in my maiden speech to highlight a few issues of the hill district of the Nilgiris before speaking on the Bill.

I wish to bring to the attention of the House the long pending demand of the Badaga community of Nilgiris district in the State of Tamil Nadu for their inclusion in the Scheduled Tribes list thereby restoring their ancient Tribal status.

The Nilgiris is a tribal heritage district of the tribes namely Badagas, Thodas, Kotas, Kurumbas, Irulas, Paniyas and Kattu Nayakars.

The Madras Census of 1901 says that the Badaga Community in the Nilgiris district of Tamil Nadu is a tribe.

The 1911 census indicates that Badagas are Hindu animists speaking a tribal mother tongue which is called as “Badugu”

The 1931 census speaks that the Badagas are primitive and important tribe of the Nilgiris.

The Constitution (Scheduled Tribe) Order, 1950 had its norms for inclusion of the Tribal Badagas in the list of Scheduled Tribes. But unfortunately it was not taken.

The First Backward Class Commission Report of 1955 recommended that the Badagas should be treated as Scheduled Tribes. It was also not accepted. In both cases the reasons are unknown.

On 5.9.2003 hon. Chief Minister of Tamil Nadu Dr. Puratchi Thalaivi Amma had strongly recommended to the relevant authorities of Central Government with a detailed analysis of various attributes contained in Clause 2 of Article 342 of the Indian Constitution regarding Badaga Community such as primitive tribes, distinctive culture, shyness of conduct with the public at large, geographical isolation and social and economic backwardness to declare them as a Scheduled Tribe.



THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Arjunaji, please try to conclude now. I know it is your maiden speech. But this format does not really allow us to indulge. ...(*Interruptions*).. Then all of you have to give your time to him. ...(*Interruptions*)..

DR. V. MAITREYAN (Tamil Nadu): It is his maiden speech. Please don't interrupt like this. ...(*Interruptions*)..

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Dr. Maitreyan, let me say what I have to say. ...(*Interruptions*).. Please wait. I am saying if all of you agree, since it is Mr. Arjunan's maiden speech, then someone else should give up his time to facilitate him.

DR. V. MAITREYAN: He is taking only five minutes. ...(*Interruptions*)..

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Dr. Maitreyan, you are wasting his time. ...(*Interruptions*)...

SHRI K. R. ARJUNAN: In this regard, on 28.07.2011, Hon. Amma had again sent a letter to the hon. Prime Minister of India stating that the request of the Badaga Community, of the Nilgiris District of Tamil Nadu, to include them in the list of Scheduled Tribes has been pending for a long time.

So , I request the Hon. Minister of Tribal Affairs to take up the matter of restoring the tribal status to the Badaga community by including them in the list of Scheduled Tribes as early as possible.

Our hon. Chief Minister of Tamil Nadu wrote a letter to the hon. Prime Minister regarding a long-pending issue relating to a nomadic tribal group, found in Tamil Nadu, known as Narikoravan or Narikoravar or Kuruvikkaran or Kuruvikkarar community, which has been representing to the Government for inclusion in the list of Scheduled Tribes in Tamil Nadu.

Based on the recommendations of the State Government , the Government of India, Ministry of Tribal Affairs, informed that the Registrar General of India and the National Commission of Scheduled Tribes, New Delhi, have also agreed to the proposal for inclusion of 'Narikoravan grouped with Kuruvikkaran' in the list of the Scheduled Tribes of Tamil Nadu, and the Ministry is in the process of preparing a draft Cabinet note for inclusion of Narikoravan group, with Kuruvikkaran, in the list

of Scheduled Tribes of Tamil Nadu. As demanded by our hon. Chief Minister of Tamil Nadu Dr. Puratchi Thalaivi Amma, I urge upon the Central Government to bring necessary legislation in this regard, in the current session of Parliament itself.

Thank you, Madam.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Thank you. Now, Shri Thangavelu.

DR. V. MAITREYAN: He has taken just five minutes. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Dr. Maitreyan, would you like to come and sit here? ...*(Interruptions)*...

DR. V. MAITREYAN: I don't have any problem. But you can't interrupt a maiden speech like this. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Dr. Maitreyan, I don't think you can address the Chair like this. ...*(Interruptions)*...

DR. V. MAITREYAN: I expect some decency from the Chair too. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please don't argue. ...*(Interruptions)*...

DR. V. MAITREYAN: Should a maiden speech be...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): No. There cannot be a maiden speech in this format. ...*(Interruptions)*... The maiden speech was being read. ...*(Interruptions)*... Please don't argue. ...*(Interruptions)*... Shri Thangavelu. ...*(Interruptions)*...

DR. V. MAITREYAN: Many Members read their speeches. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Do not take the time of another Member. I have already called him. ...*(Interruptions)*... Mr. Thangavelu, please be brief. ...*(Interruptions)*...

SHRI S. THANGAVELU (Tamil Nadu): Madam Vice-Chairperson, the welfare of the people is the paramount consideration of the Government. By including these groups in the Scheduled Tribe List, the Government has taken care of their long-pending demand.

[Shri S. Thangavelu]

Madam, I have a request to make. The Kuruvikaran or the Narikuravara community has been demanding for ST status for a long time. Our beloved leader, Dr. Kalaingar, has written to the hon. Prime Minister of India to accord the ST status to the Narikuravara community. In this connection, I would like to share an important information with this House. Our beloved leader, Dr. Kalaingar, started the Tamil Nadu Narikuravar Welfare Board on 27th May, 2008, with a membership of 9,762 families. And, 3,593 families were paid assistance to the tune of Rs. 1,97,11,000 in order to uplift the poor families. They are nomadic tribe. They are socially and economically backward. The Lokur Committee and the Joint Committee of Parliament had also recommended inclusion of Narikoravan or Kuruvikkaran in the Scheduled Tribes list of Tamil Nadu. I request the hon. Minister to kindly look into this issue and include the Narikoravan or Kuruvikkaran community in the list of Scheduled Tribes. The hon. Minister is also requested to include the Padukas, Kattu Naicker and Irula communities in this list.

With these words, I support the Bill.

