

MR. DEPUTY-SPEAKER: The question is:

"That Clause 7, as amended, stand part of the Bill."

The motion was adopted

Clause 7, as amended, was added to the Bill

MR. DEPUTY SPEAKER: The question is:

"That clause 1, the Enacting Formula and the long Title stand part of the Bill."

The motion was adopted

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

SHRI B. SHANKARANAND: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted

13.10 hrs.

SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) BILL

[English]

MR. DEPUTY-SPEAKER: We go to the next item.

Dr. Rajendra Kumari Bajpai.

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): I beg to move*:

"That the Bill to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto, be taken into consideration."

Mr. Deputy-Speaker, Sir, this House is aware of the deep concern our Government has for the welfare of the Scheduled Castes and Scheduled Tribes. A separate Welfare Ministry was created in 1985, specially for the welfare of weaker section of the society. Many new initiatives have been taken, particularly in the last few years to improve the lots of Scheduled Castes and Scheduled Tribes, in trying to discharge a mandate of the Constitution. Poverty alleviation programmes which provide a special attention to the Scheduled Castes and Scheduled Tribes have been expanded and intensified.

13.11 hrs.

[SHRI SOMNATH RATH *in the Chair*]

First the IRDP and other programmes were improved considerably and now these have been replaced by a bigger scheme of the Jawahar Rozgar Yojana. It is because we think that if we have to improve the economic conditions of the weaker sections of the society, specially Scheduled Castes and Scheduled Tribes and those who are below the poverty line, they should be given employment. For that, Jawahar Rozgar Yojana has come in a big way.

*Moved by the recommendation of the President.

Drinking wells and irrigation wells have been provided for this group. The need of housing has been met by the Indira Awas Yojana. The programme for liberation of scavengers has been given a greater impetus. I want to tell the House that though in the Constitution, we have abolished untouchability, it is also true that unless and until we remove this sort of work, i.e. scavenging, there will not be much impact. So, the liberation of scavenging programme is very important for removing untouchability from our society. The education of Scheduled Castes and Scheduled Tribes which is of crucial importance to their growth and development has received much greater attention. Education is very important to fight not only poverty but it gives them strength to fight social injustice as well. We want Scheduled Castes and Scheduled Tribes people to stand against social injustice and for that awareness should be created through education. So, education programme is very important and under the new education policy and under the 20-point programme, we have laid emphasis to this aspect. The number of students studying beyond the Matriculation stage has gone up to 13 lakhs. This is an open-ended scheme where we are providing scholarships to our Scheduled Caste and Scheduled Tribe boys so that they can go for higher studies. Coaching centre are provided to them so that they can take the advantage or avail the opportunity of competing with other sections of the society.

A special drive is currently on for filling up the backlog which had arisen as a result of non-fulfilment of reserved seats for SC/ST. Efforts are also being made to free them from bonded labour and to find land for cultivation.

As well all know, about 45% of the Scheduled Caste population are landless labourers and they are mostly living below poverty line. So, they have to be given these facilities and we have to give them opportu-

nity and some of them are bonded labour too. We will free them through this Bonded Labour Act and they will be rehabilitated by giving them land and money as well.

We are witnessing today the signs of fruits of development reaching the Scheduled Castes and Scheduled Tribes. But it is not all. With greater spread of education and with the socio-economic condition improving, the relations in society sometimes come under tension as a result of this change. As the situation is changing and the change is coming into the society, we see that in the countryside, in rural India specially, there is some kind of tension also and that is because of atrocities on Scheduled Castes and Scheduled Tribes in some part of the country or the other. Higher caste groups sometimes do not like change in the socio-economic structure and tensions develop. These are the causes of atrocities and the Bill is intended to prevent these atrocities and so I am dealing with that. The demand for justice, for equality, for a human living standard, for knowledge, for education and freedom leads in some cases to a realisation by groups who are not enlightened enough to recognise the healthy signs of growth.

People are still not going to tolerate the growth of the development of Scheduled Castes or of those people who were till now working under them. They can come up and demand their rights. Sometimes tension erupts in the locality. In such situations, atrocities or a variety of offences are committed on members of Scheduled Castes and Scheduled Tribes. These are the causes.

I have had occasion to tell this House regarding the recent trend in the increase of such offence against members of the Scheduled Castes and Scheduled Tribes. The other day while we were discussing this matter in the House, a question was put and I have answered such questions many times in the last four years about atrocities on Scheduled

[Dr. Rajendra Kumari Bajpai]

Castes and Scheduled Tribes. Last week I was saying that I will be coming with some Bill on atrocities. Sometimes there was heated discussion on this point. This question is constantly raised in this House that there is increase of such offences against members of Scheduled Castes and Scheduled Tribes. Sometimes hon. Members are also agitated on this. During 1988, there were a little over 15,000 offences against Scheduled Castes and 3,300 cases in respect of Scheduled Tribes. Of these, heinous offences such as murder, arson, rape and grievous hurt accounted for about 3300 cases in respect of Scheduled Castes and 783 in respect of Scheduled Tribes. There are other minor offences also. This shows the tendency, trend and thinking of the upper caste people. They do not want that Scheduled Caste and Scheduled Tribe people should be respected in the society like others. The nature of these offences in many States indicated that these were not isolated instances but represented a trend in the country. In cities and towns and areas where the society was generally aware of the need to bring about such changes, the upward socio-economic mobility of the Scheduled Castes and Scheduled Tribes was accepted and tensions did not arise. But in certain rural areas things are very bad. In rural areas, traditions seem to be difficult to dislodge. It is difficult to dislodge the prejudices and traditions there. Hence, the Government thought that certain special measures would be necessary at this point of time. So, we are bringing in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Bill. In this Bill, we have also defined as to what are the atrocities and we will specifically deal with those things.

Sir, the causes of such incidences were related generally to land or to continued exploitation or enforcement of traditional demeaning practices. It is regrettable that

such instances have been reported such as in Kerala where a member of Scheduled Caste was forced to eat human excreta. There are reports of a bridal party being chased and houses of this community razed to the ground merely because the bridegroom had the temerity to ride on a horse through the village streets. That bridegroom was riding on a horse. He was going through the village streets. So, the upper-caste people felt as to how he could ride on a horse and so the houses of those poor Scheduled Caste people were razed to the ground. The efforts of the Government to provide land have been frustrated in many cases. This is another example of atrocities on such people. In some States where the land is allotted to Scheduled Caste people, forcible dispossession or illegal occupation Caste people, forcible dispossession or illegal occupation of such land is reported to Government. This is because of the fact that the upper-caste people are strong people. They think that these poor Scheduled Caste people should have no right on such lands. They forcibly occupy the land. So, land is also a cause of such atrocities. In Madhya Pradesh, recently the Government launched a special programme to see that possession or effectively restoring land to members of Scheduled Caste and Scheduled Tribes who had been given pattas for the land, is implemented. Such programmes are taking place as a special drive. That is our policy. That is the guideline from the Central Government. So, they are trying to implement the programmes. But still there are cases where things are not properly implemented or if pattas are given to Scheduled Caste or Scheduled Tribe people, the upper-caste people in the village or those who are in possession of such a land still try to hold the possession of their land or they grab the land meant for weaker sections. They will not part with that land. So, the Scheduled Caste is not able to occupy that though he has got pattas. It is the one point of under cause or the pattern of atrocity that is committed on women folk. In some

unfortunate incidents the women folk of Scheduled Castes and Scheduled Tribes are sought to be dishonoured and assaulted with the object of teaching a lesson to that community. This is a very ugly sort of thing and a very cruel mode of thing which is resorted to by certain people. And this is the worst type of atrocities committed on Scheduled Caste people in dishonouring women folk. In tribal areas sexual exploitation is known to occur and the willingness of the innocent tribal women is secured by exercise of authority or influence. The community is sometimes sought to be pressurised by denying them access to public places for easing themselves or for cremation or a water source et. Such type of things are still going on in some parts of India. Now in the 20th century, this is very shameful for the society. We have to not only create awareness but we have also to stop it with strong hand. We are going to take this strong measure.

Instances have occurred of fouling of water source or dumping carcass in the vicinity of their houses. It is to humiliate and tease the Scheduled Caste people. All these when taken together form a pattern which calls for more stringent legislative measures.

The Bill which is before this House seeks to classify most of such instances as Atrocities on Scheduled Castes and Scheduled Tribes. We have defined these atrocities and included all these atrocities in this Bill. Although many of these offences could probably be covered under the normal law of the land, we are witnessing today a difference in degree which calls for a differentiation in kind in respect of these offences. It was necessary to bring this Bill. The Bill hence proposes to specify higher punishments as also laying down some minimum punishment for such offences. We have elaborately mentioned the various kinds of atrocities which we have included in this Bill.

I will only mention two or three points though there are so many other points which are the salient features of the new legislation. For the first time, we have defined this term in this Bill, that is, what will constitute atrocity. It says:

"Forcing a member of Scheduled Caste or Scheduled Tribe to drink or eat any inedible or obnoxious substance as the human excreta or acting with an intention to cause injury, insulting or annoying by dumping excreta, carcasses and other similar items in their locality, taking off their clothes forcibly, particularly of the women folk, forcibly dispossessing them of their land and keeping them as bonded labour and forcing them to do beggar, interfering in the rights guaranteed to them for representation in public bodies, through elections, utilising legal process for causing harassment and injury by instituting false, malicious or vexatious suits or legal proceedings against them and subjecting their women folk to assault and sexual exploitation by persons in a position to dominate their will".

Property is often the basis of atrocities on Scheduled Castes and Scheduled Tribes. Hence, wrongful dispossession of the property is made an atrocity under the Bill. The Bill also provides that upon conviction, in addition to a sentence to be passed, the movable and immovable property belonging to the convicted persons and used in the offences would be liable for forfeiture. This is very important and that is why it is made very stringent.

The Bill includes offences relating to property of persons and carrying punishments of ten years and above under the Indian Penal Code and committed by non-Scheduled Castes and non-Scheduled Tribes on the ground that the victims happen

[Dr. Rajendra Kumari Bajpai]

to be members of Scheduled Castes or Scheduled Tribes, as atrocities.

The Scheduled Tribes living in Scheduled Areas or Tribal Areas are harmed in many ways by vested elements. Article 19(1) provides for the protection of the interests of the Scheduled Tribes. The Bill, therefore, provides for externment of a person who is likely to commit an atrocity as defined in the Act against a member of a Scheduled Tribe in a Scheduled or Tribal Area, from that area for a period extending to two years.

