

[Shri P. Kolandaivelu]

Due to the frequent stagnation of handloom goods, the poor handloom weaver is put to great hardship and is suffering for want of food. This situation has to change. The Central Government should pass orders to the effect that the following organisations buy their cloth requirements from the Handloom and Khadi sectors only: (1) Railways; (2) Shipping; (3) Tourism; (4) Posts and Telegraphs; (5) Medical services; (6) Education; (7) Security Forces; (8) Civil Aviation Department; (9) Central Public Works Departments; and (10) Industrial and Mining Departments.

At present the Central Government Departments are purchasing their requirements through tenders. Unfortunately the handloom weavers are not in a position to quote competitive rates in the tenders because the cloth produced in the cooperative sector, the weaver has to be paid more.

The Government should immediately come to the rescue of poor weavers and pass necessary orders for the purchase of cloth requirements from State Apex Societies and Khadi Board at cost price plus an agreed margin to cover the overheads of the Apex societies.

[Translation]

(viii) Need for the Central Government to take over the scheme of drinking water supply to Nandgaon (Nasik district)

SHRI S.S. BHOYE (Malegaon): Madam Chairman, the villages in the Nandgaon tehsil of Nasik district are reeling under severe drought. These villages fall under my constituency. There has been no rain in that area for the last 10 years. As a result of this, a serious problem of drinking water has arisen there. The area is administered by a municipality.

A scheme for supply of drinking water through taps to Nandgaon from the nearby Girna dam at Malegaon has been formulated which involves an expenditure of more than Rs. 10 crores. But the scheme is hanging fire due to lack of funds. I, therefore, urge upon the Central Government to take over this State Government scheme, set up a separate fund for this and to save this drought affected area from the miseries.

15.47 hrs.

STATUTORY RESOLUTION RE :
DISAPPROVAL OF CONSTITUTION
(SCHEDULED TRIBES)
ORDER (AMENDMENT) ORDINANCE, 1987

AND
CONSTITUTION (SCHEDULED
TRIBES) ORDER (AMENDMENT)
BILL.—Contd.

[English]

MR CHAIRMAN: The House will now take up further consideration of the following motions moved by Dr. Chinta Mohan and Dr. (Smt.) Rajendra Kumari Bajpai on the 12th November, 1987, namely:

"That this House disapproves of the Constitution (Scheduled Tribes) Order (Amendment) Ordinance, 1987 (Ordinance No 5 of 1987) promulgated by the President on the 19th September, 1987."

"That the Bill to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Meghalaya, be taken into consideration."

I now call Shri Janga Reddy to speak.

[Translation]

SHRI C. JANGA REDDY (Hanamkonda): Madam Chairman, the Ordinance promulgated by the Government has come at a time when it should not have been issued. The tribal problem is not confined to Meghalaya alone; it is prevalent in Maharashtra, Andhra Pradesh and other States also. In other States also there are several organisations for registering the name of the respective castes in the matter of reservation and this topic has been under discussion for the last several years. In Meghalaya, three tribes namely Boro Kacharis, Koch and Raba Rava, have been selected. Elections are not yet due in Meghalaya. These will be held in 1990. What is the hurry? If you were to go in for de-limitation assembly-wise, then where is the census? Can you tell the population

of each tribe. If the Election Commission asks by how much the number of seats will increase if they are included in the list, then what will you say? how many seats will be increased in all? When asked from the Library, I was told that it was a secret. I do not know why it is done so? I read out what was asked:

[English]

"List of the tribes related to the area from which these specific tribes (Boro Kacharis, Koch, Raba, Rava) have been selected for inclusion through ordinance and what is the estimated number of tribes in each of the tribes included and not included?"

[Translation]

And this is what has been replied:

[English]

"The list of communities which have not been included in the list of Scheduled Tribes in Meghalaya cannot be disclosed in the public interest."