SHRI SHASHI BHUSAN BEHERA (Odisha): Madam, I would like to suggest only one or two things to the hon. Minister. I have nothing to say about Kerala and Chhatisgarh. They are good insertions. But, Mr. Minister, do you know that the ST population of Odisha is more than 22 per cent? It is very much adjacent to Andhra Pradesh and, Sir, you know a lot about Odisha's tribal people. They are like some other tribal communities. There are very much known communities like 'Saar and Sabar.' These cases have come to the Centre so many times. I think they are fulfilling all other criteria—'Saar and Sabar'. These are all phonetic differences. So, some spelling difference is there. Sir, because of all these things, these communities are suffering a lot. Neither are they considered as the Scheduled Tribe nor are they treated as the General community. So, after 66 years of Independence, the genuine Scheduled Tribe people are not getting the benefit of reservation. So, I hope that alongwith 'Saar and Sabar', all other recommendations from Odisha and other States will be taken into consideration. These things should not be pending for long time. Thank you very much.

SHRI BIRENDRA PRASAD BAISHYA (Assam): Madam Vice-Chairperson, I rise here to support the Bill. After supporting the Bill, I would like to draw the

attention of the hon. Minister to the present situation in Assam. The six communities of Assam, namely, Koch Rajbanshi, Tai Ahom, Moran, Matak, Chutia and Tea Tribes are fighting to get the ST status for their own communities. Madam, at present, there is a series of agitation going on in Assam. All those communities are also fighting together to get justice from the Central Government. In this regard, I would like to mention here that out of these six communities, some communities already enjoy the ST status in other parts of the country. My friend from Jharkhand has very rightly said about the tea tribe community of Assam. By name, they are tea tribals, but they have not got the tribal status till today. In the year 1996, tribal status was given to the Koch Rajbanshi community of Assam. They enjoyed the status of ST from 1996 to 1997. Now, the Director-General of Registration has declined to recommend their request for the ST status. This is the double standard of the Government. I would like to draw the attention of the hon. Minister to this. Now, the Director-General has declined to give the status of ST to Koch Rajbanshi community. But in 1996, Scheduled Tribe status was given to the Koch Rajbanshi community of Assam. I don't understand this. Now the Government is saying that they have no qualities to get the ST status. If they do not have any such quality, how come the Central Government gave them the ST status in the year 1996?

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Mr. Baishya, please try to conclude.

SHRI BIRENDRA PRASAD BAISHYA: Yes, Madam, I am going to conclude. I would like to make one more point. So, Sir, try to understand the situation of Assam. These communities, Koch Rajbanshi, Tai Ahom, Moran, Matak and Chutia are still agitating in Assam to get the ST status. I would like to request the hon. Minister to kindly lay special emphasis on these issues. Assam is burning. These communities are fighting in the streets, Sir. The situation is, still under control. So, it is the call of the hour to give them the ST status. Otherwise, if the situation would go out of control, then, nobody, but only the Central Government will be totally responsible for that situation.

So, I appeal the hon. Minister to consider the demand of these six communities of Assam to give them the ST status.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please conclude, Mr. Baishya.

SHRI BIRENDRA PRASAD BAISHYA: I am concluding, Madam. Give me just one minute. I again remind you that Koch Rajbanshi community was given the ST status by the Central Government in the year 1996 and the same Government is now declining to give them the ST status by saying that they have no qualities of tribals. If they have no qualities of tribals, why did the Government declare them the ST earlier?

So, I request the hon. Minister to kindly consider the request of the six communities of Assam and give them the ST status immediately. Thank you.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Mr. V.P. Singh Badnore. You have to be brief. Kindly keep that in mind.

SHRI V.P. SINGH BADNORE (Rajasthan): Madam, I will take only five minutes.

Madam, I rise to support The Constitution (Scheduled Tribes) Order (Amendment) Bill, 2013. At the outset, I feel it my duty to pay homage to Dr. Babasaheb Ambedkar and the founding fathers for putting the reservation in place in those days for the SC and ST in our Constitution. This, I feel, was such an important legislation of that time that it has given this India story, the growth India story, a real impetus.

Madam, having said all this, I will come to the specifics. We have had this reservation for the Scheduled Tribes – because I am only talking about the Scheduled Tribes now—for the last fifty-five years. Have you done any study, review, or, are you considering a review because the norms, the conditions of those times have changed now? There are tribes which have really developed — socially, economically and education-wise. So, are you ready to exclude some and include some because after fifty years, you are including some? In those days, were these tribes okay? Were they in a condition that they were not needed to be put into this Scheduled Tribe category? And, now, you are doing it after fifty years. So, that means, they have lost out these fifty years. Are you ready to do that?

There are two types of job conditions or categories. One is the Central, the other is the State; and if you look into it, there are tribes which have been cornering these Central and State jobs. I am happy that they have been doing it because they have now, education-wise and otherwise, come to that status. But are you ready to

see that those tribes are taking the jobs of the other tribes who have not come into the jobs? Those are being discriminated, and that is the reason that some have really travelled in the development side, in the growth story. They have done well; and I congratulate them. But what about the ones which are missing out on the jobs? Will it take another 200 years for those other tribes to come up? And when will they come up? If these people are not excluded, are you ready to consider this? This is something very, very important. Are you ready to have a Review Commission of some kind? Otherwise, this reservation will go on and on. I am happy to say that this reservation has benefited millions and millions. It is a good thing, but there are millions who have not benefited. When will they be benefited? Are you ready to put something like that into this Review Commission?

Let me also say that in Rajasthan...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please conclude, Mr. Badnore.

SHRI V.P. SINGH BADNORE: Madam, I now come to Rajasthan, because recommendations have to come from the State. Is it a fact, Mr. Minister, that in 1997, the State had recommended that the Gujjars should come into this category of tribals, that they should be included in this category? Is it a fact, and if it was, why were they not included? Can you give us the whole story on this? We have had a lot of rivalry, acrimony and things like that in Rajasthan. Now, if the recommendation had come to you, why was this recommendation not taken care of, like you have done it for these two-three tribes? Were the Gujjars in that list? Shouldn't it have been done? Why was it not done? This is another specific question that I have.