The Bill provides for minimum punishment of six months imprisonment and fine for the offences.

Some of the other features of the Bill are appointment of Special Courts and Special public prosecutors, conferment of powers exercisable by a police officer or any officer of the State Government and protective and preventive measures that are to be taken by the law and order machinery to check the atrocities. The Bill further contemplates arrangements for effective implementation of the Act, and among other things, provides for economic and social rehabilitation of the victims of atrocities. These are the salient features of the Bill.

We say that prevention is better than cure and the Bill also looks after the preventive measures. If an area is declared prone to atrocities it will become the bonded duty of the law and order machinery to take all possible measures for instilling a sense of safety and security. Schemes would be formulated under the general guidance of the Government of India to provide for such measures as also for providing prompt and adequate relief and rehabilitation in the unfortunate event of atrocities taking place. We have kept all these provisions not only on the

preventive side, but at the same time to see the rehabilitation part also.

The Bill places a special responsibility on the public servants who are not members of Scheduled Caste or Scheduled Tribe to take action to protect the interests of scheduled castes and scheduled tribes against atrocities being committed or taking of punitive and rehabilitative measures.

The Bill overall aims at ensuring that when the fruits of development and spread of education is now reaching the scheduled castes and scheduled tribes the benefits therefrom are not taken away or denied by vested interests. I am sure these measures will be welcomed by all and enlightened sections of society and that we shall in our country succeed in removing the stain of such inhuman treatment towards a section of our people by vested interests. The dream of Mahatma Gandhi for the uplift of these groups is being brought to reality by our Government and I seek your cooperation in passing this Bill and taking the message to that far corners of our country. I hope that, after giving your comments, this Bill will help in creating a proper atmosphere in the whole of the country and this Bill is going to have effect all over.

With these few words, Sir, I beg to move the motion for consideration.

MR. CHAIRMAN: Motion moved:

"That the Bill to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribe to provide for special courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental there to, be taken into consideration."

SHRI RAM RATAN RAM (Hajipur): Mr. Chairman, Sir, first of all, I would like to congratulate the Prime Minister and also the Welfare Minister, Dr. Rajendra Kumari Bajpai, for going ahead with this very progressive Bill, after the lapse of forty years of our independence.

Just now, our respected Welfare Minister has mentioned about the dream of Mahatma Gandhi. No doubt, the dream of Mahatma Gandhi is going to be fulfilled after the lapse of forty years of independence.

So far as the question of atrocities, tortures, land grabbing, rape and whatsoever is incorporated in this Bill, is concerned, it has been going on for centuries after centuries; it is not that it is just coming up today. It has been there for the last so many centuries.

I would like to congratulate the Prime Minister and also the Welfare Minister—who has got the motherly affection for the members of the Scheduled Castes and the Scheduled Tribes—for bringing forward this unique Bill. With this unique Bill, no doubt, the members of the Scheduled Castes and the Scheduled Tribes will have some relief. I would like to thank Dr. Rajendra Kumari Bajpai for this. Before I go ahead—as the hon. Minister has said just now—I would like to read the Statement of Objects and Reasons, which says:

“Despite various measures to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes, they remain vulnerable. They are denied number of civil rights. They are subjected to various offences, indignities, humiliations and harassment. They have, in several brutal incidents, been deprived of their life and property. Serious crimes are committed against them for various

historical, social and economic reasons.

Because of the awareness created amongst the Scheduled Castes and the Scheduled Tribes through spread of education, etc, they are trying to assert their rights and this is not being taken very kindly by the others. When they assert their rights and resist practices of untouchability against them or demand statutory minimum wages or refuse to do any bonded and forced labour, the vested interests try to cow them down and terrorise them. When the Scheduled Castes and the Scheduled Tribes try to preserve their self-respect or honour of their women, they become irritants for the dominant and the mighty. Occupation and cultivation of even the government allotted land by the Scheduled Castes and the Scheduled Tribes is resented and more often these people become victims of attacks by the vested interests”.

So, all these details are here. No doubt, this Bill is very unique. There is nothing left out in this Bill. Even a slightest point is not left out, so far as the question of prevention of the atrocities and the crime is concerned.

But what is it that was not there in the Indian Penal Code by which action could not be taken but the main things is one the civil side—the executive and the police are not really very sincere to implement these measures and go ahead with the very object and vision of the Government. That is the whole question. We have already enacted so many Acts but the whole question is till today the judiciary is silent on this matter. It takes years and years for a case to get settled. Do you think these poor people can afford to pursue the cases for years and years? They cannot afford to do so with the result the offenders get scot free and thereby our people are put to a lot of harassment. No

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doubt, this Act will give some benefit and relief to our Members but I want to touch the basic point. Whenever a crime, atrocity, torture, etc. is committed against the members of the scheduled castes and scheduled tribes first of all they have to go to the police station to lodge an FIR. Here in this Act nothing has been mentioned about the police officers. Crimes, atrocities, tortures, etc. are there but when they go to the police station the police officers there refuse to record the FIR. What is the way out for this? What action do we propose to take against those police officers who are still silent on the matter? In that respect I would have been grateful to the hon. Minister if some way had been found out to curb such police officers as well. Now no case can stand unless an FIR is there and the police report is there. Our people go to the police station. The police officers there refuse to register the FIR. On the other hand our people are put to difficulty by being accused that they are making a false statement. So our people are afraid of going to the police station. They rather prefer to tolerate the inhuman treatment.

MR. CHAIRMAN: May I draw the hon. Member's attention to Clause 4 of the Bill?

SHRI RAM RATAN RAM: Mr. Chairman, my point is will my people go to the police to lodge the FIR and also will the police officers there be sincere enough to take note of that? There are provisions even in the IPC. My point is what action you propose to take against such police officers who refuse to record the FIR and on the other hand put our people to harassment and torture. They go to the police station. They are asked to sit there for one one or two days. No action is taken. So, what action has been proposed to be taken against such police officers? There should be a remedy to tackle such a situation. A special court will not doubt be there. Our prosecutor will be there.

A separate advocate will also be there. Everything has been provided in this Bill. But there is no mention about action against such police officers. That is what I wanted to bring to the notice of the hon. Minister.

Everything is mentioned in detail in this Bill. But so far as the question of externment is concerned, the option has been given to the offender. On page 6, it has been said:

"Where the Special Court is satisfied, upon a complaint or a police report that a person is likely to commit an offence under Chapter II of this Act in any area included in 'Scheduled Areas' or 'tribal areas', as referred to in article 244 of the Constitution, it may, by order in writing, direct such person to remove himself beyond the limits of such area, by such route and within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself for such period, not exceeding two years, as may be specified in the order."

My point is that option has been given to the man who is going to commit a crime or who has already committed a crime. Will the man, who has been asked by the court to remove himself, carry out the order or not? That question has to be considered. Why should an option be left to the criminal? Suppose such person does go from the area as defined, what is the guarantee that he will not come again and commit the offence? Such lacunae are there.

I am very thankful to the hon. Minister for having brought forward such a progressive Bill after 40 years of our independence for the welfare and protection of people belonging to the Scheduled Castes and Scheduled Tribes. Our people are getting education. It is a marvellous and unique Bill. We are happy and satisfied. But still there

are some lacunae. Some options have been given which should not be there.

So far as the question of casting of vote is concerned, what is the remedy? Booth-capturing is still there. Our people are not allowed to cast their votes in favour of the candidates whom they like. Separate booths are there. Booths are also set up in the localities of the Scheduled Castes and Scheduled Tribes. Since I come from the tribal area. I know that the tribal population is concentrated much more than the Scheduled Castes. The Scheduled Castes are not that much concentrated as the tribals. And that is why, Government was kind enough to create booths for the Scheduled Castes in every locality so that people can exercise their franchise. In spite of the fact that there are booths in every locality and village, there are goondas persons who bribe and do not allow people to cast their votes. There is no doubt that remedy is there in this Bill. But I would like to point out to the Minister that remedy is also possible by appointing a police officer when the question of adult franchise comes. I would like to say that some police arrangement must be made. But at the same time, I have got an apprehension about the police officers. The police officers are there to create offences themselves. They train the criminals. They ask the criminals to commit crimes. So, more Scheduled Caste and Scheduled Tribe officers should be appointed and posted at the police stations and unless our people are posted at the police station itself and made the officer-in-charge, I do not think that the objective of the Government will be fulfilled by the Act since the power is in their hands. At the very initial stage, people will have to go the police station to report the crime. Unless this is done, nobody can go to the court, whether it is a special court or whatever court it may be. The question of going to court comes later on. First of all, one has to go the police station to report. Somehow our people have gone to the police station to have FIRs

lodged after the offences like murder, rape, etc. were committed, as mentioned in this Act. But whole question is about the witnesses. The court will have to proceed according to the witnesses. The court cannot hang anybody simply on my saying, as a member of a Scheduled Caste or a Scheduled Tribe, that my daughter has been raped or my son has been murdered by this man or that man. The Court of Law cannot convict a person like that. So, witness is necessary. Wherefrom will the witness come? That is my point. Some torture is going on by some persons who still cannot be influenced. They still terrorise the people by saying that if they go to the court as witnesses, none will be allowed to remain in the village, all of them will be burnt or murdered. No doubt, there is action taken. Even if there is any apprehension, our people will go to the court or the police station and report by saying that an apprehension is there. And action will be definitely taken by this Act. But a sort of fear is there in the minds of people. People are afraid. When my whole village gets burnt and when we will not survive, what will the court do? This sort of feeling is there among the people. We have to look into this aspect also. The Government cannot go into all these details. They cannot post a Magistrate for every door or every village. We have to find some ways so that the minds of our people are free from such weaknesses and fear. All those people who come and frighten and threaten people will have to be set right. This aspect will have to be looked into. We cannot depend on the Government all the time that they would do everything for us. We have to do something ourselves also. Of course, the Bill as brought forward by the hon. Minister is very unique and marvellous and I would like to express my thanks for the same.

