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Thursday, January 24, 1980
Magha 04, 1901 (Saka)

LOK SABHA DEBATES

First Session
(Seventh Lok Sabha)



(Vol. I Contains No. 1 to 10)

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA DEBATES

LOK SABHA

Thursday, January 24, 1980/Magha
4, 1901 (Saka).

The Lok Sabha met at Eleven of
the Clock.

[MR. SPEAKER in the Chair]

MEMBERS SWORN

Shri Prabhunarayan Ramdhan
(Damoh).

Shri Chandra Shekhar (Ballia).

MR. SPEAKER: Mr. J. B. Patnaik.
(Re. CALLING ATTENTION NO-
TICES

श्री राम विलास पासवान (हाजीपुर):
अध्यक्ष महोदय, मैं आपके द्वारा उत्तर प्रदेश
में जो घटना घटी है और हाउस में कांग्रेस
के लोगों ने अध्यक्ष और राज्यपाल के विरुद्ध
नारे लगाये हैं----- (व्यवधान)

MR. SPEAKER: Order please.
You have to take my permission. All
of you please sit down. I have not
given permission. Please take your
seat.

The hon. Members should seek my
permission to speak. You can come to
my chamber. Please sit down.

SHRI JYOTIRMOY BOSU (Dia-
mond Harbour): I have given you
my notice for adjournment motion.

MR. SPEAKER: I will consider it.
(Interruptions) All of you please sit
down. Nobody should speak without
the permission of the Chair. Please

take my permission and then speak.
All of you please sit down. You have
to take my permission first.

SHRI JYOTIRMOY BOSU: A writ-
ten notice has been given before 10
O'Clock. (Interruptions).

MR. SPEAKER: Order, order. All
of you please sit down.

(Interruptions)

MR. SPEAKER: Order. Order. Hon'
ble Members should not speak with-
out my permission. Please, sit down.
All of you please take your seats. Mr.
Venkatasubbaiah is on a point of
order.

(Interruptions)

THE MINISTER OF STATE IN
THE MINISTRY OF HOME AF-
FAIRS AND IN THE MINISTRY OF
PARLIAMENTARY AFFAIRS (SHRI
P. VENKATASUBBAIAH): Sir, my
point of order is that in U.P. the de-
monstration that has been carried on
was legitimate and done in a peace-
ful and non-violent manner by the
Congress workers. It is a State mat-
ter.

(Interruptions)

MR. SPEAKER: Please sit down.

(Interruptions)

MR. SPEAKER: Please sit down.
All of you may please sit down.

(Interruptions)

MR. SPEAKER: Will you please
take your seats? Mr. Ramavatar
Shastri, please sit down. Now, let us
act like responsible people here. Please
sit down. He stands up and then the
other person from the other side
stands up. Will you please listen
now? Hon. Members, we have to
devise some way to utilise the time.

[Mr. Speaker]

That is a precious one. It is the nation's time. You cannot haggle like this. There are rules and regulations here.

SHRI JYOTIRMOY BOSU: I have written to you.

MR. SPEAKER: Notices are given. Motions are moved. Everything is done with my permission. It is my ruling which has to be taken first. If I allow you, you will speak; if not, you cannot speak. It applies to all of you. I have to decide it. You have given it to me. Is it not? I have to decide whether this is in order or not.

SHRI JYOTIRMOY BOSU: No, Sir. I have given you notice. Those officers would have to be told as to what decision you have taken in regard to notices.

(Interruptions)

MR. SPEAKER: Please sit down.

श्री रामावतार शास्त्री (पटना) : अध्यक्ष जी, पहले आप यह व्यवस्था दीजिए क्या वे लोग ही मेम्बर हैं या हम लोग भी मेम्बर हैं ।

(Interruptions)

MR. SPEAKER: Mr. Ramavatar Shastri, please sit down. Now please sit down. We have to go by the rules.

SHRI JYOTIRMOY BOSU: Sir, my point is.... (Interruptions)

MR. SPEAKER: We have to go by the rules. It applies to all members irrespective of whichever party he may belong to.

(Interruptions)

MR. SPEAKER: Will all of you please sit down, gentlemen? It is by the rules that I have to conduct the House. You have given me a notice.

SHRI JYOTIRMOY BOSU: Before 10 O'clock.

MR. SPEAKER: I have to decide. I have to decide whether I have to admit it or not. I have allowed one notice under Rule 377.

(Interruptions)

MR. SPEAKER: Please sit down. Please listen. You have to take my permission. Mr. Ram Vilas Paswan, you have given me a motion, on Call Attention. I have to decide.

SHRI JYOTIRMOY BOSU: That was yesterday. Today I have given a notice. It is about U.P. Assembly.

MR. SPEAKER: It is coming up today. You cannot have two.

I will go according to the rules.

(Interruptions)

MR. SPEAKER: Why are you trying to get up? Please be seated. Please sit down.

(Interruptions)

MR. SPEAKER: One by one I will listen. You cannot take the time of the House like this. Mr. Bosu, I have allowed your notice under Rule 377. That is coming up today.

SHRI JYOTIRMOY BOSU: That was yesterday's. What about today's motion?

MR. SPEAKER: You are allowed only one.

SHRI JYOTIRMOY BOSU: Please read out the rule 377 first. It does not bar me from bringing more than one motion.

(Interruptions)

MR. SPEAKER: That is the Convention. Mr. Bosu, you will agree with me that the rule will apply to all, not to one. I will apply the rule to all.

(Interruptions)

SHRI JYOTIRMOY BOSU: Mr. Speaker, Sir, in all humility, may I point out that Rule 377 clearly says.....

(Interruptions)

MR. SPEAKER: We will discuss that in my chamber. You can come to me. Please sit down.

(Interruptions)

SHRI JYOTIRMOY BOSU: Unless the rule is changed by the Rules Committee, this cannot be done. The rule must be changed.

MR. SPEAKER: I have given my ruling.

SHRI JYOTIRMOY BOSU: No Sir, you cannot give a ruling like this.

(Interruptions)

SHRI JYOTIRMOY BOSU: Sir, this matter was raised in the Rules Committee. (Interruptions)

MR. SPEAKER: I have given my ruling. I am considering your matter. I have to decide it according to rule and I have not yet decided that.

SHRI K. LAKKAPPA (Tumkur): Mr. Speaker, Sir,

MR. SPEAKER: Please sit down. They should abide by the rules and you should also abide by the rules. I will decide the matter. Let us now take up the business of the House. Now, Shri J. B. Patnaik.

12.19 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORT AND AUDITED ACCOUNTS WITH AUDIT REPORT OF EMPLOYEES' STATE INSURANCE CORPORATION, NEW DELHI FOR 1978-79

THE MINISTER OF TOURISM AND CIVIL AVIATION AND LABOUR (SHRI J. B. PATNAIK):

I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under section 36 of the Employees' State Insurance Act, 1948:—

(i) Annual Report of the Employees' State Insurance Corporation, New Delhi, for the year 1978-79.

(ii) Audited Accounts of the Employees' State Insurance Corporation, New Delhi, for the year 1978-79 together with the Audit Report thereon.

[Placed in Library. See No. LT-8/80].

(Interruptions)

RE. CALLING ATTENTION NOTICES—Contd.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri) : Sir, I have a point of order.

(Interruptions)

MR. SPEAKER: You must seek my permission first and after obtaining permission, you can speak. Please sit down.

SHRI JYOTIRMOY BOSU: Sir, I want to make a humble submission...

(Interruptions)

MR. SPEAKER: Will all the hon. Members sit down? I will hear one by one; one at a time.

What is your point of order, Mr. Parulekar?

SHRI BAPUSAHEB PARULEKAR: Mr. Speaker, Sir... (Interruptions)

SHRI JYOTIRMOY BASU: Has any one of them given a written notice?

MR. SPEAKER: No, I am not permitting them.

I am again appealing to all of you to please sit down. If anybody has to ask for my permission, he will stand up and only after I have permitted him to speak, he will do so. Please sit down. If I give you permission, only then you speak.

श्री राम विलास पासवान (हाजीपूर) : यह क्या हो रहा है। आप ने इनको बोलने

[श्री राम विलास पासवान]

के लिए पुरकार और ये सब खड़े हो जाते हैं... (व्यवधान)... आप इन को बैठाइए, साथे साहब। आप तो पुराने हैं।... (व्यवधान)...

श्री शिव कुमार सिंह (खंडवा): आन ए प्वाइन्ट आफ आर्डर।

MR. SPEAKER: What is your point of order?

श्री शिव कुमार सिंह: आप ने पटनायक साहब को पेर्स ले करने के लिए जब बुला लिया, तो फिर माननीय सदस्य कैसे खड़े हो गये?

MR. SPEAKER: There is no point of order; please sit down.

(Interruptions)

MR. SPEAKER: I will decide this myself; why are you saying all this? Shri Parulekar.

SHRI BAPUSAHEB PARULEKAR: Just now you rightly said....

SHRI K. LAKKAPPA: Under what rule?

MR. SPEAKER: I will decide that.

SHRI BAPUSAHEB PARULEKAR: Just now you rightly suggested to us that before asking any question or raising any matter, your permission has to be sought, but no sooner do we stand for permission, than they start shouting... ..

(Interruptions)

MR. SPEAKER: I will decide everything on merit. Please bear with me. Now everything has come. I have received some notices for calling attention notice. One calling attention notice is coming today. I have also allowed five members to raise matters under Rule 377. Only what I have allowed will be taken up. There will not be more than one calling attention—that is what is my

ruling. Anybody who has any difference of opinion may call on me in my chamber. We will discuss it there. I have also called a meeting of the Party chiefs today.

श्री रामावतार शास्त्री : हम लोगों की बात तो सुन लीजिए । ... (व्यवधान)

MR. SPEAKER: You are again taking the liberty. If you do it, others will also do it. As I said, I have called a meeting of the Party chiefs today. We will formulate our working and do according to that.

SHRI JYOTIRMOY BOSU: Kindly do not trample over the rules.

MR. SPEAKER: I will not. I have called a meeting today.

SHRI JYOTIRMOY BOSU: Nothing can supersede the rules....
(Interruptions)

MR. SPEAKER: Please sit down; I am on my legs. It is so simple. Only after the Speaker has given his consent, matters under Rule 377 can be raised in the House.

(Interruptions)

SHRI JYOTIRMOY BOSU: Before 10 O'clock I have given it.

MR. SPEAKER: Please sit down. It is my job. Why are you interfering? If I have given consent, I will have to allow it. I have given consent to 5. Why do you force my hands to do things which are not in the book? I have asked you, Mr. Bosu, to come to my chamber; and I will discuss it.

(Interruptions)

MR. SPEAKER: Mr. Ramavatar Shastri Ji, will you please sit down? Now Mr. Patnaik.

THE MINISTER OF TOURISM AND CIVIL AVIATION AND LABOUR (SHRI J. B. PATNAIK): I have done it.

MR. SPEAKER: All right, Shri A. P. Sharma.

(Interruptions)

SHRI JYOTIRMOY BOSU: Under 377(1) and (2) I have given you written notice.

MR. SPEAKER: I don't think I have it.

(Interruptions)

MR. SPEAKER: Please sit down, gentlemen. No direct contact. Please refer to me. Please listen to this:

Shri Jyotirmoy Bosu wants to raise a point in regard to the Board of Trustees of the Port of Bombay (Payment of Fees and Allowances to Trustees) Amendment Rules....

(Interruptions)

MR. SPEAKER: Yes, Port of Calcutta....

(Interruptions)

MR. SPEAKER: which are to be laid on the Table to-day [item 3(1) (ii) or to-day's List of Business.]

Reference to para 38(11) of the Handbook (5th edition) is not appropriate.

(Interruptions)

MR. SPEAKER: You don't have the latest edition, my dear Sir. You haven't got it.

(Interruptions)

MR. SPEAKER: Since then, rule 305A provides for constitution of a Committee on Papers laid on the Table. In accordance with Rule 305C, a Member wishing to raise points in regard to papers to be laid on the Table, shall refer them to the Committee and not raise them in the House.

Accordingly, Member's attention is drawn to rule 305C.

(Interruptions)

SHRI JYOTIRMOY BOSU: I have a point of order.

(Interruptions)

SHRI JYOTIRMOY BOSU: Sir, under rule 376....

MR. SPEAKER: We shall discuss it.

(Interruptions)

SHRI SAMAR MUKHERJEE (Howrah): He is on a point of order.

(Interruptions)

MR. SPEAKER: Will you please sit down now? I am listening to one point of order. Mr. Bosu is on a point of order. Let him speak. Then I will decide. I have given a ruling..... The hon. Members should cooperate with the Chair now. Will you please sit down?

SHRI P. SHIV SHANKAR (Secunderabad): rose

(Interruptions)

SHRI JYOTIRMOY BOSU: My point of order is about what you have quoted. If you go through the proceedings of the Rules Committee, you will find that there is not a single mention, no agenda item....

(Interruptions)

MR. SPEAKER: Please sit down. I will have to decide. You don't have to decide it.

SHRI K. RAMAMURTHY (Krishnagiri): Mr. Speaker, it is not appropriate to allow him to speak.....

(Interruptions)

SHRI K. LAKKAPPA: May I seek your permission?

MR. SPEAKER: Will you please sit down? Mr. Bosu, listen to me.

SHRI JYOTIRMOY BOSU: You have called me and I am on my legs. Under rules 376....

MR. SPEAKER: I have overruled your objection. If it is about anything else, you can come to my chamber.

SHRI JYOTIRMOY BOSU: No, Sir; I want to raise here and want your observation.

MR. SPEAKER: I have given my ruling. After my ruling, it cannot be.

(Interruptions)

SHRI JYOTIRMOY BOSU: We expect you to be impartial.

(Interruptions)

MR. SPEAKER: I have given my ruling.

(Interruptions)

MR. SPEAKER: I will discuss it with you.

(Interruptions)

MR. SPEAKER: I will discuss it with you this afternoon.

(Interruptions)

SHRI JYOTIRMOY BOSU: Are you not afraid of this?

MR. SPEAKER: I am neither afraid of you nor of them. I am only afraid of God.

SHRI JYOTIRMOY BOSU: Thank you.

(Interruptions)

SHRI EDUARDO FALEIRO (Mormugao): We will not allow you, Mr. Jyotirmoy Bosu. You cannot hold the House to ransom every time. (Interruptions) You cannot challenge the Speaker's ruling. We will not allow you. (Interruptions)

MR. SPEAKER: Will the hon. Members please sit down. I will appeal to the House to co-operate with me so that we can get on with the business.

Mr. Jyotirmoy Bosu, I have given my rulings and once the Speaker gives his ruling, that should prevail. If Mr. Jyotirmoy Bosu has got anything to say, he can come to my chamber and we will decide about it.

(Interruptions)

SHRI JYOTIRMOY BOSU: I am at a point of order.

श्री राम विलास पासवान: हाउस का यह कन्वेंशन रहा है और माननीय सभाधारी दल के सदस्य विरोधी दलों में भी रहे हैं और ये जानते हैं कि कोई आपत्ति होती है तो उस को क्लैरिफाई करने का अधिकार माननीय सदस्यों को रहता है।

अध्यक्ष महोदय: इस तरह से बात नहीं हो सकती है कि सभी एक साथ खड़े हो कर बोलना शुरू कर दें।

SHRI JYOTIRMOY BOSU: I am on a point of order when you have called me.

(Interruptions)

MR. SPEAKER: Will you please sit down. Now I gave the definite ruling.

(Interruptions)

MR. SPEAKER: This ruling has been given after going through all the papers. After considering the matter fully, I came to this conclusion and gave it. Now whatever I have given as a ruling should prevail. I cannot change my ruling and you should have to abide by it.

(Interruptions)

MR. SPEAKER: Mr. A. P. Sharma.

(Interruptions)

MR. SPEAKER: Please sit down.

(Interruptions)

11.33 hrs.

PAPERS LAID ON THE TABLE—
Contd.

NOTIFICATIONS UNDER MAJOR PORT TRUSTS ACT, 1963 AND ANNUAL ACCOUNTS OF KANDLA PORT TRUST FOR 1978-79

THE MINISTER OF SHIPPING AND TRANSPORT (SHRI A. P. SHARMA): I beg to lay on the Table:

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of Section 122 of the Major Port Trusts Act, 1963:—

(i) The Board of Trustees of the port of Calcutta (Payment of Fees and Allowances to Trustees) Amendment Rules, 1979, published in Notification No. G.S.R. 502(E) in Gazette of India dated the 20th August, 1979.

(ii) The Board of Trustees of the Port of Bombay (Payment of Fees and Allowances to Trustees) Amendment Rules, 1979, published in Notification No. G.S.R. 503(E) in Gazette of India dated the 20th August, 1979.

(iii) The Board of Trustees of the Port of Madras (Payment of Fees and Allowances to Trustees) Amendment Rules, 1979, published in Notification No. G.S.R. 504(E) in Gazette of India dated the 20th August, 1979.

(iv) The Board of Trustees of the Port of Tuticorin (Payment of Fees and Allowances to Trustees) Amendment Rules, 1979, published in Notification No. G.S.R. 505(E) in Gazette of India dated the 20th August, 1979.

(v) The Mormugao Port Trust (Payment of Fees and Allowances to Trustees) Amendment Rules, 1979, published in Notification No. G.S.R. 506(E) in Gazette of India dated the 20th August, 1979.

(vi) The Paradip Port Trust (Payment of Fees and Allowances to Trustees) Amendment Rules, 1979, published in Notification No.

G.S.R. 507(E) in Gazette of India dated the 20th August, 1979.

(vii) The Major Port Trusts (Payment of Fees and Allowances to Trustees) Amendment Rules, 1979, published in Notification No. G.S.R. 508(E) in Gazette of India dated the 20th August, 1979. [Placed in Library. See No. L1—9/80].

2. A copy of the Annual Accounts (Hindi and English versions) of the Kandla Port Trust for the year 1978-79 and the Audit Report thereon, under sub-section (2) of section 103 of the Major Port Trusts Act, 1963. [Placed in Library. See No. LT—10/80]

(Interruptions)

MR. SPEAKER: He has sought my permission. Why are you standing? I have called him; I have called Mr. Mani Ram Bagri on a point of order. I will call you later on. Please sit down.

श्री मनी राम बागड़ी (हिसार): मेरा एक व्यवस्था का प्रश्न है। मैं एक बात पहले कहूंगा कि शक्तिशाली लोगों को इस तरीके से व्यवहार नहीं करना चाहिये।

एक माननीय सदस्य: यह प्वाइंट आफ आर्डर है? ... (व्यवधान)

श्री मनीराम बागड़ी: इस झूंड को आप रोकिये। मैं अध्यक्ष महोदय के लिए मूसी-बत नहीं बनना चाहता हूँ लेकिन अगर इस तरीके से ये लोग करेंगे तो फिर इन में से किसी को बोलने नहीं दिया जाएगा। इस तरीके से करेंगे तो हाउस नहीं चलेगा।

एक माननीय सदस्य: इन को तरीका आता ही नहीं है। (व्यवधान)

अध्यक्ष महोदय: इस तरीके से ये भी नहीं करेंगे और आप भी नहीं करेंगे।

(व्यवधान)

अध्यक्ष महोदय: माननीय सदस्यगण देखें कि उन के सामने आज कितना जरूरी क्वेस्टी-टयूशन अमेंडमेंट बिल है? अपनी जिम्मेदारी को आप समझिये। लोग आपकी तरफ देखते हैं। इस तरह करने से काम नहीं चलेगा। प्वाइंट आफ आर्डर करते हैं तो आप

[अध्यक्ष महोदय]

लैक्चर ने करिये, आप अपना प्वाइट आफ आर्डर बताइये, मैं रूलिंग दूंगा। आप कृपया एक, एक करके बोलिये।

SHRI NIREN GHOSH (Dum Dum): On a point of order. Is it proper, if you have given a ruling which goes against the rules for the conduct of proceedings? I think it should not be considered as precedent for the future conduct of business. That would be going against the rules. Otherwise you can scrap the rules book.

श्री मनी राम बागड़ी (हिसार): अध्यक्ष जी, अगर इस तरह से यह लोग करेंगे तो फिर इनमें से किसी को नहीं बोलने दिया जायेगा। (व्यवधान)

MR. SPEAKER: Hon. Members will take their seats. I have called upon him. There is no point of order. I have given my ruling according to the book, according to the rules.

(Interruptions)

MR. SPEAKER: If there is any point of order, I will decide it. I decide everything according to the rules laid down in this book. If there is any difference of opinion it can be discussed, but not in this way. If we are going to conduct the House like this, how can we work? How will you deliver the goods? I appeal to all your good selves to co-operate with me. I can assure you one thing. I studied everything before I came; I did my homework fully well and then I have come here. I can assure you that I will do my utmost to be very fair.

श्री रशीद मसूद (सहारनपुर): स्पीकर साहब, मैं रूल 349 के अन्दर प्वाइट आफ आर्डर रज कर रहा हूँ।

[شری رشید مسعود (سہارنپور)]

اسپیکر صاحب - میں رول نمبر 349

کے اندر پروانٹ آف آرڈر ریز کر

رہا ہوں۔

THE MINISTER OF INFORMATION AND BROADCASTING AND SUPPLY AND REHABILITATION (SHRI VASANT SATHE): The point of order is under Rule 376. If we want to regulate the working of this House in full co-operation, I would only beg of you to kindly consider this Rule 376—

“(1) A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the House and shall raise a question which is within the cognizance of the Speaker.”

MR. SPEAKER: This is what I am trying to do.

SHRI VASANT SATHE: “(2) A point of order may be raised in relation to the business before the House at the moment:

Provided that the Speaker may permit a member to raise a point of order during the interval between the termination of one item of business and the commencement of another if it relates to maintenance of order in, or arrangement of business before, the House.

(3) Subject to conditions referred to in sub-rules (1) and (2), a member may formulate a point of order and the Speaker shall decide whether the point raised is a point of order and if so give his decision thereon, which shall be final.”

(Interruptions)

MR. SPEAKER: Please sit down.

(Interruptions)

MR. SPEAKER: Everybody may please sit down.

SHRI VASANT SATHE: Once you give a ruling, it shall be final and no debate shall be allowed on it. My submission is only this—

(a) A person who wants to rise on a point of order must first

point out the Rule which is contravened and then formulate his point to show what is the rule under....

MR. SPEAKER: This is what I am trying to do.

SHRI VASANT SATHE: Unless that is done, a point of order cannot be raised.

MR. SPEAKER: That is what I am trying to do.

SHRI VASANT SATHE: Merely by saying—I rise on a point of order—one cannot rise and disturb the House. That is what is happening.

MR. SPEAKER: Under which rule you want to speak, Mr. Rasheed Masood?

श्री रशीद मसूद: मैं रूल 349 के तहत पायंट आफ आर्डर रज कर रहा हूँ। इसके पाट (2) में कहा गया है:—

[شری رشید ماسود: میں رول 349 کے تحت پوائنٹ آف آرڈر ریز کر رہا ہوں۔ اس کے پارٹ (11) میں کہا گیا ہے —]

349 (ii): "A member—

shall not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;"

जब बस साहब ने पायंट आफ आर्डर रज किया, तो वह आपका और उनका मसला होना चाहिए। इन लोगों को इस बात का अख्तियार नहीं है कि वे हाउस में माइना-स्टी को इस तरह से सप्रस कर सकें।

[جب باسو صاحب نے پوائنٹ آف آرڈر ریز کیا تو وہ آپ کا انکا مسئلہ ہونا چاہئے۔ ان لوگوں کو اس بات کا اختیار نہیں ہے کہ

وہ ہاؤس میں ہائپرٹی کو اہ طرح سے سہریس کر سکیں۔

MR. SPEAKER: Please sit down. There is no point of order.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH):

PRESIDENTIAL ORDERS IN RESPECT OF UNION TERRITORIES OF ARUNACHAL PRADESH, PONDICHERRY AND GOA, DAMAN AND DIU

I beg to lay on the Table a copy each of the following Orders (Hindi and English versions) issued under section 51 of the Government of Union Territories Act, 1963:—

(1) S. O. 636(E) published in Gazette of India dated the 3rd November, 1979, notifying President's Order dated 3rd November, 1979 imposing President's rules in the Union Territory of Arunachal Pradesh. [Placed in Library. See No. LT—11/80]

(2) S. O. 38(E) published in Gazette of India dated the 18th January, 1980 revoking President's rule in the Union Territory of Arunachal Pradesh. [Placed in Library. See No. LT—12/80]

(3) S. O. 601(E) published in Gazette of India dated the 26th October, 1979 containing the President's Order extending the President's rule in Pondicherry for a further period of two months and four days with effect from the 12th November, 1979. [Placed in Library. See No. LT—13/80]

(4) S.O. 602(E) published in Gazette of India dated the 26th October, 1979 containing the President's Order extending the President's rule in Goa, Daman and Diu for a further period of two months and twenty days with effect from the 27th October, 1979. [Placed in Library. See No. LT—14/80]

11.44 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED SERIOUS SITUATION ARISING
OUT OF VIOLENT AGITATION IN ASSAM
AND MEGHALAYA

SHRI AMAR ROY PRADHAN
(Cooch Behar): I call the attention
of the Minister of Home Affairs to the
following matter of urgent public im-
portance and request that he may
make a statement thereon:—

“Reported serious situation arising
out of the violent agitation in Assam
and Meghalaya against linguistic
minorities in the name of “foreign-
ers” and steps taken by the Gov-
ernment in the matter.”

THE MINISTER OF STATE IN
THE MINISTRY OF HOME AFFAIRS
AND IN THE DEPARTMENT
OF PARLIAMENTARY AFFAIRS
(SHRI P. VENKATASUBBAIAH):
Mr. Speaker, Sir, the recent develop-
ments in Assam and Meghalaya have
caused us deep distress and concern.

(Interruptions)

MR. SPEAKER: This is my job. I
must inform you that they sought my
permission beforehand and it is being
allowed.

(Interruptions)

MR. SPEAKER: You are right. But
they have sought my permission.

(Interruptions)

THE PRIME MINISTER (SHRI-
MATI INDIRA GANDHI): I want to
make it clear that it is the Govern-
ment's prerogative to decide who will
answer on our behalf.

MR. SPEAKER: They have sought
my permission and I have given that
permission. Under the rules, Minister
means any Minister. There is a col-
lective responsibility.

SHRIMATI INDIRA GANDHI:
I want to make it clear to the whole
House through you, Sir, that it is the
Government's prerogative whom it
asks to answer any question or make
any statement.

SHRI P. VENKATASUBBAIAH:
Sir, the recent developments in Assam
and Meghalaya have caused us deep
distress and concern.

The overall law and order situation
in Assam from August 1979 has been
steadily deteriorating. On the one
hand, Assam has witnessed a prolong-
ed agitation initially for deletion of
the names of foreign nationals from
electoral rolls, then for the postpone-
ment of the poll and in the last two
weeks, frequent bundhs, hartals and
other attempts to bring economic activi-
ties, working of offices, educational
institutions, etc. to a standstill. On
the other hand, in the atmosphere of
distrust and bitterness prevailing,
there have been a large number of
shocking incidents of violence. Between
August and December, 26 persons lost
their lives; there were about 120 inci-
dents of arson and about 327 cases of
assault. In January, there was a fur-
ther deterioration of the situation. In
Nalbari and Barpeta sub-divisions of
Kamrup District, 41 persons have lost
their lives; over 3200 houses in about
40 villages have been set on fire; and
as a result, over 15,000 people have
been rendered homeless. In Cachar
district, 6 persons lost their lives in
clashes of a communal nature. Most
recently, on the 18th January, 5 per-
sons, including a Senior Technical
Officer of Oil India, lost their lives in
violent incidents arising out of picket-
ing the oil installation at Duliajan. In
Meghalaya also, there have been equal-
ly shocking incidents of violence. 20
persons lost their lives between Octo-
ber and December 1979 and about 1900
persons have been driven away from
their homes and had to seek shelter in
relief camps.

In the situation obtaining in Assam
and Meghalaya, the House will appre-

ciate that the foremost duty of the Government is to maintain peace and order and restore a sense of security amongst the different sections of the people. No Government can allow the conditions of lawlessness which had engulfed the State to continue. Equally important is the task of providing relief to the large number of innocent people whose houses have been burnt and to all whose belongings have been destroyed; reconstruction of their houses and their rehabilitation in their normal place of residence. Simultaneously, Government have also taken note of the apprehensions which have led to the prevailing atmosphere in Assam and Meghalaya. The problems facing Assam and other States in North-Eastern region are complex. Solution to these problems has to be formulated in an atmosphere of peace and understanding. Government have already initiated steps towards this end. In order to intensify our vigilance against unauthorised infiltration into Assam, the border security arrangements have been strengthened by initiating steps for 20 additional border posts. Secondly, steps have also been taken to reassure the students and others who have been engaged in this agitation of our anxiety to continue our discussions with them and create an atmosphere conducive to evolving solutions to the problems they face.

We are fully aware that law and order will have to be firmly maintained. The task of rehabilitating the people affected by the recent disturbances has to be expeditiously completed. Immediate steps have also to be taken to strengthen the border security arrangements to prevent any further unauthorised influx. We are equally aware of the sentiments of people of Assam, Meghalaya and other States in the North-Eastern parts of our country and their zealous desire to preserve and develop their cultural identities. Their apprehensions require to be allayed with sympathy and understanding. Hence we are devoting our immediate attention to the

task of finding acceptable solutions to the problems acceptable to all concerned in Assam, Meghalaya and other States in an atmosphere of understanding and goodwill. I will seek the cooperation of all sections of the House in this endeavour.

SHRI AMAR ROY PRADHAN: Sir, you will agree, as also the Prime Minister and Home Minister, that the statement made by the hon. Minister of State is no better than a school essay. This is a serious issue and burning question of today and the question of the integrity of the nation lies in this issue. But it is an evasive statement only. (*Interruptions*). As you know, for the last three months, an alarming situation is prevailing in Assam and Meghalaya. Non-Assamese and Non-Khasis are being treated as foreigners. And, on this issue, Lok Sabha election in 12 constituencies in Assam has been postponed. Nobody knows when the election will be held next. Firing, arson, looting, rape and murder of human being are now a day to day affair.

MR. SPEAKER: That has been done. You come to the precise issue. What is the issue?

SHRI AMAR ROY PRADHAN: A reign of terror, rather say, a reign of jungle is prevailing. A high Central Government official and a renowned scientist, Dr. Rabindra Mitra, was brutally killed in broad day light by throwing stones at him. Non-Assamese people were being subjected to intimidation, insults, assault and eviction from their homes, even those who are living there for generations. Thousands of inhabitants of Assam have left Assam and came over to other parts of India.

MR. SPEAKER: Are you reading a statement or putting a question?

SHRI AMAR ROY PRADHAN: A secessionist movement is being sought to be encouraged in Assam and anti-India posters are also being brought

[Shri Ama Roy Pradhan]

out there. Some foreign agencies are also working behind it. A complete lawlessness is going on in Assam and there is none to protect the lives of linguistic minorities.

THE MINISTER OF AGRICULTURE (SHRI BIRENDRA SINGH RAO): On a point of order, Sir. He is reading a statement.

MR. SPEAKER: A point of order has been raised. What is your question?

SHRI AMAR ROY PRADHAN: It may have some repercussions in other parts of the country. Already Chief Minister of West Bengal, Comrade Jyoti Basu has sent a note requesting the Centre to take stern steps immediately. But the Central Government is sleeping and deliberately ignoring this issue. (*Interruptions*).

MR. SPEAKER: Is the hon. Member making a statement or asking a question? You are supposed to ask a question.