I also congratulate the Minister for moving the Bill on the rights of forest dwellers. This was the biggest piece of legislation that the Minister had done. I am told that the Minister is a 'raja' and still a tribal, and he thought about this. But have those people got the pattas? Have they got land in their names? Or, is it just in name? Have they really benefited from this Bill on forest dwellers that you had moved?

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Mr. Badnore, you will have to conclude, please. We have a timeconstraint. Please appreciate that. ...*(Interruptions)*...

SHRI V.P. SINGH BADNORE: Madam, I come to the last issue. Have these pattas been given? We have had this Bill for the last two years. What is the status? How are you going to give the pattas and will these tribes really benefit? These were uneducated people; they did not know what a patta is, what registration is, etc. So, will they get it? How many have got it? How many are going to get it? These are some of my questions. Thank you.

[MR. DEPUTY CHAIRMAN in the Chair].

MR. DEPUTY CHAIRMAN: I think, it was only for half-an-hour.

SHRI DEVENDER GOUD T. (Andhra Pradesh): Sir, I would take just half a minute.

MR. DEPUTY CHAIRMAN: I would allow you if you adhere to that. All right. I can give you one minute; just one minute.

SHRI SATYAVRAT CHATURVEDI (Madhya Pradesh): Sir, please allow Dr. Sadho to speak too, as she is the only lady Member to speak and the only one from the Congress Party.

MR. DEPUTY CHAIRMAN: Okay. Just one minute. Now, Mr. Devender Goud. Don't make any introductions; just make points.

SHRI DEVENDER GOUD T.: Sir, I put just one question. The Government of Andhra Pradesh had recommended the inclusion of many communities to the Government of India. Of course, he belongs to my State also. The inclusion of how many communities is pending with the Government of India? The State Assembly had unanimously passed a Resolution. I was a Member in the State Assembly three times. What is the status of the recommendation for inclusion of the Boya community, the Vaddera community, fishermen and washermen, etc.? We support the Bill, but I would like to know from the Minister, how many of them are pending with the Government of India.

MR. DEPUTY CHAIRMAN: Now, Shri D. Raja. Just put questions.

SHRI RAVI SHANKAR PRASAD (Bihar): Sir, please allow Mr. Dharmendra Pradhan to speak too.

MR. DEPUTY CHAIRMAN: Okay. Now I have to obey your orders!

..(Interruptions)...

SHRI D. RAJA (Tamil Nadu): Sir, am I allowed to speak?

MR. DEPUTY CHAIRMAN: Yes, why not? I have already called your name. No introduction; just ask the question.

SHRI D. RAJA: Sir, at the outset, I support this Bill.

MR. DEPUTY CHAIRMAN: Very good. Then you can conclude; that is all! ... (Interruptions)...

SHRI D. RAJA: Secondly, thanks to Dr. Ambedkar, certain castes, which were socially oppressed and treated as untouchables, and certain tribes, are being brought under the Scheduled list. Sir, in Tamil Nadu, there are some communities. My esteemed colleagues, who spoke before me, referred to some communities, some tribes — the *Nari Kuravas*. And, I do not think there is any difficulty in including Narikuravar under the Scheduled Tribe List. But, there is one tribe that is called Malayali. It is the name of a tribe. They live in ten districts. They live in Dharmapuri, Vellore, Pudukottai, Salem, Namakkal, Cuddalore, Tiruchirapalli, Karur and Perambalur districts. They also live in Erode district. Among 36 tribes, they are the biggest and they are called Malayali, but when the Tamil Nadu Government sent the recommendation to the Centre, somehow, the Malayali became Malayali Gond. Some error took place. I am asking the Minister to take note of this and do some correction so that Malayali tribe gets its due place. (Time bell) This is what I want that the Minister to explain.

MR. DEPUTY CHAIRMAN: Now, Shri Bandyopadhyay. Take only one minute.

SHRI D. BANDYOPADHYAY (West Bengal): Sir, I rise to support the Bill. I have one suggestion to make to the hon. Minister. Whenever such questions come, we support. But, why does the Government of India not have a thorough anthropological survey to identify as to which tribes are still left out and then take a long-term action for their reservation and upliftment?

SHRI DHARMENDRA PRADHAN (Bihar): Sir, I am grateful to you. सर, मैं आपके माध्यम से माननीय मंत्री जी से एक प्रश्न पूछना चाहता हूँ और दो-तीन सुझाव भी देना चाहता हूँ। मैं इस बिल में एक अमेण्डमेंट भी लाया हूँ। ओडिशा सरकार ने 1981, 1985 और



[Shri Dharmendra Pradhan]

2009 में शुद्ध सौरा को ट्राइब्स लिस्ट में शामिल करने की अनुशंसा करके केन्द्र सरकार को भेजा है। लगभग दो दशक से एक कम्युनिटी, शुद्ध सौरा के नाम में, जो माननीय मंत्री जी के गृह जिले से सटा जिला, गजापति जिले का है, जिनके बारे में मेरे बड़े भाई शशी भुषण बेहेरा जी उल्लेख कर रहे थे, एक grammatical error होने के कारण उलझा हुआ है। ओडिशा से एक कम्युनिटी के लिए सुझाव आता है, जिसकी आबादी लगभग पांच लाख है। शुद्ध सौरा के लिए यहां अंग्रजों में Sudda हो जाता है, जब कि यह Sudha होना चाहिए। एच के स्थान पर डी होने के कारण वहां के आदिवासी अत्याचारित होते हैं। जब वह तहसीलदार के पास सर्टिफिकेट के लिए जाता है, जन्म या मृत्यु की सर्टिफिकेट के लिए जाता है, बैंक लोन के लिए जाता है, तो उसको सुविधा नहीं मिलती। ...(समय की घंटी)...

MR. DEPUTY CHAIRMAN: I thought that you have already spoken.