I would like to make one more point regarding the grabbing of land. The Government was very kind to allot land to our landless people. Most of our people are landless, and bonded labourers in the vil-

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lages. Though the land had been allotted to these poor people, in many cases it has been grabbed from them and it is a very big problem to restore the possession to them. Though the Bill deals and takes care of the various problems relating to the bonded and landless labourers and grabbing of land by unauthorised people, yet it would require a lot of effort to put these provisions into practice. By this Central Act, we are going to give protection to these poor people throughout the country, but at the same time, in many matters we have to depend on the State administration. This legislation will be applicable throughout the country, and the State Government should be very sincere and honest in implementing it and particularly, they must take care of the scheduled castes and scheduled tribes so far as the land problem is concerned. We have given land to the landless people and most of these people have been dispossessed from the land, and the possession has not been restored to them. They have to go to the court of law. How many of our people have got enough money to go to the court of law? Of course, the provision is there that you will finance our people for this. In fact, these innocent people are afraid of going to the court. Thought, this problem has been definitely dealt with very nicely and adequately in this Bill, it is very difficult to restore the possession of the land, allotted to these people, once they are dispossessed of it. The law is there, the magistracy is there, the officers are there, yet we are not getting the required protection. I do not think the special courts will ever go the spot to restore possession of the land to these people.

In this context, I would like to suggest that the cases relating to the land problem as also atrocities on these people should not take more than thirty days; these should be disposed of within that period. Only then, we

can have faith and confidence that something is going to be done for us.

With these words, I conclude and would like to convey my heartiest thanks to the Prime Minister as also the Welfare Minister for bringing forwards this Bill, which would definitely provide relief to the poor people.

[Translation]

SHRI GANGA RAM (Firozabad): Mr. Chairman, Sir, the Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Bill, 1989 moved by the hon. Minister of Social Welfare is the culmination of deep studies made on the problem process of which was started 4 to 5 years ago. During this period, the hon. Minister had several rounds of discussion with the hon. Members of Parliament and organised seminars and conventions of the representatives of the Scheduled Castes and the Scheduled Tribes to interact with them about the difficulties being faced by them. This is not only an exhaustive Bill but an improved one also as it contains all the good provisions of the earlier laws and the subject. Therefore, she deserves all praise for introducing this Bill.

After 40 years of independence, a concrete step has been taken to prevent the atrocities on the people belonging to Scheduled Castes and Scheduled Tribes who constitute 25 crore of the total population of the country. It was Mahatma Gandhi who in 1932 had staked his life to make these castes as an integral part of the Indian society and he also did a lot for their betterment. Words fall short to describe the efforts of Pt. Jawaharlal Nehru and Dr. Baba Saheb Ambedkar in ameliorating the lot of these poor sections of our society and infusing the feeling of self-respect among them. I would like to quote what Pt. Jawaharlal Nehru said about Dr. Ambedkar.

[English]

"I imagine that the way he will be remembered most will be as a symbol of revolt against all the oppressive forces and features of Hindu society. He rebelled against something against which all should and ought to rebel and we have in face rebelled in various degrees."

[Translation]

After going through this Bill, it appears that the hon. Minister and for that matter the Government of India brought this Bill with a view to giving a warning to the oppressors, tyrants, and who exploit the poor in order to remove social inequality.

The hon. Minister has explained in detail the objects of moving this Bill in the House. The Acts and laws made till date on the subject, mainly the Removal of Untouchability Act, 1955 and the Protection of Civil Rights Act, 1987 could not be proved effective. All of us agree that the implementation of these Acts have been very poor.

A number of schemes have been launched for upliftment and development of the people belonging to Scheduled Castes and Scheduled Tribes and weaker section of society which constitute 25 per cent of the total population of the country. The credit for the schemes such as 20 point programme, IRDP, NREP, Jawahar Rozgar Yojana, Special Component Plan and the Scheduled Castes and the Scheduled Tribes Financial Corporation goes to none other than the Congress Party. During the stewardship of the hon. Minister, Central Government has set up a separate Financial Development Corporation for these sections, whose jurisdiction runs throughout the country. Indira Awas Yojana and many other schemes were also launched, but unfortunately they could not be effectively implemented by the pres-

ent machinery of the Government. This reminds me of a few lines of a couplet of a poet:-

'Kitne Badal Baras Rahe Hain, Phir
Bhai

Paudhe Taras Rahe Hain,

Yahi Chaman Ko Acharaj Bhari, Pani
Kahan Chala Jata Hai?"

It is a pity that despite several measures taken by the Government, all these facilities have not reached the rural areas at the grass root level. We must find out the reasons for this. Besides enacting this legislation we must also consider the effective implementation of measures taken for their upliftment because atrocities are closely inter-related to their upliftment.

I do remember that during the Janata Party rule, when I was in Lucknow, a decision was taken to withdraw reservation facility for SC/ST. However the Government of the Janata Party was dismissed that very evening thereby saving the helpless poor. On coming to power, the Congress Party not only continued the policy of reservation, but also implemented it effectively. Recently, the young hon. Prime Minister has tried his best to clear the backlog of reserved vacancies very earnestly. For this the hon. Prime Minister and the hon. Minister of Social Welfare both deserve to be congratulated. This created great fervour and enthusiasm among the poor all over the country, especially the constitutional amendment Bills of the Panchayati Raj and the Nagarpalika have infused great confidence in the people. Under Panchayati Raj system, reservation for them has been given upto the grass root level only.

Many people do not understand the meaning of reservation. I would like to explain its meaning before the House. We keep

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on demanding reservation in appointment and promotion in services and in allotment of gas agencies, etc. Explaining the meaning of reservation, Dr. Ambedkar had stated that the reservation had been made for social upliftment of the people who had been subjected to social discrimination for thousand of years and in order to achieve the goal, some sort of discrimination against some people would have to be done. That discrimination can be termed as reservation for which down from Mahatma Gandhi to all the leaders of the present generation are trying to achieve in right earnest.

The opposition has done nothing in this direction except making hue and cry. The House is the witness to their behaviour and sincerity shown during the last four years when they raised the issue of Bofors only and nothing else. Opposition never discussed the issues pertaining to the poor and on the other hand wasted time of the House. They do not know against whom they are levelling charges. They are levelling charges against the person who is trying to anchor the ship of the country from the turbulent sea. To them I can say, "Tum Sahil wale kya jano, yeh tufan kaun uthata hai, yeh kishti kaun dubota hai." It is the opposition which is raising storms to drown the ship which is being anchored by our leader. Therefore, under the present conditions, neither we nor the people have any expectations from the opposition parties. The poor people are looking towards the Congress Party headed by the Hon. young Prime Minister only and the hon. Minister of Social Welfare, who have political will and the determination to act upon. The present Bill to stop atrocities is bold and praise-worthy, though many programmes are already in progress.

A little while ago, Shri Ram Ratan Ram, who is a veteran Member of the House pointed out some short comings in the Bill. But be-

fore I go into them, I would like to refer to the last report of the Scheduled Castes and Scheduled Tribes Commission regarding atrocities. Commission has stated, which I quote.

[English]

"A review of the available atrocity data for the years 1982 to 1984 presents a somewhat disturbing trend. The overall number of cases of atrocity against the Scheduled Castes that had declined from 15051 in 1981 to 14,847 in 1983, recorded an increase to 16,586 in 1984. In 1987, the highest number of atrocity cases was reported from Madhya Pradesh (6128) followed by Uttar Pradesh (4200), Bihar (1845) and Rajasthan (1648). These States together with Tamil Nadu (489), Gujarat (690) and Maharashtra (579) among themselves accounted for about 95 per cent of the cases of atrocities reported during the year under review."

[Translation]

This has been stated by the Commission. The report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1986 is also available now. At present Shri B.G. Sharma is the Commissioner. He has made an indepth studies of the problem throughout the country and his report is before us. As regards atrocities, total number of serious crimes committed in 1986 has been given in the report. Earlier, only serious crimes were treated as atrocities. Under the G.O. of the Ministry of Home Affairs, serious crime includes murder under section 302 of IPC, greivously hurt under sections 324 and 376 IPC, rape under section 376 IPC, arson under section 436 IPC and some other serious crimes but in the present Bill, the hon. Minister has made the definition of the serious crimes more exhaustive. The Commissioner for the Scheduled Castes and the

Scheduled Tribes in his report has stated that in 1986 alone, as many as 15416 serious crimes, earlier used to be known as atrocities, were committed. Out of them, as many as 3945 crimes were committed against the people belonging to the Scheduled Tribes. In our country, there are 1085 Scheduled Castes and 639 Scheduled Tribes. As regards their population in the country, population of Scheduled Castes and Scheduled Tribes are about 15 crore and 10 crore respectively. Atrocities have also been committed in the same proportion against them. The causes of atrocities as pointed out by the Commissioner and the hon. Minister are cent per cent correct. In the object and reason of the Bill, it has been correctly stated that the atrocities are committed on them because feudal elements in the society do not tolerate that the poor people should live with honour and peace in the society. The poor, the Scheduled Castes and the Scheduled Tribes wish to lead a peaceful and happy life in this independent India, without being forced to bear insults. In the objects of the Bill, it has been accepted that they are subjected to atrocities. This Bill has been brought forward with a view to stop atrocities on them so that they may lead a respectable life. This is the need of the hour. Even on moral ground, nobody has got any right to insult one. It can be observed from the statement of objects and reasons attached to the Bill that maximum atrocities are committed in Madhya Pradesh followed by U.P., Bihar and Rajasthan. After a deep study of the matter as to why Madhya Pradesh is on the top of the list, I came to conclusion that feudalism was the sole reason for it. This area has been under the control of feudal lords, zamindars and Nawabs for a pretty long time. There were several small princely States who used to force the people to work. Their outlook was so feudal that in order to satisfy their false ego, these people did not allow common men to sit even on the cots before them. Mostly incidents of atrocities have occurred mainly in North India e.g.

Jahangirabad, Deoli, Sadupur etc. I would like to tell about Deoli incident which occurred in 1982 in which as many as 23 persons were massacred. Two main accused named Santosha and Radhe were not allowed to be arrested on behest of the then Chief Minister of Uttar Pradesh who is the leader of opposition today and is leading them. He helped those accused and made them surrendered in the courts only. This ghastly crime was committed in 1980-81 and the case is still pending in the court. The case is being get delayed by big zamindars and feudal lords who have been helping them. Not only this, Santosha filed even nomination for the post of Pardhan from the jail itself. They are providing protection to those criminals. People of Janata Dal are providing protection to persons having criminal's record. I think that if such people come in power what benefit they will provide to Scheduled Castes and Scheduled Tribes. The future of the Harijans will become bleak if they come in power.