SHRI AMAR ROY PRADHAN: I raised the issue the other day and said that some stern steps should be taken immediately but nothing has been done. (*Interruptions*)

MR. SPEAKER: Will you please put your question? If you don't put a question, what has the Minister to answer?

SHRI AMAR ROY PRADHAN: I will put my question. Under the above circumstances, I would like to know from the hon. Minister clearly:

(a) What immediate and specific steps are going to be taken to give protection to everyone including linguistic minorities regarding life and properties, who are living there for generations?

(b) I would like to have a categorical answer from the Minister as to who would be treated as foreigners according to our Constitution and what would be the method to determine the foreigners.

MR. SPEAKER: That is all. You cannot go on like that.

SHRI AMAR ROY PRADHAN: (c) What are the specific steps that are being taken to prevent new and fresh infiltrators into Assam and Meghalaya from outside?

(d) I would like to know whether the Prime Minister will talk to the non-Assamese people also at the discussions with the other political leaders?

SHRI P. VENKATASUBBAIAH: We are one with the hon. Member when he says that there are certain disturbing trends in this part of the country.

I may submit in this connection that this is the legacy of the past Government. (*Interruptions*) Immediately after the new Government assumed office, the Prime Minister went into this question. Some senior leaders of our party have been sent there. They had detailed discussions with cross-sections of the population and with students, and they have studied the situation. The Governor came here and he had discussions with the Prime Minister and with the Home Minister, and he is studying the matter.

About the second point which the hon. Member has raised with regard to the steps taken to safeguard and protect the lives and properties of the people, I have already mentioned in my statement that we have strengthened the security arrangements. Some twenty additional border posts have been stationed there to obstruct further influx of population from the other side of our border. These are the important steps we have taken. We are continuing to take those steps in that direction.

About the posters which the hon. Member has mentioned, it has also been brought to the notice of the Government, but I may assure the hon. House that the Government is in a position to take whatever steps that are possible to maintain law and order and that secessionist activities will not be allowed to continue there. We will do whatever is possible for us to deal with the situation in a proper manner.

MR. SPEAKER: Shri Somnath Chatterjee.

SHRI AMAR ROY PRADHAN: My question has not been answered properly, because I asked categorically who will be treated as foreigners.

MR. SPEAKER: Will you take your seat?

SHRI INDRAJIT GUPTA (Basirhat): A pointed question was asked about foreigners. He did not reply to that. The question is about the definition of foreigners, who is a foreigner in Assam. That question was put, and he has not replied to it. Is the Member not entitled to get a reply?

MR. SPEAKER: Will you reply to that?

THE PRIME MINISTER (SHRI-MATI INDIRA GANDHI): This is a very delicate situation and hon. Members are fully aware that different people are calling different people foreigners. We do not know who the foreigners are. The whole matter can be gone into. That is why we had put this matter to the hon. Members of the Opposition and it was agreed that the question should be kept above parties and we should all consider it seriously and in depth. Almost immediately after the meeting, I sent some people to Assam. I asked the Governor to come to Delhi. We have been in touch. It is not an easy situation. We must be very careful that we do not say anything that further inflames feelings. Who is to be called a foreigner, to what date do you take it back—these are all

matters which we must discuss privately with some of you and with some of the Assam people. I am in touch with various people there. We had agreed to call a meeting here; I have not had a response from them.

SHRI SOMNATH CHATTERJEE (Jadavpur): We are happy at the timely intervention of the hon. Prime Minister. It is no doubt the prerogative of the Government to choose its spokesmen, but we felt that in a very important matter like this the people would have been more assured if the hon. Home Minister or the Prime Minister had replied, but since there has been an intervention by the Prime Minister, it will be helpful. We do not wish to rouse passions. It is not our intention. The matter is very important and very delicate and the situation there is explosive. We do not wish to say anything which may aggravate the situation there. We have given notice of this call attention more out of a sense of shock, anguish and concern for the large number of people who are there, especially the linguistic minorities. The statement shows the concern for the situation that is prevailing there now. But it seems that some of the important aspects of the problem and the situation that is now prevailing there have not been taken note of. This is not just an isolated instance of trying to drive out the so-called foreigners. There are serious apprehensions of foreign agencies intermeddling in that area.

12 hrs.

When the hon. Prime Minister, after she took charge, sent some leaders of her party, it appears that those leaders met the students primarily, but the persons who have been affected, have not been consulted or discussions have not taken place with them; at least, it has not come out in the newspapers. The Prime Minister, it appears, has sent for the representatives of the Students' Unions. But I have been told that who are the leaders of those Unions itself is very much in doubt in that part of the country, because everybody

[Shri Somnath Chatterjee]

seems to be taking up the leadership there and there is chaos and the matter is completely out of control even in the students' unions.

Secondly we would have expected that if the hon. Prime Minister could have visited Assam in the midst of her manifold duties, that would have been reassuring to the people there and her presence would have been of great help to them. Now the point is whether she is going to call the representatives of those who have been affected, the victims of the atrocities that are being committed. I have got the whole list of the nature of atrocities that have been committed there. I do not wish to go into all of them here. But I would request the hon. Prime Minister to inform the House and through the House the nation whether the Maghalaya Minorities Coordination Committee have given representations on the 15th of this month setting out the nature of atrocities that have been committed, setting out the seriousness of the situation there. Now representations have also come from people in Assam, from the people in Cachar. What initially started as an issue of foreigners really started when the bye-election was to be held in Mangaldoi Parliamentary constituency after the passing away of our good friend, Mr. Patwari, who was a Member of the previous Lok Sabha. Then the question was first raised and at that time the charge was that the forms for deletion of names were printed by the Assam Police and leaflets were printed by the police asking for the deletion of the names of so-called foreigners. Even today, the Government of India is unable to spell out who is a foreigner in this country. I am not minimising the importance of the difficulties of the question of deciding who is a foreigner. But that cannot be a matter of political decision. It has to be decided on the basis of the Constitution, on the basis of the laws of

this country. It is not a matter to be decided just to placate a section of the people of the country, to suit their whims and desires. It is a very important matter.

I am respectfully submitting before the House through you that the question as to who is a foreigner is being utilised to go on a rampage, and unthinkable brutality is being committed. There have been looting, arson and beating up. A very well qualified Manager of Oil India was stoned to death for no fault of his. He was called to the Hospital to come and see one of the employees of Oil India; he responded to the call and when he came to the hospital, in front of the hospital he was beaten up and stoned to death. This is happening in the 20th century in this country.

That is why we expected that there would be greater expression of shock, anguish and determination. That is why we expected the hon. Prime Minister and the hon. Home Minister to reply to the Calling Attention. It is not to minimise the status of our very good friend, Mr. P. Venkatasubbaiah, that is not so. I wish him well and, I hope, he will go up in his status. It is only to show the country's anxiety, the Government's anxiety, in this matter.

When that did not succeed, then a plea was made to correct the voters' list. From the voters' list, 35,000 names were initially deleted. When protests were made by various political parties, including my party and the CPI, then some names were restored. When they did not succeed in deleting the names from the voters' list, then a plea came for boycott of elections.

Today, the people in Assam are taking pride in saying that the Constitution of India does not apply to Assam. They say that they have succeeded in stalling the elections. It shows that the writ of Delhi, does not run in Assam, I do not know whether the attention of the Government has been drawn to these published leaflets, these printed circulars, where Indian people have been described as

"foreign dogs". The people in Assam are circulating these leaflets calling Indians non-Assamese, as "dogs", calling them "*Indian dogs*". I have been told that these are the posters the leaflets, which have been printed in Gauhati University press. This is the charge.

Inside the campus of Gauhati University, in the medical college, one of the brightest students, Mr. Anjan Chakravarty, was killed. It is a shame for this country that his colleagues, his friends, in the college, in the university, danced upon his dead body after killing him. The Secretary of the motor workers' union, Assam, has been killed. The Secretary of the Namrup Fertiliser union has been killed. The propaganda is being called on.... (Interruptions) I would implore my hon. friends there, please do not create a situation which will give a feeling to the people of this country that this House is not taking up the matter seriously. I would beseech my hon. friends to show patience—you have got the strength; have patience to match it.

The posters are being printed and circulated with the word "United State of Assam". It has spread to Meghalaya. The students from Assam, the people from Assam, have gone to Meghalaya. They have also carried out the rampage in Meghalaya in association with some of the local people. I am sure, the hon. Minister knows the name of Prof. Martin Majaw who is one of the ring leaders. Everybody knows it in Assam and Meghalaya.

Now, support has come from the people in Mizoram and Nagaland. A call is being given, a concerted effort is being made where we suspect—not suspect, we are almost sure because of the way the things are happening—that foreign intervention is there; the foreign agency is there. A call is being given for "United State of Assam", Indians are being described as "foreign dogs". This is the situation. I would request the hon. Prime Minister—I am glad that she is now present in the House—to give the most serious attention to this matter.

I would like to know in this context whether the Government will issue some clarification on the question of "foreigners". I know its difficulty, the question of "foreigners" cannot be decided on a point of date. But there is one very significant sentence in the Minister's statement. He says:

"Immediate steps have also to be taken to strengthen the border security arrangements to prevent any further unauthorised influx."

It shows that the Government thinks that there is already an unauthorised influx. That will create difficulties. Please choose words very carefully. If you say, there is already an unauthorised influx and that you are going to stop further influx, the people there will say, "Our stand is vindicated."

Today the Government of India is unable to define who is a "foreigner". In that context, how can you say that you want to stop further unauthorised influx? Therefore, it is very necessary, until the situation is normalised, that immediate strong steps have to be taken to secure the life and property of the persons there, minorities there, linguistic minorities there. We would like to know what compensation is going to be given to the people who have suffered for no fault of theirs. We would like to know what specific steps are being taken in that direction. They are Indians; they are staying in India for ages, for years and years. They have voted in the last elections. They are being held to ransom by some anti-social goonda elements in this country. Therefore, I would like to know whether the Government will give a clear pledge to the people there, the minorities there, the linguistic minorities there, that not one person will be allowed to be touched or molested or assaulted in that part of the country, that their life and property will be secure and that it will be a special responsibility of the Government of India to ensure that.

Secondly, I would like to know whether the hon. Prime Minister will arrange to send an all-party delegation there which will create an atmosphere

[Shri Somnath Chatterjee]

of confidence in the minds of the people, the victims, there and will help in the restoration of an atmosphere of sanity in that part of the country. I would again request the hon. Prime Minister and the Government to clearly specify who, according to them, is a "foreigner". This is an issue on which nobody should be allowed to go on a rampage like this. This assurance has to be given and a decision has to be taken by the Government as soon as possible.

As regards the question of compensation that I have raised, I would request the hon. Prime Minister, if she chooses or the Home Minister to reply whether any specific steps will be taken in that direction at an early date.

SHRI MUNDER SHARMA (Jabalpur): What is the date of the posters which were circulated in Assam?

SHRI SOMNATH CHATTERJEE: I have got it. I can give it to the Prime Minister. I can lay it on the Table of the House. These are in Assamese language.

गृह मंत्री (श्री जेल सिंह): ईस्टर्न जीन के सम्बन्ध में जो कालिंग एटेंशन है उसके बारे में मिनिस्टरी की तरफ से एक कम्प्रिहेंसिव स्टेटमेंट दिया गया है। मैं आनरेबल मੈम्बरों के सैटीमेन्ट्स की कद्र करता हूँ और उन सैटीमेन्ट्स में उनके साथ शामिल हूँ। लेकिन मैं यह दरखास्त करता हूँ कि यह मामला आज से नौ महीने पहले शुरू हुआ और उस वक्त की सरकार ने इन बातों पर ध्यान नहीं दिया। कुछ बातें बेबनियादी हैं, मिसअंडरस्टैंडिंग पर आधारित हैं। यह जो लीफलेट की बात की गई है, सीसेशनिस्ट्स की, मैं चाहता था कि इसको लेकर जिम्मेवारी से बात की जाती। मੈम्बर साहिबान इस बात का यकीन रखें कि सरकार इस हाउस से कोई भी बात छिपा कर रखना नहीं चाहती। लेकिन जो हाउस में बात कही जाती है यह दुनिया में जाती है। मैं कहना चाहता हूँ कि सीसेशनिस्ट्स का वहाँ कोई वजूद नहीं है, वहाँ कुछ उनकी हस्तु नहीं है, उनकी कोई गिनती नहीं है।

उनका जो लीफलेट छपा दिखाया गया है उसमें किसी का नाम नहीं है। यह बात बेबनियादी है। इसके बारे में आपको और हाउस को चिन्ता नहीं करनी चाहिये। गर्वनमेंट इन बातों पर पूरा गौर करके ध्यान दे रही है। आज से तेरह दिन पहले से हमने ईस्टर्न जीन के तमाम स्टेट्स के चीफ मिनिस्टर्स से और जहाँ चीफ मिनिस्टर नहीं है वहाँ के गवर्नर से बात की, चीफ सैक्रेटरीज से बात करके इन तमाम समस्याओं को, तमाम मामलात को गौर में रखा है और मैं तमाम मੈम्बर साहिबान से अपील करना चाहता हूँ कि इस समस्या को वे पोलिटिकल पार्टीज के तौर पर न लें। यह मुल्क की बात है, हिन्दुस्तान की बात है। इसके लिए हम उनकी मिल वर्तन चाहते हैं। और वह अपनी मिलवर्तन दें। जहाँ तक आनरेबल मੈम्बर ने.....

(अवधान)

SHRI G. M. BANATWALLA (Ponnani): Sir, on a point of order. (Interruptions)

MR. SPEAKER: What is your point of order?

SHRI G. M. BANATWALLA: My point of order is simply this, Mr. Speaker, that we are told in the statement that there are secessionist activities and the hon. Minister says that we should not be exercised about it....

MR. SPEAKER: There is no point of order. Please sit down. Let the Minister make his statement.

SHRI G. M. BANATWALLA: Contradictory statements are being made by the Treasury Benches here....

MR. SPEAKER: I think you have not followed him.

SHRI G. M. BANATWALLA: We have totally followed him, Sir. I want you also to follow.

MR. SPEAKER: Please sit down.

श्री जेल सिंह: स्पीकर साहब, यह काल एटेंशन नोटिस था। उसके लिये एक स्टेटमेंट सरकार की तरफ से आयी और एक

सवाल हो सकता था। लेकिन आपने अलाउ किया, तीन, चार तकरीरें करा दीं। अब जब मैं उनका जवाब दे रहा हूँ तो उनको सब से, सन्तोष से सुनना चाहिए।

SHRI JYOTIRMOY BOSU (Diamond Harbour): The Home Minister made a statement that there was foreign hand.... (Interruptions)

SHRI ZAIL SINGH: I doubt it.

MR. SPEAKER: Mr. Bosu, you have not followed him. He says that it is not so much as it has been made out to be. (Interruptions)

श्री इन्द्रजीत गुप्त: बेबुनियाद के क्या माने हैं?

MR. SPEAKER: He does not want to magnify that. That is all. He has not denied the fact. Let him make his statement.

मैं आप को बताना चाहता हूँ ग्यानी जी, कि यहां पांच सवाल होते हैं।

श्री जेल सिंह: आनरेबल मेम्बरान ने यह प्वाइंट उठाया था कि लिंग्इस्टिक माइनारिटीज और अदर काइन्ड आफ माइनारिटीज के जज्बात का भी वहां ध्यान रखा जाये। तो मैं हाउस को यकीन दिलाता हूँ कि हम हर ख्याल के, हर तबके के, हर विचार के लिंग्इस्टिक हों या रिलीजस हों या ट्राइबल हों उनके जज्बात और उनके सेंटिमेंट्स और रवायत को पूरा ध्यान में रख कर वहां का इन्तजाम करेंगे। किसी को इस बात के लिए चिन्ता नहीं करनी चाहिए।

SHRI SOMNATH CHATTERJEE: What about compensation? What about an all-party Delegation? He has not answered to these?

अध्यक्ष महोदय : ग्यानी जी, उन्होंने कम्पेन्सेशन के लिए पूछा था। उसके बारे में क्या कहना है आपको?

श्री जेल सिंह: स्पीकर साहब, मैंने आनरेबल मेम्बरान की तकरीर को बड़े ध्यान से सुना। उन्होंने बहुत लम्बी तकरीरें कीं, और मैं सोचता हूँ कि कुछ बातें जो उनकी

हाउस में नहीं कहनी चाहिए थी, वह उन्होंने कहीं।

जहां तक कम्पेन्सेशन का सवाल है यह सरकार इस मामले पर गौर कर रही है, देख रही है कि कैसे इस मामले को हल किया जाए। यह कोई छोटा मसला नहीं है, इस पर ध्यान दिया जायगा।

AN HON. MEMBER: What about an all-Party Delegation?

SHRIMATI INDIRA GANDHI: No, Sir. I do not think there is any need for an all-Party Delegation. Serious allegations have been made—I would request the Members not to ask me to name any person or Party—about some Parties inciting the agitators. Therefore, an all-Party Delegation would not serve any useful purpose. What we have agreed to with the leaders of the Opposition is that we would call representatives of the national political parties in Assam. I am willing to accept the suggestion of the hon. Member, if any representatives of those who have suffered wish to come, I shall be glad to meet them.

MR. SPEAKER: Mr. Ramanna Rai.

Before you proceed with the question, please make it precise so that he can answer. If it is a long question, then the whole thing will be lost. If you put a specific question, he will be able to answer. Otherwise, it will be a statement and some points will be left out.

SHRI M. RAMANNA RAI (Kasargod): Sir, it is a known fact that the Chief Secretary of Assam himself is behind this agitation and if it is so, is it not necessary that a House Committee is appointed or a delegation is sent to find out the truth.

MR. SPEAKER: That has already been replied.

SHRI M. RAMANNA RAI:....to find out the truth....

SHRI JYOTIRMOY BOSU: He is a new Member, Sir.

SHRI M. RAMANNA RAI: Now, the main point is that against the "linguistic minorities", and "the religious minorities" some foreign agencies are working to disturb the peace in that area. The main point for consideration is that if this kind of agitation spreads to other parts of the country, then we will not be able to check this. There is a possibility of this kind of agitation extending to the South also. So, the real truth should be found out and the correct answer found for this problem for ever.

MR. SPEAKER: I think your questions have been answered. There is nothing new about it....If there is any specific question please put it.

SHRI M. RAMANNA RAI: My question is: whether some foreign agents are behind this and I want to know what is the role of the Chief Secretary of Assam in this matter.

SHRIMATI INDIRA GANDHI: We are looking into all the complaints that have been made. So far as the question of foreign interference or foreign influence or foreign hand is concerned, it is not easy to find out these things. Some people are making such accusations. We are looking into the whole matter in depth and obviously, if there is any truth in these allegations we have to deal with the culprits severely and promptly.

SHRI K. A. RAJAN (Trichur): Before just going into the relevant question which I will put, I am sorry to say that contradictory statements are coming from the government benches. I do not know if they are functioning with any sense of collective responsibility. This is a sad state of affairs....(Interruptions) Yes, yes, the statements are contradictory.

SHRI BHAGWAT JHA AZAD (Bhagalpur): Point out one contradiction.

SHRIMATI INDIRA GANDHI: No statement is contradictory. Please read whatever you are talking about.

SHRI BUTA SINGH (Ropar): If the hon. Member himself is confused, what can the Government do?

SHRI K. A. RAJAN: Unfortunately, the question of Assam is just an issue mishandled and exploited by chauvinists and communalists....

AN HON. MEMBER: Communists.

SHRI K. A. RAJAN: Communalists....(Interruptions) You cannot shout me down.

MR. SPEAKER: I am afraid you will again lose the importance of the question. Please put your question.

SHRI K. A. RAJAN: I am just placing the background of the question.

MR. SPEAKER: You will lose your question.

SHRI K. A. RAJAN: The whole background to the question is the handling of the whole problem by the previous government....(Interruptions) Please allow me to say. Why are you impatient?

The whole problem of Assam is the inept handling by the earlier Janata Government and the inept handling by the administration of the whole thing. But what we are more concerned now is how we are going to face the problem. This is not a problem of Assam alone. This epidemic has spread to the other parts of North-Eastern region also.

MR. SPEAKER: I think let us come to the point.

SHRI K. A. RAJAN: A responsible person like the Chief Minister of West Bengal has written letters on this point expressing anxiety over the developing situation. Unfortunately this thing has happened. (Interruptions). The major problem is influx of foreigners. What is the definition of foreigners—this is my first point. I would like to know from the hon. Minister whether some guideline is to

be evolved regarding who the foreigner is. That is my question.

Also I would like to know from the hon. Minister what concrete step has been taken for making the people responsible, that is, the officers of the check posts who are conniving with them by just allowing the people to infiltrate into this region.

MR. SPEAKER: Your point about the foreigners has already been answered twice.

SHRI K. A. RAJAN: No concrete reply has come from him.

SHRIMATI INDIRA GANDHI: As you have rightly pointed out, Sir, these questions have been replied to. But, since the hon. Member seems to be a little confused about the whole matter, I should like to say a word with regard to who are the foreigners. This is a multi-pronged type of attack. Initially, it was supposed to be directed against those people who were supposed to have infiltrated from Bangladesh. But, later, other people were included. This is what I said in the beginning that different categories of people are being referred to as foreigners, that is, the people who have gone there for work because nobody else was willing to do it. They have gone from certain economically backward districts of Bihar and U.P. They have been working there for many years. Many of them have been declared as foreigners. Others also who have been living in Assam for hundreds of years, are being called foreigners. (Interruptions)

AN HON. MEMBER: Do you accept that?

SHRIMATI INDIRA GANDHI: We do not accept it. That is why I am asking for your cooperation. We request the hon. Members of the Opposition that in order to decide this very delicate point, we should sit and look into the question of who is a foreigner. Obviously, those who have

voted before or those who have lived there for a particular period of time are regarded as citizens. But, this matter has to be gone into in greater detail. There is no use making a statement here which will not help the situation.

We have said that we shall call the leaders of different parties or their representatives and discuss the matter with them. In the meantime, We are looking at the problem from the point of view of strengthening security and to ascertain whether the complaints are justified. If persons in authority themselves were responsible for inciting either the students or anybody else, obviously, they should be removed and replaced by others.

MR. SPEAKER: Shri Chitta Mahata. Will you like to say anything more now as it has been quite exhaustive? You put the questions.

श्री सी. आर. माहाटा (पूरुलिया) : अध्यक्ष महोदय, असम और मेघालय की परिस्थिति बहुत ही गंभीर है। इस के संबंध में मैं दो सप्तीमंटी सवाल करना चाहता हूँ। मैं यह जानना चाहता हूँ कि वेस्ट बंगाल और त्रिपुरा में जो असम के रहने वाले आए हैं उनके लिए सरकार क्या प्रबंध करने जा रही है?

दूसरा प्रश्न यह है कि अपर असम के बहुत से युवक नागालैंड और त्रिपुरा हो कर ट्रेनिंग के लिए इंटरनेशनल बोर्डर पार कर के बर्मा चले गए हैं, क्या यह सरकार को पता है?

SHRI NARAYAN CHOUBEY (Midnapore): What about the people who have taken shelter in Tripura and West Bengal from Assam?

SHRI SOMNATH CHATTERJEE: You have to take them back.

SHRIMATI INDIRA GANDHI: All these questions will be discussed with you.

12.30 hrs.

CONTINGENCY FUND OF INDIA (AMENDMENT) BILL*

THE MINISTER OF FINANCE AND INDUSTRY (SHRI R. VENKATARAMAN): Sir, I beg to move for leave to introduce a Bill further to amend the Contingency Fund of India Act, 1950.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Contingency Fund of India Act, 1950."

The Motion was adopted.

SHRI R. VENKATARAMAN: Sir, I introduce† the Bill.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I want to make a submission....

MR. SPEAKER: You cannot make a submission. You can only oppose it. You had mentioned to me about item No. 6.

SHRI JYOTIRMOY BOSU: My submission is that....

MR. SPEAKER: I do not allow it.

SHRI JYOTIRMOY BOSU: Please hear me. I rise on a point of order. My point of order is that the explanatory statement is being laid on the Table of the House. Now, tell me how any Member could guess what is in the explanatory statement so that he can make up his mind either to oppose it or support it. Had the explanatory statement come to us yesterday we could have read it and made up our mind?

MR. SPEAKER: You may raise this point when the time comes for discussion on this item.

STATEMENT RE. CONTINGENCY FUND OF INDIA (AMENDMENT) ORDINANCE, 1979

THE MINISTER OF FINANCE AND INDUSTRY (SHRI R. VENKATARAMAN): Sir, I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Contingency Fund of India (Amendment) Ordinance, 1979.

12.32 hrs.

MATTERS UNDER RULE 377

(i) SHORTAGE OF NEPHTA WITH BARAUNI FERTILIZER FACTORY

श्रीमती कृष्णा साही (बेगुसराय): अध्यक्ष महोदय, बराँनी खाद कारखाना नेफ्था की कमी से प्रायः बन्द है। बराँनी स्थित तेल-शोधक कारखाने के भण्डार में नेफ्था शून्य है। आसाम आन्दोलन के फलस्वरूप बराँनी के तेलशोधक कारखाना को कच्चे तेल की आपूर्ति एक महीने से नहीं हो रही है। 27 दिसम्बर, 1979 से यह भी कारखाना बन्द है। उस कारखाने पर आश्रित दर्जनों लघु उद्योग के कारखाने जो बराँनी औद्योगिक क्षेत्र में स्थित हैं, बन्द हो गए हैं। स्थिति गंभीर है।

(ii) PROBLEMS OF INDIANS IN UNITED ARAB EMIRATES

DR. VASANT KUMAR PANDIT (Rajgarh): Being permitted under Rule 377 I want to make mention of urgent matter of public importance.

Sir, a serious and alarming situation has arisen in U.A.E. where lakhs of Indians are residing. Recently on 10-1-1980 the U.A.E. Government has put a ban on changing of jobs and they are compelled to leave by 1st March, 1980. The Gulf Indians' Welfare Association has sent an urgent appeal to the Prime Minister to save them from being stranded in the U.A.E. If urgent steps are not taken by Indian Government, more than a

*Published in Gazette of India Extraordinary, Part II, section 2, dated 24th January, 1980.

†Introduced with the recommendation of the President.

lakh of Indians in Gulf countries would be considered as "illegal immigrants" and forced to return to India. Besides, the new regulation will lead to untold exploitation of those Indians who are employed in U.A.E. Besides, this would affect the employment potential of Indians in U.A.E. and create confusion and uncertainty in the minds of those who are there. I, therefore, call upon the Government to immediately initiate talks with U.A.E. and bring about a settlement of the present situation.

(iii) RECENT CASES OF ROBBERIES IN DELHI

SHRI H. K. L. BHAGAT (East Delhi): Sir, under Rule 377, I have to bring to the notice of the House the recent cases of robberies in Ashok Vihar and Lawrance Road in Delhi areas resulting in injuries to several women and children and loss of valuable property and these incidents have caused anxiety in the minds of the people of Delhi. I would request the hon. Minister to please let us know what steps he proposes to take to prevent such occurrences and to improve the law and order situation in the capital which has very badly deteriorated during the last 3 years. Meanwhile, Sir, I am bringing it to your notice that the wife of Shri Mangat Ram who was injured in the robbery case has died. The matter requires very serious attention.

(iv) ISSUE OF NOTIFICATION ABOUT INCREASE IN THE PRICE OF FABRICATED MICA

रतिलाल प्रसाद वर्मा (कोडरमा) : अध्यक्ष महोदय, यह अत्यन्त आश्चर्यजनक तथ्य है कि वाणिज्य विभाग भारत सरकार के द्वारा "फैब्रिकेटेड पाइका" का दाम बढ़ाया है किन्तु उस का नोटिफिकेशन नहीं करने के कारण कस्टम विभाग पुराने दरों पर फैब्रिकेटेड माइका को निर्यात करा कर करोड़ों रुपये की विदेशी मुद्रा से राष्ट्र को घाटे का व्यापार करा रहा है। इसमें "माइका ट्रीडिंग कारपोरेशन किसी व्यापारी

से नये दरों पर किसी निर्यातक से पुराने दरों पर अभूक (तैयार माल) निर्यात की स्वीकृति दे रहा है। ऐसे ही प्रोसेस्ट माइका का भी हाल है। सब मिलाजुला कर करोड़ों रुपये की क्षति हो चुकी है। अतः वाणिज्य एवं वित्त विभाग के द्वारा पारस्परिक सहयोग की गुंजाइश कर, संबंधित अधिकारियों से अविलम्ब जवाब तलब कर राष्ट्र को क्षति से बचाया जाय।

(v) REPORTED LOCK-OUT IN KESORAM COTTON MILLS

MR. SPEAKER: Shri Jyotirmoy Bosu. Rule 377.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I have to ask one thing from you before I start.

I have given notices under Rule 377. There are three cases of serious hardships inflicted on labour. One was regarding the CIWTC strike. Sir, the *Economic Times* employees of Calcutta have been laid off and made to sit idle. Regarding the lock-out of Kisoram Cotton Mills, Sir, the Kisoram Cotton Mills is owned by the Birlas and they have declared a lockout of this factory in the Garden Reach area, thus causing hardship to these poor workers; and at the same time this will hamper the production of a very important item, namely, Textiles, which earns us lot of foreign exchange. I beg of you kindly to ask the Minister concerned to make a statement because it involves 12,000 workers.

MR. SPEAKER: He is here. It is entirely for the Minister.

SHRI JYOTIRMOY BOSU: You can make an observation.

MR. SPEAKER: You have already done.

Now, let us proceed with the Legislative Business.

12.36 hrs.

CONSTITUTION (FORTY FIFTH AMENDMENT) BILL.

श्री राम विलास पासवान (हाजीपुर) : अध्यक्ष महोदय, बिजनेस एडवाइजरी कमेटी की बैठक नहीं हो रही है और न ही उस को गठित किया गया है। इस पर कितना समय रखा गया है? चूंकि हम लोग भी अपनी तरफ से नाम देना चाहते हैं.....

अध्यक्ष महोदय : मैं बता रहा हूँ....

The House will now take up the Constitution (Forty-Fifth Amendment) Bill, 1980. I think that two hours will be sufficient for all the three stages of the Bill.

If the House agrees, we may have one hour for the General Discussion and one hour for the Clause-by-Clause consideration and also for the Third Reading. There is paucity of time and all hon. Members on both sides of the House, I think, will feel the necessity because, before 26th, we will have to do it. That is why I am putting it to you.

श्री सूरज भान (अम्बाला) : अध्यक्ष महोदय, इसे बिना किसी डिस्कशन के पास कर दिया जाय।

MR. SPEAKER: If the House agrees it is all right; but the matter has to be formally put and carried.

श्री सूरज भान : मैं एक निवेदन और करना चाहता हूँ। बगैर डिस्कशन के यह जरूर पास किया जाय, लेकिन एक बात ध्यान में रखी जाय कि बिना के यहां पास होने के बाद लाजमी तौर पर स्टेट्स से इस का रॉटिफिकेशन हो।

अध्यक्ष महोदय : वह अपने आप हो जायगा।

श्री सूरज भान : ऐसा नहीं है। अखबारों में कुछ दूसरी चर्चा चल रही है।

MR. SPEAKER: Let us cross the bridge. It would take less than 2 hours. So, please make a move.

श्री रामावतार शास्त्री (पटना) : अध्यक्ष महोदय, रूल 377 के तहत आल इण्डिया रेडियो के गलत प्रचार के बारे में मैंने एक नोटिस दिया है। मालूम नहीं उस का क्या हुआ?

MR. SPEAKER: We have allowed already five Members under Rule 377. Now please sit down.

SHRI SAMAR MUKHERJEE (Howrah): I wish to make a submission that we will support the Bill and no doubt the Bill will be passed unanimously. But some time should be given to place some points of view.