श्री धर्मेन्द्र प्रधान: सर, मेरा अमेण्डमेंट यही है कि ओडिशा सरकार के Tribal Advisory Council से 2010 में जो सुझाव आया है, उसको इस बिल में शामिल किया जाए।

सर, मैं बंदोपाध्याय जी के सुझाव से सहमत हूं। आज के दिनों में Director General (Registration) की अथॉरिटी और मिनिस्ट्री की अथॉरिटी में ओवरलैपिंग हो रही हैं ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: No more. Yes.

श्री धर्मेन्द्र प्रधान: सर, यह सदन एक बात तय करे कि once for all के लिए एक अच्छा कमिशन बने और जो left out tribes है, उनको भी शामिल किया जाए। आपने मुझे बोलने का मौका दिया, इसके लिए मैं आपको धन्यवाद देता हूं। धन्यवाद।

MR. DEPUTY CHAIRMAN: Now, Dr. Vijaylaxmi Sadho. She is the last speaker. Take only one minute.

श्री विजयलक्ष्मी साधू (मध्य प्रदेश): माननीय उपसभापति महोदय, बाबा साहब अम्बेडकर ने सभी जातियों, सभी धर्मों और सभी वर्गों को समाहित करते हुए जो संविधान का निर्माण किया, इसके लिए हम उनको सैल्यूट करते हैं, लेकिन समय-समय पर राज्यों ने अपने स्वार्थ या लाभ के कारण वहां की कुछ जातियों को ट्राइब्स में और अनुसूचित जाति में समाहित करने की अनुशंसा करके केन्द्र सरकार के पास भेजा। मैं आपके माध्यम से माननीय मंत्री जी यह कहना चाहती हूं कि कई जातियाँ ऐसी होती हैं, जो आर्थिक रूप से बहुत कमजोर होती हैं, लेकिन चाहे इधर वाले हों या उधर वाले हों, राजनीतिक दृष्टि से उनको हम यहां लाते हैं। मैं सिर्फ यही कहना चाहती हूं कि कुछ जातियाँ, जो आर्थिक रूप से बहुत कमजोर होती हैं, चूंकि उनके बारे में कोई नहीं बोलता, इसलिए वे किसी भी कम्युनिटी में शामिल नहीं हो पाती हैं।

राज्यों के अंतर्गत भी वे किसी राज्य में ट्राइबल होती हैं और किसी राज्य में ओबीसी होती हैं। यहां तक कि किसी राज्य के अंदर भी वे किसी जिले में ट्राइबल होती हैं और किसी जिले में ओबीसी होती हैं। मेरे अपने मध्य प्रदेश के अंदर एक "मानकर" कम्युनिटी हैं, जो अपने को "मान ठाकुर" लिखती है, लेकिन वह आर्थिक रूप से सबसे ज्यादा कमजोर कम्युनिटी हैं। मैं माननीय मंत्री जी का ध्यान इस ओर आकर्षित करना चाहती हूँ कि वे "मानकर" कम्युनिटी को भी इसमें कहीं न कहीं शामिल करें। (समय की घंटी)

श्री उपसभापति: ठीक है, धन्यवाद।

डा. विजयलक्ष्मी साधू: माननीय उपसभापति महोदय, हमारे यहां एक "मेघवाल" कम्युनिटी है, जिसे राजस्थान में शामिल किया गया है। मध्य प्रदेश के अंदर भी ये बहुत बड़ी तादाद में है और आर्थिक रूप से बहुत कमजोर है। (समय की घंटी) महोदय, मैं एक सेकंड लूंगी। कुछ ऐसी जातियां हैं, जो फाइनैशियली बहुत स्ट्रांग होती हैं और मसल पावर से भी बहुत स्ट्रांग होती हैं, वे तो इस ट्राइबल वेलफेयर के सारे बेनिफिट्स ले लेती हैं, लेकिन जो कमजोर जातियां हैं, उनको आज हमें प्रश्रय देने की आवश्यकता है, यही मेरा निवेदन है। आपने मुझे समय दिया, इसके लिए धन्यवाद।

MR. DEPUTY CHAIRMAN: Thank you. Now, Mr. Minister. *..(Interruptions)..* Okay. Please put only one question.

SHRI A.V. SWAMY (Odisha): Sir, I just want to warn the Ministry regarding one aspect. Sir, yesterday, we passed the Land Acquisition Bill which also speaks about acquisition of land for public purpose. Whatever you are going to do, 80 per cent of the mineral resources are in the scheduled areas, and, therefore, maximum amount of displacement is amongst the tribal. Sir, I have worked with the tribal all the sixty years, and, therefore, I want to warn the Ministry on certain basic issues. *(Time-bell rings)*

MR. DEPUTY CHAIRMAN: Now, hon. Minister. That is all. You have made your point. *..(Interruptions)..* No, no. It is not going on record. *..(Interruptions)..*

SHRI A.V. SWAMY: \*

MR. DEPUTY CHAIRMAN: No, no. Like that, I cannot go on. He just now asked. He could have given his name earlier. I allowed him. Now, Mr. Minister. *..(Interruptions)..*

SHRI JAIRAM RAMESH: Sir, he has worked for 60 years in this field. Please allow him for two minutes. *..(Interruptions)..*

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\*Not recorded

MR. DEPUTY CHAIRMAN: That is correct but I have to run the House..*(Interruptions)*.. No, this way, I cannot. *..(Interruptions)*.. No, you cannot interfere like that. *..(Interruptions)*.. I have to run the House. What is this? *..(Interruptions)*.. If every Member is asking for a discussion like this..*(Interruptions)*.. I allowed him; even this is wrong. *..(Interruptions)*..

SHRI A.V. SWAMY: Sir, I am appealing to you because...

DR. V. MAITREYAN : Sir, I humbly submit that originally, the Business Advisory Committee agreed for one hour. For just rushing the Bill, you should not\* like this. *..(Interruptions)*..

MR. DEPUTY CHAIRMAN: \* is expunged. *..(Interruptions)*.. No, no.

DR. V. MAITREYAN: Sir, you expunge all my words but allow him to speak. *..(Interruptions)*...