Hon. Minister has rightly said that bonded labour is one of causes of atrocities on them. An act to abolish bonded labour system was passed in 1976 on the initiative of our leader late Shrimati Indira Gandhi but bonded labour still exists in our country in one form or the other. In a conference, a high police official had expressed his views that political awareness among weaker sections, Scheduled Castes and Scheduled Tribes, for which credit goes to our Party, was one of the reasons for atrocities on them. The Congress Party has infused a sense of self-respect among them. Now when their self-respect is hurt, conflicts arise and atrocities are committed. Their women are raped and entire village is burnt. I have seen in Uttar Pradesh that atrocities are committed merely for such reasons. Bihar Government faced a lot of difficulties in implementing provisions of Minimum Wages Act. People who commit atrocities do not give minimum wages to these poor people. The Commissioner for

[Sh. Ganga Ram]

Scheduled Castes and Scheduled Tribes has mentioned in his report that farm labourers are given 5 kilograms of flour and some quantity of rice as daily wages or Rs. 8.50 in cash and it is also not known if it is actually paid or not, whereas an amount not less than Rs. 18.50 a day has been prescribed as the Minimum Wage under the Minimum Wages Act. Demand of minimum wages is one of the major causes of atrocities and harassment to Harijans.

Many aspects of the problem have been covered in this Bill. However, I would like to draw the attention of Hon. Minister towards some of points about which he has just made a mention. It is good that a provision has been made to set up special courts which was a long standing demand. In this regard, I would like to submit that cases of atrocities should be disposed of in summary trials, particularly in view of the fact that a number of years are wasted in investigation of the case and justice is not provided to them, as has been said by Shri Ram Ratan Ram. More the delay, more the injustice is done to them. While drawing attention towards section 4 of the Bill, the hon. Minister has stated that if public servant is found involved in it, he will also be punished. I would like to say in this connection that police officers also commit atrocities on Scheduled Castes and Scheduled Tribes. The Hon. Minister should think as to how he will tackle this problem of involvement of police officials in commissioning atrocities on these classes.

14.18 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Their F.I.Rs will be written by the police officers. What provision has been made for this? The Government should make special arrangements for the areas from where a large number of cases of atrocities are re-

ported. It is true that different State Governments have appointed special I.Gs and D.I.Gs for this purpose. But it would have been better if a provision is made specifically in this Bill itself. Of course, a provision has been made in section 4 with regard to atrocities to be committed by the public servants, still there is a need to look into this matter.

I would like to say one thing about the onus of proving the crime. You should think about it. Under section 5 of Prevention of Corruption Act and section 161 of I.P.C, onus of proving innocence lies on the accused. Similarly, onus of proving innocence should be laid on the accused under this Bill. In that case, he will have to prove that he has not committed atrocities or he has not abused or insulted the complainant, then it will be a great thing. People will get justice. I welcome and support this Bill provisions of which are well considered.

I would like to conclude my speech with recital of a few lines of a poem of Shri Rangji:-

“Ab N Sahan Hogi Bebasī ki Yatna,
Ant swayam kar raha srijan ki sadhana,
Aadmi ka kal aaj aadmi bana,
Ek-dusare se aaj ho rahi ghrina
Aadmi ko aadmi ka pyar chahiye
Aaj desh ko naye vichar chahiye”

and

“Vartman ki ore dekhta
aaj Bhavishya Mahan,
Kya Jane kis khyan ho jaye
Navyug ka Nirman”

By moving this Bill, Government has done a very good work. I hope that 25 per cent people of this country will get relief from this Bill, their problems will be solved and their difficulties and troubles will be reduced.

With these words, I support the Bill.

SHRI HARISH RAWAT (Almora): Hon. Deputy Speaker, Sir, I would like to thank the Minister for Welfare for moving this Bill. This Bill is a warning to the people who kept on committing atrocities on the people belonging to Scheduled Caste and Scheduled Tribes by taking undue advantage of some lacunae in the law. I feel that the Hon. Minister has consolidated the various offences so as to include them in this Bill. This Bill has been drafted after indepth studies and careful consideration. I would like to extend my thanks to all those people who have assisted in drafting this Bill and consolidating the list of atrocities, etc.

Mr. Deputy Speaker, Sir, laws were already there for giving protection to the people belonging to Scheduled Castes and Scheduled Tribes but the people who were entrusted responsibility to implement the law, belonged to the class who were averse to it. That is why the law was not implemented properly. This is the reason why we have been raising this issue from time to time in this House.

I am in complete agreement with Shri Ganga Ram that with the awareness among Harijans, atrocities on Harijans have also increased. I would even like to add that whenever a Government comes into power which thinks about the welfare of the Harijans and wants to give protection to them either at the Centre or in the States, incidents of atrocities increase as Harijans and Tribals resist atrocities in the hope that the present Government is benefactor and protector of their rights.

A debate was held in 1982 in this House on atrocities on Harijans. At that time Members belonging to Janata Party expressed view that incidents of atrocities on Harijans had gone down during the period from 1977 to 1980 when they were in power at the Centre, whereas the fact was otherwise. Atrocities were committed in greater degree

but they were not reported because the victims did not want to go to police stations to lodge reports. If at all some of them went to police stations to lodge reports, their reports were not lodged by the police. When Congress Government was formed in 1980, a new awareness was created among Harijans and Tribals who began to feel secure. They again began to resist atrocities perpetrated on them in the villages.

I feel that the drawbacks and loopholes in IPC and criminal Procedure code will be plugged to a great extent after enactment of this Bill. Now accused will not take undue advantage of the loopholes to escape punishment for the crime. These drawbacks have been removed.

Hon. Deputy Speaker, Sir, it has all along been the policy of our Government and the Congress Party that the weaker section should be protected. Even during the days of freedom struggle, Congress Party was the champion of the cause of weaker sections. Removal of untouchability was a part of our national struggle. When Gandhiji talked about freedom from the British rule, he also talked about removal of untouchability and religious discrimination. The Congress Party has inherited these ideals as its legacy. Voice has always been raised against those who commit atrocities. It is the reason why our Government always thinks in this direction. So far as necessity of enactment of laws are concerned, necessary laws have been enacted to check atrocities on Harijans and weaker sections, even then atrocities on them have not stopped because of economic base of the people belonging to weaker sections, Harijans and Tribals is very weak. No atrocity is committed on the person who is economically sound. He can go to the court and seek protection. He can even resist but the Harijans and Tribals who are landless and unable to go to the court for remedy are subjected to atrocities. Even police does not head to their complaints. He

[Sh. Harish Rawat]

has no time to register their complaints.

Government has taken several steps in this direction. Very recently, Jawahar Rozgar Yojana has been introduced and representation of Harijans and weaker sections has been provided in panchayats. This been done because the Government wants to make these sections economically self-reliant and to provide representation to them at the grass-root level. In this way, they will be able to express their views and raise their voice freely without any fear. Unless the weaker sections will be given ownership right of land, they will not be able to resist the atrocities being committed on them. Therefore, I would like to request the Government through you that there is need to allot land to every Harijan under Land Reforms Act so that he is able to build his house on the land of his own and cultivate it for agricultural purposes. This is the primary duty of the Government. Those who do not own agricultural land should be provided other means of livelihood. The Government and the whole society should think in this direction so that the Harijans and the Tribals can become self-reliant. I think this will enable us to control the atrocities to a large extent and to solve the problem. With these words, I support this Bill and thank the hon. Minister of State of the Ministry of Welfare, the Hon. Prime Minister and the Government in this regard.

SHRI BAPULAL MALVIYA (Shajapur): Mr. Deputy Speaker, Sir, I support the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Bill. Today, the hon. Prime Minister has assured that all the reserved vacancies shall be filled up within a maximum period of three months and ceaseless efforts are being made to fulfil this pledge. This is a very significant step. It is for the first time since independence that the Hon. Prime Minister has taken the initiative of clearing

the backlog of reserved vacancies. The Hon. Prime Minister has made a major contribution to the upliftment of the Scheduled Castes and Scheduled Tribes through the Jawahar Rozgar Yojna. The Bill under consideration will also go a long way in solving the problems of the Scheduled Castes and Scheduled Tribes as is evident from its provisions.

Two of the provisions of this Bill are very appropriate. I would like to submit the social problems of the Scheduled Castes and Scheduled Tribes in the rural areas and expect that the Hon. Prime Minister will provide assistance in solving them. Apart from these problems, the primary problem is that of land. The 20 Point Programme Coordination Committee was constituted during the tenure of Shrimati Indira Gandhi. Lease Deeds of land were given through these committees but they were not given actual possession of their land. What is the reason behind it. In this connection, the work of the Madhya Pradesh Government is laudable. The former Chief Minister of the State, Shri Arjun Singh and the Present Chief Minister Shri Motilal Vora have done praiseworthy work. A committee by the name of 'Adhikar Abhiyan Samittee' has been constituted there and I am also a member of this committee. This committee has been doing commendable work. Those persons who were given lease deeds for land 15 to 20 years ago have been given actual possession of their land. The Collectors and Tehsildars in the State have been told that if the lease deed holders are not given possession of land, action will be taken against them. They were also told that if the Department of Revenue is incapable of carrying out this task, the assistance of Police should be taken. The results have been very encouraging. 75 per cent of the lease deed holders have got possession of their land and only 25 per cent have still to get it. I think they will also get their possession shortly. Similar committees should be constituted all over the country. If a piece of land belonging to a Harijan happens to be

located in between two plots of land belonging to an affluent person, his piece of land is forcibly occupied and he is evicted with the result that he is compelled to sell it off. As per my experience, if a Harijan has a piece of land in the village and it is also fertile, the caste Hindus would entrap him by turning him into an alcohol addict and would provide money for purchasing the same and in this way, they would eventually rob his piece of land. As in the case of Adivasis, there should be restrictions on the sale of land belonging to the Harijans as well. There should be a law to the effect that the land cannot be occupied forcibly. The land belonging to the Harijans are not registered with the result that they are often evicted by those to whom they owe money. The hon. Minister has stated that 3000 cases of atrocities have come to their notice. Besides these cases, there are several cases which are not reported because the poor Harijans are prevented by the village musclemen from filing their complaints to the police in this regard. In this way many atrocities are committed on them, but the rich and influential people in the village do not allow them to report the matter to the Police and even harm them physically. Some Harijans came to me with their complaints and they informed me that they had to take a separate and a longer route because they feared that the musclemen in their villages would prevent them from going to lodge the complaint. FIRs in this regard should be filed in the local police stations but they are unable to do so and they have to approach the S.P. for this purpose. These days the political leaders and even the Police officers have little say with the result that cases are not registered. Only these influential people hold sway and everybody is at their mercy. This is a very big problem. Presently, police stations have been set up exclusively for the Harijans. But in these police stations also, the situation is same. The policemen who register their complaints demand bribes and in this way atrocities are committed on the Harijans. It has also been observed that the

Prevention of Untouchability Act has also not proved effective. It is necessary to make this law effective. During the Janata wave in 1977, a Harijan Congress worker was much harassed by the BJP workers. He was made to wear the clothes of a woman and made to dance on the streets. Such atrocities should be checked by framing necessary legislation. So far as I think, social programmes are based on social perspective.....