MR. SPEAKER: That is what I have already said.

SHRI SAMAR MUKHERJEE: One or two hours would be insufficient.

MR. SPEAKER: Let me see the feasibility.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, we know how the welfare of the Scheduled Castes and Scheduled Tribes had been looked after during the past thirty years. That must be fully exposed. Both the people and we know how good you had been to them.

MR. SPEAKER: Don't make a remark like that. Now, two hours have been allotted. Afterwards, it has to go to Rajya Sabha.

गृह मंत्री (श्री बल सिंह) : मैं प्रस्ताव करता हूँ :

“कि भारत के संविधान का और संशोधन करने वाले विधेयक पर विचार किया जाये।”

आनरेबल मेम्बर साहबान ने ख्याल प्रकट किया कि बिनाउट एनी डिस्कशन यह बिल पास किया

जावे । तो मैं यही समझता हूँ कि इस में और कोई स्टेटमेंट करने की जरूरत नहीं है ।

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration."

श्री जयपाल सिंह कश्यप ।

श्री रामलाल राही (मिसरिख) : इस में कुछ संशोधन दिए गये हैं, उनके बारे में आप क्या करेंगे ?

MR. SPEAKER: That will be done when the amendments are taken up. Now, it is the consideration stage.

श्री जयपाल सिंह कश्यप (आंदला) : अध्यक्ष महोदय, मैं इस संविधान (संशोधन) विधेयक पर अपने विचार प्रकट करना चाहता हूँ ।

पूज्य महात्मा गांधी जी, बाबा साहेब डा. भीमराव अम्बेकर, श्री पैरियर रामा-स्वामी नायकर और डा. राम मनोहर लोहिया का यह स्वप्न था कि इस देश के करोड़ों शोषितों और हरिजनों को भी वह सम्मान समाज में मिलना चाहिये, जो सम्मान इस देश के दूसरे लोगों को मिला हुआ है, लेकिन इन के 30 साल के शासन के दौरान भले ही कहने के लिये इन को सुविधायें देने का नाम रहा हो, लेकिन आज भी हरिजन अत्याचारों के शिकार हो रहे हैं। कल ही अखबार में एक घटना के बारे में आया है कि बिहार में एक हरिजन मां और बेटा को जिन्दा जला दिया गया ।

इस देश में आज भी करोड़ों-करोड़ों हरिजनों को मानवता का सम्मान नहीं मिल रहा है चाहे वह आर्थिक हालत हो और चाहे सामाजिक हालत हो । . . . (व्यवधान) इस देश में आज भी वही स्थिति है । 30, 35 साल तक आप की हुकूमत रही है चाहे दो, ढाई साल तक दूसरों की हुकूमत रही हो लेकिन आप यह देखें कि हरिजनों की समस्याएं उतनी ही विकट हैं, आदिवासियों की समस्याएं भी उतनी ही विकट हैं जितनी कि पहले थीं। आज समाज में उन को कोई सम्मान नहीं मिल रहा है । एक कुत्ता तो चारपाई पर बैठ ले

लेकिन एक हरिजन को चारपाई पर बैठने का अधिकार नहीं है । जिस देश में ऐसी हालत हो, वहां पर 10 साल के लिए आरक्षण बढ़ाने की मांग गलत है। मैं तो यह कहूंगा कि कम से कम 30, 35 साल तक के लिए और इस को बढ़ा देना चाहिए । इस देश के अन्दर आज जो कुछ हो रहा है, उसमें यह जरूरी है । आज हरिजनों को उनका हक नहीं मिल रहा है । कुर्सी के स्वार्थ के लिए आप उनको बात कहते हैं लेकिन गद्दी पर बैठ कर हरिजनों का शोषण किया गया है । . . . (व्यवधान) . . . जो ये लोग मेरी आवाज को बन्द करने के लिए शोर मचा रहे हैं, मैं उनसे कहना चाहता हूँ कि वे जा कर उन गरीबों की हालत का देखें । महुआ की रोटी खा कर, घास की रोटी खा कर वे लोग अपना गुजर करते हैं और उनके बच्चों को एक बार भी दूध नसीब नहीं होता है । इस सब के लिए आपका 33 साल का शासन जिम्मेदार है । इस संशोधन के पक्ष में तो मैं इतना ही कहना चाहता हूँ कि संशोधन आबादी के अनुपात से ही नहीं बल्कि इन के लिए 25 परसेंट आरक्षण होना चाहिए । और यही नहीं, कम से कम 25 और 30 साल के लिए आरक्षण होना चाहिए । आज जो इन के साथ व्यवहार हो रहा है, इस आरक्षण से, इस की थोड़ी सी सीमा बढ़ाने से, हरिजनों की समस्याओं का समाधान आप नहीं कर पाएंगे। आदिवासियों की समस्याओं का समाधान यह नहीं कर पाएगा । इस देश में करोड़ों करोड़ों मल्लाह, केवट, कहार, धीवर, निषाद आदि समाज के वे लोग भी रहते हैं जिनकी हालत आज इन हरिजनों से भी बदतर है, जो बंचारे नदियों के किनारे रहते हैं, समुद्र के किनारे रहते हैं । मैं पूछना चाहता हूँ कि क्या पिछले 30 सालों में सरकार ने उनको कोई स्थान दिया है, कोई सुविधा दी है । आप जरा ठंडे दिल से इन करोड़ों-करोड़ों मछुओं के बारे में सोचें, जो पानी में खेती करते हैं । तुमने उनके जीवन, उनकी जिंदगी की आर्थिक अवस्था सुधारने के लिए कभी लड़ाई नहीं लड़ी ।

इस देश में करोड़ों दस्तकार हैं, नाई हैं, बढ़ई, लूहार हैं और लोग हैं। वे गरीब दस्तकार हैं और बहुत अधिक संख्या में हैं। लेकिन गरीब होने की वजह से वे यहां नहीं

[श्री जयपाल सिंह कश्यप]

आ सकते हैं। उन कुम्हार से लेकर, गड़ियों से लेकर जो भी दस्तकार हैं, सभी को आरक्षण में लाया जाए ताकि वे भी चुन कर यहां आ सकें। इस लोक सभा में आ सकें, देश के प्रांतों की विधान सभाओं में आ सकें ताकि उनका जीवन भी सुधर सके।

SHRI KRISHNA CHANDRA HALDER (Durgapur): Mr. Speaker, Sir, on behalf of the CPI(M), I welcome the Constitution (Forty-Fifth) Amendment Bill, 1980 which seeks to amend Article 334 of the Constitution.

Even after thirty years of Congress rule and 2½ years of Janata rule, the plight of the scheduled castes and scheduled tribes has not improved as we envisaged and expected. In this connection, I would also like to mention that some ways and means should be found out so that the scheduled castes or scheduled tribes who have converted themselves as neo-Budhists or have embraced Christianity or Islam are also treated as scheduled castes or scheduled tribes and they are not deprived of the benefits due to them. These scheduled caste persons work in big cities like Delhi, Bombay, Madras and Calcutta as also some other towns and keep these places clean, but it is unfortunate that they do not get human treatment from the society and from the nation. Most of the scheduled castes and scheduled tribes live in the rural areas and they are agricultural workers and sharecroppers. About 95 per cent of these people live below the poverty line. It is our duty to devise ways and means to help their economic upliftment and we should have a proper social and human approach to solve their problems. One of the ways is that we must implement land reforms properly. In my State, where there is a Left-Front Government, they are implementing land reforms properly and they have passed one legislation that share-croppers' rights should be recorded and their eviction should be stopped. Just before elections Shri Bhola Paswan Shastri visited West

Bengal and he, who is a true Gandhian, said that West Bengal was properly implementing land reforms and that they had given rights to the share croppers and agricultural labourers. Actually, this is the State which has served properly the scheduled castes and scheduled tribes.

Then, there is another important matter. Namashoodras in West Bengal are treated as scheduled castes, but in Bihar and U.P. they are not. Similarly, Sunri community in West Bengal is treated as scheduled castes, but in Bihar in Dhanbad and Santhal Pragana, they are not even these people working in Chittaranjan Railway workshop are not treated as Scheduled Castes. In Gujarat, Bihar and U.P. there are many communities who are treated as scheduled castes or scheduled tribes, but in Assam and other States they are not. It is very essential that some uniform pattern should be followed throughout the country. Any community treated as scheduled caste or scheduled tribe should be treated similarly in the whole of India. In this connection, I want to mention that in the last Lok Sabha, one amending Bill was brought before the House to include and exclude certain Scheduled Caste communities. But before that Bill was passed, the House was dissolved. So, I request the Government that Bill should be brought again before the House, so that the difficulties of the SCs and STs may be removed.

With these words, I support the Bill.

SHRI KUSUMA KRISHNA MURTHY (Amalapuram): At the outset, let me congratulate the Government for realizing the need for bringing in this important constitutional Bill in such a speedy manner. The original provision is this: "The provision relating to the reservation of seats for the SC and ST either in the House of the People or in the Legislative Assemblies of a State shall cease to have effect after the expiration of 10 years from the commencement of the

Constitution." Even before incorporating this provision in the Constitution, some amendments were moved then itself, to the effect that this provision of reservation shall cease to exist, provided the people for whom seats in the legislatures have been reserved, are brought to the level of other advanced classes of people, educationally, socially and economically.

The basis for moving such amendment was the social backwardness of these people. Their backwardness was frozen. These people have been suffering for centuries due to this social backwardness.

When this subject of reservation was discussed in the Constituent Assembly, many hon. Members started saying that the 10-year period was quite inadequate, when compared to their backwardness. In reply thereto, our beloved leader, Late Pandit Nehru made a pertinent observation in that connection, by saying that "it was not inadequate if the leader of this country put their heads together to bring them up."

Thus it was made very clear that the passing of the enactment alone was not sufficient. There must be a basic change in the hearts of the people who matter on this issue. That has been made very clear on the floor of this House by Late Pandit Nehru. Later, while disallowing all the amendments, Dr. Ambedkar made it very clear and he emphatically said:

"If at the end of 10 years, the SCs find that their position has not improved or that they want further extension of this period, it will not be beyond their capacity or their intelligence to invent new ways of getting the same protection which they are promised here."

It is clear that the scope for getting this safeguard extended was not ruled out; and it is also very clear that the option of demand for this extension is given to the people for

whom this safeguard is meant. Therefore, while initiating the discussion during the first amendment of this constitutional provision in 1959, for another 10 years, the then Home Minister, Shri Govind Ballabh Pant, made it very clear on the floor of this House that the reasons which weighed with, and influenced the Constituent Assembly for making this provision for reservations, did not cease even then.

Therefore, I feel that the same reasons which made the Constituent Assembly pass this Bill and also again extend this provision still hold good, in the sense that the purpose for which the provision was originally enacted in the Constitution, has not yet been achieved. Everyone of us knows that our approach to this grave problem of social evolution in India is drawing the attention of the whole world. We are so practical and practicable in our ways and means to bring about a social evolution of such an unimaginable magnitude. Our approach is peaceful, silent and democratic in all respects; and it was evolved under the dynamic leadership of our beloved leader Pandit Nehru.

If this social transformation is not brought about through constitutional means in this country, the country has to face a "caste war" unlike in other countries which faced "class wars" during the course of history. Therefore, in this connection, though we all wanted to have a casteless and classless society, we are not able to achieve this because of so many of our inherent inhibitions; and that is why we have brought forward this Bill again today in Parliament.

I can cite many examples from the 24. Reports of the Commissioner of SCs and STs which have elaborately and clearly mentioned their humiliations, suppressions and denial of civil rights even till today. Even after providing this clause, they have not come up to the expected level. There

[Shri Kusumakrishna Murthy]

are Elayaperumal Committee, Shilu Ao Committee, and the Parliamentary Committee for the welfare of SC & ST besides so many other provisions in the Constitution and in spite of all that, the expected results we have not been able to achieve because the implementation of those provisions is not being properly done. Therefore, in this connection, I would request the Government not only to see that the amendment is passed but also to see that the provisions are properly implemented by creating a separate Ministry at the Centre. In various States, we know that there are separate Ministries for Harijan upliftment. In the Centre also if such a Ministry is there, they can exclusively look after this matter and see that the provisions are properly implemented. Secondly, in order to get the utility of these safeguards properly extended to the really deserved, the government must immediately see that the lists of the SC & ST are properly and objectively revised.

Therefore, the Government while bringing forward this amendment must also bear in mind Article 46 in Chapter 4 containing the Directive Principles which says: "The State shall promote with special care the education and the economic interests of the weaker sections of the people and in particular all the SCs and STs and shall protect them from social injustice and all forms of exploitation." Therefore, would it be proper for a civilised society to deny the just claims of those suppressed and oppressed people who have been suffering for centuries together? In this context I would like to be very clear that a period of 10 years or 30 years is absolutely of no consequence because the magnitude of the problem of their suffering for centuries together is such that we will not be able to wipe out these sufferings in a short period. Therefore, the amendment moved in the beginning, I think, is bound to operate and

these safeguards are bound to continue until these classes are brought up actually into the main stream of life and also to the level of all those advanced classes of people in our society.

MR. SPEAKER: Shri Bapusaheb Parulekar.

श्री जेल सिंह : स्पीकर साहब, आज जितना टाइम अलाट किया है उसमें से सारा का सारा टाइम न चला जाये। मैं रिक्वेस्ट करूंगा कि बाबू जगजीवन राई जी जरूर इसमें कुछ कहें।

MR. SPEAKER: He is not present. I have to inform the House that voting on the motion for consideration of the Constitution (Forty-fifth Amendment) Bill will take place at about 3 p.m. Thereafter voting on the clauses and motion for passing the Bill will be held at the appropriate time. Now we adjourn the House for lunch to meet again at 2 p.m.

13 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at Fourteen of the Clock.

[MR. SPEAKER in the Chair]

CONSTITUTION (FORTY-FIFTH AMENDMENT) BILL—Contd.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Mr. Speaker, at the outset I thank you very much for having given me this opportunity to speak though my turn had already gone. In supporting this Bill generally, I should like to make a few submissions by way of suggestions to the hon. Minister and the Government. Everybody knows that the safeguards by way of Article 334 in the Constitution were introduced because of low educational and economic conditions of the Scheduled

Castes and Tribes people. Before the appointment of the constitution committee and the Constituent Assembly, an advisory committee for making recommendations on minorities was created and that committee submitted a report on 8th August, 1947 and that report went very much with the Constituent Assembly. With reference to that particular report this Article 334 came to be enacted in the Constitution. That report mentions, *inter alia*:

"It is on account of the extremely low educational and economic conditions of the Scheduled Castes and Tribes and the grievous social disabilities from which they suffer that political safeguards and reservation of seats had to be granted to them."

It is really unfortunate that in the last 33 years we were required to amend this article twice and this is the third time that we are required to amend this particular article. It shows that all the governments were not in a position to fulfil this pledge to improve the conditions of the Scheduled Castes and Tribes people. Under the circumstances, though you, I would like to ask the Government and the hon. Home Minister as to whether they really believe that in the next ten years, the period now mentioned in the amendment, the economic and educational conditions of the Scheduled Castes and the Scheduled Tribes are going to be improved to such an extent that there will be no necessity of the political safeguards in future. I would also ask through you to the hon. Minister as to whether they really believe that the grievous social disabilities under which these classes of people have been suffering for thousands of years will be removed in the coming ten years. If so, whether he will give a guarantee to that particular effect.

I would like to invite the attention of the hon. Minister to one other important point to which a reference

was made by my colleague Shri Halder and I had also referred to that in my speech on the Scheduled Caste Order in the Sixth Lok Sabha. As far as the Neo Buddhists are concerned, they are not governed by the definition of Scheduled Castes. At the time when Article 334 came to be enacted, they had not embraced Buddhism. They have not improved their educational and economic conditions. Therefore, I would request the hon. Minister and the Government to give considerable thought to this particular aspect. The usual argument that is placed before us is Clause 3 of the Scheduled Castes Order. Section 3 was *inter alia* mentioned to quote—

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

In all Acts and in all legislations we have defined 'Hindu' to mean and include Buddhists and Sikhs. There is no logical argument. I would, therefore, appeal to the hon. Home Minister and the Government, as the social, economic and financial condition of those people who have been converted, to Buddhism from Scheduled Castes have not improved, they should also be included in this Article 334.

I would also like to invite attention of the hon. Minister to Clause 334(b). I fail to understand as to what is the useful purpose in giving this facility and protection to the Anglo-Indians. They are sophisticated, cultured, intelligent rich people. In the year 1950 or 1952 when the Constitution was written, it would have been all right. In the present circumstances I would request the Government to give a serious thought as to whether Article 334(b) should be there.

Lastly, I would invite the attention of the hon. Minister to see whether

[Shri Bapusaheb Parulekar]

there should be nomination as far as the Anglo-Indians are concerned. Why is there discrimination between Anglo-Indian and Harijans? Anglo-Indians can also be asked to contest and come and not that one person may continue as a Member for forty years. If we ask them to contest, other Anglo-Indians may also come.

MR. SPEAKER: Shri Thazhai Karunanithi.

SHRI THAZHAI KARUNANITHI (Nagapattinam): *(Spoke a few words in Tamil)*

SHRI AMAR ROY PRADHAN (Cooch Behar): There is no interpretation.

MR. SPEAKER: The interpretor is, at the moment, not present. Mr. Karunanithi, please wait. Shri Buta Singh.

SHRI BUTA SINGH (Ropar): Mr. Speaker, on behalf of the millions of Indian masses, known and listed as Scheduled Castes and Scheduled Tribes of India, I take this opportunity to congratulate Shrimati Indira Gandhi, the doyen among those who champion the cause of the socially depressed and economically down-trodden people of India, for bringing forward this piece of legislation as a first promise that she made to the people of India in the last election. This is an occasion where we should not have brought in factional politics while discussing this piece of legislation. But unfortunately, the opening Speaker started making some charges against the Congress Party which are wholly uncalled for. The Speaker who preceded—Mr. Parulekar—also questioned the Congress Party's intention while implementing the measures during the last 30 years. It is indeed an occasion where the entire nation stands behind and appreciates this measure of social reform brought by the present Government. A point has been made by two hon. members, namely, Mr. Halder and Mr. Parulekar, that those from among the scheduled

castes and scheduled tribes who have embraced Buddhism and Christianity should be treated and enlisted as scheduled castes and scheduled tribes. We are all in sympathy with this demand. There is no doubt that after embracing a particular religion, one does not get economically and educationally emancipated. As Mr. Parulekar himself read out, the main ground, the basis of the very idea of bringing this legislation either today or in the first instance was the most grievous social disabilities from which these people were suffering and continue to suffer today. Unless these grievous social disabilities are removed and these people are brought at par with the other sections of the Indian masses, it will not be justified and it will be something injurious to the welfare of these people that we do not attend to our duties which are given in the Constitution itself, namely, that the State will take special care in promoting the welfare of the weaker sections, especially the Scheduled Castes and Scheduled Tribes. No doubt those who have embraced Buddhism and Christianity do suffer from the same economic and educational backwardness. But Mr. Parulekar took special care to advocate the cause of the Buddhists only. He did not say a word about those who have become Christians. My contention is that in some States like Maharashtra, Kerala and others where people have embraced either Buddhism or Christianity the State Governments have evolved some measures through which they are catering to the needs of those who have converted themselves. But so long as the philosophy of casteism remains in the society and so long as the people are continued to be treated as socially degraded people on the basis of caste, I am afraid those religions who do not believe in or who do not profess the theory or philosophy of casteism could not have been and cannot be considered through the present measure. So, to that extent this question becomes irrelevant as far as the Constitution of India as it exists today goes. We have our sympathy for them and I would urge on the Home Minister to sit with

the State Governments and find out some way through which the State Governments as well as the Central Government can do something for those weaker sections who have embraced those religions.

This question of extending the reservation beyond the sanctioned period provided in the Constitution has been hanging fire for sometime past. It is indeed a matter of a little concern for us today that it was left only for the Congress Party to have taken this measure and come to the aid of these people. What was happening during the last 29 months?

Some of my friends sitting on this side of the House have been criticising the Congress Government for 30 years, but they conveniently forgot the last 30 months. What was happening to these people during the last 30 months? What was the Government doing, whether it was the Janata Government or the Lok Dal Government? Those who have been known as the champions of the downtrodden people have been keeping silent. They did not move a small finger. Our sisters, our mothers and our brothers were burnt alive. Day in and day out atrocities were increasing. Not a word came from those so-called self-styled leaders of the Scheduled Castes and the Scheduled Tribes enjoying the high offices both in the Janata Government and in the Lok Dal Government, so much so a serious attempt was made, I should say, deliberately with a political motivation by the Lok Dal Government to see that this measure becomes redundant, that this date passes.

I am really grateful to Shrimati Indira Gandhi for having brought this measure as the first measure from her government to ameliorate the downtrodden people of India.

One word, and I have done. It was a wrong notion in the country that only the people, the big leaders belonging to certain sections could

best represent the interests of those sections. A lot was said about kisans, much was said about Harijans. But today the people of India by and large and the Scheduled Castes and the Scheduled Tribes in particular, have given a telling verdict saying that Shrimati Indira Gandhi is the only leader of the weaker sections and their interests are safe in her hands.

Sir, what was done in the name of fair elections? Who were the victims during the last elections? Not the high castes, but the weaker sections, the backward classes and especially the Scheduled Castes and the Scheduled Tribes. I can name the constituencies in this country where the poor Scheduled Castes are denied the right of exercising their franchise even today. Is it not a fact?

With these words, I offer my heartfelt support and congratulate the Home Minister and the Prime Minister for bringing this piece of legislation which will go a long way to ameliorate the underdogs, the downtrodden people, the Scheduled Castes and the Scheduled Tribes.

There are certain things which the Home Minister should immediately attend to. There are certain tendencies growing in the country in the name of anti-Scheduled Castes and anti-Scheduled Tribes. There are regular agitations going on in a few States, of course encouraged by the communal and the sectional factions of the power politics in the States. I would request the hon. Home Minister to take a serious note of it because these concessions have constitutional sanction. They are provided in the Constitution of India. Anybody opposing these concessions to the weaker sections should be treated as anti-national and they should be treated as those who are opposed to the very idea of attending to the problems of the weaker sections.

[Shri Buta Singh]

In the matter of Services, I will come to that when an opportunity comes, but having had the opportunity of heading a Parliamentary Committee for three years, I have some little experience. Let the Government take a very serious note of all the reports that have been produced by the Parliamentary Committee on the subject and also go in depth through the reports of the Scheduled Castes Commissioner so that the Government will be in a real position to do something for the people belonging to Scheduled Castes and Scheduled Tribes.

*SHRI THAZHAI KARUNANITHI (Nagapattinam): Hon. Mr. Deputy Speaker, Sir, at the very outset I would like to express my gratitude to my beloved leader Dr. Kalaingar Karunanidhi and the people of my constituency who have given me this grand opportunity to make my maiden speech on the floor of this august House.

I would like to say on behalf of Dravida Munnetra Kazhagam that we are all grateful to Shrimati Indira Gandhi, our Prime Minister, who has introduced this 45th Constitution (Amendment) Bill. It is only appropriate to recall that a decade ago it was during the enlightened rule of Shrimati Indira Gandhi that the reservation, for the scheduled castes was given statutory support. Now it has again been left to her to introduce this Constitution Amendment Bill which seeks to extend the reservation for them.

There cannot be any dissent from any quarters of this House that the scheduled caste people should get the reservation because then alone the centuries-old economic and social backwardness can be eradicated. Mahatma Gandhi, Jawaharlal Nehru and Ambedkar and many other

illustrious sons of India like Thanthai Periar, Arignar Anna and Dr. Kalaingar Karunanidhi who has been relentlessly waging a war on untouchability following the footsteps of the two eminent sons of Tamil Nadu have all been concerned with the woes and wails of these unfortunate children of mother India. The country has got freedom, but these people have not yet been freed from their economic and social slavery. They are treated worse than the dogs and pigs. It is ironical that while the dogs and pigs are patted with paternal affection these human beings are kept at a distance from upper class people. Their trials and tribulations can be ended if this reservation with statutory support becomes a permanent feature; this reservation should not become a mercy in the hands of authority. To give an example, there is reservation of jobs for these people in the Government and public sector; but there is no such job reservation in the private sector. How do we expect to eliminate their economic dependence if we do not ensure job reservation in all the services? If a scheduled caste candidate embraces Islam, he can become a Maulana; if a scheduled caste candidate joins Christianity, he can become a Father. But in Hinduism he cannot become a temple *poojari*. During his chiefministership, Dr. Kalaingar Karunanidhi removed this disability of these people through law providing that scheduled caste people can also become temple *poojaris*. I take this opportunity to appeal to our Hon. Prime Minister that this law should become universal throughout India; it should become a central law.

With these few words, I conclude my speech thanking the Chair for the indulgence shown towards me.

SHRI P. K. KODIYAN (Adoor): I am thankful to you for giving me this opportunity to speak on this very important subject.

*The original Speech was delivered in Tamil.

I think the entire House is in agreement with the proposed amendment. The reason for the founding fathers of our Constitution providing special safeguards for the scheduled castes and scheduled tribes still exists, namely their social backwardness. In the last 30 years several things have been done by the Government, I do not deny it, but these things have not brought about any basic improvement in their living standards and their social status. I need not explain the various difficulties which are confronting them even today.

Everybody knows that the scheduled castes are subject to social oppression even today. Even social boycott is sometimes imposed on them. For days together they are not allowed to draw water and the shopkeepers are asked by the upper caste people not to supply even foodgrains to the scheduled castes with the result for days together they are forced to starve. One important criterion for determining the social backwardness is the prevalence of the practice of untouchability, whether they are suffering from that stigma. Even though there has been improvements in the urban areas, by and large, the practice of untouchability still continues in our country.

Education has provided them some better facilities of life, but those who have been covered by these educational facilities are a microscopic minority among the vast masses of the scheduled castes and tribes. Even the educated people sometimes do not get proper accommodation and they are being discriminated against in this respect when they are transferred to distant areas, particularly in the rural areas.

The most important aspect of improving the living conditions of the scheduled castes and scheduled tribes is to provide them with means for economic self-reliance and providing them land. The bulk of them are landless, and the tribal people have lost their land to money-lenders

and other vested interests. So far as the tribals are concerned, though many of the States have passed laws for restoration of land to them, nowhere it has been implemented. I would like to draw the attention of the Home Minister particularly to this aspect. The tribals are being pushed more and more to the interior of the forest areas and they are losing their land. So far as the Harijans are concerned, it was expected that as a result of the implementation of land reforms a considerable number among them would be provided with land. But the implementation of land reforms in our country was very very unsatisfactory. So that expectation also has been belied. The bulk of these people, whether they are Harijans or tribals, are agricultural workers and...

MR. SPEAKER: Please conclude. You were allotted only two minutes, and you have already taken five minutes.

SHRI P. K. KODIYAN: Let me complete this point. Though the States have passed laws fixing their minimum wages, it has not been implemented. I would request that this should be implemented. I agree with Shri Parulekar and Shri Buta Singh that this concession should also be extended to those who get converted into other religions viz, Buddhism and Christianity.

SHRI C. CHINNASAMY (Gopichettipalayam): Mr. Speaker, Sir. I, on behalf of All India Anna DMK Party welcome this Bill and extend my full support to the Constitution (Forty fifth Amendment) Bill, 1980.

This measure has come at the most opportune moment. I am extremely happy to note that this Bill carries out what my respected Leader, Thiru M.G.R. has cherished all along, that the special statutory provisions in respect of the Scheduled Castes and Scheduled Tribes should continue.

[Shri C. Chinnasamy]

In fact my party and the party Leader have taken a decision to reserve seats even in local body elections, which was hitherto unthought of by any political party in India.

With these words I conclude my speech.

श्री सुन्दर सिंह (फिल्लौर) : स्पीकर साहब, मैं आपको शुक्रिया अदा करता हूँ कि आपने मुझे बोलने की इजाजत दी।

34 साल इस देश में कांग्रेसी हकूमत रही। इन 34 सालों में हरिजनों को इतना मिला कि अभी तक वे आजादी के साथ वोट नहीं डाल सकते हैं। मैं आपको पंजाब की हालत बताता हूँ। लेण्ड रिफार्म्स न होने की वजह से वहाँ जमीन बड़े जमींदारों के पास है।

मैं हरिजनों को कहूँगा :

Nobody can get his rights by request, rights are wrested from unwilling hands.

जब तक आप डट कर मुकाबला नहीं करेंगे, कुछ नहीं होगा।

मैं माँग करता हूँ कि इसको जल्दी से पास किया जाए।

मेरी अब जिन्दगी को ठाँकर खाना नहीं आता,

मैं मजबूरे तमन्ना हूँ कि मर जाना नहीं आता।

तेरी बज्म में आ कर हमें जाना नहीं आता,

हवासाहोश खो कर दिल को समझाना नहीं आता।

हम ही तो इसके मालिक हैं,

कोई बेगाने के घर में बेगाना नहीं आता।

तेरे मस्तों को साकी शोरे महशर क्या उठाएगा

ये वो हैं जिन को पी कर होश में आना नहीं आता।

SHRI CHITTA BASU (Barasat): Sir, I take this opportunity to support the Bill which seeks to extend the period of reservation for another ten years for the Scheduled Castes, Scheduled Tribes and Anglo-Indian communities. Before we extend our support, I would urge upon the hon. Home Minister to make a correct reappraisal of the conditions of life and work of the Scheduled Castes and Scheduled Tribes in our country. If you allow me, Sir, I would just bring to your kind notice the observations made in the Twenty-Fourth Report of the Commissioner for Scheduled Castes and Scheduled Tribes, it is a horrible tale told by the Commissioner:

"They continue to submit to the decrees of fate rather than have the benefits of the decrees of our basic law. Liberty, Equality and Fraternity, so richly enshrined in the Constitution of the country have still to acquire any meaningful proposition for most of them....."

It further goes on to say:

"The nation's resolve made with due solemnity to secure to all the citizens 'Justice—Social and Economic' has remained just a promise, honoured perhaps more in breaches in the case of the Scheduled Castes and Scheduled Tribes."

Therefore, I would urge upon the hon. Home Minister to really understand the sense of frustration and disappointment caused to them, as has been revealed in the Twenty-Fourth Report of the Commissioner for Scheduled Castes and Scheduled Tribes. If we make a correct reappraisal of the situation in our country, particularly in regard to the condition of life and work of the Scheduled Castes and Scheduled Tribes, it will be a horrible profile for us to see. The number of persons living below the poverty line has been increasing day by day. It is estimated that in the urban areas, 55 per cent of the population and in rural areas 50 per cent of the population are living below the poverty line. Most of the Scheduled Caste and Scheduled

Tribe people belong to this category of people living below the poverty line.

You would also agree with me that bondage exists even today, even after three decades of our independence. Among many forms of exploitation of the Scheduled Castes and Scheduled Tribes is one which forces them to work as bonded labour.

There is a steep fall in the enrolment of Scheduled Caste students in Classes V to VIII, and this trend continues right upto higher education. Government's assistance is inadequate. This will be proved by the fact that only three lakh students belonging to the Scheduled Castes were in receipt of Government of India Post-Matric Scholarship in 1976-77. The progress of education is not very much satisfactory particularly among the Scheduled Tribes in our country.

I will mention only one point more. If you see the comparative figures in respect of education, particularly the literacy rate, you will find that, among the tribal communities, the literacy rate in 1971 had gone down as compared to 1961. This is a very revealing fact. In fact, there are certain tribal communities who are at zero level of literacy. The comparative data about rate of literacy during 1961 and 1971 show that, in the States of Andhra Pradesh, Assam, Bihar, etc.; there has been generally a decline in the literacy rate.