SHRI RAJIV PRATAP RUDY (Bihar): Sir, generally, you are very cool and calm. *..(Interruptions)*.. Just a second, Sir. *..(Interruptions)*.. He is a senior Minister, but the way you \*

MR. DEPUTY CHAIRMAN: I did not \* him..*(Interruptions)*.. No, no. That is expunged. He is doing that. *..(Interruptions)*.. No, no. Anyhow, it is a lighter moment. See, what Mr. Rudy said is expunged. What he said, he did, not I. *..(Interruptions)*.. Okay, please. *..(Interruptions)*.. See, I have to make it clear. Now, there is a problem. The House decided for half-an-hour. It is one hour. He should have given his name earlier. *..(Interruptions)*.. After I called the Minister, he stood up. Even then, I allowed him to put a question. *..(Interruptions)*.. So, he should also know. *..(Interruptions)*.. Okay. Ask a question. *..(Interruptions)*..

SHRI A.V. SWAMY: Sir, my submission is that the Land Acquisition Bill, which has been passed, will have serious impact on Odisha. Sir, 80 per cent of the mineral resources are occupied in the tribal areas only, and, therefore, we must take a cue for future. Secondly, out of 62 ethnic groups, which we have in the entire Odisha, I worked in an area where most of the people are residing. What are the problems now? They have a different culture. For instance, Juangs. Even our Land Rights Bill which is a revolutionary Bill...

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\* Not recorded.

\* Expunged as ordered by the Chair.

MR. DEPUTY CHAIRMAN: Okay.

SHRI A.V. SWAMY: Sir, please see this.

MR. DEPUTY CHAIRMAN: You did not give your name earlier. No, I cannot allow that. Please sit down. *..(Interruptions)..* You could have given your name earlier. After one dozen Members have spoken, you gave your name and you want to take more time than anybody else. There is no special consideration for anybody. *..(Interruptions)..* You could have given the name early. You gave your name after one dozen people had spoken and you want to speak more than others. No, it is not possible. Sit down. *..(Interruptions)..* No, no, the House will have to run on certain norms.

SHRI A.V. SWAMY: I am not arguing with you. *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: No, no, I respect you very much, but I cannot violate the norms like this.

SHRI A.V. SWAMY: No, Sir, I am not arguing.

MR. DEPUTY CHAIRMAN: I allowed others one minute, one minute, one minute. But you are not seeing that.

SHRI A.V. SWAMY: I am not arguing like other people with you. I have been very obedient. I have been getting worried also when people started arguing with the Chair. I lifted my hand as soon as the discussion started. And, there was a proposal also whether it will be held today or tomorrow. *..(Interruptions)..* Please listen to me. I will make just one or two submissions. *..(Interruptions)..*

श्री के.सी. त्यागी (बिहार): सर, .....(व्यवधान)

MR. DEPUTY CHAIRMAN: No, no, Tyagiji, I am not allowing you. *..(Interruptions)..* I am not allowing you.

श्री के.सी. त्यागी: सर, मेरा एक सजेशन है कि देश की एक चौथाई आबादी पर बहस हो रही है। इस चौथाई आबादी को आप आदिवासी कहते हैं और उनके लिए आधे घंटे का समय और दूसरे हैं, उन पर दिन भर बहस होती रहती है। .....(व्यवधान)

MR. DEPUTY CHAIRMAN: Why do you say this now? When the House decided for half-an-hour, then you should have said it, Tyagiji. Why do you say it now? This is not a market place to change the decision always. I am sorry. I stood up and said 'half-an-hour, whether the House agrees'. You agreed. Then only we started.

श्री के.सी. त्यागी: अगर कोई अच्छी बात करे तो .....(व्यवधान)

MR. DEPUTY CHAIRMAN: No, I am not allowing. *..(Interruptions)..* I am not allowing. *..(Interruptions)..* I am not allowing anybody. *..(Interruptions)..* You please complete, Mr. Swamy. If you want, you finish. *..(Interruptions)..*

SHRI A.V. SWAMY: Thank you very much, Sir. I am grateful. *..(Interruptions)..*

DR. NAJMA A. HEPTULLA (MADHYA PRADESH): Sir, he could have completed within the time in which we are taking. *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: I agree. *..(Interruptions)..* I have allowed him. *..(Interruptions)..*

DR. NAJMA A. HEPTULLA: He is one of those who are concerned with that. *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: But, he should also have given the name in advance. He should also know that. Now please, if you want, you finish.

SHRI A.V. SWAMY: Number one is, I have told about the danger of displacement of the tribals. Today, out of the six crores, 40 to 60 per cent people who have been displaced across the country are tribals. Therefore, Odisha will be the worst sufferer if Jairam Rameshji is not kind to see that some sort of amendments are made which we would suggest. Number two, Sir, across the border – we are bordering Chhattisgarh, Andhra Pradesh and also other States – some tribes, particularly Paharias in Nuapada district, live both in Nuapada and Chhattisgarh. Here, they are called Paharias whereas across the border they are called Kamars. *(Time-bell rings)* They are only single tribals. *(Time-bell rings)* But, here they are listed as OBCs whereas they *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: Okay, now please conclude.

SHRI A.V. SWAMY: Just one minute, Sir.

MR. DEPUTY CHAIRMAN: It is not possible. What is this?

SHRI A.V. SWAMY: Sir, because of the Forest Rights Act, I wanted...

MR. DEPUTY CHAIRMAN: No, no, you can use another opportunity. *..(Interruptions)..*

SHRI A.V. SWAMY: The impact it will have on the tribals *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: No, no, it has nothing to do with this Bill.

SHRI A.V. SWAMY: Just one minute, Sir.

MR. DEPUTY CHAIRMAN: No, no.