SHRI VIRDHI CHANDER JAIN (Barmer): Provisions have been made in this Bill.

SHRI BAPULAL MALVIYA: I am putting forward one suggestion. You will observe that Harijans are discriminated against on social occasions and at public places. They are not allowed to sit at the same place with the Caste Hindus. If the Caste Hindus sit on the mats, the Harijans are told to sit somewhere else. If the Harijans sit on the mats, the caste Hindus sit on raised platform. This kind of discrimination which is practised everywhere should be removed. Atrocities are committed on women but they are prevented from reporting them. Much discrimination is practised in the rural areas. The Harijan children are not allowed to sit along with the children of other castes. In the tea-clubs of the teachers, the Harijan teachers are not included. The messengers also do not fetch tea for them nor do they wash their clothes. Consequently, the Harijan members of the staff refuse to become members of the staff tea-club. These are minor problems which should be removed. I think, the Government should look into this aspect of practising discrimination even in places which are open to all. There are private temples in rural areas and the Harijans are not allowed to worship in these temples. The newly-wed Harijan couples cannot enter into any temple and offer their prayers to the deity. Therefore, I would like to suggest that measures should be taken to build separate temples for Harijans in the

[Sh. Bapulal Malviya]

Harijan colonies in order to avoid any confrontation. With these words, I thank the hon. Minister for moving such a magnificent Bill and I would like to offer my support to it.

[English]

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Deputy Speaker, Sir, man's inhumanity to man has no limits. Indeed no species of life on this earth is as cruel to itself as the homo-sapiens. This morning we woke up to the horrifying news of Gohpur, which is the latest case of atrocities. But my mind goes back to a few years ago when I visited a Harijan village in Andhra Pradesh, where everybody had been terrorised out of the village, except a lone woman, an old woman who had lost her mind and was loitering through the streets with a blank face and there was a dog following her. I could see the charred remains of rice in the granaries of various houses which had been turned into carbon. Madam, these atrocities are not only directed against a community, they are directed against the nation, they are directed against humanity, and it is with this sense and purpose that we have got to fight them out...*(Interruptions)*.

SHRI BIPIN PAL DAS (Tezpur): When did that incident take place in Andhra Pradesh?

SHRI SYED SHAHABUDDIN: Around 1981 or 1982. I had a meeting of the National Executive of the Janata Party there at that time and then I visited that place.

SHRI BIPIN PAL DAS: What is the name of that village?

SHRI SYED SHAHABUDDIN: I have forgotten the name. I will give it to the Madam Minister some time.

Sir, man does not live by bread alone. He essentially needs dignity, he essentially needs a social existence, social recognition, social respect as a human being. Therefore, I congratulate the hon. Minister for bringing this Bill before us. It has been overdue. We have long contented ourselves with an illusion that by passing the Protection of Civil Rights Act, we have done all that was needed, that by putting in beautiful phrases in the Constitution we have done all that was needed. I am happy that the Government has realised that atrocities need to be dealt with a firm hand, with all the power that is at the command of a civilised State, with all the feelings and emotions that we can bring to bear on this despicable situation as human beings and as citizens of a country which swears by Mahatma Gandhi.

These atrocities cut across the political complexion of the State Governments and, therefore, one should not look at it as a party question. It is a shame for the country. It is a national problem and we have got to look at it and deal with it as a national problem.

The other day a case was referred to here in the House, of a Harijan being forced to eat human waste. I came across the other day a case in which a citizen of free India...*(Interruptions)*

AN HON. MEMBER: It was a place in Kamataka where Janata regime was there.

SHRI SYED SHAHABUDDIN: I also came across a similar case of a Harijan only recently, who had been forced to drink urine in Uttar Pradesh in the very constituency of the Prime Minister and I have brought that case to the notice of the Prime Minister. Not that I am holding the Prime Minister responsible for that case of atrocity. Far from it. But what I am trying to say is that this is a social and a national malaise which cuts across political barriers and, therefore, we have got to unite here in this House to fight against this evil.

Here is a list of atrocities committed in 1987 and 1988. The figures are here. I do not know how far the figures represent the truth because many of these figures are only partial truth. It is only where a person finally gets across the many administrative, social and legal barriers to record his anguish and his pain and his shame that they appear here in the reply. But even as it is, they are rather revealing. I have got the figures for Bihar, Gujarat, Kerala, Madhya Pradesh, Rajasthan and Uttar Pradesh. I have chosen all those which have recorded more than 500 cases in a given year. There, six States alone account for 85% of the cases of atrocities recorded. I think some special effort has to be made by the Central Government and I would request the hon. Minister to draw the attention of the Chief Ministers of these States to make a special study as to why is it that these State are responsible for so many atrocities. Therefore some very special methods are necessary to fight this evil in those States.

Mr. Deputy-Speaker, Sir, I would like to place a few suggestions before the hon. Minister. It is absolutely necessary that the weaker sections like the 'Harijans' and the 'Adivasis' have due representation not only in the Police Force, but in the Intelligence machinery and in the Magistracy because the Police does not act by itself. It is all these three agencies which together by their sins of omission and commission make such atrocities possible. Therefore, I would plead with the hon. Minister to ensure that there is due representation in all these three branches and that not a single seat which is in the reserved/quota remains unfilled. What is more important is to have a composite pattern of deployment in the particular districts which are atrocities prone. For example, in every 'thana', in such areas, in every scheme of deployment of the magistrates in these areas, in these districts, you must ensure due representation of the weaker sections. I would suggest to the hon. Minister for her

consideration that in every district let there be one thana specially for recording the cases of atrocities and it should be manned from top to bottom by the weaker sections only. Just have one thana, call it by whatever name you like because the poor illiterate Harijans and Adivasis and weaker sections are not permitted access to the normal thana. They are shoved away. They are treated as sub-humans and they are not permitted to record their anguish. Whereas in such a separate thana their pain and sufferings shall be shared by the people in power and they shall be humanely impelled to record these cases of atrocities and it is these Thanas which should then be responsible for investigating these cases of atrocities. The thana alone will not do. The political parties casting aside all the differences, and other social organisations, all those who speak in the name Gandhiji and Nehru must organise themselves into Committees for the protection of civil rights at district level, at the town level so that any Harijan, any Adivasi, any member of the weaker section who feels aggrieved can go to them and seek their learned assistance and seek their expert help. Let these voluntary institutions be given full support by the Government.

Sir, I would like to suggest one thing which is not there in the Bill. Any person who is convicted of an act of atrocity as has been defined in this Act, should be disenfranchised from voting, from standing as a candidate in any elections in this country. He has no right to commit an atrocity and then come up and demand a share in running the society. Total disenfranchisement of any person who has been convicted of any offence under this Act including public service should be applied. I would like to draw the attention of the hon. Minister to historic judgement recently by the Madras High Court, by the Justice Khadar. Of course it was given in a different context. But the basic situation remains the same. His argument was that the State's primary duty is to protect the life

[Sh. Syed Shahabuddin]

and property of the citizen and if for some reason the Police system of the State fails, the State is morally bound to compensate the citizen for the loss that he has suffered. Here in this Bill you talk about some compensation, some relief and rehabilitation as a gesture of generosity. No. It should be taken as a matter of right, as a matter of State obligation for the failure of its machinery for the failure to perform the duty that it is supposed to exist for. Therefore, there must be full compensation for all losses suffered, and for loss of lives and injury you must have a prescribed scale as there is in the case of Industrial Accident Act. Depending upon the age of the person, the earning period ahead of him, his earning capacity, you work out a definite reasonable sum that he would have earned had he lived. Similarly in the case of loss of property, there should be a compensation on the basis of full substitution, not that you give a Harijan a paltry sum of Rs. 100/- to buy a few bamboos to re-erect his shelter. Whatever he has lost due to the negligence of the State, due to the failure of the machinery, must be fully compensated on the basis of substitution. Substitution cost should be the criterion for all losses of property. Of course, punitive fine is mentioned there. But I would like to emphasize that the entire society is responsible for these atrocities, those who commit them and also those who remain silent spectators. Therefore, take the mohalla as a unit, take the panchayat as a unit or take the revenue village as a unit and let everybody contribute towards the punitive fine so that out of the punitive fine, you can pay the compensation that I have just demanded.

Sir, as far as the public servants are concerned, there is a lovely clause which I welcome fully. They are subject to prosecution, but they must be punished even administratively because sometimes it may not be

possible to bring home the charge, to prove it in a Court of Law. Therefore, there must be administrative punishment for anybody who is negligent, who is found not to have acted in time, who is found to have looked the other way while the atrocities have been committed and at least there should be a black mark in his record. He should at least be subjected to suspension.

Sir, I fully support the view of Mr. Ganga Ram that there should be a summary trial. Merely a Special Court would not do. A Special Court must have a summary procedure and a time-bound activity in order that these atrocities can be controlled.

I am fully conscious of the fact that violence and atrocities will continue to mount in our society because we are passing through a state of transition. People are standing up and demanding their rights. People are asking for the minimum that are due to them under the law of the land. They do not want anything more and yet for that cry, they are punished. Even today, I have seen a report from Bihar where some Harijans merely for the sin of asking for minimum wages were fired upon one person was killed and 30 others injured. Therefore, you have to steel your nerves, if the State, is to exist as a civilised State, you have got to gird up your loins, you have to stand up to this challenge and you have got to take a full measure of the situation of whatever power has been vested in you by the people of India and bring it to bear upon those mischievous elements who are bringing disgrace to the country until Gandhi's dream is realised, until justice dawns in our society, until we learn to treat each other as human beings and not as 'them' not as another group, but as human beings and as common citizens of a free India.