I only want to remind the hon. Minister of the speech made by Dr. Ambedkar. As a matter of fact, he was not in agreement with the reservation proposal for ten years when the Constituent Assembly was debating this. I am really surprised to know whether the Government has come to this conclusion, as my friend, Dr. Parulekar was saying, that the Scheduled Castes and the Scheduled Tribes will be brought on par with the vast masses of our people unless some economic assistance is given to them within this period of ten years and whether it is necessary to have a consideration of that point also.

SHRI P. M. SUBBE (Sikkim): Thank you very much for the opportunity you have given me.

I am representing Sikkim and Sikkim is the last State which had joined the mainstream recently. So it is the youngest State at the national level. I would earnestly request that if possible, special consideration should be given to my State. It is a very backward State, backward in all respects—economically, politically and educationally. Over and about that, the Scheduled Caste and Scheduled Tribe people are very much down-trodden and they are educationally backward. At the officer level you will find they are very meagre in number. So, if all our friends agree, the maximum facilities may be extended to Sikkim also.

SHRI FRANK ANTHONY (Nominated-Anglo-Indians): I did not wish to say anything except to thank the Prime Minister and her government for having brought in this amending Bill extending the period and also the other groups and parties for having generally supported this extension.

I only want to reply very briefly to Mr. Parulekar who questioned the need for continuation of the facility of reservation for the Anglo-Indian community as they are an intelligent and well-to-do community. He wanted Anglo-Indians to contest elections in the way the Scheduled Castes do. Here I just want to say this.

Not many members know how I secured this, provision. I had the blessings and the support of Gandhiji. I told him the special difficulties of my community. He lent me a powerful support and in appreciation of that he said 'Although relatively you should not get many seats but he gave me an assurance of not one, not two but three seats in the Constituent Assembly'. Jawaharlal Nehru and Sardar Patel and particularly, the Chairman of the Advisory Committee on Minority Rights gave me special and very powerful support.

[Shri Frank Anthony]

Now, Mr Speaker, you may not remember the original decision. The original decision was to give all the minorities reservation in the context of General Electorates as was done for the Scheduled Castes. But then Gandhiji was murdered and the whole matter was thrown back into the melting pot and the reservation for the minorities was withdrawn. I submitted my case again and this is what Jawaharlal Nehru and Sardar Patel said—I reproduced it in my book:

“The case of the Anglo-Indians presents special difficulties, not because they are a backward class but because of certain historical and other reasons. The special safeguards and the safeguards of the Scheduled Castes will remain intact.”

But Sardar Patel categorically said why it could not be in the background of an election.

“We cannot give them this reservation....I am quoting him:

...In a General Election which is meaningless. They are too small, too scattered. We cannot give them representation in the Upper House. If we have to give them effective representation, it will have to be in the lower House by nomination.”

I am grateful for the tribute that we are an intelligent community which contributed out of proportion to its size in the wars with Pakistan, but we are not a wealthy community. There is acute unemployment in my community and my estimate is that between 35 and 50 per cent of the community to-day is unemployed.

श्री अरविंद नेताम(कांकेर): अध्यक्ष महोदय, मैं इस विधेयक के समर्थन में खड़ा हुआ हूँ। सर्वप्रथम मैं प्रधान मंत्री और गृह मंत्री को इस बात के लिए बधाई देना चाहता हूँ कि यह विधेयक ठीक समय पर पेश किया गया है।

जहाँ तक आरक्षण के समय को और दस साल बढ़ाने का सम्बन्ध है संविधान के निर्माताओं ने इस देश के शिड्यूल कास्ट्स और शिड्यूल्ड ट्राइब्स को ये सुविधायें दी थीं। जब भी इस प्रकार का विधेयक सदन में आता है तो हमेशा यह पूछा जाता है कि इस बात की क्या गारण्टी है कि दस सालों में इन लोगों का आर्थिक और शैक्षणिक विकास हो जायेगा। मैं इस देश के लोगों को और खासकर समाज के उच्च वर्ग को कहना चाहता हूँ कि अगर सब लोग अपनी भावनाओं को बदलें और दिल से चाहें कि ये दोनों पिछड़े वर्ग आगे बढ़ें तो मैं समझता हूँ कि इस रिजर्वेशन और प्राथमिकता देने की जरूरत नहीं होगी।

माननीय सदस्य श्री बूटा सिंह ने कहा है कि इस देश में कुछ ऐसे तत्व हैं जो इसका विरोध करते हैं। उनके विरोध का कारण तो समझ में नहीं आता है, लेकिन यह बात सही है कि जिन जातियों पर सैकड़ों हजारों सालों से ज्यादतियाँ हुई हों यह असम्भव है कि सिर्फ बीस तीस सालों में उन सब की उन्नति हो जाये उनमें जाग्रति आ जाये। इस लिए मैं चाहता हूँ कि समाज के अन्य लोग उन्हें आगे बढ़ाने के लिए सहयोग दें। जब तक वे ऐसा नहीं करेंगे तब तक महज सरकार की सहायता से वे आगे नहीं बढ़ सकते हैं। किसी भी वर्ग को आगे बढ़ाने के लिए समाज के दूसरे वर्गों के सहयोग और सहायता की आवश्यकता होती है। मैं चाहूँगा कि इस देश के लोग इन वर्गों को आगे बढ़ाने में मदद करें।

मैं गृह मंत्री महोदय से यह बात खास तौर पर कहना चाहता हूँ कि यह देखने में आया है कि बहुत से आदिवासी क्षेत्रों में दूसरे लोगों का काफी संख्या में प्रवेश हो रहा है। इसके कारण आदिम जातियों में जो असुरक्षा या अशांति की भावना पैदा हो रही है, गृह मंत्री महोदय उसकी ओर विशेष ध्यान दें। मैं दूसरे लोगों के आदिवासी क्षेत्रों में जाने का विरोध नहीं करता हूँ लेकिन सब से बड़ी बात यह है कि आदिम जाति के लोग उनके आने की वजह से असुविधा और असुरक्षा महसूस कर रहे हैं। गृह मंत्री महोदय जानते हैं कि इसके कारण बहुत से आदिवासी क्षेत्रों में खासकर ईस्टर्न स्टेट्स में कई समस्याएँ उठ रही हैं इसलिए वह इस बात का विशेष खयाल रखें। ये, बहुत सेन्सिटिव एरियाज हैं इसलिए ऐसी कोई व्यवस्था होनी चाहिए कि वहाँ बाहर के कम से कम लोग जायें ताकि वहाँ असुविधा और असुरक्षा की भावना पैदा न हो।

मैं एक बार फिर प्रधान मंत्री और गृह मंत्री को बधाई देता हूँ कि वह समय पर इस विधेयक को लाये हैं। मैं इस विधेयक का समर्थन करता हूँ।

*SHRI BAJU BAN RIYAN (Tripura East): Mr. Speaker, Sir, during the last 30 years the Government of India have been formulating various schemes for the welfare of Scheduled Castes and Scheduled Tribes people but I am to say with a deep sense of regret that not much has been done by way of implementation of these schemes and as a result of this we the Members of the SC & ST communities are lagging far behind the other communities of the country socially, economically and educationally too. Still today we cannot speak in our mother tongue in Parliament or in any State legislatures. So far as employment is concerned only the left front Government of West Bengal have reduced the educational qualifications to help the Members of these communities to get Government service. But I would like to know from the Government whether they or other State Government are going to emulate the example of the Govt. of West Bengal in the matter of giving employment to these people? If the Central and the State Governments were keen for the upliftment of the SC & ST people then surely they could have been benefitted in a big way within less than 10 years time but I have noticed with regret that both the Central and the State Governments had set up many Commissions for this purpose and during the course of time these Commissions had submitted their reports also but regrettably enough the Governments did not show enough zeal to implement the recommendations of the Commissions. The Left front Government of Tripura in pursuance of the provisions of the Constitution of India had suggested for the creation of District Councils for the Scheduled Tribes people and our party had fought and agitated for this issue also. We had demanded that not only in Tripura but in other parts of the country also such Councils should be created and more autonomy should be given to the tribal people. But once again it is our misfortune and it is a matter of regret that the Cong-

ress Governments particularly the Congress-I Governments had created impediments and even opposed our move. I would expect that the Central Government should atleast not oppose the creation of such Councils.

श्री राम लाल राही (मिथिला): अध्यक्ष महोदय, मैं आप को बधाई और धन्यवाद देना चाहता हूँ कि सातवीं लोक सभा में एक महत्वपूर्ण बिल पर आज प्रथम बार मुझे आप ने बोलने का अवसर दिया।

मैंने इस बिल में एक संशोधन पेश किया है और उस में यह कहा है कि संविधान की धारा 334 समाप्त कर दी जानी चाहिए। मैं उस के लिए डरते डरते इस सदन में तर्क पेश करना चाहता हूँ क्योंकि हर व्यक्ति ने समर्थन दिया है। मैं ऐसा मान कर चलता हूँ कि हमारे हिन्दुस्तान के अन्दर 30 साल की जो राजनीति रही है वह सत्ता की राजनीति रही है। सत्ता के लिए हमने धर्म और जाति के लोगों को संरक्षण और आरक्षण दे कर वोट हासिल करने का प्रयास किया है। अब इस देश के अन्दर अगर इस तरीके की राजनीति चलाई गई और इस तरीके की व्यवस्था चलाई गई तो मैं ऐसा मानता हूँ कि न हम देश बदल सकते हैं न समाज बदल सकते हैं और न गरीबी अमीरी की जो महत्वपूर्ण लड़ाई है उस लड़ाई पर हम विजय पा सकते हैं। मैं तो यह चाहंगा कि इस 334 आर्टिकल को हटा कर उस की जगह पर ऐसा न्यूनतम आर्थिक आधार रखना चाहिए जिस आधार से नीचे जो लोग हों उन लोगों को लोक सभा और विधान सभा के अन्दर जाना चाहिए। जब तक पिछड़े और गरीब लोग लोक सभा और विधान सभाओं के अन्दर नहीं आये तब तक गरीबों, छोटे लोगों और कमजोर लोगों के लिए यहां पर न कोई कानून बन सकता है और न उस कानून पर भ्रमल हो सकता है। मैं अपनी सरकार से कहना चाहता हूँ, हमारे माननीय गृह मंत्री जी बैठे हुए हैं, देखेंगे संविधान में इसके नीचे जो आर्टिकल 335 दिया हुआ है क्या उस 335 आर्टिकल की भावना को तीस सालों में पूरा करने का प्रयास किया गया। सरकार में चाहे जो लोग रहे हों वह सरकार चाहे जिस की रही हो मोरारजी भाई की, चाहे चौधरी चरण सिंह जी की, चाहे इंदिरा जी बैठी हों चाहे कमलापति जी बैठे हों, चाहे बाबू जगजीवन राम बैठे हों, चेहरे वही रहे हैं, कुसियां बदलती रही हैं, कभी कोई दायें चला गया, कभी बायें चला गया। लेकिन हमारे समाज का जो स्वरूप है उस स्वरूप में कोई ठोस आर्थिक या सामाजिक बदलाव नहीं कर पाये। मेरी दरदवास्त है इस सरकार से, माननीय इंदिरा गांधी जी से कि अब जाति और धर्म की राजनीति को छोड़ कर उन्हें अमीरी और गरीबी की महत्वपूर्ण लड़ाई को आगे लाना चाहिए जो दो वर्गों के बीच की लड़ाई है। जब देश के अन्दर अमीर और गरीब, इन दो वर्गों की लड़ाई को हम बढ़ावैयें सब जा कर हम हरिजनों को भी आरक्षण दे सकेंगे, दूसरों को भी आरक्षण दे सकेंगे और ब्राह्मण ठाकुर जो गरीब हैं उन को भी

[श्री राम लाल राही]

आरक्षण व संरक्षण दे सकेंगे। मैं कहना चाहता हूँ, हरिजनों को आरक्षण दिया गया, ब्राह्मण और ठाकुर उस के लिए हम से कहते हैं कि भाई, तुम तो सरकार के दामाद हो। हम को कहते हैं कि तुम तो दामाद हो सरकार के। हमारा नीतिरिचय में रिजर्वेशन पूरा नहीं है, हम जिला परिषद की चेयरमैन के लिए लड़ना चाहें तो नहीं लड़ सकते। क्षेत्र समिति के लिए, क्षेत्र प्रमुख के लिए, प्रधानी के लिए हम नहीं लड़ सकते हैं। यदि हम चुनाव लड़ते हैं तो जाति के आधार पर हम हार जाते हैं। समर्थन नहीं मिलता। फिर भी कहा जाता है कि हम सरकार के दामाद हैं। तो इस प्रकार की राजनीति नहीं चलनी चाहिए। यहां पर इस सदन में सी, सवा सी हमारे हरिजन सदस्य होंगे वे सोचते होंगे कि यह व्यक्ति आरक्षण का विरोध कर रहा है लेकिन मैं जानबूझ कर विरोध नहीं कर रहा हूँ। मैं इस बात को जानता हूँ कि अगर आरक्षण और संरक्षण न होता तो मैं यहां कदापि नहीं आ पाता। लेकिन जब मैं यहां पर चुनकर आया हूँ तो इसलिए आया हूँ कि मैं समाज के लिए कुछ कहूँ। मैं चाहता हूँ कि जिस समाज के लिए मैं यहां पर चुन कर आया हूँ उसके लिए कुछ कहूँ लेकिन मैं क्या कुछ कर पा रहा हूँ। इसलिए मेरा निवेदन है कि जब आप आरक्षण और संरक्षण की बात करें तो उसके पीछे जो मूल भावना है उस पर श्री अमल होना चाहिए। इस पर बल दें। जब तक उस पर अमल नहीं होगा तब तक काम नहीं चलेगा। अगर उस पर अमल नहीं करना है तो संरक्षण और आरक्षण देने का कोई लाभ नहीं होगा। फिर क्यों दिया जाना चाहिए। मैं चाहता हूँ अब सरकार विचार करे कि आरक्षण व संरक्षण जाति के आधार पर न हो कर गरीबी को आधार मान कर किया जाना चाहिए।

श्री चन्द्र पाल शैलानी (हाथरस) : अध्यक्ष महोदय, भारतीय लोकदल सबसे बड़ा विपक्षी दल है लेकिन आपने केवल एक आदमी को ही बोलने का मौका दिया है।

MR SPEAKER: I have given time according to the strength of the party in the House. I give it according to the time allotted—and even more than that. There can be no objection to it.

श्री धिरधी चन्द जैन (बाड़मेर) : अध्यक्ष महोदय, प्रस्तुत संविधान संशोधन विधेयक का समर्थन करते हुए मैं अपने विचार सदन के समक्ष प्रस्तुत करना चाहता हूँ। जब हमारी कांस्टीट्यूट असेम्बली ने संविधान बनाया था तब दस वर्ष के लिए प्रोटेक्शन दी गई थी। फिर उसको बीस वर्ष किया गया, फिर तीस वर्ष किया गया और अब हम 40 वर्ष करने जा रहे हैं। परन्तु हमें सोचना यह होगा कि जब हम इस प्रकार से बढ़ाते जा रहे हैं तो इसके लिए कोई कार्यक्रम भी बनाना होगा। अब हम दस वर्ष के लिए प्रोटेक्शन बढ़ाने जा रहे हैं तो दस वर्ष के लिए कार्यक्रम भी बनाना होगा ताकि आगे इसको बढ़ाने की आवश्यकता ही न रहे। यदि इसी प्रकार बढ़ाते जायें और अनुसूचित जाति

एवं जनजाति के लोग प्रगति न करें, उनकी गरीबी को न मिटा सकें, उनको ऐसी स्थिति में भी न ला सकें कि वे सरपंच और प्रधान के लिए खड़े हो सकें तो इसका कोई वास्तविक लाभ नहीं होगा। आज आवश्यकता इस बात की है कि देश में जितनी भी बड़ी बड़ी राजनीतिक पार्टियाँ हैं वह इस बात की कोशिश करें कि जनरल सीट्स पर शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब के लोगों को टिकट दें और वे उन सीटों से जीतकर इस सदन में आ सकें। यदि हम इस प्रकार से कोई प्लान नहीं बनाते हैं तो हम संरक्षण को बढ़ाते जायेंगे परन्तु उसके पीछे जो एक उद्देश्य है वह पूरा नहीं होगा। दस वर्षों के बाद फिर यहां पर सरकार को इसको आगे बढ़ाने का कारण बताना पड़ेगा। इसलिए मैं चाहता हूँ कि सरकार अनुसूचित जाति एवं जनजातियों के लिए पहले से ही ऐसी व्यवस्था करे कि आगे से फिर यहां पर आ कर इस संरक्षण को आगे बढ़ाने के लिए कारण न बताने पड़ें।

अभी आप जानते हैं कि छुआछूत का मामला बना हुआ है। आज भी मन्दिरों में हरिजनों का प्रवेश नहीं हो पाता। हमारे राजस्थान में बाड़मेर, जैसलमेर के जिलों में मन्दिरों में हरिजनों का प्रवेश नहीं है। इसलिए आपने जो कानून बनाए हैं उनको अमली जामा पहनाना पड़ेगा। यदि हम ऐसा नहीं करते हैं तो हम अपने कर्तव्यों का पालन नहीं करेंगे। पांच वर्ष के लिए यहां पर कांग्रेस (आई) की सरकार बनी है। जनता पार्टी की सरकार ने दस वर्ष का प्लान बनाया था लेकिन वह पांच साल भी नहीं चल सकी। लेकिन हमें विश्वास है कि पांच वर्ष तक कांग्रेस (आई) शासन में रहेगी। पांच वर्षों के अन्दर योजना बनानी चाहिए कि किस प्रकार से हम इन अनुसूचित जातियों और अनुसूचित जनजातियों की प्रगति करें, विकास करें, उन की गरीबी को मिटा दें, जिस से आरक्षण का दस वर्ष बाद अवसर देना न पड़े और हम अपने उद्देश्य में सफल हो सकें।

SHRI U. H. PATEL (Bulsar) :
(Spoke a few words in Gujarati):

एक माननीय सदस्य : अध्यक्ष महोदय, इन के भाषण का ट्रांसलेशन नहीं आ रहा है।

MR. SPEAKER: Today it is not possible to arrange for its translation.

Next time we will arrange for its translation. Mr. Patel, you may please finish your speech in two minutes.

*श्री उत्तम भाई पटेल (बलसार) : अध्यक्ष महोदय, यह जो 45वां संविधान संशोधन विधेयक पेश हुआ है, मैं उसका हार्दिक स्वागत करता हूँ। करोड़ों आदिवासियों और हरिजनों में इस आरक्षण अवधि के समाप्त होने पर निराशा के बादल छाये हुए थे, लेकिन इस नई सरकार ने सत्ता में आते ही यह महत्वपूर्ण संविधान संशोधन विधेयक पेश करके निराशा के बादल हटाने का जो कार्य किया है, उसके लिए मैं इस देश की प्रधान मंत्री श्रीमती गांधी को धन्यवाद देता हूँ। (व्यवधान) अध्यक्ष महोदय, आज भी इस देश के कई नागरिक अपने मूल अधिकारों का प्रयोग नहीं कर सकते हैं, जो हम सब के लिए दुर्भाग्यपूर्ण बात है। आर्थिक, शैक्षणिक और राजकीय दृष्टि से हरिजन और आदिवासी काफी पिछड़े हुए हैं।

आज भी गुजरात में धरमपुर जैसे जंगली क्षेत्र में आदिवासियों को पहनने के लिए केवल लंगोटी ही मिलती है।

बम्बई में आरे कालोनी में बैसों को रखने के लिए जो सुविधा उपलब्ध है, उस से भी काफी बदतर हालत आदिवासियों और हरिजनों की है। इसलिए, अध्यक्ष महोदय, मैं आपके द्वारा सदन का ध्यान इस बात की ओर आकृष्ट करना चाहता हूँ कि इस संशोधन विधेयक में आरक्षण के लिए जो व्यवस्था की गई है, उस पर पूरा-पूरा अमल करने के लिए तथा उसे युद्धस्तर पर प्रभावशाली ढंग से लागू करने के लिए केन्द्रीय सरकार द्वारा राज्य सरकारों को चेतावनी दिया जाना आवश्यक है।

अध्यक्ष महोदय, गुजरात राज्य की भांति आज भी अन्य राज्य भी हमारे देश में हैं, जहाँ नौकरियों में पिछड़े वर्गों के लोगों के लिए बाकायदा स्थान सुरक्षित रखे तो जाते हैं, लेकिन प्रथम और दूसरे वर्ग की नौकरियों में आरक्षित स्थानों पर नियुक्तियाँ ही नहीं की जातीं।

अध्यक्ष महोदय, यह संशोधन विधेयक करोड़ों आदिवासियों और हरिजनों में नई चेतना पैदा करेगा।

अन्त में मैं अपनी ओर से एक नम्र निवेदन कर के अपना वक्तव्य समाप्त करूँगा।

इस संशोधन विधेयक में आरक्षण की अवधि 10 वर्ष की ही रखी गई है। इस के बजाय, और अधिक—20 वर्ष की अवधि—बढ़ाने के लिए हमें सोचना जरूरी होगा।

अध्यक्ष महोदय : ज्ञानी जैल सिंह।

श्री सुरत भाव (अम्बोला) : अध्यक्ष महोदय मुझे दो मिनट टाइम दे दीजिए।

अध्यक्ष महोदय : आप का जितना टाइम था, उसका डबल-डबल टाइम मैंने दिया है। (व्यवधान)

आप दूसरी रीडिंग पर बोल लेना..... (व्यवधान)..... ऐसा कीजिए, आप दोनों दो-दो मिनट बोल लीजिए।

श्री चन्द्रपाल शैलानी (हाथरस) : माननीय अध्यक्ष जी, लोक सभा और विधान सभाओं में अनुसूचित जातियों तथा जन-जातियों के लिए आरक्षण की अवधि बढ़ाई जा रही है और इस सम्बन्ध में माननीय गृह मंत्री जी ने विधेयक पेश किया है। इस सम्बन्ध में आप ने मुझे जो टाइम दिया है, उस के लिये मैं आप का हृदय से आभारी हूँ।

पेशतर इस के कि मैं इस पर अपने विचार प्रकट करूँ, मैं आप का ध्यान अनुसूचित जातियों एवं जन-जातियों के लिए सरकारी नौकरियों में जो आरक्षण है, उस की तरफ आकर्षित करना चाहता हूँ। मान्यवर, मुझे खेद के साथ कहना पड़ रहा है कि आज़ादी के 32 साल बाद भी आज सरकारी नौकरियों में शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स के लोगों का कोटा पूरा नहीं हुआ है। इसका एक मात्र कारण भारतीय संविधान का अनुच्छेद 335 है।

“335. The claims of the members of the Scheduled castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State”.

मान्यवर, मैं यह कहना चाहता हूँ कि भारतीय संविधान का अनुच्छेद 335 ही सारी बुराइयों की जड़ है। अगर इस को डिलीट कर दिया जाए तो मेरा अपना विश्वास है कि शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स के लोगों के लिए जो नौकरियों में रिजर्वेशन है वह पूरा हो जाएगा क्योंकि “मेण्टीनन्स आफ एफीशियेन्सी आफ एडमिनिस्ट्रेशन” शब्द हमारे यहां के अच्छे-अच्छे काबिल, सुयोग्य और क्षमताशील लोगों को सर्विस में नहीं आने देते और इस वजह से उन को रिजेक्ट कर दिया जाता है कि आप काबिल नहीं हैं। इसलिए यह आर्टिकल डिलीट होना चाहिए। अगर सर्विसेज में शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स का रिजर्वेशन पूरा नहीं होगा, तो राजनीतिक रिजर्वेशन का कोई माइने नहीं है, उसकी कोई अहमियत नहीं है क्योंकि इस रिजर्वेशन ने जो राजनीतिक कार्यकर्ता पैदा किये हैं, देखने में यह आया है कि जितनी पालीटीकल पार्टिज हैं, उन में सबर्ण नेतृत्व है और वह नेतृत्व ही हावी है। जब भी

[श्री चन्द्रपाल शैलानी]

टिकट देने का मसला आता है, तो सर्वण हिन्दू नेतृत्व, इस बात पर जोर देता है कि जो हमारा बिस्तर ढोने वाले हैं, जीहजुरी करने वाले और पैर छूने वाले हैं, उनको ही टिकट मिलते हैं और जो योग्य हैं, जो पढ़े-लिखे हैं, जिन में राजनीतिक चेतना है, सूक्ष्मज्ञ है, जो अपने अधिकारों के लिए लड़ना चाहते हैं, उन लोगों की उपेक्षा की जाती है। इस तरह से विधान सभाओं में और लोक सभा में जो रिजर्वेशन है उसके कारण ऐसे लोग यहां पर आ जाते हैं जो केवल हाथ उठाने का काम करते हैं।

15 hrs,

अध्यक्ष महोदय : अब आप समाप्त कीजिए।

श्री चन्द्रपाल शैलानी : एक मिनट में खत्म कर रहा हूं। मैं आप का ध्यान कांस्टीच्यून्ट एसेम्बली की प्रोसीडिंग्स की तरफ ले जाना चाहता हूं। बाबा साहब डॉ० अम्बेदकर ने जब शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स के लिए पोलिटीकल रिजर्वेशन की बात की थी और उस के लिए उन्होंने एक बिल पेश किया था, तो उस वक्त सर्वण जाति के हिन्दू नेतृत्व ने उस का विरोध किया था और यह कहा था कि 10 साल तो ज्यादा होते हैं, इस को पांच साल रखा जाए। मेरे जैसा इन्सान हैरान है, परेशान है कि दस-दस साल कर के इस को बढ़ाया जा रहा है। पहले 10, 10 साल करके 30 साल बढ़ाया और अब फिर 10 साल के लिए इस को बढ़ा रहे हैं। इस में इन की क्या मंशा है, इन की क्या इन्टेंशन है, इन की क्या नीति है, यह मेरी समझ से बाहर है क्योंकि हमने यह देखा कि 30 साल के रिजर्वेशन के बाद भी जब श्री जगजीवन राम जी डॉ० सम्पूर्णानन्द की मूर्ति का अनावरण करने गये, तो उस के बाद उस को गंगा जल से धुलवाया गया। (व्यवधान).... मैं केवल यह कहना चाहता हूं, मेरी मुख्य बात यह गई है, कि मैं इस बिल का विरोध नहीं करना चाहता क्योंकि मेरे विरोध करने से कुछ होगा नहीं। जरूरत इस बात की है कि अगर सरकार यह चाहती है कि रिजर्वेशन बढ़ाया जाए, तो इस सम्मानित सदन में मैं एक सुझाव सरकार को देना चाहता हूं और मेरा सुझाव यह है कि शेड्यूल्ड कास्ट्स के लोगों के लिए एक सेपरेट एलेक्टोरेट होना चाहिए, प्रथक निर्वाचन प्रणाली होनी चाहिए और उन का एक प्रथक निर्वाचक मंडल होना चाहिए, जिस से सही प्रतिनिधित्व उन का हो सके। अगर ऐसा किया जाएगा तो इस से इन लोगों का भला होगा।

दूसरा मेरा सुझाव यह है कि इन का प्रोपोर्शनल रीप्रेजेंटेशन होना चाहिए। जिस तरह से राज्य सभा में और विधान परिषदों में चुनाव होता है और रीप्रेजेंटेशन होता है, उसी तरह से इन के लिए भी होना चाहिए। (व्यवधान).... तादाद के बल पर आप मेरी आवाज को दबाना चाहते हैं। मैं यह निवेदन करना चाहता हूं कि अगर आप यह चाहते हैं कि शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स

के लोगों का सही रीप्रेजेंटेशन हाउस में हो तो उन का प्रोपोर्शनल रीप्रेजेंटेशन होना चाहिए।

इन शब्दों के साथ मैं आप को धन्यवाद देता हुआ अपनी बात को समाप्त करता हूं।

श्री सूरज भान (अम्बाला) : अध्यक्ष महोदय मैं आप को धन्यवाद देता हूं कि आप ने मुझे बोलने का समय दिया। मैं इस बिल का स्वागत करता हूं लेकिन स्वागत करने के साथ-साथ इस बात की तरफ ध्यान दिलाना चाहता हूं कि इस बिल के लाने के लिए ये इनडाइरेक्टली इस बात को एडमिट करते हैं कि पिछले 32, 33 सालों में इन लोगों की हालत में कोई ज्यादा सुधार नहीं हुआ, चाहे हुकूमत कोई भी रही हो। मुझे इस सम्बन्ध में एक शेर याद आ रहा है :

“हर चारागर को चारागरी से गुरेज था
वरना हमारा मर्ज कोई लादवा न था”।

अध्यक्ष महोदय मैं एक बात यह भी कहना चाहता हूं कि 10 साल के बाद फिर यह बिल लाना न पड़े, उस के लिए कुछ सुझाव देना चाहता हूं।

सब से पहली बात तो यह है कि इन की हालत सुधारने के लिए एक सेपरेट मिनिस्ट्री हरिजनों व आदिवासियों के लिए अलग से बने जो कि इन के सारे कामों को देखे।

दूसरा मेरा सुझाव यह है कि इन की आबादी 20 फ्रीसदी है, इसलिए बजट का 20 फ्रीसदी रुपया इन के लिए रिजर्व किया जाए और वह इन लोगों की भलाई के कामों में खर्च किया जाए क्योंकि जब तक इन की आर्थिक स्थिति नहीं सुधरेगी ये अपने पैरों पर खड़े नहीं हो सकते हैं।

तीसरी बात मैं यह कहना चाहता हूं कि सर्विसिज में जो रिजर्वेशन है, वह इम्प्लीमेंट नहीं की जा रही है। जो लोग इसे इम्प्लीमेंट नहीं करते हैं, उनके लिए कानून में कोई सजा नहीं है। इस लिए मेरा सुझाव है कि सेन्ट्रल गवर्नमेंट की तरफ से कानून पास किया जाए और उसमें प्राविजन किया जाए कि जो इसे इम्प्लीमेंट नहीं करेंगे, उनको सजा मिलेगी। कई असेम्बलीज ने ऐसा कानून पास किया है। वेस्ट बंगाल, मणिपुर, त्रिपुरा सरकारें जब ऐसा कानून पास कर सकती हैं तो सेन्ट्रल गवर्नमेंट क्यों नहीं पास कर सकती है? इसलिए इस तरह का कानून पास किया जाए।

चौथा सुझाव यह है कि इस बिल की रेटिफिकेशन स्टेट्स से होनी चाहिए और अगले सेशन से पहले होनी चाहिए। यह बेहतर होगा। इस बात की बड़ी चर्चा है, कहीं किसी गलतफहमी के कारण ऐसा न हो कि इस बिल को हाई कोर्ट में या सुप्रीम कोर्ट में ले जा कर रिजेक्ट करवा दिया जाए। मेहरबानी करके यह जरूर कीजिए।

अध्यक्ष महोदय दो काम और रह गये हैं। एक तो सिविल राइट्स प्रोटेक्शन की इम्प्लीमेंटेशन का और दूसरा पिछली सरकार ने जो शेड्यूल कास्ट्स और शेड्यूल ट्राइब्स का कमीशन बनाया था उसको कांस्टीट्यूशनल स्टेट्स देने का। इस कमीशन को कांस्टीट्यूशनल स्टेट्स दे दीजिए यह भी मेरा सुझाव है।

आखिर में, मैं कहना चाहता हूँ कि कांग्रेस सरकार ने भी 1968 में रिजिजन आफ दि लिस्ट आफ शेड्यूलड कास्ट्स, शेड्यूलड ट्राइब्स के लिए एक कमेटी बिठाई थी और जनता सरकार ने भी बनाई थी जो कि पालियामेंट के टूटने के कारण रिवाइज नहीं हो पाई है। एक करोड़ ऐसे हरिजन हैं जो लिस्ट में नहीं हैं। वे लोग भी शेड्यूलड कास्ट्स और शेड्यूलड ट्राइब्स की लिस्ट में शामिल हो जाएं ऐसा इन्तजाम और कर दीजिए ॥

गृह मंत्री (श्री जैल सिंह) : माननीय सभापति महोदय इस बिल को पेश करते समय, मुझे ख़ुशी है कि अपोजिशन की तरफ से यह सुझाव आया कि इस बिल को बगैर डिस्कशन के पास कर देना चाहिए। मैं इस बात के लिए भी मशकूर हूँ कि ज्यादातर मेम्बर साहिबान ने सरकार को इस बिल के लिए बधाई दी है और इस बिल को ख़ुशी से वेलकम किया है। जहाँ मेम्बर साहिबान ने इसे वेलकम किया, वहाँ कुछ सुझाव भी दिये जिनमें से कुछ सुझाव बहुत कीमती सुझाव हैं। जो डिबेट की कापी होगी उसे मैं अपनी टेबल पर रखूँगा और देखूँगा कि कहां तक इस में कमी रह गई है जिससे कि उसे दूर कर सकूँ और मेम्बर साहिबान के जो विचार हैं उनको इम्प्लीमेंट करने की भी कोशिश करूँ।

इस बिल पर ज्यादा कुछ कहने की ज़रूरत नहीं है मगर दो तीन बातें जो मेम्बर साहिबान की तरफ से कही गई हैं उनका जवाब देना बहुत ज़रूरी मालूम होता है। जहाँ इस बिल को दोस्तों ने वेलकम किया वहाँ दोस्तों ने यह भी कहा कि तीस साल तक जब हमारी सरकार शेड्यूलड कास्ट्स और शेड्यूलड ट्राइब्स के लिए कुछ नहीं कर सकी तो वह आइन्दा कैसे करेगी। यह भी कहा गया कि इसके लिए दस साल का वक्त बढ़ाने का मतलब यही एडॉप्ट करना है कि इनके लिए अब तक कुछ नहीं किया गया। आखिर में, हमारे दोस्त ने एक शेर भी पढ़ा और बताया कि इस असें में भी कुछ होने वाला नहीं है इसका कोई फायदा उनको नहीं पहुंचेगा। उस तरफ की बेंचों पर बैठने वाले मेरे दोस्त जो ढाई साल तक इस तरफ बैठे रहे, आज उनकी बात को सुन कर आश्चर्य होता है। वे ढाई साल तक इधर की बेंचों पर बैठ कर मुल्क पर राज करते रहे और आज इस तरह की बातें कर रहे हैं।

मैं उन मेम्बर साहिबान से सहमत हूँ जिन्होंने यह कहा कि उस दौरान हरिजनों को जिन्दा जलाया गया उनकी बहु-बेटियों की इस्मत लूटी गई, उनको उनके मकानों से निकाल दिया गया। (व्यवधान)

मैं इस बात से भी सहमत हूँ कि उस वक्त में स्वर्ण जाति के लोगों ने उनके साथ बहुत मजाक किया, उनकी रिजर्वेशन का मजाक उड़ाते हुए जुल्म जितना हो सकता था वह किया। लेकिन मैं आनरेबल मैम्बर से अदब से कहना चाहता हूँ कि आप और से देख लें।

फारफ्तो उसको सब बता देना गुनाह मेरा मगर इतना भी कह देना कि ये बातें सब—
जूवानी की थी।

जितना कुछ भी हुआ हरिजनों के साथ वह उस जमाने में हुआ जिस जमाने में हम लोग यहाँ नहीं थे।
(इंटरप्शन) ।

SHRI EDUARDO FALEIRO (Mormugao) : Babu Jagjivan Ram has admitted that atrocities on Harijans have increased during the Janata Party rule.