श्री नरेश अग्रवाल: यह डिस्कशन आधे घंटे का था, अब एक घंटे से उपर हो गया। इसके बाद एक स्टेटमेंट है।

MR. DEPUTY CHAIRMAN: That is what I am saying. *..(Interruptions)..*

श्री नरेश अग्रवाल: प्राइस राज को कल शुरू करा दीजिए। .....(व्यवधान)

MR. DEPUTY CHAIRMAN: You stop. *..(Interruptions)..* Please, Swamyji *..(Interruptions)..* Nareshji *..(Interruptions)..* You are a very senior person. You understand everything. You have seen I have allowed others who had given the name early only one minute. I allowed you also for only one minute, and you have now taken five minutes. *..(Interruptions)..* No more time will be given. Sit down. *..(Interruptions)..*

SHRI A.V. SWAMY:\*

MR. DEPUTY CHAIRMAN: No, please. Nothing will go on record. I have to run the House. Yes, Mr. Minister. *..(Interruptions)..*

SHRI A.V. SWAMY: \*

MR. DEPUTY CHAIRMAN: No, no, that is not going on the record. *..(Interruptions)..* I have to run the House. *..(Interruptions)..*

SHRI A.V. SWAMY: \*

MR. DEPUTY CHAIRMAN: It is not going on the record. *..(Interruptions)..* I can't run the House like this. I am sorry. Now, Mr. Minister, please.

SHRI V. KISHORE CHANDRA DEO: Mr. Deputy Chairman, Sir, I would like to thank Members from all sides of the House, who participated in this discussion. I thank them all for the various suggestions that they have made. But first I would like to mention certain basic aspects concerning certain common points that were raised by many hon. Members.

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\* Not recorded.

[Shri V. Kishore Chandra Rao]

Mr. Deputy Chairman, Sir, first of all, I think all Members are aware of the fact that each State has its own list as far as Scheduled Tribes are concerned. Every State has its own list. This is a federal subject. Only after a State Government sends its proposals, I can take up the matter further. Many hon. Members have raised this question about the same community being categorised in different manner in different States. It is true that there are certain communities which are treated as Scheduled Tribes in one State, Scheduled Castes in another State and Backward Class in another State. I would also like to inform the hon. Members that there are certain States wherein in one State itself, a community is Scheduled Tribe in two districts and not in other districts. These are the facts, and this is the reality. When States have this prerogative to put a community in a particular list, I don't think it will be proper for the Central Government to intervene or to form a Commission or to have a roving survey by employing anthropologists and to have a common list for the entire country. In fact, once it comes to us, there is a certain procedure that is followed. First it has to be sent to the Registrar General of India. Once the Registrar General of India clears it, then it goes to the National Commission for the Scheduled Tribes. After that it comes to me. Finally, I take a decision whether a particular community has to be included or not.

Mr. Deputy Chairman, Sir, I would like to just inform this House that as per the prescribed modalities, which were approved by the Cabinet Committee on Scheduled Castes, Scheduled Tribes and Minorities in its meeting held on 15th June, 1999 and further amended on 25th June, 2002, the proposals which were rejected by the Registrar General of India twice, actually these matters were being closed. I have been receiving a lot of recommendations from my colleagues in Parliament, from State Governments and from several others regarding the inclusion of certain communities. Many of these cases, I thought, merit a further look. I thought we needed to revisit these communities. In fact, even in cases where the RGI has rejected them on more than a couple of occasions and where I feel that *prima facie* there is a need to look into this matter further, I have been sending them back to the State Governments asking them for further justification and for further reports from anthropologists and from ethnographic studies to enable me to move further. This is as far as the procedure is concerned.

Hon. Member Shri V.P. Singh asked whether we will include or exclude them. Well, whether it is for inclusion or exclusion, the same policy or procedure has to be followed. Unless the State Government of Rajasthan or Odisha or Andhra Pradesh or any State for that matter sends a proposal saying that this community has to be deleted, I cannot *suo motu* take any action. For instance, Marathi community of Kerala, which is there today, was in the Scheduled Tribes list as hon. Member Shri P. Rajeeve mentioned. This was, for some reason or the other, deleted from the list. I do not know why that was done. But subsequently it was again recommended by the Government of Kerala. It went to the Registrar General of India who recommended the case and then it went to the NCST. I looked into the matter and had made a deep study to find out whether it really merits inclusion at that particular stage. Having been satisfied that the reports of the RGI and the clearance given by the NCST deserved consideration, then I got a clearance from the Cabinet and today I am able to bring it over here. Basically, it has to come from the State Government first. This is a federal subject. This is something on which I cannot encroach upon without any kind of proposal or recommendation from the States. This is something I would like all hon. Members to understand.

Hon. Member Shri Karimpuri has raised certain issues about the status of tribals. This is precisely why this status is being given to them. In fact, the two communities which have been included from Chhattisgarh today are actually primitive tribal groups. They are particularly vulnerable tribal groups and you are right when you asked why they were deprived of being in this list for the last 50-60 years. I really don't understand. They should have been there. In fact, the Hill Korwas are more primitive and more vulnerable than the Korwas. So, while the Korwas are there, I don't know why the Hill Korwas were not there. In fact, both the communities from Chhattisgarh should have been there long, long ago. But, as far as they are concerned, once it came from the Chhattisgarh Government and we got it cleared, I thought we should get it included in the list. As far as they are concerned, it is a question of better late than never, but they did deserve to be there earlier. ...*(Interruptions)*... I am replying to every Member. As far as Mr. Rajeeve is concerned, he raised the issue about the death of tribal children in Attappady. Sixty of them died. In fact, I had already taken this matter up with my concerned colleagues—Minister of Rural Development, who is sitting here, Minister of Women and Child Development, Minister of Welfare, State Governments, etc. I have had



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very positive responses from all of them. They have been taking some action, but at an appropriate time, as I had earlier assured the hon. Member, I shall be visiting that place myself also. There is the special Attappady package which has been given for this particular region. Certainly, we will do whatever we can to ensure that this position does not recur.

Mr. Arjunan wanted the Badagas to be included. The Chief Minister of Tamil Nadu had written to me about the Badagas. The Badagas have been rejected by the Registrar General of India more than twice, maybe, on three occasions. But, if there is a further justification and if the State Government again writes to me, I am prepared to again send it back. But, unless it comes from them, there is nothing that I can do.

As far as Narikuravar is concerned, this has been raised by more than one Member in the House. I think, hon. Members, Mr. Thangavelu, Mr. Raja and Mr. Arjunan, have all raised it. I would like to take this august House into confidence and mention to you that just about a couple of weeks ago, I have got this cleared in the Cabinet. This was okayed earlier on by the NCST and RGI, and had the Session carried on for another week, maybe, I could have got it introduced here, but in the next Session, Narikuravar would be through.