[Translation]

*SHRI HARIHAR SOREN (Keonjhar):
Mr. Deputy Speaker Sir, I rise to support the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Bill, Sir, 40 years have passed since we achieved independence. The Govt. of India have taken a number of steps for the welfare of Scheduled Castes and Scheduled Tribes. But, it is a matter of great regret that these people are still neglected. They are still suppressed and oppressed by the upper caste people. So, this Bill will go a long way in protecting the Scheduled Caste and Scheduled Tribe from the atrocities. So, I welcome this Bill. The Honourable Minister, Smt. Bajpayeeji is looking after this Ministry. She has studied the problems of the Scheduled Castes and Scheduled Tribes. Therefore, she has brought this Bill before the House. There are some good provisions in this Bill. But, mere passing of the Bill and making Act will not be able to stop atrocities on Scheduled Castes and Scheduled Tribes. We have to find out the root cause for the atrocities which are being perpetuated on them. If we make a proper analysis of it we will see that social, economical and educational backwardness are the main reasons as to why atrocities are being perpetuated on them. The entire Scheduled Caste and Scheduled Tribe population in the country is not educated. Due to their illiteracy, they are not able to know many things which are going on in the country. Since the economic condition of these people is not sound, they are not able to get respectable status in the society. Of course, our Govt. have launched several schemes for the upliftment of the Scheduled Castes and Scheduled Tribes. The Govt. want to enhance their status in the society by conferring many economic benefits on them through various schemes. But the duty of the Govt. will not be over by launching those schemes and by allocating funds under those

schemes. The Govt. is to see as to whether the schemes launched for the welfare of Scheduled Castes and Scheduled Tribes are effectively implemented or not, the Govt. is to see as to whether funds earmarked under those schemes are properly utilised or not. So far as my information is concerned, the officials who are put incharge of implementing various schemes for the socio-economic development of Scheduled Castes and Scheduled Tribes are not doing their duties honestly and sincerely. They are not able to provide benefits to all the beneficiaries.

Similarly the officials who are supposed to maintain law and order and to protect the lives and property of the Scheduled Castes and Scheduled Tribes are not able to give them due protection at the appropriate time. They are not able to check atrocities perpetrated on them (Scheduled Castes & Scheduled Tribes).

15.00 hrs.

If we will not be able to give due protection to the SCs & STs, the situation will further aggravate in future and it will be beyond control. Sir, I would like to say a word about the Reservation policy of the Govt. I thank the Govt. for making reservation of posts for SCs & STs. In the past the posts reserved for SCs and STs were not being filled by SCs and STs. on the plea of the non-availability of suitable candidates from among them. I am grateful to the Govt. that special drives have been launched to clear the backlog of employment of SC & ST candidates. This will protect the interest of the candidates. In this context I would like to say one thing. Sir, at some places we find that the SC & ST candidates are able to secure the marks supposed to be secured by general candidate. That means they are qualified to get the posts reserved for general candi-

*Translation of the speech originally delivered in Oriya.

[Sh. Harihar Soren]

dates. But it is seen that whatever best may be their performance they are appointed only against the posts reserved for them. If we take this attitude then the upliftment of SCs and STs will not become possible.

15.01 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

Sir, you know the present situation in the county. At one place it is Uttarakhand, at another place it is Jharkhand, at some other place it is Bahujan Samaj Vadi and at some other place it is Bodo in the name of the movements are rising their ugly head. I do not support these movements. But we cannot reject the issue simply by saying that the movements are unlawful. What are the root causes of their movements? Is it a fact that the people involved in those movements are being neglected since long, is it a fact that they are being suppressed by the upper caste people, if so, how will the Govt. protect them? How will the Govt. take action against the people who are exploiting them? All these factors should be studied very carefully. If we will be able to stop atrocities, if we will improve their economic conditions and if we will give them proper status in the society, they will never be involved in any kind of movement. At least I know that the tribals are simple and innocent and they are peace-loving people. So, we must provide them protection and we must give them social justice. The Honourable Minister an experienced Minister. I request her to study the burning problems of SCs and STs. Then she should take immediate steps to tackle those problems. Otherwise you cannot cow down them. Because 40 years after independence now a kind of awareness is being created among them. They know that due justice has not been given to them in all these years. Therefore please find out some ways to remove their problems and restore peace in

the society. Sir, our Govt. have drawn up various schemes for the upliftment of SCs and STs. Most of those schemes are being implemented in the country. But it is regrettable that the State Govts. are not very sincere in the effective implementation of those schemes. Therefore I would like to urge upon the central Govt. to send necessary instructions to the State Governments to implement those schemes with right earnestness and sincerity. Because it involves the upliftment of SCs and STs.

Sir, my second request is with regard to the better administration in the tribal areas. Some provisions have been made in this regard in the 5th and 6th Schedules of our Constitution. These provisions have been made to tackle the problems of tribals. Separate administrative systems have been provided in some tribal populated areas under the provisions made by the 6th Schedule of the Constitution. It is seen that the people are living peacefully in those areas. They are not being exploited by the upper caste people. The development process is taking place in full swing in those areas. The people living in those areas are very much satisfied with the existing administration. But the situation in other tribal areas which are under 5th schedule is different. The people have many grievances. In order to help them getting the full benefit of the various schemes which are being implemented by the Govt. and in order to give them due justice it is very necessary to bring all the tribal areas under the 6th Schedule and necessary administrative system should be introduced in those areas. With these suggestions I thank you very much and conclude my speech.

[English]

SHRI DIGVIJAY SINGH (Rajgarh): Sir, I rise to support the Bill and congratulate our Prime Minister Shri Rajivji and our Welfare Minister Shrimati Bajpaiji for bringing this Bill which, I hope, shall go a long way to curb the

atrocities on Scheduled Castes and Scheduled Tribes.

Sir, it is unfortunate that in spite of giving Scheduled Castes and Scheduled Tribes the constitutional protection and protecting them under the Civil Rights Act 1955 and various provisions of Cr.P.C. and I.P.C., we have been unable to curb the atrocities on SC and ST. We must realise that it is the structure which is coming in the way. We find that the system is not responding to the needs of today and it is not solving the problem at the ground level and, that is why, whenever we find a situation like this, we again come back to bring in some kind of different law to make the penal provisions more stringent. What is needed is a political will at the State and district level so that the enforcing authority and the political masters take stringent action against those persons who are committing these atrocities on Scheduled Castes and Scheduled Tribes.

I welcome the penal provisions made against those officers who are negligent in their duty regarding the provisions made in this Bill. But I do not understand why the officers belonging to Scheduled Castes and Scheduled Tribes have been exempted from these penal provisions. I feel that officers and the public servants belonging to this section of Scheduled Castes and the Scheduled Tribes have a greater responsibility to see that these penal provisions of this Bill and the provisions of this Bill are faithfully implemented because ultimately it is their kith and kin who are to be helped. I request the hon. Minister to consider and delete this provision.

I do not understand why, although after making the penal provisions, we are not monitoring the percentage of conviction in such cases. Simply booking them under the law and bringing them before the court is not the answer. We have to ensure, through a close monitoring of such cases, that conviction

is to a higher level and then only, we shall be able to curb this. We have cut across by setting up special courts in this Bill. But that is not all. After all, he still has a right to appeal to the high court and the Supreme Court. This itself will take years before the accused can be punished. The judicial structure today in this country. I am sorry to state—is heavily loaded against the poor. Although we have provided for payment of travelling allowances and miscellaneous expenses for witnesses and the victims, still it is the duration of the actual crime committed and the punishment given which is detrimental to such happenings occurring again and again. This is why, I feel that it is time when the Government itself thought about the restructuring of the whole judicial process whereby the right to appeal is restricted.

It is a very welcome sign that the provisions have been made to rehabilitate the victims of such atrocities to an extent possible. What is needed is that, as rightly pointed out by Shahabuddinji, we have to fix the quantum of the rehabilitation and the compensation paid. Otherwise, it may differ from State to State and according to the whims and fancies of different persons.

As I pointed out earlier, untouchability is an offence under the present law. But is it being enforced? Have we eradicated untouchability from our country? I am sorry to state that we have not. Still in the villages we have separate wells for Harijans, separate temples for Harijans. Why have we not been able to take action against those persons who are practising untouchability in the rural areas? I am sorry to say, a person of the stature of Sankaracharya of Puri openly advocated untouchability through the Press and he did not contradict that report. We have not taken action against him. We want more Jayendra Saraswathis in this country—the Sankaracharya of Kanchi—who are working for the uplift of the Harijans and working against untouchability.

[Sh. Digvijay Singh]

It is the responsibility of the caste Hindus to see that atrocities are not committed against SC and ST people. We have to change our frame of mind and accept them as brothers. Then only will we be able to make progress on this issue.

I feel that some of the provisions made are a little harsh. Simply throwing of waste in front of the house of a Harijan has been made a cognizable offence. Those people who know the village closely would realise that this would be a daily occurrence. How many cases will you register? This would give way for the police officers at Thane level to harass people. So we have to reconsider this. Throwing of agriculture waste is not such an offence as could be made cognizable; this could be deleted from the Act.

I strongly support the stringent penal provisions made regarding the usurping and the wrongful occupation of the land allotted to the SC and ST. There is ample scope for this provision because we find that the land allotted in the rural areas has been by and large taken away by the powerful people. It is there even in Madhya Pradesh. I should be ashamed of myself to come from a State where the highest atrocities take place in this country. We have taken a very positive step in the State of Madhya Pradesh whereby through a special programme of Adhikar Abhiyan, we have taken up restoration of land to the title holders. You would be happy to know that 62000 people who were not in possession of their land and were only holding Pattas has been given land under this programme.

The problem is more socio-economic than prohibitive or regulatory. We realise that 66% of the rural landless in this country are from SC. What is needed is mass oriented agrarian reform, faithfully implemented and monitored by specially constituted land

tribunals and manned by people belonging to the SC and ST or by persons who have a definitely known leanings for the SC and ST. Then only will we be able to implement faithfully these land reforms.

Today although we have fixed the minimum wages, they are not being given. Although we have fixed minimum wages. I know from any experience, they are not being given. Until and unless such things are monitored closely by some special committees or by the land tribunals, we will not be able to justify our intentions.

Land absorbing and land augmenting technical innovations have to be made. You would agree with me that most of the disputes which arise in the rural areas are through non-payment of wages or poor payment of wages. The Government has to step in where we provide adequate work for at least about hundred days in a year. We are very happy, the Hon. Prime Minister Shri Rajiv Gandhi has come out with special programmes under the Jawahar Rozgar Yojana. The other point is political decentralisation. Until we politically decentralise power and give power directly to the elected representatives of the people, we will not be able to enforce these laws and all these programmes.

Another thing is the grass-root mobilisation of the Scheduled Castes and the Scheduled Tribes and bringing about an awareness amongst them that they enjoy fundamental rights under the Constitution, and that they enjoy civil rights under the Civil Rights Act. Until and unless they know the provisions of the Act, we will not be able to bring them up to the mainstream.