श्री आर० एल० भाटिया (अमृतसर) :
इससे आपके गुनाह नहीं छिपते।

श्री जैल सिंह : मैं आपकी मार्फत अपोजिशन ग्रुप के लीडर साहिबान से दरखास्त करूँगा कि वे अपने मैम्बरों पर कंट्रोल करें। अगर यही रास्ता अख्तियार किया गया तो हाउस की डिगनिटी में फर्क पड़ेगा और किसी के विचार जो हैं वे सामने नहीं आ सकेंगे।

मैं विरोधी दलों के मैम्बरों का बहुत सत्कार करता हूँ और हमेशा से सत्कार करने वाला हूँ। मैं डेमोक्रेसी में विश्वास रखता हूँ। अभी एक मेम्बर ने, जो विरोधी दल के बेंचों पर बैठे हुए हैं, कहा कि मैं इस बिल का विरोध नहीं करता इसलिए कि मेरे विरोध करने से कुछ बनता नहीं है। इससे यह जाहिर होता है कि वह विरोध तो करना चाहते थे लेकिन उन्होंने जान लिया कि यह बिल तो पास हो ही जाएगा इसलिए इसका उन्हें विरोध नहीं करना चाहिए।

कुछ माननीय सदस्यों ने यह शंका प्रकट की है कि इस रिजर्वेशन को खत्म कर देना चाहिए इस रिजर्वेशन से कुछ होता नहीं है। मैं आपका ध्यान इस ओर दिलाना चाहता हूँ कि तीस साल के असें में स्वर्गवासी पंडित जवाहर लाल नेहरू ने और आज की प्रधान मंत्री श्रीमती इंदिरा गांधी ने इन सब चीजों को इम्प्लीमेंट करने के लिए ही इस सभा में आकर इससे यह विधान बनवाया था। डा० अम्बेदकर इसके कर्ताधर्ता थे। उस जमाने में रिजर्वेशन का दस साल के लिए प्रावधान किया गया था और इस खयाल से हुआ था कि हम लोग तेजी के साथ इन लोगों को अपने साथ मिला सकें। दस साल के लिए इसको बढ़ाया गया। यह दस साल के लिए पंडित जी के जमाने में इसको बढ़ाया गया। और दस साल के लिए इंदिरा गांधी जी के जमाने

[श्री जैल सिंह]

में बढ़ाया गया। अब जो दस साल के लिए इसको बढ़ाया जा रहा है यह फिर श्रीमती इंदिरा गांधी के जमाने में ही बढ़ाया जा रहा है। (इंटरप्शन) मैं अपनी पार्टी के माननीय सदस्यों से दरखास्त करता हूँ कि वे बिल्कुल खामोश रहें कुछ न कहें। बड़े दिल और छोटे दिल का सबूत उस वक्त मिलता है जब आदमी मुसीबत में होता है या ताकत में होता है। आप ताकत में रह चुके हैं। अब अपोजीशन में बैठें तो बड़ा दिल बना कर बैठें। ...

(व्यवधान)

श्री जैल सिंह : स्पीकर साहब, मैं आप को बताऊँ हम को इस बात की खुशी है कि जब आप ट्रेजरी बेंचेंगे में रहे हम समझते थे कि वह एक डेमोक्रेसी की करामात थी। और अब भी डेमोक्रेसी की करामात है कि उन्होंने आप का इंतजार नहीं किया और 5 साल भी आप को नहीं दिये और उस तरफ बैठा दिया।

(Interruptions)

SHRI BAPUSAHEB PARULEKAR :
On a point of order.

(Interruptions)

MR. SPEAKER : He is on his legs.
He wants to raise a point of order.

AN HON. MEMBER : Let him refer
to the rule.

SHRI BAPUSAHEB PARULEKAR :
I will quote the rule. I would request
them not to assume the role of the
Speaker. We have raised so many
points during the debate on this Bill...
(Interruptions)

MR. SPEAKER : Under what rule
are you raising the point of order?

SHRI BAPUSAHEB PARULEKAR :
The hon. Minister is supposed to re-
ply to the points raised in the de-
bate.

MR. SPEAKER : There is no point
of order. It is out of order.

श्री जैल सिंह : स्पीकर साहब, मैं बड़े दिल की बात करता हूँ और विरोधी दल के नेताओं का सत्कार करता हूँ। लेकिन जो बातें उन्होंने कहीं हैं उन का जिक्र न करूँ तो यह अच्छा नहीं लगेगा। मैंने तो उन के शब्दों के मुताबिक ही कहा है। आप को बहुत बड़ा दिल दिखाना चाहिये। वहाँ बैठ कर हम ने भी बहुत सुनी है।

इस बिल का सब तरफ से स्वागत हुआ। मगर एक विरोधी दल के नेता ने कहा कि इस का कुछ फायदा नहीं है। मैं विरोध इसलिए नहीं करता क्योंकि मेरे विरोध करने से कुछ बनता नहीं। इस बात से उन को नाराज नहीं होना चाहिये। बल्कि सोचना चाहिये कि वे बहुत देर तक मैजोरिटी में और हुकूमत में रहे।

लेकिन उन्होंने इस तरफ ध्यान नहीं दिया। फिर लोक दल की सरकार बनी और वह पार्लियामेंट में ही नहीं आई।

SHRI JYOTIRMOY BOSU : We are
interested in the brilliant performance
and we want him to be there.

श्री जैल सिंह : आनरेबल मैम्बर ने जो शब्द कहे हैं, मैं जानता हूँ कि वह किस ख्याल से कहे हैं। उन्होंने परफार्मेंस की बात कही है। मैं उन की परफार्मेंस को भी अच्छी तरह से जानता हूँ। यह भी मैं जानता हूँ कि जब उन्होंने पायंट आफ आर्डर उठाना होता है, तो वह डिसआर्डर पैदा करने के लिये उठते हैं।

लफ्जों की जगलरी से कुछ नहीं बनता है। हम एक सही बिल पास कर रहे हैं, जिस को यहाँ पर सब लोगों ने वेलकम किया है। मैं कुछ लोगों के संदेह को दूर करने के लिए ये बातें कह रहा हूँ। मेरे खयाल से यह कहना गलतफहमी है कि तीस सालों में कुछ नहीं हुआ है। बहुत कुछ हुआ है। भारत वर्ष में सेन्ट्रल गवर्नमेंट हो, प्रान्तीय सरकार हो या यूनियन टैरिटरी की सरकार हो, रिजर्वेशन की वजह से कोई भी सरकार नहीं बन सकती है, अगर वहाँ पर हाउस में हरिजनों और आदिम जातियों को शामिल नहीं किया जाता है। लोक सभा में शैड्यूल्ड कास्ट्स के 79 मेम्बर्स और शैड्यूल्ड ट्राइब्स के 40 मेम्बर्स हैं, इसी तरह स्टेट असेम्बलीज में शैड्यूल्ड कास्ट्स के 556 मेम्बर्स और शैड्यूल्ड ट्राइब्स के 303 मेम्बर्स शामिल होते हैं, तभी ये हाउस मुकम्मल होते हैं, वरना नहीं। बहुत सी आर्थिक समस्याएँ हैं, जिन के बारे में राजनैतिक सत्ता मिलने के कारण शैड्यूल्ड कास्ट्स और शैड्यूल्ड ट्राइब्स की सहायता हुई है। मगर यह काम बहुत ज्यादा है। हम इस को पूरा करने की कोशिश करते रहे हैं और करना चाहते हैं।

कुछ मेम्बर्स साहबान ने जिक्र किया है कि हरिजनों से जमीनें छीनी गईं। किस वक्त छीनी गईं? मैं उनको याद दिलाना चाहता हूँ कि जब 20 प्वाइंट प्रोग्राम लागू हुआ, तो हिन्दुस्तान के उन तमाम खेत भजदूरों को एग्रीकल्चरल लेबर को, जिन के पास घर नहीं था, मकान बनाने के लिए चार-चार मरले का प्लाट अलाट किया गया। इस के अलावा बांडिड लेबर को खत्म किया गया। सरकार इन बातों पर ध्यान दे रही थी, लेकिन बीच में कुछ विघ्न पड़ा और उस की वजह से आज फिर हम को दस साल का वक्त और बढ़ाना पड़ा है, ताकि हम इन जातियों के सम्मान, इज्जत, आर्थिक दशा और राजनैतिक दशा के मामले में दूसरों के बराबर ले आयें।

कुछ दोस्तों का यह खयाल है कि दस साल और बढ़ाने से कुछ नहीं बनेगा, फिर दस साल बढ़ाना पड़ेगा। इस बात में काफी वजन है। हमने इस बात को देखा है। लेकिन अगर आज ही हम इस बात की चिन्ता, फिक्र, करने लगेंगे, तो हम आगे नहीं बढ़ सकेंगे। इस लिए यह कोशिश करनी चाहिये कि सरकार दस

साल में यह काम करे, और अगर फिर जरूरत पड़ती है, तो इस मुद्दे को और बढ़ाया जा सकता है। लेकिन यह नहीं होना चाहिए कि हम इस प्राविजन को खत्म कर दें।

एक मੈम्बर साहब ने कहा है कि रिजर्वेशन की जरूरत ही नहीं है, इस को खत्म कर देना चाहिए। (व्यवधान) मैं किसी दल की बात नहीं कर रहा हूँ, क्योंकि ए आई ए डी एम के, डी एम के और जनता पार्टी में बहुत से दोस्तों ने इस को बलकम किया है। उन्होंने इस का विरोध नहीं किया है। एक दोस्त ने विरोध किया था, इसलिए मुझे कुछ कहना पड़ा है।

एक आनरेबल मੈम्बर ने यह कहा था कि ऐंग्लो इंडियन को नामजदगी दी जाती है उस की अब जरूरत नहीं रही। जब हिन्दुस्तान आजाद हुआ तब तो यह बात ठीक थी, अब ठीक नहीं है। लेकिन मैं इस के ऊपर भी यह कहना चाहता हूँ कि ऐंग्लो इंडियन बहुत कम गिनती में हैं, उन की संख्या बहुत थोड़ी है और वह भी हमारी सोसाइटी के अंग हैं। हमारी भारत सरकार की नीति और हमारे नेता की नीति यह है कि हिन्दुस्तान में किसी भी आँख में आँसू नहीं आना चाहिए और कोई भी यह महसूस न करे कि उस का ब्याल नहीं रखा गया है।

मैम्बरों ने यह बात बिल्कुल दुरुस्त कही है कि बिलो पावर्टी लाइन जो लोग हैं उन में ज्यादातर हरिजन और आदिवासी आते हैं। इसलिए भी यह जरूरी है कि यह पोलिटिकल रिजर्वेशन हो ताकि वह सर्विसेज में भी रिजर्वेशन ले सकें और वह इस बात का ध्यान रखें कि आर्थिक दृष्टि से जो काम सरकार करती है उस का फायदा सिर्फ अर्बन क्लास को ही नहीं होता है बल्कि इन को भी होता है। जो लोग यह कहते हैं कि रिजर्वेशन से कुछ फायदा नहीं हुआ उन से मैं कहना चाहता हूँ कि उत्तम जाति के कमलापति जी जहाँ बैठते हैं, वहाँ पर बाबू जगजीवन राम जी उन से आगे बैठते थे। यह पंडित जवाहर लाल नेहरू जी की देन है और इस को इम्प्लीमेंट करने वाली श्रीमती इंदिरा गांधी है।

मैं ज्यादा कुछ कहना नहीं चाहता। मैं मੈम्बर साहबान का फिर शुक्रिया अदा करता हूँ कि उन्होंने बहुत वैल्युएबल सजेसज दिए हैं, अपनी राय दी है और इस बिल को बलकम किया है।

MR SPEAKER: Before I put the motion for consideration to the vote of the House, this being a Constitutional Amendment Bill, voting has to be by division. As Division Numbers have not so far been allotted to Members, it is not possible to hold the Division by Automatic Vote Recording Machine. Division will now take place by slip system. Members will be supplied at their seats with 'Aye'/'No' printed slips for recording their votes. 'Aye' slip is printed on

one side in green, both in English and Hindi and 'No' in red on its reverse. On these slips, Members may kindly record votes of their choice by signing and writing their names, constituency and State/Union Territory and date legibly at the places specified on the slip. Members who desire to record 'Abstention' may ask for the 'Abstention' slip which is in yellow colour. Immediately after recording his vote, each Member should pass on his slip to the Division Clerk who will call upon his seat to collect the same for handing over to the Officers at the Table.

Now, let the lobbies be cleared.

The lobbies have been cleared.

MR. SPEAKER: The question is:

"That the Bill further to amend the Constitution of India, be taken into consideration."

The Lok Sabha divided:

Division No. 1]

15.27 hrs.

AYES

Abbasi, Shri Kazi Jalil
Abdul Samad, Shri
Acharia, Shri Basudeb
Agarwal, Shri Satish
Ahmed, Shri Mohd. Asrar
Ahmad, Shri Md. Kamaluddin
Ajit Pratap Singh, Shri
Alluri, Shri Subhash Chandra Bose
Amarendra Singh, Shri
Anand Singh alias Annubhaiya, Shri
Anbarasu, Shri Era
Ansari, Shri Shafiqullah
Ansari, Shri Z. R.
Anthony, Shri Frank
Anuragi, Shri Godil Prasad
Anwar Ahmed, Shri
Appalanaidu, Shri S. R. A. S.
Arakal, Shri Xavier
Arjunan, Shri K.
Arunachalam, Shri M.
Ashfaq Hussain, Shri

Athare, Shri Chandrabhan Balaji
 Azad, Shri Bhagwat Jha
 Azad, Shri Gulam Nabi
 Aziz Imam, Shri
 Azmi, Shri A. U.
 Bagun, Sumbrui, Shri
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Balan, Shri A. K.
 Balanandan, Shri
 Baleshwar Ram, Shri
 Banatwala Shri G. M.
 Bansi Lal, Shri
 Banwari Lal, Shri
 Barman, Shri Palas
 Barot, Shri Maganbhai
 Barrow, Shri A. E. T.
 Barve, Shri J. C.
 Basu, Shri Chitta
 Behara, Shri Rasa Behari
 Bhagat, Shri Baliram
 Bhagat, Shri H. K. L.
 Bhagwan Dev, Shri
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhattacharya, Shri Sushil Kumar
 Bhikhabhai, Shri
 Bhoi, Dr. Karupa Sindhu
 Bhole, Shri R. R.
 Bhoje Reshma Motiram, Shri
 Bhuria, Shri Dileep Singh
 Bijendra Pal Singh, Shri
 Birbal, Shri
 Birender Singh Rao, Shri
 Biswas, Shri Ajoy
 Boddepalli, Shri Rajagopala Rao
 Bosu, Shri Jyotirmoy
 Buta Singh, Shri
 Chakraborty, Shri Satyasadhan
 Chakradhari, Shri
 Chandra Pal Singh, Shri

Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrasekharappa, Shri T. V.
 Charanjit Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaturvedi, Shrimati Vidyavati
 Chaudhary, Shri R. Motibhai
 Chaudhury, Shri Tridib
 Chavan, Shri Shankarrao Bhaurao
 Chavan, Shri Y. B.
 Chavda, Shri Ishwarbhai Khodabhai
 Chawdhury, Shri A. B. A. Ghani
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Chiranji Lal Sharma, Shri
 Chitturi Subba Rao Chowdhary, Shri
 Choubey, Shri Narayan
 Choudhari, Shrimati Usha Prakash
 Chouhan, Shri Fatebhanu Singh
 Chowdhary, Shri Saifuddin
 Dabhi, Shri Ajitsinh
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Damor, Shri Somjibhai
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri A. C.
 Das, Shri R. P.
 Dennis, Shri N.
 Deo, Shri K. P. Singh
 Deo, Shri V. Kishore Chandra S.
 Desai, Shri B. V.
 Devarajan, Shri B.
 Devinder Singh, Shri
 Dhandapani, Shri C. T.
 Dharmgaj Singh, Shri
 Digvijay Singh, Shri
 Dogra, Shri G. L.
 Doongar Singh, Shri
 Dorai Sebastian, Shri S. A.
 Dubey, Shri Bindeshwari
 Dubey, Shri Ram Nath

Ekka, Shri Christopher
 Era Mihan *alias* Ram Mohan R., Shri
 Faleiro, Shri Eduardo
 Fernandes, Shri George
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gaikwad, Shri Udaysingrao
 Gamit, Shri Chhitubhai
 Gandhi, Shrimati Indira
 Gandhi, Shri Sanjay
 Géhlot, Shri Ashok
 Ghorpade, Shri R. Y.
 Ghosh, Shri Niren
 Giri, Shri Sudhir Kumar
 Giriraj Singh, Shri
 Goel, Shri K. K.
 Gohil, Shri G. B.
 Gomango, Shri Giridhar
 Gopalan, Shrimati Suseela
 Goswami, Shrimati Bibha Ghosh
 Gounder, Shri A. Senapathi
 Gouzagin, Shri
 Gowda, Shri D. M. Putte
 Gufran Azam, Shri
 Gulsher Ahmed, Shri
 Gupta, Shri Indrajit
 Gurbinder Kaur, Shrimati
 Gurcharan Singh, Shri
 Hakam Singh, Shri
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Imbichi Bava, Shri E. K.
 Indra Kumari, Shrimati
 Jaffer Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jagpal Singh, Shri
 Jai Narayan, Shri
 Jaiba, Smt. Rane Sirdessai Saynogita
 Jain, Shri Bhiku Ram

Jain, Shri Virdhi Chand
 Jaydeep Singh, Shri
 Jena, Shri Chintamani
 Jethmalani, Shri Ram
 Jha, Shri Kamal Nath
 Jharkhande Raj, Shri
 Jitendra Prasad, Shri
 Kailash Pati, Shrimati
 Kalanidhi, Shri A.
 Kalpnath Shankar, Shri
 Kamakshaiah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Shrimati
 Kandaswamy, Shri M.
 Karan Singh, Dr.
 Karma, Shri Lachman
 Karunanithi Thazhai, Shri
 Kashirsagar, Shrimati Kesharbai
 Kashyap, Shri Jaipal Singh
 Kaul, Shrimati Sheila
 Kaushal, Shri Jagannath
 Keyur Bhusan, Shri
 Khan, Shri Arif Mohammad
 Khan, Shri Gayoor Ali
 Khan, Shri Malik M. M. A.
 Khan, Shri Zulfiqar Ali
 Kidwai, Shrimati Mohsina
 Kochack, Shri Ch. Rasool
 Kodiyan, Shri P. K. Adoor
 Krishan Pratap Singh, Shri
 Kuchan, Shri Gangadhar S.
 Kulandaivelu, Shri V.
 Kunhambu, Shri K.
 Kunwar Ram, Shri
 Lakkappa, Shri K.
 Lakshmanan, Shri G.
 Laskar, Shri Nihar
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Mahala, Shri R. P.
 Mahata, Shri C. R.

Mahendra Prasad, Shri
 Maitra, Shri Sunil
 Makwana, Shri Narsinh
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mallu, Shri A. R.
 Mandal, Shri Sanat Kumar
 Mani, Shri K. B. S.
 Manphool Singh, Shri
 Meena, Shri Ram Kumar
 Mehta, Shri Ajit Kumar
 Mehta, Dr. Mahipatray M.
 Mhalgi, Shri R. K.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Hari Nath
 Mishra, Shri Ram Nagina
 Mishra, Shri Satyagopal
 Mohammed Ismail, Shri
 Mohanty, Shri Brajamohan
 Mohite, Shri Yashawantrao
 More, Shri Ram Krishna
 Motilal Singh, Shri
 Mukherjee, Shrimati Geeta
 Mukherjee, Shri Samar
 Mukhopadhyaya, Shri Anand Gopal
 Mundackal, Shri George Joseph
 Murthy, Shri Kusuma Krishna
 Murthy, Shri M. Rajashekara
 Murthy, Shri M. V. Chandrashekhara
 Murugian, Shri
 Muttemwar, Shri Vilas
 Nadar, Shri A. Neelalohithadasan
 Nagaratnam, Shri T.
 Nahata, Shri B. R.
 Naidu, Shri P. Rajagopal
 Naik, Shri Surupsing H.
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Nanje Gowda, Shri H. N.
 Narayana, Shri K. S.
 Naval Kishore Sharma, Shri
 Nayak, Shri Mrutyunjaya
 Negi, Shri T. S.
 Netam, Shri Arvind

Ngangom Mohendra, Shri
 Nihal Singh, Shri
 Nikhra, Shri Rameshwar
 Nitya Nanda, Shri
 Pahadia, Shri Jagannath
 Palaniappan, Shri C.
 Pandey, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Parashar, Prof. Narain Chand
 Pardhi, Shri Keshao Rao
 Parmar, Shri Hiralal R.
 Parthasarathy, Shri P.
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Patel, Shri Ahmed Mohammed
 Patel, Shri Amrit
 Patel, Shri C. D.
 Patel, Shri Shantubhai
 Patel, Shri U. H.
 Pathak, Shri Anand
 Patil, Shri Balasaheb Vikhe
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri A. T.
 Patil, Shri Uttamrao
 Patil, Shri Vasantao
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Patnaik, Shri Janki Ballav
 Pattuswamy, Shri D.
 Penchalaiah, Shri
 Phulwariya, Shri Virda Ram
 Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Prabhu, Shri R.
 Pradhan, Shri Amar Roy
 Pradhani, Shri K.
 Prasanna, Shri S. N.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Qazi Saleem, Shri
 Quadri, Shri S. T.

Raghavan, Shri V. S. Vijaya

Rahi, Shri Ram Lal

Rahim, Shri A. A.

Rajamallu, Shri K.

Rajan, Shri K. A.

Rajda, Shri Ratansinh

Rajesh Kumar Singh, Shri

Raju, Shri P. V. G.

Rakesh, Shri R. N.

Ram, Shri Ramswaroop

Ramalingam, Shri N.

Ramamurthy, Shri K.

Ramanna Rai, Shri M.

Ramayan Rai, Shri

Ramulu, Shri H. G.

Ranbir Singh, Shri

Ranga, Shri N. G.

Ranjit Singh, Shri

Rao, Shri Ankineedu Prasada

Rao, Shrimati B. Radhabai Ananda

Rao, Shri Jagannath

Rao, Shri Jalagam Kondala

Rao, Shri M. Nageswara

Rao, Shri M. S. Sanjeevi

Rao, Shri M. Satyanarayana

Rao, Shri S. B. P. Pattabhi Rama

Rasheed Masood, Shri

Rathawa, Shri Amar Sinh

Rathod, Shri Uttam

Raut, Shri Bhola

Ravani, Shri Navin

Rawat, Shri Harish

Reddy, Shri G. S.

Reddy, Shri G. Narsimha

Reddy, Shri K. Vijay Bhaskara

Reddy, Shri M. Ram Gopal

Reddy, Shri P. Venkata

Riyan, Shri Baju Ban

Rothuama, Dr. R.

Roy, Shri A. K.

Roy, Dr. Saradish

Saha, Shri Gadadhar

Sahi, Shrimati Krishna

Sahu, Shri Narayan

Sajjan Kumar, Shri

Samin Uddin, Shri

Sangama, Shri P. A.

Sathe, Shri Vasant

Satish Prasad Singh, Shri

Satya Deo Singh, Prof.

Sayeed, Shri P. M.

Sawant, Shri T. M.

Selvaraju, Shri N. B. E.

Sethi, Shri Arjun

Sethi, Shri P. C.

Shailani, Shri Chandra Pal

Shaktawat, Prof. Nirmala Kumari

Shakya, Shri Ram Singh

Shakyawar, Shri Nathuram

Shamanna, Shri T. R.

Shantaram, Shri

Sharma, Shri K. C.

Sharma, Shri Munder

Sharma, Shri Nand Kishore

Sharma, Shri Pratap Bhanu

Sharma, Dr. Shankar Dayal

Sharma, Shri Vishwa Nath

Shastri, Shri Dharam Dass

Shastri, Shri Harikishan

Shastri, Shri Ramavatar

Shingada, Shri D. B.

Shiv Shankar, Shri P.

Shivendra Bahadur Singh, Shri

Shivkumar Singh, Shri Thakur

Sidnal, Shri S. B.

Singaravadivel, Shri S.

Singh, Shri B. D.

Singh, Shri C. P. N.

Sinha, Shri Dharam Bir

Sinha, Shrimati Ramdulari

Sivaprakasam, Shri D. S. A.

Solanki, Shri Babu Lal

Solanki, Shri Natvarsinh

Sentosh Mohan Dev, Shri

Soundararajan, Shri N.

Sparrow, General R. S.

Sreenivasa Prasad, Shri V.

Subbe, Shri P. M.

Sukhadia, Shri Mohanlal

Sukhbuns Kaur, Shrimati

Sunder Singh, Shri

Suraj Bhan, Shri

Surya Narayan Singh, Shri

Suryawanshi, Shri Narsing Rao

Swami, Shri K. A.

Syed, Shri Masudal Hossain

Tapeshwar Singh, Shri

Tariq Anwar, Shri

Tayeng, Shri Sobeng

Tayyab Husain, Shri

Tewari, Shri Chandra Bhal Mani

Tewari, Shri Narayan Datt

Tewary, Prof. K. K.

Thorat, Shri Bhausaheb

Thummalapalli, Shri Damodhar Reddy

Thungon, Shri Prem Khandu

Tirkey, Shri Pius

Tripathi, Shri Kamalapati

Tudu, Shri Manmohan

Tytler, Shri Jagdish

Uike, Shri Chhotelal

Vairale, Shri Madhusudan

Venkataraman, Shri R.

Velu, Shri A. M.

Venkatasubbaiah, Shri P.

Verma, Shri Chandradeo Prasad

Verma, Shri Jai Ram

Verma, Shri R. L. P.

Verma, Shri Raghunath Singh

Vishwa Nath Pratap Singh, Shri

Vyas, Shri Girdhari Lal

Wagh, Dr. Pratap

Wasnik, Shri Balkrishna Ramchandra

Yadav, Shri Chandrajit

Yadav, Shri D. P.

Yadav, Shri Ram Singh

Yadav, Shri Subhash Chandra

Yadav, Shri Vijay Kumar

Yazdani, Shri Golam

Yellaiah, Shri Nandi

Yusuf, Shri M.

Zail Singh, Shri

Zainal Abedin, Shri

Zainul Basher, Shri

NOES

Nil

MR. SPEAKER: The result of the division is: Ayes 416; Noes nil. The 'Ayes' have it, the 'Ayes' have it. The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

Clause 2—(Amendment of article 334.)

MR. SPEAKER: We now take up Clause 2. There are some amendments.

SHRI RAM VILAS PASWAN: I beg to move:

Page 1, line 8,—

for "forty years" substitute—
"sixty years". (1)

MR. SPEAKER: Shri Ram Lal Rahi. Is he moving his amendment?

SHRI RAM LAL RAHI: I am not moving.

MR. SPEAKER: Shri Mool Chand Daga. Is he moving his amendment?

SHRI MOOL CHAND DAGA (Pali): Not moving. I want to speak for a minute.