Mr. Raja has raised an issue about Malayali. Well, Malayali actually came to me as Malayali Gounder. ...*(Interruptions)*... Now, that has come as Malayali Gounder. Well, first of all, I wondered because Gounders and other communities in Tamil Nadu...*(Interruptions)*... Please listen to me. ...*(Interruptions)*... There is a particular community in Tamil Nadu called the Gounder community. So, when I saw that, I was wondering how a Gounder who speaks Malayalam can become a tribal. But, later on, I came to understand that in Tamil, 'Malay' means a hill or mountain. So, Malayalis actually pertain to those who live on top of the hills. There was one district, Erode, which was not included in this. In fact, I have written to the State Government for clarifications. It has been cleared by RGI and NCST. Once that specific clarification comes, then I can proceed further as far as Malayali Gounder is concerned. ...*(Interruptions)*... Puducherry is, unfortunately, not a part of Tamil Nadu. So, a separate proposal will have to come from Puduchery. ...*(Interruptions)*... Hon. Member from Odisha, Mr. Behera, and Mr. Pradhan—I will come to Mr. Baishya; let

me go one by one—raised certain issues which are very, very pertinent. These are genuine issues. Now, as far as the issue raised by Mr. Behera is concerned, he raised an issue about a community called ‘Saara’. There is another community called ‘Sohra’; there is one called ‘Savra’; there is one called ‘Sabra’. I know they are one and the same because I live on the borders and I have the same communities in my side also. Mr. Pradhan raised an issue about ‘Sudh Sabra’. ‘Sudh’ means pure. Pure Sabra, in fact, should have got before the other Sabras if there is anything like that. It was spelled ‘Sudd’ in one; ‘Sudh’ in another. So, unfortunately, these proposals, time and again, have been rejected by the Registrar General of India. But I have written to the State Government. We have written to them asking for further clarifications and justification. In fact, I had referred it to the National Commission for Scheduled Tribes. My Ministry has forwarded the comments from the RGI with the objections that he has raised to the NCST for providing the latest socio-economic, educational and anthropological studies of each community conducted by the reputed research organisations in the State of Odisha. I would request my hon. colleagues if they could ensure that these reports come to my Ministry; and if they can send me a copy privately, I will take up this matter further. I know that they are genuine cases; and they deserve to be there. It is just because of one spelling mistake that is not being done. But, unfortunately, I am bound by certain procedures, rules and regulations. I can’t jump.

SHRI DHARMENDRA PRADHAN : Just now, I can submit it to you.

SHRI V. KISHORE CHANDRA DEO: As soon as I get those clarifications, I assure you that I will take up that matter myself personally. I know that they have to be included.

Hon. Member, Mr. V.P. Badnore had raised about the Gujjar community. Well, I am afraid; the Gujjar community is not in my list. It is not pending with me. It has to come from the Government of Rajasthan. If it comes, I will take a call on it. But so far I have no proposal before me as far as the Gujjar community is concerned.

Hon. Member, my good friend, Mr. Birendra Prasad Baishya, has raised about the Tea Tribes of Assam. Mr. Deputy Chairman, Sir, Tea Tribes means ..(Interruptions)... Please listen to me. First of all, there were 92 tribes or 92 communities whom they call Tea Tribes. What are those 92 communities? Anybody who works in the Tea Estate is called Tea Tribe. They wanted all to be scheduled.

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This was rejected by the Registrar General of India. I don't think personally it is correct to say that anybody who is working in a Tea Estate or, a Coffee Estate will be allowed to be a Tea Tribe or a Coffee Tribe which should be scheduled. Ultimately, we have written to the Government of Assam. They have short-listed and sent a few names out of that. I am having those processed. But you have mentioned about Rajbanshi, Ahom, Moran, Matak and Chutia. About the Tea community I have already explained to you. These were actually rejected by the Registrar General of India in 1981, in 1992, in 1995, in 1997, in 2003 and in 2005. .. *(Interruptions)*.. Moreover, they are in the OBC list, at Serial No.18 in the Central List of Assam. The communities which have been there in the OBC List for sufficiently a long time; after a decade or two or three, instead of going forward, if you want to go back, then, naturally the justification has to come suitably from the State Government. ..*(Interruptions)*...

SHRI BIRENDRA PRASAD BAISHYA : Just one minute. The Rajvanshi community of Assam was given the ST status by the Central Government in 1996. Is it correct or not?

SHRI V. KISHORE CHANDRA DEO: My record does not say so.

SHRI BIRENDRA PRASAD BAISHYA: The Tea community of Assam has been given the ST status.

SHRI V. KISHORE CHANDRA DEO: Mr. Baishya, the Central Government can't grant the ST status unless it comes from the State. From the records that I have.. ..*(Interruptions)*...

SHRI BIRENDRA PRASAD BAISHYA: Mr. Minister, I would like to inform you that from 1996 to 1997 ..*(Interruptions)*... This is important, Sir.

MR. DEPUTY CHAIRMAN: He has not yet completed. It will not go on record. ..*(Interruptions)*... He has not completed. Don't do that. ..*(Interruptions)*... How can I allow this? Are you yielding to him?

SHRI V. KISHORE CHANDRA DEO: No. I have heard what he has said.

MR. DEPUTY CHAIRMAN: Mr. Baishya, you take your seat. You reply to Mr. Swamy also.

SHRI V. KISHORE CHANDRA DEO: I will surely reply to him. What I would like to mention is that what is an Ordinance? An Ordinance is like any other legislation. An Ordinance is something which is issued when Parliament is not in session. Within a certain period of time and when the Parliament meets it has to be passed by both the Houses of Parliament. Now an Ordinance which does not conform to the rules and procedures, cannot become law. I do not know the circumstance and situation under which these Ordinances were issued. I would like to again mention, you are asking about 1996, that in 1995, it was rejected by RGI; in 1997, it was rejected; in 2000, it was rejected; in 2003, it was rejected; in 2005, it was rejected. It is in other list. So, what happened in 1996...