Administrative restructuring and planning from below is another feature which is important. Shri Rajivji has rightly taken the initiative to decentralise the power to panchayati raj and also provide work for the

landless. Now that we have taken the initiative, the ball is in the court of the State leaders – the politicians in the State capitals – to implement these laws and regulations.

I would like to say a word about the tribals. We have a large tribal population and especially in my State of Madhya Pradesh, they are about 22.5%. The Jharkhand movement has been going on for a very long time. We have to give a serious thought to it. I congratulate the hon. Home Minister for starting a dialogue with the Jharkhand leaders. What are they asking for? They want to be the masters of their own destiny. What are they asking for? They are only asking for self-rule. If we can give it to the Gorkhas of the Darjeeling, why cannot we give it to the tribals of the Central India? It is a serious thing which we have to consider with an open mind. Let us not reject it outright. After all, you cannot deliver the goods at the lowest level until and unless you have the people's involvement in the system, people's involvement in the delivery of the schemes, policies and the programmes. Therefore, I faithfully urge upon the Minister to convey my feelings to the hon. Prime Minister and to the Home Minister to consider this very seriously.

PROF. N.G. RANGA (Guntur): Your Chief Minister also. That is the real trouble.

SHRI DIGVIJAYA SINGH: Certainly, Sir. I have said it earlier. The ball is in the court of the Chief Ministers because ultimately they are the people who are to implement the laws at the grass-root level.

In the end, I once again congratulate the hon. Prime Minister. He has shown by his actions – whether by filling the vacancies in the Scheduled Castes and the Scheduled Tribes quota or by giving reservations in the Panchayati Raj System and now with the present Bill the he has brought forward – that he is cast in the same mould of the Congress

giants like Pandit Jawaharlal Nehru, Mahatma Gandhi who have brought in a revolution in this country. Here, of course, what remains will be eradicated by this Bill.

SHRI P.M. SAYEED (Lakshadweep): Mr. Chairman, Sir, I congratulate the hon. Minister for having brought this Bill before this House. It is a well thought out Bill. It deals with almost every aspect regarding the atrocities committed against the Harijans and Advasis in our country.

As you know, we have passed many laws in this very House eradication of untouchability, Civil Rights and many other laws. But, why is it that the atrocities are on the increase? My humble view is that, of late, on account of the increase in the percentage of literacy and also of the improvement in the economic field, the Harijans and Advasis are trying to assert their rights. Naturally, they will assert their rights. Some old feudal, affluent, powerful, high-caste sections of our society will naturally resist with more vigour to see that the rights these communities want to assert get defeated. When these atrocities are going on in this country what are we do to do? The point I want to make is that this Bill after having been passed should not meet the same fate as the earlier Acts like Eradication of Untouchability and Civil Rights had met with.

There are many salient features in the present Bill which is proposed to be passed. For example, for the first time we are fixing the responsibility on the officers who are going to implement this piece of legislation at the grass root level. Supposing this piece of legislation also meets the same fate as the earlier ones then what do we propose to do. My suggestion for that would be that at least, in the first instance, you will be in a position to know such atrocity prone areas in the country where atrocities are committed on the scheduled castes and scheduled tribes. Now such areas will get identified. Secondly,

[Sh. P.M. Sayeed]

the officers who have got sympathy towards these communities must also be identified and some awards should be given to them whenever they implement the provisions of this Bill in letter and spirit.

Mr. Chairman, Sir, I would also like to congratulate the hon. Prime Minister for this. He has toured the length and breadth of this country and seen the plight of the Harijans and the Adivasis. Even the hon. Minister herself has arranged so many seminars, conventions, meetings of the scheduled castes and scheduled tribes MPs and MLAs and other experts. After having studied the problem in depth she has brought this measure. We only hope that this will meet the requirements of the country. It is really very sorry that even after forty years of Independence the scheduled castes and scheduled tribes population of our country – which is about 25 per cent – are not able to assert their rights and we are not in a position to give them their due share. The intention of the Government is very well spelt out in this measure. I would have been happy if the Opposition had been here and participated in the debate and given their suggestions. Instead of that they have chosen to remain outside and accuse the Government of bringing in all these measures with an eye on the coming general elections. The other day when the Panchayati Raj Bill was being discussed many hon. Members had touched this point. For four long years that aspect had been deliberated upon and fifteen thousand experts had cooperated and discussions were held at length. After that, it was brought before the House. The Harijans and Adivasis are now going to be given reservation in each village panchayat according to their population. Why should we not ask the State Governments to make such laws to see that these measures are implemented through them? There will be an inbuilt mechanism through which they themselves can spot out

where exactly the troubles are taking place.

I feel that it is a good measure and has to be endorsed by one and all in this House. I think, if it is implemented with the same intention with which this has been brought before the House, the age-old atrocities and other inhuman things which are being inflicted by various high-castes, powerful and affluent sections of the rural society, will definitely be checked. Therefore, I wholeheartedly support this measure and congratulate the Prime Minister once again. Thank you very much.

SHRIMATIBASAVARAJESWARI (Belary): Mr. Chairman, Sir, I am happy to thank the hon. Minister for having brought forward this historic and revolutionary Bill. We have already passed the historic Panchayati Raj and Nagarpalika Bills.

Most of us refuse to become the Minister of Social Welfare – myself and Dr. Rajendra Kumari Bajpai being exceptions. When ministerships are offered, most of them would like to become Industry Minister, Finance Minister or Minister for some other department. But nobody is willing to become Minister for Social Welfare unless he or she is very much sympathetic and can involve in the welfare of the poorer sections of the society. In that way, I congratulate Madam Bajpai for having taken charge as Minister for Welfare and having brought this historic Bill. I too was Minister for Social Welfare in Karnataka State. I know something about the atrocities on and welfare of the people belonging to the Scheduled Castes and Scheduled Tribes.

PROF. N.G. RANGA: So, we congratulate you both.

SHRIMATIBASAVARAJESWARI: We have already taken several measures to uplift the socially and economically backward people. But still we could not overcome

this problem. We have taken up a lot of anti-poverty programmes like IRDP, NREP, RLEGP. But what benefits have reached them? I am very sorry to say that the benefits have not reached them fully. There are various reasons which I am going to explain shortly.

As stated by the hon. Minister, we have given scholarships for their education. We have distributed the surplus land for their socio-economic gains. We ask them to cultivate the wasteland wherever it is available. We have asked them to cultivate forest land wherever it exists. We have worked out so many schemes for the welfare and economic upliftment of these sections. But what is going on? The real fact is that the schemes through which we are doing our best to help them, are not reaching them. The reason behind this. Unless and until we bring total prohibition in this country, I don't think we would be in a position to bring them on par with others. Whatever amount we give and whatever wages they earn and whatever economic benefits we give for them are being misused by this section of the society. The first and foremost thing which we have to think is of total prohibition in this country. We may lose some revenue by this. But we should not mind. We are the followers of Gandhiji and so, we should be proud to say that we are going in for total prohibition in this country. If we want the poor ladies to be protected from all these evils, this is the only measure. By this measure, we can make them economically and morally well-off.

The next point is about education. We are trying our best to give education to everybody. We have been implementing the ICDC project for the welfare of children and also nutrition programme. I would like to know as to many centres have been started in the colonies. So many 'anganwadis' have been started under the ICDC project but I find that very few of them have been started in Harijan colonies. When we start more and

more 'anganwadis', we should try to see that children who are brought in one environment are shifted to another environment. Only then, the whole scheme will be successful. We have to change their environment first. How best to change their environment will depend on starting more and more 'anganwadis' in the colonies instead of doing the same in the towns where there are more facilities to enjoy. We should try to see that more 'anganwadis' and health centres are started in the tribal areas and Harijan localities and so also the schools. We have started more schools under the new education policy. We are going to strengthen secondary education under this new education policy. There are a number of single-room schools in the colonies. There are hundreds of children studying in such schools. We should try to strengthen education in these colonies themselves by providing more and more schools and more and more teachers. We should make it compulsory for children to attend their schools. I would like to know from the hon. Minister as to how many drop-outs are there. You try to make a survey of the whole subject and try to find the number of drop-outs. Children attend schools at the most upto fourth or fifth standard or SSLC. After that, very few go to college due to poverty. And for the same, parents are not in a position to send their children to college. We have to provide them with some alternatives so that they need not depend upon the wages of their children. They take their children to the fields just to supplement their income. How can we create a feeling among people that they can live without the wages of their children?

These things should be taken care of. Moreover, they have their own differences, such as, they belong to this group or that group. I do not understand as to why there are disparities. Whenever I visit them, I have been telling them not to try to establish such kinds of disparities and we all belong to the same nation and they all belong to the same

[Smt. Basavarajeswar]

weaker sections of the society. And if they fight among themselves, what will be the outcome? We must remember Madam Gandhi on the Floor of this House. She had brought the political awareness among the minorities, backward classes and Harijans. She had taught us about our rights. But till now, we are not utilising those rights properly. Minister stated, while defining atrocity, that when we ask for our rights, atrocities are committed on us. What has happened in Karnataka? We are pained to see that such things still continue in this country. In Karnataka there was a reformer in the 12th century, Lord Basava. Prof. Ranga knows that. He wanted to eradicate social evils in our society. He made revolutionary reformation in Karnataka. He was a great reformer. He made one Harijan girl marry a Brahmin boy. But he was so much harassed and tortured that he had to leave the kingdom and he committed suicide. He did his best in those days in the 12th century. And today, in the 20th century, we are shameful to see that such things are being practised. As Shri Shahabuddin said, this is not to be viewed politically. It is a national issue. Everybody should take it that we are all one in these matters. We should try to love each other.

As survey was undertaken and it revealed that persons who belonged to the same community, scheduled castes or scheduled tribes, once they achieved something, they were not very much in favour of developing their own brothers and sisters. Why is it so? Why do they forget their own brothers and sisters? The survey also revealed that they were ashamed to go to their own colonies. Why should it be so? In fact, they should be involved more in these kinds of things. We must put an end to this sort of attitude.

Then, under the Land Reforms Act, surplus land has been given to these poor

people. Wherever we have given land, there should be some checks and balances to find out whether the land given to these people is being cultivated by them. Legally, their name may be there in the record, but who is the person actually cultivating it? The fact is that it is being cultivated by somebody else. Who takes the amount of fertilizers given to them? The moment they get the fertilizer, they sell it. What about the implements and seeds being given to them? That is not going into their hands. What is the reason for that? You should find out and set these things right. You should not think only one line, you should think the other way also.