[Translation]

I fail to understand as to what is 'public interest' in it? Which State Government has recommended and when? Whether the State Government recommended one year ago or has given the recommendation recently? Why State Government was not asked for such a long period? Whether they recommended or the Election Commission forced you, as a result of which you are now declaring? Whether you are going to accept if such proposals come from other States also? Which States have sent proposal for including certain communities in the list of Scheduled Castes and Scheduled Tribes and what action is being taken on them? When will these steps be completed? You should do these things after a countrywide census is done. If you do not do this at that time, then you will have to do it separately. In Andhra Pradesh, Lambaro community was included in the Scheduled Tribe list between 1971 and 1981 but a proper census was not conducted for this purpose.

Therefore, cases were filed in the High Court and Supreme Court which were decided after three or four years. Things are not going to be solved by one person. Therefore, you should tell us whether you are going to give reservation to them on the basis of 1981 census? I would also like to say that the work relating to their inclusion should be left to the Election Commission. During the elections of Samitis, Mandals and Zila Parishads in Andhra Pradesh Lambaro community was included in the list of Scheduled Tribes but there was some shortcoming because of which certain people went to the courts and the Election Commission had to accede to the demand. Now if you want to do it, it should be done after 1988. If one or two seats increase or decrease what difference is it going to make? You should not have any objection in this regard, whether it is from a tribal or from non-tribal. You have already reserved majority of the seats for the tribes. In the statement it has been stated that:

[English]

"The elections to the State Legislative Assembly of Meghalaya are due to be held any time before February."

"Any time before February"—

[Translation]

What does this mean? Elections can be held today also.

[English]

What is the due date? When will it be held? We are not sure.

[Translation]

If you were to do this before elections, then why was the Bill not brought before this session of Parliament? When was this proposal sent by the Meghalaya Government? You are doing this so that this may have intact on the Nagaland Legislative Assembly elections. Therefore, for your benefit you are categorising scheduled tribes and sub tribes. You are doing this in violation of the Constitution. Session of the Parliament is held after every two months? you can bring the Bill in any of

[Shri C. Janga Reddy]

them. By issuing this Ordinance, you want to fetch maximum votes in favour of the Congress in the Nagaland elections. But what I feel is that voters are not with you. However liberal you may be in spending money, but in the Bofors case, your face has been blackened. Therefore, nothing can be done now. You should not misuse the Parliament and the Constitution. You issued the Ordinance in September. You could have brought this legislation when the Parliament was in session if you were in a hurry. But you were in a hurry because the elections were in the offing and you wanted that the voters should favour you. I want to ask you as to what is the objection in disclosing the names?

It has been written at one place in it :

[English]

"List of tribes of Nagaland, Arunachal Pradesh, Manipur, Assam, Mizoram which have not yet been included in the list of Scheduled Tribes in the Constitution."

[Translation]

What is the objection in disclosing the number? What 'public interest' is involved in it, this is beyond my comprehension. What objection you have in disclosing the proposal which has been received from the State Government? Which castes and sub-castes you want to include in the list of Scheduled Tribes? You are going to reserve now 50 to 80 per cent seats for the Scheduled Tribes, but I fail to understand as to what is 'public interest' involved in disclosing it? In addition, what proposals have been received from other States? In Andhra Pradesh, people of *Udar* caste live in the hills and are engaged in the job of breaking stones. Their condition is worse than the Scheduled Tribes. What you are going to do to include them in the Scheduled Tribes list. *Dhobis* are in the list of Scheduled Castes in Uttar Pradesh and Tamil Nadu, but why they are in the category of backwards in Andhra Pradesh? If the children of two *Dhobi* families in Tamil Nadu and Andhra Pradesh marry, in which category will you put them. Lambaras of Maharashtra are

living near Nagpur and are called *Shugali*. One of the hon. Members of this House belongs to that community. But in Maharashtra *Sugalis* do not come under the category of Scheduled Tribes whereas in Adilabad *Shugalis* are considered as Scheduled Tribes.