श्री राम विलास पासवान : अभी दोनों ओर के माननीय सदस्यों ने जोर जोर से कहा कि हरिजनों का रिजर्वेशन होना चाहिए। यह भी कहा कि हरिजनों के हित के जितने काम होने चाहिये नहीं हो सके। आप चाहे सरकारी नौकरियों के आंकड़ों को देख लें या हरिजनों पर होने वाले अत्याचारों को देख लें इनमें कमी नहीं आ रही है वे बढ़ रहे हैं और नौकरियों में भी इन के अधिकार इन को नहीं मिल सके हैं। तमाम सुझाव दिए जा रहे हैं। इन को जीव जन्तु ही समझा जाता है। चारों शंकराचार्य पुरी में बैठे हुए हैं। वहां से वे फरमान जारी करते हैं कि अछूत पेट से ही अछूत के रूप में पैदा हुआ है और उस पर असल होता है। श्री जगजीवन राम से बढ़ कर कोई हरिजनों का बड़ा नेता नहीं हो सकता है। उनके हाथों डा० सम्पूर्णानन्द की मूर्ति का जब अनावरण किया जाता है तो उस मूर्ति को फिरसे धोया जाता है और यह काम उन लोगों के द्वारा किया गया था जो उधर बैठे हुए हैं। (इंटरप्शन)

एक माननीय सदस्य : आप के राज्य में यह सब हुआ था।

श्री राम विलास पासवान : हम लोग चाहे जनता पार्टी में थे या लोक दल में आप प्रोसीडिंज उठा कर देख लें, जब कभी हरिजनों, अनुसूचित जातियों या जनजातियों का मामला आया, साठे साहब तथा दूसरे मित्र जानते हैं कि हम लोगों ने एक स्वर से उस का समर्थन किया था, हम लोगों ने किसी से कम आवाज नहीं उठाई थी। इस बात का हमें गर्व है। हम चाहते हैं कि हरिजन, आदिवासी जन जाति आदि के जितने भी माननीय सदस्य हैं वे चाहे किसी भी ओर बैठें हों, सभी इन जातियों के हितों की रक्षा करने के लिए कटिबद्ध हों। हम को वांडिड लेबर, बंधवा मजदूर नहीं बनाना चाहिये मैंने जो संशोधन दिया है मैं चाहता हूं कि विरोधी दल के तथा सत्ताधारी दल के माननीय सदस्य उसका एक स्वर से समर्थन करें। मैंने अपने संशोधन में कहा है कि सरकार जो दस साल के लिए इस रिजर्वेशन को बढ़ा रही है इसको बढ़ाकर के आप को तीस साल कर देना चाहिये। यह संशोधन मैंने इसलिए दिया है ताकि कहीं कल को आपकी ईंटेशन, आप का मोटिव गलत न हो जाए, आपकी नीयत गलत न हो जाए। मैं चाहता हूं कि सारा सदन एक स्वर से इसको पास करे।

श्री जैल सिंह : ग्रानरेबल मैम्बर के सुझाव को मैंने बड़े गौर से देखा है। लेकिन इस को मैं मंजूर नहीं कर सकता क्योंकि इसको मंजूर करने से ढिलाई पैदा हो जाएगी। काम में सुस्ती रहेगी। हम को दस साल इसलिए रखना है कि हम उन को दस साल के अन्दर अपने बराबर लाना चाहते हैं दूसरी जातियों के बराबर लाना चाहते हैं। अगर वे नहीं आते हैं, तो और समय भी दिया जा सकता है कोई इस में बाधा नहीं है। इस अवधि को बांधा नहीं जा सकता है। लेकिन आज हम को सिर्फ दस साल ही इस अवधि को बढ़ाना चाहिये।

MR. SPEAKER: So, do you persist with it?

SHRI RAM VILAS PASWAN:
Yes.

MR. SPEAKER: I shall now put Amendment No. 1 to Clause 2 moved by Shri Ram Vilas Paswan to the vote of the House.

Amendment No. 1 was put and negatived.

MR. SPEAKER: Now, Clause 2 has to be put to the vote. If the House agrees, I shall now put Clauses 1 and 2 together to the vote of the House because there is no amendment to Clause 1.

Before I put Clauses 1 and 2 to the vote of the House, this being a Constitution Amendment Bill, voting has to be taken by division. Let the lobbies be cleared....

Now the lobbies have been cleared.

The question is:

"That Clauses 2 and 1 stand part of the Bill."

The Lok Sabha divided:

Division No. 2] [16 hrs.

AYES

Abbasi, Shri Kazi Jalil
Abdul Samad, Shri
Acharia, Shri Basudeb
Agarwal, Shri Satish
Ahmed, Shri Mohd. Asrar
Ahmad, Shri Md. Kamaluddin
Ajit Pratap Singh, Shri
Alluri, Shri Subhash Chandra Bose
Amarendra Singh, Shri
Anand Singh, alas Annubhaiya, Shri
Anbarasu, Shri Era
Ansari, Shri Shafiqu-llah
Ansari, Shri Z. R.
Anthony, Shri Frank
Anuragi, Shri Godil Prasad
Anwar Ahmed, Shri
Appalanaidu, Shri S.R.A.S.

Arakal, Shri Xavier
 Arjunan, Shri K.
 Arunachalam, Shri M.
 Ashfaq Hussain, Shri
 Athare, Shri Chandrabhan Balaji
 Azad, Shri Bhagwat Jha
 Azad, Shri Gulam Nabi
 Aziz Imam, Shri
 Bagun Sumbru, Shri
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Balan, Shri A. K.
 Balanandan, Shri
 Baleshwar Ram, Shri
 Banatwalla, Shri G. M.
 Bansi Lal, Shri
 Banwari Lal, Shri
 Barman, Shri Palas
 Barot, Shri Maganbhai
 Barrow, Shri A. E. T.
 Barve, Shri J. C.
 Basu, Shri Chitta
 Behara, Shri Rasa Behari
 Bhagat, Singh Baliram
 Bhagat, Shri H. K. L.
 Bhagwan Dev, Shri
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhattacharya, Shri Sushil Kumar
 Bhikhabhai, Shri
 Bhim Singh, Shri
 Bhoi, Dr. Krupa Sindhu
 Bhole, Shri R. R.
 Bhoje Reshma Motiram, Shri
 Bhuria, Shri Dileep Singh
 Bijendra Pal Singh, Shri
 Birbal, Shri
 Birendra Singh Rao, Shri
 Biswas, Shri Ajoy
 Boddepalli, Shri Rajagopala Rao
 Bosu, Shri Jyotirmoy
 Buta Singh, Shri

Chakraborty, Shri Satyasadhan
 Chakradhari, Shri
 Chandra Pal Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrasekharappa, Shri T. V.
 Charanjit Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuji, Shri
 Chaturvedi, Shrimati Vidyavati
 Chaudhary, Shri R. Motibhai
 Chaudhury, Shri Tridib
 Chavan, Shri Shankarrao Bhaurao
 Chavan, Shri Y. B.
 Chavda, Shri Ishwarbhai Khodabhai
 Chawdhury, A. B. A. Ghani
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Chitturi, Shri Subba Rao Chowdhary
 Choubey, Shri Narayan
 Choudhari, Shri K. B.
 Choudhari Shrimati Usha Prakash
 Chouhan, Shri Fatebhanu Singh
 Chowdhary, Shri Saifuddin
 Dabhi, Shri Ajitsingh
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Damor, Shri Somjibhai
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri A. C.
 Das, Shri R. P.
 Dennis, Shri N.
 Deo, Shri K. P. Singh
 Deo, Shri V. Kishore Chandra S.
 Desai, Shri B. V.
 Devarajan, Shri B.
 Devinder Singh, Garcha, Shri
 Dhandapani, Shri C. T.
 Dharamgaj Singh, Shri
 Digvijay Singh, Shri
 Dogra, Shri G. L.
 Doongar Singh, Shri

Dorai Sebastian, Shri S. A.
 Dubey, Shri Bindeshwari
 Dubey, Shri Ram nath
 Ekka, Shri Christopher
 Era Mohan alias Ram Mohan R., Shri
 Faleiro, Shri Eduardo
 Fernandes, Shri George
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gaikwad, Shri Udaysingrao
 Gamit, Shri Chhitubhai
 Gandhi, Shrimati Indira
 Gandhi, Shri Sanjay
 Gehlot, Shri Ashok
 Ghorpade, Shri R. Y.
 Ghosh, Shri Niren
 Giri, Shri Sudhir Kumar
 Giriraj Singh, Shri
 Goel, Shri K. K.
 Gohil, Shri G. B.
 Gomango, Shri Giridhar
 Gopalan, Shrimati Suseela
 Goswami, Shrimati Bibha Ghosh
 Gounder, Shri A. Senapathi
 Gouzagin, Shri
 Gowda, Shri D. M. Putte
 Gufran Azam, Shri
 Gulsher Ahmed, Shri
 Gupta, Shri Indrajit
 Gurbinder Kaur, Shrimati
 Gurcharan Singh, Shri
 Hakam Singh, Shri
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Imbichi Bava, Shri E. K.
 Jaffer Sharief, Shri C. K.
 Jagjivan Ram, Shri

Jagpal Singh, Shri
 Jai Narayan, Shri
 Jaiba, Smt. Rane Sirdessai Saynogita
 Jain, Shri Bhiku Ram
 Jain, Shri Virdhi Chand
 Jaydeep Singh, Shri
 Jena, Shri Chintamani
 Jethmalani, Shri Ram
 Jha, Shri Kamal Nath
 Jharkhande, Rai, Shri
 Jitendra Prasad, Shri
 Kailash Pati, Shrimati
 Kalanidhi, Shri A.
 Kalpnath Shankar, Shri
 Kamakshaiah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Shrimati
 Kandaswamy, Shri M.
 Karan Singh, Dr.
 Karma, Shri Lachman
 Karunanithi Thazhai, Shri
 Kashirsagar, Shrimati Kesharbai
 Kashyap, Shri Jaipal Singh
 Kaul, Shrimati Sheila
 Kaushal, Shri Jagannath
 Keyur Bhusan, Shri
 Khan, Shri Arif Mohammad
 Khan, Shri Ghayoor Ali
 Khan, Shri Malik M. M. A.
 Khan, Shri Zulfikuar Ali
 Kidwai, Shrimati Mohsina
 Kochack, Shri Ghulam Rasool
 Kodyan, Shri P. K.
 Krishan Pratap Singh, Shri
 Krishnan, Shri G. Y.
 Kuchan, Shri Gangadhar S.
 Kulandaivelu, Shri V.
 Kunhambu, Shri K.
 Kunwar Ram, Shri
 Lakkappa, Shri K.
 Lakshmanan, Shri G.
 Laskar, Shri Nihar
 Lawrence, Shri M. M.

Madhukar, Shri Kamla Mishra

Mahabir Prasad, Shri

Mahajan, Shri Vikram

Mahajan, Shri Y. S.

Mahala, Shri R. P.

Mahata, Shri C. R.

Mahendra Prasad, Shri

Maitra, Shri Sunil

Makwana, Shri Narsinh

Mallanna, Shri K.

Mallikarjun, Shri

Mallu, Shri A. R.

Mandal, Shri Sanat Kumar

Mani, Shri K. B. S.

Manphool Singh, Shri

Meena, Shri Ram Kumar

Mehta, Shri Ajit Kumar

Mehta, Dr. Mahipatray M.

Mhalgi, Shri R. K.

Mirdha, Shri Nathu Ram

Mishra, Shri Hari Nath

Mishra, Shri Ram Nagina

Mishra, Shri Satyagopal

Mohammed Ismail, Shri

Mohanty, Shri Brajamohan

Mohite, Shri Yashwantrao

More, Shri Ram Krishna

Motilal Singh, Shri

Mukherjee, Shrimati Geeta

Mukherjee, Shri Samar

Mukhopadhyaya, Shri Anand Gopal

Mundackal Shri George Joseph

Murthy, Shri Kusuma Krishna

Murthy, Shri M. Rajashekara

Murthy, Shri M. V. Chandrasekhara

Murugian, Shri

Muttemwar, Shri Vilas

Nadar, Shri A. Neelalohithadasan

Nagaratnam, Shri T.

Nahata, Shri B. R.

Naidu, Shri P. Rajagopal

Naik, Shri Surup Singh, H.

Naikar, Shri D. K.

Nair, Shri B. K.

Nanje Gowda, Shri H. N.

Narayana, Shri K. S.

Naval Kishore Sharma, Shri

Nayak, Shri Mrutyanjaya

Negi, Shri T. S.

Netam, Shri Arvind

Ngangom Mohendra, Shri

Nihal Singh, Shri

Nikhra, Shri Rameshwar

Nitya Nanda Misra, Shri

Odedra, Shri Maldevji M.

Oraon, Shri Kartik

Pahadia, Shri Jagannath

Palaniappan, Shri C.

Pandey, Shri Kedar

Pandey, Shri Krishna Chandra

Panigrahi, Shri Chintamani

Panika, Shri Ram Pyare

Parashar, Prof. Narain Chand

Paradhi, Shri Keshao Rao

Parmar, Shri Hiralal R.

Parthasarthy, Shri P.

Parulekar, Shri Bapusaheb

Paswan, Shri Ram Vilas

Patel, Shri Ahmed Mohammed

Patel, Shri Amrit

Patel, Shri C. D.

Patel, Shri Shantubhai

Patel, Shri U. H.

Pathak, Shri Anand

Patil, Shri Balasaheb Vikhe

Patil, Shri Shankarrao

Patil, Shri Shivraj V.

Patil, Shri A. T.

Patil, Shri Uttamrao

Patil, Shri Vasantrao

Patil, Shri Veerendra

Patil, Shri Vijay N.

Patnaik, Shri Janki Ballav

Pattuswamy, Shri D.

Penchalaiah, Shri

Phulwariya, Shri Virda Ram

Pilot, Shri Rajesh
Poojary, Shri Janardhana
Prabhu, Shri R.
Pradhan, Shri Amar Roy
Pradhani, Shri K.
Prasanna, Shri S. N.
Pullaiah, Shri Darur
Pushpa Devi Singh, Kumari
Qazi Saleen, Shri
Quadri, Shri S. T.
Raghavan, Shri V. S. Vijaya
Rahi, Shri Ram Lal
Rahim, Shri A. A.
Rajamallu, Shri K.
Rajan, Shri K. A.
Rajda, Shri Ratansinh
Rajesh Kumar Singh, Shri
Raju, Shri P. V. G.
Rakesh, Shri R. N.
Ram, Shri Ramswaroop
Ramalingam, Shri N. Kudanthai
Ramamurthy, Shri K.
Ramanna Rai, Shri M.
Ramayan Rai, Shri
Ramulu, Shri H. G.
Ranabir Singh, Shri
Ranga, Shri N. G.
Ranjit Singh, Shri
Rao, Shri Ankineedu Prasad
Rao, Shrimati B. Radhabai Ananda
Rao, Shri Jagannath
Rao, Shri Jalagam Kondala
Rao, Shri M. Nageswara
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayana
Rao, Shri S. B. P. Pattabhi Rama
Rasheed Masood, Shri
Rathawa, Shri Amar Singh
Rathod, Shri Uttam
Raut, Shri Bhola
Ravani, Shri Navin
Rawat, Shri Harish
Reddy, Shri G. S.
Reddy, Shri G. Narsimha

Reddy, Shri K. Brahmananda
Reddy, Shri K. Vijay Bhaskara
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Venkata
Riyan, Shri Baju Ban
Rothuama, Dr. R.
Roy, Shri A. K.
Roy, Dr. Saradish
Saha, Shri Gadadhar
Sahi, Shrimati Krishna
Sahu, Shri Narayan
Sajjan Kumar, Shri
Samin Uddin, Shri
Sangama, Shri P. A.
Sathe, Shri Vasant
Satish Prasad Singh, Shri
Sawant, Shri T. M.
Sayeed, Shri P. M.
Selvaraju, Shri N. B. E.
Sethi, Shri Arjun
Sethi, Shri Prakash Chand
Shailani, Shri Chandra Pal
Shaktawat, Prof. Nirmal Kumari
Shakya, Shri Ram Singh
Shakyawar, Shri Nathuram
Shamanna, Shri T. R.
Shankaranand, Shri B.
Shantaram, Shri
Sharma, Shri K. C.
Sharma, Shri Munder
Sharma, Shri Nand Kishore
Sharma, Shri Pratap Bhanu
Sharma, Dr. Shankar Dayal
Sharma, Shri Vishwa Nath
Shastri, Shri Dharam Dass
Shastri, Shri Harikishan
Shastri, Shri Ramavatar
Shingda, Shri D. B.
Shiv Shankar, Shri P.
Shivendra Bahadur Singh, Shri
Shivkumar Singh, Shri Thakur
Shukla, Shri Vidya Charan
Sidnal, Shri S. B.

Singaravadivel, Shri S.
 Singh, Shri B. D.
 Singh, Shri C. P. N.
 Sinha, Shri Dharam Bir
 Sinha, Shrimati Ramdulari
 Sivaprakasam, Shri D. S. A.
 Solanki, Shri Babu Lal
 Solanki, Shri Natvarsinh
 Sontosh Mohan Dev, Shri
 Soundararajan, Shri N.
 Sparrow, General R. S.
 Sreenivasa Prasad, Shri V.
 Subbe, Shri P. M.
 Sukhadia, Shri Mohanlal
 Sukhbuns Kaur, Shrimati
 Sunder Singh, Shri
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Suryawanshi, Shri Narsing Rao
 Swami, Shri K. A.
 Swamy, Dr. Subramaniam
 Syed, Shri Masudal Hossain
 Tapeswar Singh, Shri
 Tariq Anwar, Shri
 Tayeng, Shri Sobeng
 Tayyab Husain, Shri
 Tewari, Shri Chandra Bhal Mani
 Tewari, Shri Narayan Dutt
 Tewary, Prof. K. K.
 Thorat, Shri Bhausahab
 Thummalapalli. Shri Damodhar
 Reddy
 Thungon, Shri Prem Khandu
 Tirkey, Shri Pius
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Tur, Shri L. S.
 Tytler, Shri Jagdish
 Uike, Shri Chhotelal
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.

Velu, Shri A. M.
 Venkatasubbaiah, Shri P.
 Verma, Shri Chandradeo Prasad
 Verma, Shri Jai Ram
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Vishwa Nath Pratap Singh. Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Chandrajit
 Yadav, Shri D. P.
 Yadav, Shri Ram Singh
 Yadav, Shri Subhash Chandra
 Yadav. Shri Vijay Kumar
 Yazdani, Shri Golam
 Yellaiah, Shri Nandi
 Yusuf, Shri M.
 Zail Singh, Shri
 Zainal Abedin, Shri
 Zainul Basher, Shri

NOES

NIL

MR. SPEAKER: The result** of the Division is: Ayes: 421; Noes: Nil.

The Ayes have it; The Ayes have it. The Motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The Motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Enacting Formula and the Title were added to the Bill. . .

गृह मंत्री (श्री जैल सिंह) : मैं प्रस्ताव करता हूँ,
 "कि विधेयक को पास किया जाय ।"

MR. SPEAKER: Motion moved:

"That the Bill be passed."

**The result of this division applies separately.

to each of the clauses, 2 and I

SHRI JYOTIRMOY BOSU (Diamond Harbour): Mr. Speaker, Sir, I have heard the speeches with rapt attention but I regret to say that no reference is made to the tribals particularly in North-Eastern region, people in Nagaland, Mizoram, Arunachal Pradesh and Tripura. The remoteness, lack of communication, lack of economic activities and development programmes and the dire poverty that I have seen during my last tour in that area would upset anybody. The situation in that area is very explosive and the foreign agencies are making hay while the sun shines. It is about time that government took care and paid attention to the tribals in the North-eastern region who have been neglected during the thirty-two year long rule here.

Sir, the Harijans are in a very bad shape....

16.16 hrs.

[SHRI TRIDIB CHAUDHURI in the Chair].

Mr. Bhola Paswan Shastri is not a CPM; he is not a communist at all. He had been to West Bengal. He has expressed it in very clear language that since the Left Front Government came into power in West Bengal what has been done for Harijans in West Bengal has no parallel in this country. He has given a complete certificate for it. Our harijan friends and scheduled tribes people live on land. The tribals live on forests. Now they have been deprived of making a living, securing their livelihood from the forest resources. I have been telling this House repeatedly that you will have to give some alternative source of livelihood to the tribals, but that has not been done at all. Land reform in its true sense and in the genuine sense of the term has not been done. Reservation of seats and all this would be only a lip-service and this is not going to take them anywhere unless we can give them what they really require—the land, the value of the inputs and the money for subsistence. These

three things are most important. Rao Birendra Singh Ji is sitting here. The ICAR the Laboratory-dancing, never goes to the farmer. Go and ask any scheduled caste or scheduled tribe people how much benefits they have derived out of this ICAR on which you have been spending hundred crores of rupees a year. Sir, I had been a Member of its Governing Body for 2-1/2 years and I am very shocked to see their performance. Kindly find out and make a special survey.

Sir, in the Bill there should be full coverage for those Scheduled Castes and Scheduled Tribes who have become Christians and who have become Muslims, neo-Buddhists and other minorities. The Muslims and other minorities are also the people in another neglected area. I would request the hon. Home Minister to make a note of this and see that their case is not neglected.

SHRI EDUARDO FALEIRO (Mormugao): There is a point of order.

SHRI JYOTIRMOY BOSU: I am speaking on the third reading. I am not yielding.

SHRI EDUARDO FALEIRO: On a point of order you have to yield.

SHRI JYOTIRMOY BOSU: I obey the Chair.

SHRI SHIVRAJ V. PATIL (Latur): Sir, on a point of order. Rule No. 94 reads like this:

"The discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech, a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character."

MR. CHAIRMAN: The Point of order does not arise. The Clauses

[Mr. Chairman]

have already been passed and now it is the final stage. Now it is the Third Reading stage of the Bill. Your Point of order does not arise. You please conclude.

SHRI JYOTIRMOY BOSU: I am concluding, Sir; only educate the hon. Member that in the Third Reading I can cover such areas which have not been covered already. I conclude to oblige you, Sir.

श्री रामावतार शास्त्री (पटना) : सभापति महोदय, मैं भारतीय कम्युनिस्ट पार्टी की तरफ से इस विधेयक का हार्दिक समर्थन करता हूँ। इस विधेयक के समर्थन में हिन्दुस्तान के तमाम लोगों ने अपनी आवाज लगाई है, वे हिन्दू हों, मुसलमान हों, सिख हों, ईसाई हों, सब ने तहेदिल से इस विधेयक का समर्थन किया है — यहाँ भी और इस सदन के बाहर भी। ऐसी स्थिति में यहाँ यह कहना कि इस का सारा श्रेय हिन्दुस्तान की प्रधान मंत्री — श्रीमती इंदिरा गांधी को है, यह गलत है... (व्यवधान) ... यह गलत है।

मैं समझता हूँ कि श्रीमती इन्दिरा गांधी को, खुद इस स्थिति को कबूल नहीं करना चाहिए। यह पूरी जनता की आवाज है, किसी एक व्यक्ति का करिश्मा नहीं है। मैं यह कहना चाहता हूँ कि यह जो बिल लाया गया है यह पूरे राष्ट्र की आवाज है और पूरे राष्ट्र के लोगों को इस का श्रेय मिलना चाहिए।

दूसरी बात मैं यह कहना चाहता हूँ कि हरिजनों, आदिवासियों और अल्पसंख्यकों के लिए केंद्र की सरकार ने, पश्चिम बंगाल की सरकार ने और त्रिपुरा की सरकार ने जितना काम किया है, उतना काम कांग्रेस ने 32 साल की अपनी हुकूमत में भी नहीं किया है।

एक बात मैं यह भी कहना चाहता हूँ कि कम्युनिस्ट पार्टी के लोगों ने हरिजनों एवं आदिवासियों के आन्दोलनों का नेतृत्व किया है और हम आगे भी इन लोगों का नेतृत्व करते रहेंगे।

इन शब्दों के साथ मैं इस संविधान (संशोधन) विधेयक का समर्थन करता हूँ।

सभापति महोदय : होम मिनिस्टर।

श्री जैल सिंह : सम्माननीय सभापति जी, आनरेबल मेम्बर श्री ज्योतिर्मय बसु ने बहुत कीमती बातें बताई हैं। उन्होंने एक बात तो यह बताई है कि हरिजनों पर उत्तर प्रदेश में, बिहार में...

सभापति महोदय : मिनिस्टर साहब, आप बाद में जवाब दे दीजिए। अभी एक मेम्बर को और बोलना है।

श्री केयूर भूषण।

श्री केयूर भूषण (रायपुर) : सभापति महोदय, मैं आप को धन्यवाद देना चाहता हूँ कि आप ने मुझे बोलने का समय दिया है।

मैं मध्य प्रदेश से आया हूँ जहाँ पर जनता पार्टी का शासन है, मगर इस चीज को कहने के लिए मैं जरा भी झिझक नहीं रहा हूँ कि वहाँ पर हरिजनों की जो स्थिति है, वह बहुत दयनीय है। हमारे यहाँ गुरु घासीदास एक महान सन्त हुए हैं। उनके स्मारक के लिए वहाँ पर जो जमीन एलाट हुई थी, कांग्रेस के राज्य में, ढाई सालों के प्रयत्न के बाद भी वह अभी तक नहीं मिल पाई है। मुझे इस की पूरी जानकारी है क्योंकि मैं हरिजन सेवक संघ का एक लम्बे समय से कार्य करता रहा हूँ। वहाँ जमीन मिलने में काफी कठिनाई हरिजनों को हो रही है और जो जमीनें उन्हें मिली हैं उन पर भी पूरी तरह से कब्जा नहीं दिया गया है। वहाँ के हरिजनों की स्थिति बहुत ही दयनीय है और आप को विशेषकर उस प्रदेश की ओर देखना होगा। हमारी प्रधान मंत्री जी की हरिजनों को सुविधाएं देने के बारे में बहुत बड़ी भूमिका रही है, इस बात को मानना पड़ेगा और जो दस साल का मौका उन्होंने और दिया है, उस के लिए वे बधाई को पात्र हैं।

एक बात मैं यह भी कहना चाहता हूँ कि जिन क्षेत्रों में आदिवासी रहते हैं, वहाँ पर वे लोग तथा हरिजन भाई बंधकों की तरह जी रहे हैं। ऐसे क्षेत्रों की तरफ माननीय मंत्री जी को विशेष ध्यान देना चाहिए और हम सब को यहाँ मिल कर उन लोगों के लिए कहना चाहिए कि उन के लिए विकास कार्य किए जाएं। हमारे कम्युनिस्ट साथी किसी एक वर्ग की ही बात को न लें बल्कि भारतवर्ष में, जहाँ पर जातिगत व्यवस्था है वहाँ जो पिछड़ी हुई जातियाँ और लोग हैं, उन को विशेष अवसर विकास करने के लिए देने होंगे और इस क्षेत्र में हम सब पूरी तरह से सहयोग करें, जिस से उन लोगों को अपने हक मिल सकें।

श्री जैल सिंह : सम्माननीय उपसभापति जी, श्री ज्योतिर्मय बसु ने कुछ महत्वपूर्ण बातें कहीं। उन्होंने कहा है कि उत्तर प्रदेश, बिहार और मध्य प्रदेश में जो ट्राइबल एरियाज हैं, हरिजनों पर, आदिम जातियों पर बहुत जुल्म हुए हैं, उन के साथ बहुत बेइसाफी हुई है। मैं बसु साहब से इस बात के लिए एग्री करता हूँ कि पिछले दो सालों में बहुत कुछ हुआ होगा। (व्यवधान)

श्री ज्योतिर्मय बसु : जैल सिंह जी मैंने 32 साल बोला है, दो साल नहीं बोला है।

श्री जैल सिंह : मैं श्री ज्योतिर्मय बसु साहब के साथ इस बात के लिए भी इत्तिफाक करता हूँ कि बहुत से गरीब लोग ईसाई, बुद्धिस्ट, मास्लमस का मजहब बदलने की वजह से इस कैटेगरी में नहीं आते। क्योंकि यह स्टेट सबजेक्ट है इसलिए उनके लिए हम प्रान्तीय सरकारों से कहेंगे कि वह बैकवर्ड क्लासिज के लिए कुछ करें। मैं ने तकरीबन सभी गवर्नरों से बात की है और मैंने उन के थू सभी को कंबे कर दिया है कि हरिजनों, गरीबों और वीकर सेक्शन पर जोरावरों के जो जुल्म हो रहे हैं, उन के साथ जो मारपिट्टाई की जा रही है। उन के साथ विन्डिक्टिवनेस का सबूक

किया जा रहा है वह फौरन बंद किया जाए। अगर यह सब बंद नहीं होता है तो मैं यकीन दिलाता हूँ कि यह सरकार जब यह देखेगी कि कहीं गरीबों को नहीं बचाया जा सकता है तो बड़े से बड़ा कदम उठाने में भी कोई श्रेय नहीं करेगी। यह सरकार को एहसास है कि ला एण्ड आर्डर स्टेट सजैक्ट है। (व्यवधान)

सभापति जी मैं आप के माध्यम से अपने दोस्तों से प्रार्थना करता हूँ कि वे हरिजनों की भलाई की बात सुनने में तो नाराज न हों।

मैं ज्योतिर्भय बसु का इस के लिये भी बड़ा मशकूर हूँ कि उन्होंने यहां यह बता दिया कि उनकी रक्षा के लिए उन को जमीनें देने के लिए धन देने के लिए जो सुविधाएं रखी गई हैं वह उन हरिजन और गरीब भाईयों को नहीं मिलती है इसलिए सरकार को उनको वे सुविधाएं दिलानी चाहियें। मैं कहना चाहता हूँ कि प्रांतीय सरकारों की तरफ से हरिजन कल्याण के लिए नीकर सेक्शनम के लिए जो कारपोरेशन बनाए गये हैं उन को पूरी सहायता दी जायगी और उन के बारे में सरकार पूरा ध्यान रखेगी।

एक बात उन्होंने कही कि पश्चिम बंगाल में जो हरिजनों के लिए किया गया वह कहीं नहीं किया गया। उस के बारे में मैं कुछ नहीं कहता। वह तो सब रिकार्ड में है और हम उस रिकार्ड को भी देखेंगे।

श्री ज्योतिर्भय बसु : कुछ नार्थ इस्टर्न रीजन के बारे में भी कहेंगे।

श्री जैल सिंह : मैंने पहले अपनी तकरीर में इस हाउस में एक बात कही है। कि आनरेबल मेम्बर साहेबान ने जो सुझाव दिये हैं उस सारी डिबेट की कापी मेरी टेबिल पर रहेगी और मैं उन्हें देखूंगा। क्योंकि इसमसले का सम्बन्ध मुझ से है।

16.30 hrs.

[MR. SPEAKER in the Chair.]

आनरेबल सी० पी० आई० के मेम्बर ने बड़े जज्बात से एक बात कही मैं उसकी कद्र करता हूँ।

हम भी इस में शामिल हैं। लेकिन इसका श्रेय प्राइम मिनिस्टर को नहीं जाना चाहिये यह भी उन्होंने कहा मैं कहना चाहता हूँ कुदरत या बुदा के साथ आप मुकाबला नहीं कर सकते हैं। उनको तो इसका श्रेय भला ही गया है। आपको भी मौका मिला था और आप भी ये सारी

बातें करवा सकते थे। लेकिन आप ने नहीं करवाई अर्द्ध साल आप हम लोगों को गालियाँ देते रहे। हमारे दोस्त थे हमारे साथ थे लेकिन उधर चले गए थे। वे चाहते तो इसका श्रेय चौधरी साहब को दिला देते या श्री मोरारजी भाई को दिला देते हमें क्या नुकसान था? लेकिन हमें ही उन्होंने इसका श्रेय दिलाना था और दिलाया है।

(व्यवधान)

MR. SPEAKER: Whatever is said without my permission, should not be recorded.