What about the facilities being extended to them under the various schemes like IRDP? We give them buffaloes, cows, bulls and so many other things. If you go and see next day, you will not find them there. That is why we are not achieving the development that was anticipated by us. The real benefits are not reaching the beneficiaries. You should try to find out the reason. You must have a check on the persons who are not utilizing the aid being given to them. Unless we do this, I do not think, the benefits will reach the proper persons. We should be very careful in these things.

Dr. Ambedkar, during the days when the Constitution was being drafted was awake at 2.00 O'clock in the night one day. I read that in one of the books. When one of his friends asked him why he was awake at that time, he said: "How can I sleep unless my poor people can sleep during the night?". There is still a lot to be done. Poverty is still there; so many social evils are still prevalent in our society. Even today the devdasi system is very much prevalent. Girls are being offered in the name of God freely. Such social evils need to be eradicated. Devdasi system, nude processions etc. in the name of God are very much prevalent in States like Maharashtra and Karnataka. Unless we put an end to these systems, I do not know how we can call ourselves as civilized persons. We are

ashamed to see that our sisters are being offered in the name of God freely, which ultimately leads to prostitution. These things should be immediately curbed. Some of the States, I think, enacted laws to rehabilitate these unfortunate devdasis and their children, but that has not proved effective. Those devdasis and children are very much there. Some serious thought has to be given, so that these ladies and children are rehabilitated and kept in proper and good environment, so that the children can be given proper education. Unless these evils are checked, I don't think by bringing this legislation we are going to improve the entire social and economic structure of this community. The word 'atrocities' has been defined very nicely but the only thing is that it has to be implemented also by way of morally as well as legally enforcing the law. At the same time people should be given proper education and teachings. All the 'swamijis', 'gurus', Lords and 'dharam gurus' should come forward to teach the people that we are all one. Unless our leaders come forward and give a call to the nation, we don't think that we can enact it firmly and the condition of these people will improve. With these words, I thank you very much.

[Translation]

SHRI MANIKRAO HODLYA GAVIT (Nandurbar): Mr. Chairman, Sir, I am grateful to you for providing me an opportunity to express my views on Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Bill. The hon. Minister has taken a good step by moving this Bill. I would like to thank her for this step. In view of the provisions made in this Bill and the views expressed by the hon. Members of the Parliament, I can say that if the provisions of this Bill are implemented properly by the Centre and the State Governments, the Scheduled Castes and the Scheduled Tribes will get justice.

Mr. Chairman, Sir, as you also belong to Maharashtra, you are well aware of the atrocities being committed on the people belonging to Scheduled Castes and Scheduled

Tribes in almost all States of the country. It is known to all the hon. Members of the House including myself being a Scheduled Tribes, besides other people, police personnel also commit atrocities on them. Despite enactment of laws, atrocities are still being committed by the public as well as the police. Whenever a victim of atrocities goes to police station to lodge a complaint he is confined in police lock up where he is threatened to the extent that he loses his confidence in lodging a complaint. Such types of atrocities are not reported. In the tribal society in my district, exorcism is practised. The exorcist is called 'Bhagat' in local dialect. These Bhagats often have long hairs on their heads and treat the people of their diseases. A complaint was lodged against a Bhagat of my area that he had stolen a thing from the field. Despite the fact that Bhagat owns 27-28 acres of land, the police dragged him by the hair, and lodged him in the police lock-up. He was not only beaten but he was also made baldpated by the police. When he made a complaint, it was not lodged. When I came to know about it and enquired from the Superintendent of Police, he did not deny the fact that the complaint had not been registered. Whenever a poor man or a tribal goes to the police to lodge a complaint, his complaint is registered but later on it is said that no atrocities has been committed. It is said that when the Department of Welfare was a part of the Ministry of Home Affairs, it had more say in the States. But now it has been made an independent department. So I would request the hon. Minister to do the needful so that the Department could exercise more authority over the States.

The Minimum Wages Act has been made for the poor and the Scheduled Castes and Scheduled Tribes. But it has not been implemented properly in many states. Attention should be paid to this also.

Recently, our Hon. Prime Minister Shri Rajiv Gandhi has made an extensive tours of the areas inhabited by the people belonging to Scheduled Tribes. He visited the huts of these poor people. He saw there the magni-

[Sh. Manikrao Hodlya Gavit]

tude of poverty and felt their needs. For this reason, this Bill has been brought here.

The Hon. Prime Minister has instructed that the backlog of reserved vacancies for the persons belonging to Scheduled Castes and Scheduled Tribes under the Government of India and the State Governments should be cleared. Their quota of reservation as provided in the constitution should be fulfilled. Recently, I have received a complaint that the Postal Department in Maharashtra has advertised some posts under special drive in a newspaper named 'Lok Satta'. Applications were to be sent within seven days. I would like to submit to the hon. Minister that how a candidate can send his application within seven days. No candidate belonging to these categories would apply to the post. As a result thereof, backlog will not be cleared and the officer concerned will write to his superior that "candidate not available. When a super class I office in Maharashtra Circle have this type of attitude towards us, what can we expect from the lower level officers? Our Hon. Prime Minister wants that the backlog should be cleared. But how it can be cleared when they are given 7 days time to send applications. Attention should be paid in this regard. The time schedule as directed by the Hon. Prime Minister for clearance of the backlog should be extended further. The last date by which backlog is to be cleared is 31st October, 1989. It should be extended further.

I have heard that special courts have been set up for trial of cases of atrocities committed on the people belonging to Scheduled Castes and Scheduled Tribes. When their complaints are not registered in the police stations, who will heed to their complaints in the court?

A big irrigation project by the name of Sardar Sarovar Project is being set up on Narmada river at a place where borders of Madhya Pradesh, Maharashtra and Gujarat meet. Land of 33 villages of Maharashtra and some tribal villages of Gujarat is being

acquired for this project. Nothing has been done so far for their rehabilitation. Neither any alternative land nor adequate compensation for their land is being given to them. They are given land by the Government, on town planning rate, whereas the land of poor is acquired at throw away prices at Rs. 4 to 5 thousand an acre only. The Government is in favour of doing something in this regard. Unless Government take same steps justice cannot be done to the people belonging to the Scheduled Castes and Scheduled Tribes.

District Rural Development Agencies have been formed to implement all these programmes. This Agency is also responsible for implementing the schemes under the Jawahar Rozgar Yojana. The funds provided to the Gram Panchayats under Jawahar Rozgar Yojana will be spent through this Agency. I would like to submit that officers of clean record only should be posted in these agencies, other-wise all the money will be pocketed by them and the Tribals and the poor will get nothing. That is why I am giving stress time and again on the fact that the Government should take steps to provide justice to the poor with much alacrity.

I would also like to submit that a large number of persons belonging to communities other than the SC/ST have availed of facilities by producing bogus caste certificate. On the basis of bogus certificates, they got admission in various educational institutions such as I.T.'s, medical colleges and engineering colleges, etc. These bogus tribals living in cities are enjoying facilities meant for the tribals living in hill areas. They obtain caste certificates on the basis of affidavit. Thus the genuine tribals are deprived of their facilities. I urge upon the Government to weed out bogus tribals. In 1977, the Government of India removed the area restriction. Due to this decision, a number of non-eligible persons could get caste certificates showing themselves as tribals. Those certificates are still valid.

Recently a Central Minister paid a visit to a Department of Central Government. He said there that the caste certificates should

be issued on permanent basis. I told him that I am a tribal myself and I never heard such thing. Such authority helps the bogus people.

The people belonging to Kasti Community are taking advantages by declaring themselves as the people belonging to Halba and Halbi tribals. This should be checked. If they are really backward, they should make demand for separate provision. In no case, they should be allowed to share the cake meant for Tribals. People belonging to 'Machimar Koli' are taking undue advantage on the names of 'Suryawanshi Koli', 'Tokarekoli', 'Mahadev Koli', 'Dhor Koli' and 'Tokare Koli' in Maharashtra. This should be checked. If they are backward, they should be provided separate reservation. Only the persons belonging to genuine tribals should be appointed on the posts and given admission in the educational institutions reserved for them.

In the end, I would like to submit that if the hon. Minister is really sincere to check the atrocities on Harijans and Tribals, then he should give a serious thought to my suggestions.

SHRI JANAK RAJ GUPTA (Jammu): Mr. Chairman, Sir, the disease got aggravated with every dose of medicine. It is not for the first time that we are confronted with the fact that a lot of atrocities are committed on the Harijans. There is hardly a State where this malady is not present. Of course, some where it is in lesser degree and some where it is in acute form. A number of laws have been enacted from time to time by the Government to check atrocities on the Scheduled Castes and Scheduled Tribes. There is no doubt that it has been checked to some extent. The Bill moved by Shrimati Bajpai is the need of the hour. It was a long felt demand of the people. Provisions of this Bill needs to be implemented strictly.

Before I could say something about the provisions of the Bill, I would like to draw the attention of the hon. Minister towards section 3 of the Bill. In this connection I would like to suggest an amendment. In section 3

(A), for "whoever, not being a member of a Scheduled Caste or a Scheduled Tribes,". The word "whoever" is sufficient and words "not being a member of a Scheduled Caste and Scheduled Tribe" should be deleted. Only then the purpose of this Bill will be served. Suppose, an officer belonging to Scheduled Caste or Scheduled Tribe commits atrocities on Scheduled Castes and Scheduled Tribes and tries to deprive them of their rights he will not be punished under the provision of this Bill as many of our learned Members have stated that as soon as economic conditions of a person belonging to the Scheduled Caste and Scheduled Tribe improves, he does not want to live in the colony or locality in which he used to live earlier with his other bretheren.

16.00 hrs.

[English]

MR. CHAIRMAN: It is already 4 P.M. The House shall take up discussion under Rule 193. So, you can continue next time. You please resume your seat.

16.01 hrs.

DISCUSSION UNDER RULE 193

Fourth, Fifth and Sixth Interim reports and final report of Kudal Commission of Inquiry set up to enquire into the affairs of Gandhi Peace Foundation and connected organisations

[English]

MR. CHAIRMAN: The House now shall take up discussion under Rule 193. Shri T. Basheer.

SHRIT. BASHEER (Chirayinkil): I thank you for giving me this opportunity to raise this important discussion in this House on the findings and the recommendations of Kudal Commission. Many times this subject has been raised in this House in various forms.