SHRI BIRENDRA PRASAD BAISYA: Sir, in 1996...

MR. DEPUTY CHAIRMAN: You can write to the Minister.

SHRI V. KISHORE CHANDRA DEO: As I told you, it had been rejected in 1997 by the RGI. This is the information which I am having with me.

SHRI PANKAJ BORA (ASSAM): Sir, if the State Government writes to him, will he consider it?

SHRI V. KISHORE CHANDRA DEO: If the State Government writes once again, I will again go through the process. I will send it to the RGI. If they okay it, I will again send it to the National Commission for Scheduled Tribes and then I will decide. ...(Interruptions)...

DR. VIJAYLAXMI SADHO : Sir, what about Madhya Pradesh?

SHRI V. KISHORE CHANDRA DEO: The same procedure applies to all. As far as Madhya Pradesh is concerned, there are only two communities which are pending with me. One is the *Kir* and *Pardhi* and the other one is *Dhimer*, *Kewat*, *Kahar*, *Bhoi*, *Mallah* and *Nishad*. No other community is pending with my Ministry. These are the ones which are still with us.

I would like to finally deal with what Shri Swamy has raised. ...(Interruptions)... Sir, hon. Member, Shri Swamy, has raised certain very pertinent questions. Certain questions are very, very important as far as the Tribal community is concerned. He mentioned about the lands of the tribals which are mineral-rich. I will divide this into two categories; one, are the lands which are located in Schedule

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V area, and second, the lands which are not located in Schedule V area. The Land Acquisition Bill which the Member referred to is not going to, in any way, come on the way of the lands which are located in Schedule V area. Schedule V has got constitutional protection. Schedule V is nothing else, but are the rules and provisions made under article 244 (1) of the Constitution. These are areas which are very, very strictly guarded and protected by the Constitution. Anybody who does not belong to a Scheduled Tribe, who is listed in that particular State, he or she has no *locus standi*. I would also like to mention over here that in such areas, even corporate companies or companies which are not owned or controlled by Scheduled Tribes, have no *locus standi* in Schedule V areas. So, the Schedule V areas are safe. As far as the non-Scheduled areas are concerned, I think, the Minister for Rural Development ...(Interruptions)...

SHRI A.V. SWAMY: That is very clear.

श्री अवतार सिंह करीमपुरी: सर, मैं एक क्लेरिफिकेशन पूछना चाहता हूँ। मैं आपके माध्यम से माननीय मंत्री जी के संज्ञान में लाया था कि अंडमान निकोबार में शैड्यूल ट्राइब्स को संस्कृति के नाम पर आज 21वीं सदी में नंगा रखा जा रहा है, क्या सरकार उसका कोई नोटिस लेगी? उसका आधार बनाया गया है कि यह Anthropologists की रिकमंडेशन पर हुआ है। क्या आप इस रिकमंडेशन को बदलने के बारे में विचार करेंगे?

SHRI V. KISHORE CHANDRA DEO: Mr. Deputy Chairman, Sir, the hon. Member has raised a question about Jarwas in Andaman. Let me say that there are two extreme views on this. There is one school of thought who feels that they should be left to live in these animated conditions as they have been living there for centuries. There is another school of thought who feels that they should be exposed to malls, talkies, etc., in cities. I feel that they should find a mid-path, or, perhaps, we should bring these people up to a stage where they themselves will decide what the future should be. So, we are looking into this matter.

SHRI TARUN VIJAY (Uttarakhand): Just give me ten seconds.

MR. DEPUTY CHAIRMAN: No more clarifications. ...(Interruptions).. You had not spoken on it. Kindly allow the Minister to conclude. ...(Interruptions).. You have already put one question.

श्री अवतार सिंह करीमपुरी: सर, मेरा यह कहना है कि हमने वहां पर विजिट की थी।  
...(व्यवधान)...

SHRI V. KISHORE CHANDRA DEO: Sir, we are seized of the matter. It is not as if they have not been closed at all. We have prevented tourists from going into these areas to see to it that they don't get exploited. If there are any more queries which the hon. Members want to raise, they may write to me and I will reply to them.

MR. DEPUTY CHAIRMAN: Now the question is:

That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh, as passed by Lok Sabha, be taken into consideration.

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: I shall now take up clause-by-clause consideration of the Bill. In clause 2, there are two Amendments, (No.1) by Shri V.P. Singh Badnore and (No.2) by Shri Dharmendra Pradhan. Are you moving?

SHRI DHARMENDRA PRADHAN: I am satisfied with the hon. Minister's reply and I am not moving it.

**Clause 2—Amendment of Part VII and Part XX of Constitution (Scheduled Tribes)  
Order, 1950**

SHRI V.P. SINGH BADNORE : Sir, I move:

(1) That at page 1, *after* line 8, the following be *inserted*, namely:-

“(b) In Part XIII—Rajasthan, after entry 5, insert:-

6. Gujar”.

*The question was put and the motion was negated.*

*Clause 2 was added to the Bill.*

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

SHRI V. KISHORE CHANDRA DEO: Sir, I move:

*That the Bill be passed.*

*The question was put and the motion was adopted.*

श्री रवि शंकर प्रसाद (बिहार): सर, आप मंहगाई पर चर्चा शुरू करवाइए। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Now, Message from the Lok Sabha.  
..*(Interruptions)*..

SHRI SUKHENDU SEKHAR ROY (West Bengal): Sir, what about the statement of the Minister of State for Home Affairs?

THE MINISTER OF STATE FOR PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI RAJEEV SHUKLA): Sir, Shri Sukhendu Sekhar Roy had raised an issue, and he wanted that the Minister should come and inform the House. Now, the Minister will inform the House as to what the status is.

MR. DEPUTY CHAIRMAN: How many minutes will it take?

SHRI RAJEEV SHUKLA: Just two minutes.

MR. DEPUTY CHAIRMAN: First, the Message from the Lok Sabha.

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#### MESSAGE FROM LOK SABHA

#### **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2013**

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:-

“In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2013, as passed by Lok Sabha at its sitting held on the 6th September, 2013.”

Sir, I lay a copy of the Bill on the Table of the House.