श्री जैल सिंह : मैंने पहले भी प्रार्थना की थी सम्माननीय बिरोधी दलों के नेताओं का मैं बड़ा सत्कार करता हूँ बड़ी इज्जत उनकी देता हूँ।

अध्यक्ष महोदय : जरूरत से ज्यादा करने लगे हैं।

श्री जैल सिंह : उनकी बात को मैं बड़े ध्यान से सुनता हूँ हम सब टेजरी बैचिंग के लोग सुनते हैं लेकिन उनको भी जरा फराबदिली से हमारी बातों को सुनना चाहिए। आपको मालूम होगा कि जब श्री मोरारजी भाई प्राइम मिनिस्टर थे और आनरेबल मेम्बर बहुत से जो आज उन बैचों पर बैठे हुए हैं वे तब मिनिस्टर थे और तब बिहार में हरिजनों को जिन्दा जला दिया गया था उनको गोली मार दी गई थी और तब तक अकेली श्रीमती इंदरा गांधी जिन के पास कोई सत्ता नहीं थी और जिन के खिलाफ मुकदमे ही मुकदमे चल रहे थे वहां गई थीं और लोगों के साथ उन्होंने अपनी सहानुभूति प्रकट की थी। मैं ज्यादा कुछ नहीं कहना चाहता हूँ। मैं तो सिर्फ इतनी ही प्रार्थना अपने दोस्तों से करना चाहता हूँ कि अपने गुनाह देखने के लिए किसी गैर की आंख चाहिये।

MR. SPEAKER: Before I put the motion that the Bill be passed to the vote of the House, this being a Constitution (Amendment) Bill, voting has again to be by division. Let the lobbies be cleared.

The lobbies have been cleared.

The question is:

"That the Bill be passed."

The Lok Sabha divided:

Division No. 3]

[16.34 hrs.

AYES

Abbasi, Shri Kazi Jalil
 Abdul Samad, Shri
 Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Ahmed, Shri Mohd. Asrar
 Ahmad, Shri Md. Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Amarender Singh, Shri
 Anand Singh alias Annubhaiya, Shri
 Anbarasu, Shri Era
 Ansari, Shri Shafique-llah
 Ansari, Shri Z. R.
 Anthony, Shri Frank
 Anuragi, Shri Godil Prasad
 Anwar Ahmed, Shri
 Appalanaidu, Shri S.R.A.S.
 Arakal, Shri Xavier
 Arjunan, Shri K.
 Arunachalam, Shri M.
 Ashfaq Hussain, Shri
 Athare, Shri Chandrabhan Balaji.
 Azad, Shri Bhagwat Jha
 Azad, Shri Gulam Nabi
 Aziz Imam, Shri
 Baitha, Shri D.L.
 Bajpai, Dr. Rajendra Kumari
 Balan, Shri A.K.
 Balanandan, Shri
 Baleshwar Ram, Shri
 Banatwala, Shri G.M.
 Bansj Lal, Shri
 Banwari Lal, Shri
 Barman, Shri Palas
 Barot, Shri Maganbhai
 Barot, Shri A.E.T.
 Barve, Shri J.C.
 Basu, Shri Chitta
 Behara, Shri Rasa Behari

Bhagat, Shri Baliram
 Bhagat, Shri H.K.L.
 Bhagwan Dev, Shri
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parsram
 Bhatia, Shri R.L.
 Bhattacharya, Shri Sushil Kumar
 Bhikhabhai, Shri
 Bhim Singh, Shri
 Bhoi, Dr. Karupa Sindhu
 Bhole, Shri R.R.
 Bhoje Reshma Motiram, Shri
 Bhuria, Shri Dileep Singh
 Bijendra Pal Singh, Shri
 Birbal, Shri
 Birender Singh Rao, Shri
 Biswas, Shri Ajoy
 Boddepalli, Shri Rajagopala Rao
 Bosu, Shri Jyotirmoy
 Butta Singh, Shri
 Chakraborty, Shri Satyasadhan
 Chakradhari, Shri
 Chandra Pal Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrasekharappa, Shri T. V.
 Charan Singh, Shri
 Charanjit Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaturvedi, Shrimati Vidyavati
 Chaudhary, Shri R. Motibhai
 Chaudhuary, Shri Tridib
 Chavan, Shri Shankarrao Bhaurao
 Chavan Shri Y.B.
 Chavda, Shri Ishwarbhai Khodabhai
 Chawdhury, A. B. A. Ghani
 Chennupati, Shrimati Vidya
 Chingwang, Shri
 Chiranji Lal Sharma, Shri
 Choubey Shri Narayan
 Choudhari, Shri K.B.
 Chaudhari, Shrimati Usha Prakash
 Chouhan, Shri Fatebhanu Singh

Chowdhary, Shri Saifuddin
 Dabhi, Shri Ajitsinh
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Damor, Shri Somjibhai
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri A.C.
 Das, Shri R.P.
 Dennis, Shri N.
 Deo, Shri K.P. Singh
 Deo, Shri V. Kishore Chandra S.
 Desai, Shri B.V.
 Devarajan, Shri B.
 Devinder Singh, Shri
 Dhandapani, Shri C.T.
 Dhavamgaj Singh, Shri
 Digvijay Singh, Shri
 Dogra, Shri G.L.
 Doongar Singh, Shri
 Dorai Sebastian, Shri S.A.
 Dubey, Shri Bindeshwari
 Dubbey, Shri Ram Nath
 Ekka, Shri Christopher
 Era Mohan *alias* Ram Mohan R.,
 Shri
 Faleiro, Shri Eduardo
 Fernandes, Shri George
 Fernandes, Shri Oscar
 Gadgil, Shri V.N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R.P.
 Gaikwad, Shri Udaysingrao
 Gamit, Shri Chhitubhai
 Gandhi, Shrimati Indira
 Gandhi, Shri Sanjay
 Gehlot, Shri Ashok
 Ghorpade, Shri R.Y.
 Ghosh, Shri Niren
 Giri, Shri Sudhir Kumar
 Giriraj Singh, Shri
 Goel, Shri K.K.

Gohil, Shri G.B.
 Gomango, Shri Giridhar
 Gopalan, Shrimati Suseela
 Goswami, Shrimati Bibha Ghosh
 Gounder, Shri A. Senapathi
 Gouzagin, Shri
 Gowda, Shri D.M. Putte
 Gufran Azam, Shri
 Gulsher Ahmed, Shri
 Gupta, Shri Indrajit
 Gurbinder Kaur, Shrimati
 Gurcharan Singh, Shri
 Hakam Singh, Shri
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri Nirel Enem
 Imbichi Bava, Shri E.K.
 Jaffer Sharief, Shri C.K.
 Jagjivan Ram, Shri
 Jagpal Singh, Shri
 Jai Narayan, Shri
 Jaiba, Smt. Rane Sirdessai Sanyogita
 Jain, Shri Bhiku Ram
 Jain, Shri Virdhi Chand
 Jaydeep Singh, Shri
 Jena, Shri Chintamani
 Jethmalani, Shri Ram
 Jha, Shri Kamal Nath
 Jharkhande Rai, Shri
 Jitendra Prasad, Shri
 Kailash Pati, Shrimati
 Kalanidhi, Shri A.
 Kalpnath Shankar, Shri
 Kamakshaiah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Shrimati
 Kandaswamy, Shri M.
 Karan Singh, Dr.

Karma, Shri Lachman
 Karunanithi Thazhai, Shri
 Kashirsagar, Shrimati Kesharbai
 Kashyap, Shri Jaipal Singh
 Kaul, Shrimati Sheila
 Kaushal, Shri Jagannath
 Keyur Bhusan, Shri
 Khan, Shri Arif Mohammad
 Khan, Shri Ghayoor Ali
 Khan, Shri Malik M.M.A.
 Khan, Shri Zulfiquar Ali
 Kidwai, Shrimati Mohsina
 Kochack, Shri Ghulam Rasool
 Kodiyan, Shri P.K.
 Krishna Pratap Singh, Shri
 Krishnan, Shri G.Y.
 Kuchan, Shri Gangadhar S.
 Kulandaivelu, Shri V.
 Kunhambu, Shri K.
 Kunwar Ram, Shri
 Lakkappa, Shri K.
 Lakshmanan, Shri G.
 Laskar, Shri Nihar
 Lawrence, Shri M.M.
 Madhukar, Shri Kamla Mishra
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y.S.
 Mahala, Shri R.P.
 Mahata, Shri C.R.
 Mahendra Prasad, Shri
 Maitra, Shri Sunil
 Makawana, Shri Narsinh
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mallu, Shri A.R.
 Mandal, Shri Sanat Kumar
 Mani, Shri K. B. S.
 Manphool Singh, Shri
 Meena, Shri Ram Kumar
 Mehta, Shri Ajit Kumar
 Mehta, Dr. Mahipatray M.
 Mhalgi, Shri R. K.

Mirdha, Shri Nathu Ram
 Mishra, Shri Hari Nath
 Mishra, Shri Ram Nagina
 Misra, Shri Satyagopal
 Mohammed Ismail, Shri
 Mohanty, Shri Brajamohan
 Mohite Shri Yashawantrao
 More, Shri Ram Krishna
 Motilal Singh, Shri
 Mukherjee, Shrimati Geeta
 Mukherjee, Shri Samar
 Mukhopadhyaya, Shri Anand Gopal
 Mundackal, Shri George Joseph
 Murthy, Shri Kusuma Krishna
 Murthy, Shri M. Rajashekara
 Murthy, Shri M. V. Chandrashekhara
 Murgian, Shri S.
 Muttemwar, Shri Vilas
 Nadar, Shri A. Neelalohithadasan
 Nagaratnam, Shri T.
 Naidu, Shri P. Rajagopal
 Naik, Shri Surupsing H.
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Nanje Gowda, Shri H. N.
 Narayana, Shri K. S.
 Naval Kishore Sharma, Shri
 Nayak, Shri Mrutyunjaya
 Negi, Shri T. S.
 Netam, Shri Arvind
 Ngangom Mohendra, Shri
 Nihal Singh, Shri
 Nikhra, Shri Rameshwar
 Nitya Nanda Misra, Shri
 Odedra, Shri Maldevji M.
 Oraon, Shri Kartik
 Pahadia, Shri Jagannath
 Palaniappan, Shri C.
 Pandey, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panika, Shri Ram Pyare
 Parashar, Prof. Narain Chand

Pardhi, Shri Keshao Rao
 Parmar, Shri Hiralal R.
 Parthasarathy, Shri P.
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Patel, Shri Ahmed Mohammed
 Patel, Shri Amrit
 Patel, Shri C. D.
 Patel, Shri Shantubhai
 Patel, Shri U. H.
 Pathak, Shri Anand
 Patil, Shri Balasaheb Vikhe
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri A. T.
 Patil, Shri Uttamrao
 Patil, Shri Vasantrao
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Patnaik, Shri Janki Balav
 Pattuswamy, Shri D.
 Penchalaiah, Shri
 Phulwariya, Shri Virda Ram
 Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Prabhu, Shri R.
 Pradhan, Shri Amar Ray
 Pradhani, Shri K.
 Prasanna, Shri S. N.
 Pushpa Devi Singh, Kumari
 Pullaiah, Shri Darur
 Qazi Saleem, Shri
 Quadri, Shri S. T.
 Raghavan, Shri V. S. Vijaya
 Rahi, Shri Ram Lal
 Rahim, Shri A. A.
 Rai, Shrimati Sahodarabai
 Rajamallu, Shri K.
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Raju, Shri P. V. G.
 Rakesh, Shri R. N.

Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ramamurthy, Shri K.
 Ramanna Rai, Shri M.
 Ramayan Rai, Shri
 Ramdhan, Shri Prabhunarayan
 Ramulu, Shri H. G.
 Ranabir Singh, Shri
 Ranga, Shri N. G.
 Ranjit Singh, Shri
 Rao, Shri Ankineedu Prasada
 Rao, Shrimati B. Radhabal Ananda
 Rao, Shri Jagannath
 Rao, Shri Jalagam Kondala
 Rao, Shri M. Nageswara
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayana
 Rao, Shri S. B. P. Pattabhi Rama
 Rasheed Masood, Shri
 Rathawa, Shri Amar Singh
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Ravani, Shri Navin
 Rawat, Shri Harish
 Reddy, Shri G. S.
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri K. Obul
 Redy, Shri K. Vijay Bhaskara
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Riyan, Shri Bajju Ban
 Rothuama, Dr. R.
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Saha, Shri Gadadhar
 Sahi, Shrimati Krishna
 Sahu, Shri Narayan
 Sajjan Kumar, Shri
 Samin Uddin, Shri
 Sangama, Shri P. A.
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri

Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Sayeed, Shri P. M.
 Selvaraju, Shri N. B. E.
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shailani, Shri Chandra Pal
 Shaktawat, Prof. Nirmala Kumari
 Shakya, Shri Ram Singh
 Shakyawar, Shri Nathuram
 Shamanna, Shri T. R.
 Shantaram, Shri
 Sharma, Shri K. C.
 Sharma, Shri Munder
 Sharma, Shri Nand Kishore
 Sharma, Dr. Shankar Dayal
 Sharma, Shri Vishwa Nath
 Shastri, Shri Dharam Dass
 Shastri, Shri Harikishan
 Shastri, Shri Ramavatar
 Shingda Shri D. B.
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Shivkumar Singh, Shri Thakur
 Shukla, Shri Vidya Charan
 Sidnal, Shri S. B.
 Singaravadivel, Shri S.
 Singh, Shri B. D.
 Singh, Shri C. P. N.
 Singh, Shrimati Madhuri
 Sinha, Shri Dharam Bir
 Sinha, Shrimati Ramdulari
 Sivaprakasam, Shri D. S. A.
 Solanki, Shri Babu Lal
 Solanki, Shri Natvarsinh
 Sontosh, Mohan Dev, Shri
 Sparrow, General R. S.
 Sreenivasa Prasad, Shri V.
 Subbe, Shri P. M.
 Sukhadia, Shri Mohanlal
 Sukhbuns Kaur, Shrimati
 Sunder Singh, Shri
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Suryawanshi, Shri Narsing Rao
 Swami, Shri K. A.

Swamy, Dr. Subramaniam
 Syed, Shri Masudal Hossain
 Tapeswar Singh, Shri
 Tariq Anwar, Shri
 Tayeng, Shri Sobeng
 Tayyab Husain, Shri
 Tewari, Shri Chandra Bhal Mani
 Tewari, Shri Narayan Datt
 Tewary, Prof. K. K.
 Thorat, Shri Bhausaheb
 Thummalapalli, Shri Damodar Reddy
 Thungor, Shri Prem Khandu
 Tirkey, Shri Pius
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Tur, Shri L. S.
 Tytler, Shri Jagdish
 Uike, Shri Chhotelal
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Velu, Shri A. M.
 Venkatasubbaiah, Shri P.
 Verma, Shri Chandradeo Prasad
 Verma, Shri Jai Ram
 Verma, Shri Raghunath Singh
 Vishwa Nath Pratap Singh, Shri
 Vyas, Shri Girdhari Lal
 Wagh, Dr. Pratap
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Chandrajit
 Yadav, Shri D. P.
 Yadav, Shri R. P.
 Yadav, Shri Ram Singh
 Yadav, Shri Subhash Chandra
 Yadav, Shri Vijay Kumar
 Yazdani, Shri Golam
 Yellaiah, Shri Nandi
 Yusuf, Shri M.
 Zail Singh, Shri
 Zainal Abedin, Shri
 Zainul Basher, Shri

NOES

NIL

MR. SPEAKER: The result of the Division is Ayes 423; Noes Nil.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The Bill is passed by the requisite majority in accordance with the provisions of Article 368 of the Constitution.

The motion was adopted.

16.48 hrs.

PAYMENT OF BONUS (AMENDMENT) BILL

THE MINISTER OF TOURISM AND CIVIL AVIATION AND LABOUR (SHRI J. B. PATNAIK): Sir, I beg to move:

"That the Bill further to amend the Payment of Bonus (Amendment) Act, 1977, be taken into consideration."

It is not a controversial Bill. It is as non-controversial as the preceding Bill which was under the consideration of the House. This Bill is meant for validating the ordinance of 1979 and I wish that the House should pass this Bill before long, so that this ordinance may not lapse. Otherwise, it will create difficulties for the workers who have not been paid bonus under the ordinance.

The limited purpose of this Bill is to validate the ordinance of 1979. According to this ordinance, bonus is payable for the accounting year 1978. Payments should already have been made to large sections of workers. Payments are yet to be made to the remaining sections of workers. Unless this Bill is passed, the remaining sections of the workers who are to be paid would remain unpaid or would be subjected to discriminatory treatment.

2346 LS—5

With these words, I move the Bill for the consideration of this House.

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Payment of Bonus (Amendment) Act, 1977, be taken into consideration".

श्री जार्ज फर्नान्डीज (मुजफ्फरपुर) : अध्यक्ष महोदय मैं बोनस संदाय (संशोधन) विधेयक का समर्थन करने के लिए खड़ा हुआ हूँ। माननीय मंत्री जी ने आर्डिनेंस के समर्थन में जिस बयान को यहां पर दिया और उसके पहले इस सदन के सामने रखा था उसमें इस विधेयक की क्या जरूरत पड़ी इसके विषय में जिक्र है। असल में इस विधेयक का और उस आपातकाल का बहुत गहरा रिश्ता है। इसकी शुरुआत असल में 25 सितम्बर 1975 को हुई थी जब उस समय के बोनस के कानून में संशोधन किया गया था एक अध्यादेश के जरिए से और बरसों के संघर्ष से मजदूरों ने जिस अधिकार को हासिल किया था उस पर कुठाराघात करने का काम किया गया। लगातार दो साल तक वह अध्यादेश और उसके बाद 1976 में कानून में किया हुआ संशोधन जारी रहा। 1977 में जब नई सरकार बनी तो उसने आपातकाल में मजदूरों द्वारा खोए हुए अधिकारों को फिर से वापस लौटाने का काम किया था। (व्यवधान)।

एक माननीय सदस्य : आपने सरकार क्यों छोड़ी ?

श्री जार्ज फर्नान्डीज : अध्यक्ष महोदय, इस समय हम बोनस के विधेयक पर चर्चा कर रहे हैं हमने मंत्रिमण्डल क्यों छोड़ा इसकी चर्चा नहीं कर रहे हैं। अगर माननीय सदस्य उसकी चर्चा करना चाहेंगे तो वह चर्चा करने के लिए भी हम तैयार हैं हमें कोई आपत्ति नहीं है। मगर इस समय हम इस विधेयक पर चर्चा कर रहे हैं। (व्यवधान)

MR. SPEAKER: Order, please order. Take your seats. Let the hon. member speak.

श्री जार्ज फर्नान्डीज : अगर मेरा समय इस तरह से लिया जाता है तो वह समय मुझे मिलन चाहिए।

MR. SPEAKER: Please be concise. There is very little time left. We have got one more Bill.

श्री जार्ज फर्नान्डीज : आज इस विधेयक के माध्यम से उन अधिकारों को फिर से लौटाने का जो इन्तजाम किया जा रहा है उसकी हमको खुशी है। सदन में सभी तरफ से इसको समर्थन है और विशेषकर उन्हीं लोगों ने आज इस विधेयक

[श्री जार्ज फर्नान्डीज]

को यहां पर पेश करने का काम किया है जिन्होंने कुछ वर्षों पहले एक अध्यादेश के जरिए और फिर बाद में कानून के जरिए मजदूरों को उनके अधिकारों से वंचित करने का काम किया था। (व्यवधान) मजदूरों के जिन अधिकारों को आप लोगों ने खत्म किया था उसको लौटाने का काम आपने किया। (व्यवधान)।

SHRI EDUARDO FALEIRO (Mormu gao): Let us look at the future.

MR. SPEAKER: Hon. Members, please sit down. Let him have his say. You will have your own say.

एक माननीय सदस्य : जिस प्रकार के काम इन्होंने किए थे उनको देखकर शर्म आती है।

श्री जार्ज फर्नान्डीज : मुझे खुशी है कि शर्म आने की स्थिति आप में है।

MR. SPEAKER: Please do not be sarcastic. Let us come to the point.

श्री जार्ज फर्नान्डीज : अध्यक्ष जी, हमें आप का संरक्षण चाहिए। इस तरह से सदन का काम नहीं चल सकता।

(Interruptions)

MR. SPEAKER: Please do not interrupt now.

श्री जार्ज फर्नान्डीज : हम को आप की तरफ से इस विधेयक पर बोलने की इजाजत है और हम इस पर बोलना चाहते हैं। लेकिन इस तरह से सदन में हरकत करेंगे तो हम कैसे बोलें?.. (व्यवधान) ..

MR. SPEAKER: No interruptions please.

श्री जगदीश टाइटलर (दिल्ली सदर) : ये उन्हीं मजदूरों की बात कर रहे हैं जो गाड़ियां चलाते थे और जिनकी गाड़ियों को ये उड़वाते थे उन को मरवाते थे... (व्यवधान) ...

MR. SPEAKER: Please do not interrupt. Nothing will be recorded without my permission.
(Interruptions)**

श्री जार्ज फर्नान्डीज : अध्यक्ष महोदय, इस पर एक बार फैसला हो जाय। आज हम सुबह से इस सदन में देख रहे हैं....

अध्यक्ष महोदय : आप शुरू करें।

श्री जार्ज फर्नान्डीज : आप पहले फैसला कीजिए इस तरह से नहीं चल सकता है। हम एक विषय पर बोल रहे हैं। अगर किसी सदस्य को कोई आपत्ति है तो उनको बोलने का अधिकार है वे अपने भाषण में बोल सकते हैं।

अध्यक्ष महोदय : आप अपनी बात रखिए इन को क्यों छेड़ते हैं।

Please do not interrupt now. Let us carry on with the business of the House. (Interruptions). You have your say. Let him have his say.

श्री नरसिंह मकवाना (घाघुका) : वह जरूर बोलें हमें उन को सुनना चाहिए लेकिन इन्होंने जो अध्यादेश जारी किया—बोनस के बारे में उसमें इतनी देर क्यों की? इस को वह पहले क्यों नहीं कर पाये?

MR. SPEAKER: You can have your point later. Do not interrupt now.

(Interruptions)

श्री जार्ज फर्नान्डीज : अध्यक्ष महोदय, मैं यही कह रहा था कि इस विधेयक की शुरुआत आपातकाल के साथ जुड़ी है। मजदूर वर्षों से जिस लड़ाई को कर रहे थे... उन के उस अधिकार को छीन लिया गया था।....

अध्यक्ष महोदय यह तो आप कह चुके हैं इस के आगे बढ़िए।

श्री जार्ज फर्नान्डीज : इस कानून के चलते उन के उस अधिकार को एक बार फिर से देने की बात हो रही है जिस का अध्यादेश कुछ महीने पहले जब चौधरी चरण सिंह प्रधान मंत्री थे जारी किया गया था। उस अध्यादेश के जरिये उनके उस अधिकार को देने का काम किया गया।

असल में बोनस का सवाल बहुत पेचीदा सवाल है—इस बात को हम सभी लोग जानते हैं। एक अर्थ से इस मसले पर हम लोग लड़ते रहे हैं—इस सदन के भीतर भी लड़ाई चली और बाहर भी चली—विशेष कर मजदूरों के आन्दोलन के माध्यम ... (व्यवधान) ...

MR. SPEAKER: No interruptions please.

श्री चन्नीत यादव (आजमगढ़) : अध्यक्ष महोदय, आप इस हाउस को चला रहे हैं कुछ लोग आपकी बात नहीं मानते हैं। आप बार बार प्रार्थना कर रहे हैं कि सदस्य अनावश्यक हस्तक्षेप न करें। फिर भी इस हाउस में अगर कोई सदस्य बोलेगा तो क्या हस्तक्षेप करने वाले के डिक्लेशन पर बोलेगा? क्या बोलना है और क्या नहीं बोलना है—यह माननीय सदस्य का अधिकार है। अगर आप के बार बार प्रार्थना करने के बाद भी शासक दल के कुछ सदस्यगण बोलने नहीं देंगे तो सदन का काम कैसे चलेगा? मैं आखरी बार प्रार्थना कर रहा हूँ कि आप इन को समझाएँ कि ऐसी बात नहीं होनी चाहिए।

अध्यक्ष महोदय : मैं बार बार अपील कर रहा हूँ कि हाउस की कार्यवाही को चलने दें।

This is going too far now. Let us be reasonable.

आप सब को बारी बारी से टाइम मिलेगा उस वक्त आप अपने विचार व्यक्त कीजिये। इस वक्त आप उनके विचार सुनिये।

श्री गिरधारी लाल व्यास (भीलवाड़ा) : अध्यक्ष जी, मेरा निवेदन यह है कि अगर कोई आदमी हाउस में गलत बात कहे तो उस को हम नहीं सुन सकते।

MR. SPEAKER: I will give you the time to speak, but not like this. This is not the way to interrupt.

श्री जार्ज फर्नान्डो : मैं जानता हूँ—कुछ सदस्य नये हैं उन को सदन के नियमों की जानकारी नहीं है।

SHRI C.P.N. SINGH (Padrauna): If we want to raise a point of order, we are not allowed.

17.00 hrs.

MR. SPEAKER: You are allowed when there is a point of order. There is no question of point of order here now. It is a question of his putting his views forth. You will have your own opportunity. This is going too far. Let us be reasonable.

श्री सी० पी० एन० सिंह : जब हमारे मंत्री बोधते हैं, तब ये लोग भी ऐसे ही करते हैं। ... (व्यवधान) ...

श्री जार्ज फर्नान्डो : सभापति महोदय, जो कानून यहां पर आज फिर स्वीकृति के लिए मंत्री महोदय ने पेश किया है, जैसा कि मैं कह रहा था,

उस कानून के चलते एक वर्ष के लिए मजदूरों के उस अधिकार को फिर से लौटाने का इंतजाम हो रहा है। यह एक पेचीदा समस्या है और एक अर्थ से हम इस सदन के भीतर और बाहर भी इस देश के मजदूर संगठन अपने ढंग से आवाज उठाते रहे हैं और संघर्ष करते रहे हैं। वह संघर्ष एक व्यवस्था के खिलाफ हमेशा चलाना पड़ा और उस संघर्ष के चलते मजदूरों ने बोनस के अधिकार को हासिल किया था लेकिन आज भी उसमें कई समस्याएँ हैं जिन का हल होना बहुत जरूरी है।

आप को मालूम है कि रेल मजदूरों की बोनस की मांग है डाक और तार विभाग के कर्मचारियों और रक्षा विभाग के जो कर्मचारी हैं, उन की भी बोनस की मांग है और असल में अभी अभी जो चुनाव सम्पन्न हुए हैं उन चुनावों के दरमियान तमाम सरकारी कर्मचारियों को ओर से जब इस सवाल को उठाया गया था, तो मुझे याद है कि दिल्ली वालों को कम से कम, हम को अफ-सोस है कि वे माननीय सदस्य आज सदन में नहीं हैं और वे चुनाव हार गये हैं मगर हमारे मित्र श्री सी० एम० स्टीफन ने दिल्ली में कई ग्राम सभाओं में, केन्द्रीय कर्मचारियों को यह कहा था कि उन का बोनस मांगने का अधिकार बिल्कुल जायज है और अगर हमारी सरकार चुनी जाती है, तो उस को स्वीकार करने का काम हम करेंगे। मैं इसलिए इसका जिक्र यहां पर कर रहा हूँ क्योंकि स्टीफन साहब यहां पर नहीं हैं। (व्यवधान)

मैं यह निवेदन करना चाहूंगा कि सभी मजदूरों की एक अर्थ से यह मांग रही है समूचे देश में कि बोनस के कानून को सिर्फ कुछ ही क्षेत्रों में लागू न करते हुए सारे देश के मजदूरों, चाहे वे किसी भी क्षेत्र में हो निजी, क्षेत्र में हो या सार्वजनिक क्षेत्र में हों सरकारी विभागों में काम करने वाले हो या सचिवालय आदि में काम करने वाले हों पर लागू हों सभी लोग उस के अधिकारी हों। इस मसले पर अविलम्ब विचार करके इस को हल करना चाहिए। इस दिशा में हमारी सरकार बढ़ रही थी और जब हम शासन में थे तो रेल मजदूरों के मसले को हमने हल किया था और अन्य क्षेत्रों के कर्मचारियों के मसले को हल कर की दिशा में आवश्यक कदम उठाए जा रहे थे। अगर हम कुछ समय और रहते, तो मुझे पूरा विश्वास है कि यह समस्या हल हो गई होती। यह नीति का सवाल था। इस मसले का हल उस समय नहीं हो पाया। हम यह उम्मीद जरूर करना चाहेंगे, कि अब अविलम्ब यह मसला हल होगा और इस मसले को हल करने की दिशा में कदम बढ़ेंगे।

इस के साथ ही साथ इस विधेयक का समर्थन करते हुए मैं एक बात और कहना चाहूंगा। बार बार यह बात चलती है कि मजदूरों के लिए जब बोनस देने का सवाल आता है, तो एक हल्ला होता है मालिक वर्ग की तरफ से यह कहा जाता है कि मजदूरों को अगर बोनस दिया जाएगा, तो तमाम

[श्री जार्ज फर्नान्डीस]

चीजों के दाम बढ़ जायेंगे। मुझे याद है कि 1975 में जब अफ़्घानिस्तान का ऐलान किया गया था, उस समय मैं भूमिगत था, तो उस अफ़्घानिस्तान के सम्बन्ध में भी वही कहा गया था। उस अफ़्घानिस्तान के समय में यह कहा गया था कि इस अफ़्घानिस्तान की जरूरत इसलिए पड़ी कि एन्टी इन्फ़्लेशनरी कदम उठाने थे। एन्टी इन्फ़्लेशनरी कदम उठाने की बात भी मजदूरों पर हमला कर के की गयी। जब आप एन्टी इन्फ़्लेशनरी कदम उठाएँ तो कम से कम मजदूरों पर तो हमला न करें।

मैं इस सदन को याद दिलाना चाहता हूँ कि इस देश का जो बड़ा पूँजीपति वर्ग है उसकी बीमार कम्पनियों में, आपके बैंकों के जरिये से, आपके हाथ एक हजार करोड़ रुपया इकट्ठा हुआ है पूँजीशाही को बचाने के लिए उसमें डूबे हुए देश के रुपये से इस मुल्क को बचाने के लिए आपको मजदूरों पर हमला करना होता है। इसलिए मैं यह निवेदन करना चाहूँगा कि इस विधेयक को पास करते समय आप इस बात को देखें कि आगे से ऐसी परिस्थिति न आने पावे जिससे कि मजदूरों पर हमला हो।

SHRI NIREN GHOSH (Dum Dum): Mr. Speaker, Sir, it is perhaps necessary to recall the history of bonus legislation on this occasion.

MR. SPEAKER: This is repetition. You have to add something new. Its history has already been traced. If you say it again, it will not have any more emphasis. (Interruptions) I would like you to be objective. Just state your points.

SHRI NIREN GHOSH: Sometimes it is said that the workers should agitate for wage rise because in western countries it is generally the rule. But we say that there is no minimum need based wage here, though it was approved in the 15th Labour Conference, the Government went back upon that. Bonus is treated as deferred wage because of the wage cuts and the low level of wages. We should remember this on this occasion.

It is also necessary to point out that Mrs. Gandhi's Government has come out with a legislation which grants bonus to railwaymen for one year. We

do not know what will happen later on. During Mrs. Gandhi's regime, during Emergency, fascist attacks were made on the working class. Even before the declaration of Emergency, in order to suppress the railway workers' strike for bonus, fascist attacks were made on the working class all along the line, denying them bonus. I remember that in the meeting with the Opposition leaders, I put out bluntly to Smt. Indira Gandhi when late Shri Fakhruddin Ali Ahmed put out a formula for settlement of the strike, I asked him: "Do you mean to have negotiation seriously?", because negotiations would mean that he should be prepared to concede at least a small quantum as bonus to railwaymen and in that meeting Mrs. Gandhi said bluntly 'no' and that is the reason why the strike went on. It was totally suppressed. Now perhaps it is impossible in the present atmosphere, because things will turn round, to do anything else than to legislate this. But we are uncertain about the future course of action of the Government.