After all, why does the Government keep such disparities for different States. It creates a lot of problems. It is learnt that the Washermen's Association from Andhra Pradesh is about to start an indefinite hunger strike at Delhi. What the Government is going to do in this regard? There is no difference between the *Dhobis* of Andhra Pradesh and those of Tamil Nadu, because washing of clothes is the profession of both the communities. The *Dhobis* of Andhra Pradesh should be given a status equal to that of the *Dhobis* of Tamil Nadu and Uttar Pradesh. Do you think they lack in qualifications? If the Government really wishes to give appropriate status to the Scheduled Castes and Scheduled Tribes, a Commission should be set up at the national level. Representation from all communities should be submitted to that commission and the list should be revised by the Government in accordance with the recommendations of the Commission. If the Government takes action on the basis of the recommendations of the States, the situation will further aggravate. When some police personnel were murdered in Adilabad, the Chief Minister of Andhra Pradesh had said the *Shugalis* of Maharashtra would be deported back to their home State because they were not tribals and were exploiting the Tribals of Andhra Pradesh due to which Naxalites are on the rise. This reveals the feeling of our Chief Minister. Why the Government does not want to include all the tribes/girijans in the list? If you do it, it will remove doubts from the minds of the people. This is the reason that they are being exploited at some places. This gives impetus to Naxalism. I would, therefore, like to request that a Commission at the national level should be set up by the Government and lists of scheduled castes and scheduled tribes should be revised on the basis of its recommendations to restore parity between various communities. Thereafter there will be no chance of a particular tribe getting recognition as scheduled tribes in

one State and the same tribe not getting the same status in some other State.

With these words I support the spirit of this Bill. In order to remove this discrimination, I had submitted the disapproval notice so that all the communities in various States get equal status. Unfortunately, no discussion could be held on this Bill during the last 3 days due to unavoidable reasons. In spite of that you were kind enough to give me an opportunity to speak on this Bill for which I thank you.

DISCUSSION RE. REPORTED
NEGOTIATIONS BETWEEN THE
GOVERNMENT OF INDIA AND
THE UNION CARBIDE COR-
PORATION FOR OUT-OF-COURT
SETTLEMENT IN REGARD TO
PAYMENT OF COMPENSATION
TO VICTIMS OF BHOPAL GAS
TRAGEDY

16.00 hrs.

[English]

MR. CHAIRMAN : We will now take up Discussion under Rule 193. I call upon Shri I. Rama Rai to initiate the discussion.

SHRI I. RAMA RAI (Kasargod) : I rise to initiate the discussion under Rule 193 on the reported negotiations between the Government of India and the Union Carbide Corporation for an out-of-court settlement in regard to payment of compensation for the victims of Bhopal Gas tragedy.

The incident which occurred in the month of December, 1984, has shocked the entire world. Although the world's worst industrial disaster, even now, none can say for sure, not even the Government, as to how many have died and how many more will die. The matter was discussed in detail in Parliament on various occasions. Parliament has subsequently passed the Bhopal Gas Leak Act in 1985 and the Government has taken the full responsibility to sue the Company which caused the catastrophe in the court of law and also to provide relief and rehabilitation to the

victims during the pendency of the litigation.

Here, I want to point out that even though we have discussed many times the present situation is about the immediate result of the suit pending and the long lasting result after this particular suit. The immediate result is regarding the compensation matter. That I am going to touch first. Then the far-reaching effect and the far-reaching result is regarding the leadership which we are giving to the Third World countries which are looking at us for an example, how we have dealt with a multinational company.

Considering the inordinate delays in Indian courts and the number of suits pending here it is natural to have a settlement out of court for speedy relief so that immediate relief can be given to the victims. Probably this may be the reason why the talk of this reported negotiation crept in. I am saying that this is only a reported discussion. The original compensation amount was 3.3 billion dollars which the Government of India had demanded and an independent body, the Citizen's Council of Bhopal, estimated it to be 4.1 billion taking into account only the Indian standard of living and earning. By newspapers and magazines we demand that we are going to wind up the case. We are going to come to a settlement for 600 million dollars. By the amount, it is said that an injured person is going to get only Rs. 15,000 and a family of a deceased person, that is whose bread earner has died, will get slightly more. If we compare this to the recent incident, where compensation was awarded to the victims of the Air India plane crash in 1984, we find that the victims were paid Rs. 10 lakhs per head. How can we compare this compensation to the amount we are going to give for a family of those who died in this tragic incident ?

Of course, we all know that public memory is short and the anxiety and agitation in the minds of the people has gone down in these three years. Even though some relief works are taken by the Government no compensation amount has been paid so far, which has created sort of demoralisation among the victims.