The present formula, the present Bonus Act, should be improved upon further. The ceiling should go. According to the present Act, no worker can get bonus beyond 20 per cent. The maximum bonus is 20 per cent. The trade union movement as a whole demands that there should be no ceiling. It can go upto 30 per cent or even 40 per cent. When a concern earns profits to the tune of 100 per cent or 150 per cent or even 200 per cent or more, there is absolutely no reason whatsoever why bonus should be limited to 20 per cent. Is there no check on the profits of companies? Is there any check on tax-evasion and generation of black money? Every year, there is tax evasion to the tune of Rs. 3000 crores to 4000 crores and there is a parallel black money economy to the tune of Rs. 30,000 crores contributing to inflation. There is no attack on that. The attack is only on the working class, the working people, both in towns and country-side. That is the general course of action which the Government is following.

Again, there is a sort of slab, that is, an employee earning more than Rs. 1800 or something like that cannot demand bonus according to the present Act. This should also go. All employee should be entitled to bonus, barring the managerial class. As regards the question that bonus should be given to all, we say that it should be given to all the departmental undertakings, public sector undertakings and all the Central Government employees and State Government employees without exception. That is our demand.

For the Railway employees, a sort of productivity linked bonus has been approved. Our party is opposed to it. The bonus should be treated as a deferred payment. To link it with productivity is the demand of the magnates. We can never accede to that. We will fight it tooth and nail. Though the bonus has been agreed to for the Railway employees, our party cannot approve the productivity linked bonus.

Lastly, it is simply a travesty of truth to say that giving bonus or wage rise contributes to inflation. One should know the law of economics. If there is a common wage rise in all the sectors of economy, there cannot be any rise in prices. That is one of the laws of economics. We should know that. Talking about inflation, it is the employers, it is the Government policies, it is the tax evasion and black money, it is all those things that generate inflation. You are not attacking on those fronts. You are only pinpointing your attack on the working class and the working people who constitute the majority of people of India. You are anti-people; you are anti-working class. I warn the Government that such a policy will lead to confrontation with the working class, the working people and the trade union movement. We will face it. We have fought against it for a pretty long time. We will fight for a proper bonus system, the bonus law, in the coming years both inside Parliament and outside Parliament through struggles, through movements and through agitations. Whatever steps

are necessary, we will take unitedly. I hope, all trade unions will unite on this point and not be separated from one another and weaken the movement.

PROF. MADHU DANDAVATE (Rajapur): Mr. Speaker, Sir, in fact the Bill before the House is of a restricted scope. All the issues which we would like to bring before the House in connection with the wider problem of bonus are not covered by the Bill before the House at all. Therefore, I would not like to go in depth into all the aspects of the problem of bonus; suffice it to say that the very concept of bonus has arisen because of the fact that there is a gap between the living wage and the existing wage, and partially to close the gap the concept of bonus has come forward.

Now, the question is that this particular Bill is restricting this bonus benefit only to a particular period. All that I would like to suggest is that this is one of the rights the workers, irrespective of their political affiliations, have won in this country after long battles. The very concept of bonus has been established through prolonged struggles in this country and the various Central Trade Union Organisations are committed to the concept of bonus. Now the question is whether it should be enlarged further and the scope of the present Bill should be widened. For all that, a constructive proposal I would like to make to the Hon. Minister is that a meeting of the Central Trade Union Organisations, irrespective of their political affiliations, should be convened and the issues should be thrashed out; and I am sure that, just as in a number of fields some sort of an agreed solution could be found out, similarly, on this problem also, a solution would be found out. Nobody can deny the fact that this right which was established through a series of struggles, was taken away during the emergency. But I am glad to say that though it was taken away and then restored, again a Bill is coming forward on the subject. Whoever brings the Bill—so

[Prof. Madhu Dandavate]

far as we, the defenders of the rights of the workers and kisans are concerned it is immaterial from which side of the House the Bill comes—if it is in the interests of the people, in the interest of the working-class, in the interest of the Kisans, we will be prepared to support it. The manner in which the Constitution Amendment Bill has been adopted here for the reservation of Scheduled Castes has shown that there are certain national issues where the issues are lifted above parties in Parliament: they are lifted to the national level. In the same spirit I wish the problem of bonus also will be lifted to the national level and, in that spirit—in that healthy spirit—I would appeal to the House, let us not indulge in mutual recriminations. Some people may not like some of our remarks, but they have their own turn and they can express their views. This is a House which has a long tradition of free debate and I hope and trust that whether it is Mr. George Fernandes who expresses his views or whether it is Prof. Ranga who expresses his views, everybody's views will be heard in this House. I want the House to adopt the spirit of Voltaire when he said "I completely disagree with what you say but I shall defend to death your right to say it". It is in that spirit that a free debate should go on and a debate on the question of bonus also should go on. It cannot go on within the periphery of this Bill: I know it very well. Those of us who happened to be on the Treasury benches also know that this Bill is only of a restricted scope. Therefore, I do not want to widen the scope at this particular stage but would only warn the Labour Minister that wider problems are awaiting solution, and they can be solved not through confrontation but only through a proper type of dialogue and rapport with the working class.

I hope and trust that the view point of the Central Trade Union organisations and various Federations will be

taken into account and, beyond the scope of the Bill, further solutions to the problem of bonus will be arrived at.

17.18 hrs.

[SHRI TRIDIB CHAUDHURY in the Chair]

श्री गिरधारी लाल व्यास (भीलवाड़ा): सभापति महोदय, मैं बोनस के बिल का समर्थन करने के लिये खड़ा हुआ हूँ। मेरे से पूर्व यहां पर जिस प्रकार के विचार प्रकट किये गये बोनस के सम्बन्ध में और इमरजेंसी के समय में बोनस के सम्बन्ध में जो विचार उन्होंने प्रकट किये उसके सम्बन्ध में मैं कहना चाहता हूँ कि कांग्रेस ने इस देश में जब से ट्रेड यूनियन मूवमेंट चला है कांग्रेस ने उसका समर्थन किया है। सदैव मजदूरों को आगे बढ़ाने में कांग्रेस योगदान देती रही है।

कांग्रेस ने बोनस के विषय को सबसे पहले देश में लागू करने की व्यवस्था की। 8.33 प्रतिशत बोनस कांग्रेस ने ही तय किया। मिनिमम बोनस की स्थापना में भी कांग्रेस का बहुत बड़ा योगदान है। जो लोग आज बोनस के सम्बन्ध में कहते हैं कि श्रीमती इन्दिरा जी ने इमरजेंसी लगा कर मजदूरों को बोनस देने से रोक दिया, वह निश्चित रूप से दुर्भावना से प्रेरित हैं।

कांग्रेस ने कभी भी यह नहीं चाहा कि मजदूरों को बोनस न दिया जाये। हम समझते हैं कि बोनस मजदूर का डेफर्ड वेज है और उसको हर हालत में मिलना चाहिये। कोई भी शक्ति मजदूर के बोनस को नहीं रोक सकती है। जिन लोगों ने बोनस के सिद्धान्त को लागू किया है और मजदूरों को ज्यादा से ज्यादा फायदा पहुंचाने की बात कही है, उनके सम्बन्ध में इस प्रकार की बात करना इस बात का द्योतक है कि ये लोग दुर्भावना से प्रेरित हैं।

जब उनके पास शासन था, तो उन्होंने मजदूरों का क्या हित किया? शासन में आने से पहले वह उंची उंची डींगें हांका करते थे कि हम रेलवे मजदूरों को ज्यादा से ज्यादा बोनस दिलायेंगे, और अगर नहीं दिला सके, तो मैं इस्तीफा दे दूंगा। लेकिन शासन में आने के बाद उन्होंने इस्तीफे का नाम तक नहीं लिया। उन्होंने रेलवे के मजदूरों को बोनस नहीं दिया, बल्कि उनको ज्यादा से ज्यादा शोषित और पीड़ित करने में बहुत ज्यादा योगदान किया। इस तरह के लोग मजदूरों का शोषण करते हैं और उनका कोई हित नहीं करते हैं। आज जिन परिस्थितियों में से हमारा देश गुजर रहा है, कांग्रेस और खास तौर से इन्टक की यह धारणा है कि बोनस मजदूर का डेफर्ड वेज है और उसको निश्चित रूप से मिलना चाहिये। इसमें कोई दो राये नहीं हैं।

एक माननीय सदस्य ने कहा है कि इस बात का ठेका नहीं है कि मजदूरों को सिर्फ 8.33 परसेंट बोनस मिले, उससे ज्यादा मिलना चाहिए, इंडस्ट्री को जितना प्राफिट हो, उसके हिसाब से मजदूर को बोनस मिले। हम इस भावना का समर्थन करते हैं। कांग्रेस और इनटक ने इसका समर्थन किया है। जैसा कि श्री दंडवते ने कहा है, यह एक पार्टी का प्रश्न नहीं है, बल्कि सब सेंट्रल ट्रेड यूनियन्ज को मिलकर इसके सम्बन्ध में कोई निर्णय लेना चाहिये और लेबर मिनिस्टर के समक्ष रखना चाहिये, जिससे तमाम मजदूरों को प्रोत्साहन मिले, वे इस देश को और शक्तिशाली तथा मजबूत बनाने में अपना योगदान कर सकें और हमारी इंडस्ट्रीज में ज्यादा से ज्यादा उत्पादन हो सके। यह व्यवस्था हमारे लिए बहुत सुखद होगी।

मैं इस बिल का समर्थन करता हूँ और आशा करता हूँ कि लेबर मिनिस्टर साहब इस पर और ज्यादा ध्यान देंगे।

श्री नारायण चौबे (मिदनापुर): अध्यक्ष महोदय, हमारी पार्टी इस बिल को सपोर्ट कर रही है लेकिन मैं एक दो रिमार्क इस के बारे में करना चाहता हूँ।

चूंकि एक एंड हाक आर्डिनंस था, इस लिये यह एंड हाक बिल आया है। लेकिन मजदूरों के लिए एंड हाक तरीके से काम कब तक चलता रहेगा? रोज कुंआ खोदो और रोज पानी पियो। इस तरह एक एक साल के लिए व्यवस्था कब तक की जाती रहेगी? हम लोग चाहते हैं कि इस बारे में एक काम्प्रिहेंसिव बिल जल्द से जल्द पास होना चाहिए। कामरेड दंडवते ने कहा है कि लेबर मिनिस्ट्री सब लोगों की मीटिंग कर के एक काम्प्रिहेंसिव बिल जल्द से जल्द लाये।

हम लोग जानते हैं कि बोनस हमारा डेफंडेज है—यह हमारी नीति है। हम लोग यह भी जानते हैं कि बोनस छीन लिया गया था। हम यह भी जानते हैं कि बोनस छीनने के बाद क्या हालत हुई। मजदूरों का बोनस छीने जाने से वे एन्टी-गवर्नमेंट हो गये हैं। हम जानते हैं कि इनटक बराबर हमारे साथ रहा है। यह प्रमाणित हो गया है कि जो हमसे टकरायेगा, वह चूर चूर हो जायेगा। सरकार चूर चूर हो गई, क्योंकि उसने मजदूर का बोनस छीन लिया था।

इस कानून के मुताबिक 20 परसेंट से ज्यादा बोनस किसी को नहीं मिल सकता है। हम लोग चाहते हैं कि सेक्शन 34 (1) में यह संशोधन किया जाये कि बाहर से नेगोशिएट कर के बोनस को बढ़ाया जा सकता है। हम सीटू के दोस्तों के साथ इस बारे में एकमत हैं कि रेलवे मैन को बोनस इस प्रिंसिपल पर देना होगा कि बोनस डेफंडेज है। अगर बोनस को प्राडक्टिविटी के साथ सम्बद्ध किया जायेगा, अगर सरकार ने एक बार प्राडक्टिविटी के साथ सम्बद्ध कर के बोनस देने का

निश्चय कर लिया, तो प्राइवेट सेक्टर वाले जरूर इससे फायदा उठावेंगे और सरकार जो स्टैचुटरी बोनस देने के बारे में बातचीत कर रही है, जिसमें बोनस को डेफंडेज बेज की हैसियत से मंजूर किया गया है, वह हमारे हाथ से निकल जायेगा। इस लिए रेलवे मैन, पोस्टल और डिफेंस एम्प्लोईज और सभी सरकारी कर्मचारियों को दिये जाने वाले बोनस को प्राडक्टिविटी के साथ नहीं जोड़ना चाहिए और उन सब को बोनस मिलना चाहिए, यह हमारी मांग है।

लास्ट प्वाइंट मैं यह कहना चाहता हूँ कि यह अगर नहीं हुआ तो अतीत हम लोग जानते हैं। यह सरकार अगर एंड हाक तरीके से चलती चली जायेगी तो हमारे सरकारी कर्मचारियों से शुरू कर के और जितने सेक्टर इस को मानने के लिए तैयार नहीं हैं, उन सब के कर्मचारी इस के लिए आवाज उठावेंगे। इसलिए सरकार से हमारा निवेदन है कि सरकार कंट्रोवर्सि में न जा कर इस को सुधारे। यही मुझे आप से कहना है।

SHRI J. B. PATNAIK: I am thankful to the hon. House and the hon. Members for the generous support they have given to this Bill. Even those who are critical of the Government without any reason have also supported this Bill which is going to validate the Ordinance.

I have said that this Bill is for a limited purpose, that is, replacing the 1979 ordinance with an Act of Parliament without which large sections of the working class of this country will be deprived of their dues. Now, certain suggestions have been made in the course of the debate for a comprehensive Bonus Act. I thank the hon. Members for these valuable suggestions—particularly, Prof. Dandavate who went through the agony of making promises to the Railwaymen and could not comply with them. He has rightly said that while evolving a bonus policy, the government should consult all the important trade unions of this country and other interests concerned. I accept his suggestion fully.

As I have repeatedly said and I say it now also—this is just an *ad hoc* Act. We do not believe in *ad hoc* solutions. One hon. Member said that *ad hoc* solutions are being made

[Shri J. B. Patnaik]

to the problems of the workers. Unfortunately, this *ad hoc* solution was being given to the workers by the previous two governments—the Lok Dal government and the Janata Government.... (Interruptions) In 1977 they did this and also in 1979....

(Interruptions) Sir, whatever progress has been made in this country for workers' welfare, I can say without any fear of contradiction that this was done during the Congress rule for the last 30 years. Even the Bonus Act of 1965 was enacted by a Congress government. A Congress government appointed a high power committee and the recommendations of the high power committee were accepted by the government as a result of which the Bonus Act of 1965 came into being. So, don't try to take any credit for giving bonus to workers. It is the Congress government which is responsible for giving the bonus that is due to the workers in this country through various processes and through the Act of 1965—(Interruptions) If we go in for mutual recrimination on this score, there would be many things to be said by us against the other governments.

Mr. George Fernandes who waxed eloquent about the bonus to workers himself threatened to resign.. if bonus was not given to railwaymen. He pocketed his words several times.

Let us not go into this mutual recrimination which does not help either the workers or those who speak for them. There are certain other aspects of this bonus policy which I would like to deal with. One is that we are coming in for a comprehensive bonus policy. We will take several proposals into consideration. The suggestions made by the hon. Members and those that will be made when we consult the trade union leaders and others in this regard will also be taken into consideration.

There are certain proposals which are being received by Government

pertaining to extending the coverage of the Act, revision of the salary limit for entitlement of bonus, raising the minimum bonus payable, doing away with minimum bonus when there is no profit, removing the maximum limit of bonus, suitably modifying or even deleting the provision relating to payment of bonus on a formula different from that under the Act, issuing guidelines to specify exactly under what circumstances exemptions from the Act should be granted to establishments running in loss and a number of other matters. It is the intention of the new Government to examine all these proposals on merits with an open mind and take a suitable decision in a consistent and comprehensive way after consulting all the interests concerned in this regard.

As regards the suggestion made by Shri Niren Ghosh regarding the bonus formula, namely, that deferred wage should be the formula of bonus to the workers, this point also will be carefully taken into consideration by the Government.

Regarding bonus to the employees of the railways and other departments, I can again say that the Government will examine that too with an open mind. As far as the commitment of bonus to railwaymen goes, we shall abide by this commitment. Regarding its extension to other departments etc., as I have said, this needs further examination. And we shall examine it with an open mind.

Sir, with these words, I hope that the Bill will be taken into consideration.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Payment of Bonus (Amendment) Act, 1977, be taken into consideration".

The motion was adopted.

Clause 2— (Amendment of section 2.)

MR. CHAIRMAN: Now, we take up the Clause by Clause consideration.

There is an amendment to Clause 2 by Shri G. M. Banatwalla. Do you want to move?

SHRI G. M. BANATWALLA (Ponnani): Mr. Chairman, I move:

"Page 1, lines 11 and 12,—

for "and in respect of the accounting year commencing on any day in the year 1978".

substitute—

" , in respect of the accounting year commencing on any day in the year 1978 and in respect of every subsequent year thereafter commencing on any day in that subsequent year" (1)

Sir, I request the hon. Minister not to dilate upon the technicality of my amendment. I quite understand all these things. My purpose is once again to record the protest at the *ad hoc* policy that is adopted with regard to the question of payment of bonus.

Sir, it is a bane of our national life, I should say, that every political party stands committed to the question of the payment of bonus before and during the elections. But, no sooner the Government is formed, the Government adopts a very open mind to the question. That is so with respect to all the parties we have tested, whether it is the Janata Party or the Lok Dal or even the Congress Party that is now here. There are innumerable suggestions that have been received by the government. The hon'ble Minister has assured this House that those suggestions will be considered with an open mind. He has further assured the House that a comprehensive policy will be adopted. He has also assured the House that all the interests concerned will be consulted. Sir, my request is that this question about the payment of bonus brooks no further delay. All these

ad hoc policies must now come to an end. In the context of the Indian economy there can be no dispute about this basic fact that the wages that are being paid are not the minimum living wage. As such, the only attitude that can be taken with respect to the question of bonus is that bonus is a deferred wage and when such a point is there then there is no use having an *ad hoc* policy and deferring this issue.

Therefore, I say that this question must be taken up in all earnestness. The payment of bonus should not be at the mercy of the powers that be. Every year after a lot of noise has been made the Government comes out with an amendment of the Act. My purpose in rising now is to request the government that the bonus be treated as deferred wage and that the matter must be immediately accepted. The Government can bring forward a comprehensive Bill with respect to various other suggestions but what is the difficulty in accepting here and now and in the context of the Indian economy that bonus is nothing but a deferred wage. That is, of course, the point under which every year, namely, 1976, 1977 and 1978 the Act has been amended and the minimum bonus has been statutorily accepted for that particular year. If the minimum bonus in that particular year could be accepted on that basis then naturally one expects an immediate acceptance of this principle about bonus which has been agitated by almost every section of this House.

My plea, therefore, is that the question about the payment of bonus cannot be left to the mercy of the powers that be. There has to be statutory recognition of the principle of payment of bonus. Let this cruel joke that is being played every year upon the working class come to an end let there be an immediate statutory recognition of this principle. Various other questions about the revision of the amount of salary admissible for bonus, etc. could be

[Shri G. M. Banatwalla]

considered in due course of time but let this basic principle be not there hanging always in the air and then after a lot of agitation every year the government comes out with a particular Bill. I, therefore, say that this is a cruel joke that is being played on the working class. Let there be an end to it. The hon'ble Minister has pointed out that a comprehensive Bill will be brought forward. But when? Let us know that. Let every section of the working class be assured of this. The question of the payment of bonus is to be extended to the Railways, P&T employees, Defence, and Government employees and other sections of the working class, and should be decided forthwith. You do not want any *ad hoc* type of work by all these people. You expect proper work from them. Why do you try to give them *ad hoc* type of bonus? That is a very unfair thing. Let not the hon. Minister rise and speak about the technicality of my amendment and the scheme of the Bill and all those things, with respect to my amendment. Let him give a categorical assurance on the floor of the House as to when he is coming forward with a comprehensive Bill—a comprehensive Bill for the purpose of the recognition of the statutory right with respect to bonus. It brooks no further delay. That is the exact purpose for which I have moved this amendment and I commend it to the House for acceptance. Thank you.

SHRI J. B. PATNAIK: My hon. friend Mr. Banatwalla has been carried away by his own eloquence but he did not make any new point at all which I have not covered in my speech, excepting one, and that is, he has asked when the Government will come forward with the necessary Bill. I can assure the hon. Member that before the festival season the Government would come forward with the Bill. As I have already said there would be no *ad hoc* Bill Govern-

ment does not believe in any *ad hoc* legislation.

SHRI G. M. BANATWALLA: With this assurance, I would like to withdraw my amendment. I seek leave of the House to withdraw my amendment.

MR. CHAIRMAN: Is it the pleasure of the House that the amendment moved by Shri Banatwalla be withdrawn?

Amendment No. 1 was, by leave, withdrawn

MR. CHAIRMAN: Now the question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill

Clauses 3 and 1, the Enacting Formula and the Title were added to the Bill.

SHRI J. B. PATNAIK: I beg to move:

"That the Bill be passed".

MR. CHAIRMAN: Motion moved:

"That the Bill be passed."

Now, Shri Ramavatar Shastri.

श्री रामावतार शास्त्री (पटना): सभापति महोदय, इस विधेयक का समर्थन करते हुए मैं एक दो बातें निवेदन करना चाहता हूँ।

मंजो महोदय को और सरकार को यह स्पष्ट हो चुका होगा इस सदन की बहस से कि अस्थायी व्यवस्था का अन्त यथाशीघ्र होना चाहिए और एक स्थायी कानून बोनस के बारे में इस सदन के सामने पेश किया जाना चाहिए।

दूसरी बात जो मैं कहना चाहता हूँ वह यह है कि बोनस का जो यह अधिकार है यह हिन्दुस्तान के श्रमजीवी वर्ग को किसी सरकार की कृपा से नहीं मिला है।

हिन्दुस्तान के मजदूरों ने बड़े बड़े संघर्ष किये हैं, बड़ी-बड़ी कुर्बानियाँ की हैं और सरकार को विवश किया है कि वह इस तरह का कानून बनावे उसी का फल है कि आप यह कानून ले कर आज हमारे सामने उपस्थित हुए हैं।

तीसरी बात मैं यह कहना चाहता हूँ कि बोनस की जो व्यवस्था रेल मजदूरों, डाक-तार के कर्मचारियों और रक्षा विभाग के कर्मचारियों के लिए उत्पादकता की शर्त लगा कर की गयी है, वह गलत है। उस शर्त को मानने के लिए न रेल मजदूर न डाक तार के मजदूर और न रक्षा विभाग के मजदूर तैयार हैं। उनमें बहुत भयंकर असंतोष है। इसलिए मेरा सरकार से निवेदन है कि वह इस उत्पादकता की शर्त को समाप्त कर 8.33 परसेंट बोनस उन्हें भी दें। अगर आप यह शर्त रखेंगे कि 1977-78 की उत्पादकता के बराबर वे काम करेंगे तो उनको 25 दिन का बोनस मिलेगा तो इससे उनका ग्रहित होगा। आज कोयला नहीं मिल रहा है, डीजल नहीं मिला रहा है जिसका असर मजदूरों की उत्पादकता पर भी पड़ता है। इन चीजों की कमी की जवाबदेही मजदूरों पर नहीं है लेकिन इनकी कमी की वजह से मुझे भय है उत्पादकता के नाम पर उनका बोनस कट जायेगा और उन्हें कुछ नहीं मिलेगा। वे बोनस के अधिकार से वंचित रह जाएंगे। इसलिए मैं चाहता हूँ कि इसमें संशोधन कर के इस शर्त को हटा दिया जाए और उन्हें भी दूसरे मजदूरों की तरह 8.33 प्रतिशत बोनस दिया जाए।

चौथी बात मैं कहना चाहता हूँ कि भारत सरकार के कर्मचारी, राज्य सरकारों के कर्मचारी, आल इंडिया रेडियो में, अस्पतालों में, विश्व-विद्यालयों में काम करने वाले कर्मचारी भी बोनस की मांग कर रहे हैं। सरकार को इनके प्रतिनिधियों, इनकी यूनियन के साथ विचार विमर्श करना चाहिए और उन्हें बोनस देने का सिद्धांत स्वीकार करना चाहिए। उनके लिए भी कोई रास्ता निकाल कर उनके असंतोष को समाप्त किया जा सकता है। आपको इस भ्रम में नहीं रहना चाहिए कि आपको इतना बड़ा बहुमत प्राप्त हुआ है। आपको राइटिंग आन दि वाल को समझना चाहिए। आप भूलिए मत कि जिन्होंने आपको गद्दी पर बिठाया है वही लोग आपको उठा कर फेंक भी सकते हैं। इसका नतीजा आपने 1977 में देख लिया है। इसलिए मेरा आपसे निवेदन है कि आप ऐसा इरादा ले कर काम कीजिये जिससे सभी मजदूर वर्गों को बोनस का अधिकार प्राप्त हो सभी मजदूर वर्गों का विश्वास प्राप्त कर सकेंगे। अगर

आप को बुद्धि आयी तो मुझे आशा है कि आप हमारी बात पर विचार करेंगे।

SHRI J. B. PATNAIK: Sir, had Shri Ramavatar Shastri heard me properly he would not have wasted his eloquence. I have already covered all the points raised by him in my previous answer, but he wanted to make a political speech and therefore he could not help himself making that speech. I could only tell him that this Government is more committed to the welfare of the workers belonging to the party which he represents or the workers of other parties of the Opposition. As I have already mentioned the points made by Shri Ramavatar Shastri and other hon. Members would be covered when the Government would go into a discussion with the labour leaders and others to bring forward a comprehensive bonus legislation.

MR. CHAIRMAN: The question is: "That the Bill be passed".

The motion was adopted.

17.50 hrs.

GOVERNMENT OF UNION TERRITORIES (AMENDMENT) BILL

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA):

Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Government of Union Territories Act, 1963 be taken into consideration."

Under the Government of Union Territories Act, 1963, the Union Territories of Pondichery, Goa, Daman & Diu, Mizoram and Arunachal Pradesh have Legislative Assemblies and Consolidated Funds of their own. Appropriation from the Consolidated Fund of the Union Territory is to be made through a law made by the Assembly. The Legislative Assembly

[Shri Yogendra Makwana]

of the Union Territory of Pondicherry was dissolved on 12-11-1978 and therefore a Vote on Account was got passed by Parliament upto 30-9-1979. Later on, the Legislative Assembly of Goa, Daman & Diu was also dissolved on 27-4-1979. At that time, the Legislative Assembly of that Union Territory had only passed a Vote on Account for a period of two months. A further Vote on Account upto 30-10-1979 was got passed by Parliament for Goa, Daman and Diu.

Sir, it was expected at that time that the full budgets of these territories could be passed by their Legislative Assemblies, if reconstituted before those dates or by Parliament. However, the Sixth Lok Sabha was dissolved on 22-8-1979 and it was decided that elections to the new Assemblies should also be held along with Lok Sabha elections. There is no enabling provision in the Government of Union Territories Act, 1963 similar to Article 357(1) (c) of the Constitution, hence it was not possible to draw any amount from the Consolidated Funds of these Union Territories beyond the dates for which Votes on Account had been given by Parliament. The President, therefore, promulgated the Union Territories (Amendment) Ordinance, 1979 on 25-9-1979. The Ordinance inserted in the said Act a new section 52 for empowering the President to authorise expenditure from the Consolidated Fund of a Union Territory.

Sir, this is a formal Bill to replace the Ordinance, to give the status of law to the Ordinance which was previously promulgated by the President. This Bill is for that purpose only. I commend this Bill to the House.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Government of Union Territories

Act, 1963, be taken into consideration."

SHRI EDUARDO FALEIRO (Mormugao): Mr. Chairman, Sir, I agree with the hon. Minister of State that this is a formal piece of legislation, but then it does provide the people of the Union Territories and their representatives in this House an opportunity to voice their grievances and to bring in sharp focus what the people of these areas have been saying and voicing for a long time.

As far as the Union Territories are concerned, while the rest of the country enjoys a real democracy as enshrined in the Constitution, these people in those remote areas and in those small areas are still from many points of view in a quasi-colonial—I would not say, colonial—situation. It so happens that this Bill and its provisions bring to our notice and I hope will bring to the conscience of the House also that these people still from many points of view remain second class citizens who do not enjoy all the rights and privileges which are available to the citizens elsewhere in this great country. This Bill refers to Section 51 of the Union Territories Act. And Section 51 in this Act deals with the imposition of President's Rule in the Union Territories. The President's rule is always an act of authority. It is an act which violates the democratic scheme, but then it is also an act which, under circumstances when the constitutional breakdown does occur, becomes indispensable. But you will see the difference between President's rule when it is applied in a State, and President's rule when it operates in the Union Territory. When it is applied in the States, Article 356 of the Constitution comes into play. When it applies in an Union Territory, Article 356 does not come into play, the Constitution does not come into play. A provision which gives wide, indiscriminate and totally arbitrary powers to the Government of India comes into operation, and that

is Section 51 of the Government of Union Territories Act.

President's rule stops the constitutional machinery. It stops the rights of the people in a democratic set-up, in many respects. But when it comes to the States, it is controlled, i.e. the imposition of this wide authoritarian power is controlled by what Article 356 says. When we see that Article, we do realize that it limits the scope for the Government of India to impose President's rule in a State. Government of India or, formally, the President—Article 356 says—can impose President's rule in a State only "on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State can not be carried on in accordance with the provisions of this Constitution." Therefore, the limitation imposed on the Executive and on the Government of India to impose President's rule in a State is this, viz. that it can only be imposed if and when—and in no other circumstances—the President feels that the government of a particular State cannot be carried on in accordance with the provisions of this Constitution.

What happens in the case of the Union Territories? In the case of an Union Territory, Article 356 does not apply. The Constitution does not operate. What applies is this very mischievous section 51 of the Government of Union Territories Act, which is quite different, and which gives far wider powers, and absolute, indiscriminate powers to the Government of India to impose President's rule in an Union Territory. And section 51 says:

"If the President, on receipt of a report from the Administrator of a Union territory or otherwise, is satisfied—

(a) that a situation has arisen in which the administration of

the Union Territory cannot be carried on in accordance with the provisions of this Act,..."

I have no objection to this provision, but there is (b) which says:

"or (b) that for the proper administration of the Union Territory it is necessary or expedient so to do,"

Therefore, if the Government of India feels that it is in their convenience that a particular Union Territory should be brought under President's rule, if a Prime Minister does feel that the legislature of a Union Territory must be suspended because he does not agree with the views which are prevailing in that legislature, then it is open to the Government of India to impose President's rule there. Here, there is mention of the situation which arose in the Union Territory of Goa.

Let me finish with this, to show the mischievous nature of the provision viz. of section 51. President's rule was imposed in Goa. In Goa, the Government which was there, viz. the Mahrashtrawadi Gomantak Government, fell because it had no majority. Then we in the Opposition obtained majority, and we said, "Let us form the Government, and let us get the sanction from the Government of India." A delegation came here, met Prime Minister Morarji Desai. Mr. Morarji Desai told them: "Your representative in Parliament is all the time opposing me. Mr. Faleiro is all the time opposing me." This line of thought was there in the minds of people now sitting to my right, it may occur at some time in the minds of people sitting to my left also. Because Mr. Desai did not agree with the views of the representative of the Union Territory of Goa here, and because Mr. Desai felt that some Congress (I) elements would be there, in charge of the Government whether overtly or covertly, he did not allow a Congress Government to function there.

[Shri Eduardo Faleiro]

18 hrs

This is a mischievous type of provision which permits a person or a party with no responsibility to act arbitrarily.

MR. CHAIRMAN: Would you take more time?

SHRI EDUARDO FALEIRO: Yes.

MR. CHAIRMAN: You may continue tomorrow. The House stands adjourned to meet tomorrow at 11 a.m.

18.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, January, 25, 1980/ Magha 5, 1901 (Saka).