

[श्री राम बिलास पासवान]

हैं, लेकिन योग्य छात्र उपलब्ध होने पर भी उनका नामांकन नहीं किया जाता।

जवाहर लाल नेहरू विश्वविद्यालय जो एक आदर्श विश्वविद्यालय के रूप में स्थापित किया गया, इस वर्ष एम० फिल एवं पी० एच० डी० से नामांकन हेतु सोशल साइंस में पद सुरक्षित थे। 100 से अधिक अनुसूचित जाति एवं जनजाति के छात्र साक्षात्कार में सम्मिलित हुए, लेकिन सिर्फ 29 छात्रों को दाखिला दिया गया। लैंग्वेज में 17 सुरक्षित स्थानों पर सिर्फ 3 छात्रों का नामांकन किया गया जबकि 50 से अधिक छात्र योग्य थे। इंटर नेशनल स्टडीज में 37 सुरक्षित स्थान पर 23 छात्रों का नामांकन किया गया। लाइफ साइंस में 6 स्थान सुरक्षित थे, सिर्फ दो का नामांकन किया गया।

यही हालत एम० ए०, एम० एस० सी० के नामांकन में है।

दिल्ली विश्वविद्यालय एवं पटना विश्वविद्यालय की स्थिति इससे भी बदतर है। नामांकन के अलावा कम छात्रवृत्ति मिलना, सभी छात्रों को छात्रवृत्ति नहीं मिलना, छात्रावास में जगह नहीं मिलना, जातिगत आधार पर भेदभाव करना आदि अलग समस्याएँ हैं।

अतः सरकार इस सम्बन्ध में शीघ्र कार्यवाही करे।

- (ix) Need for res ● ation of R. M. S. sorting section and enhancement of salary of E.D. Employees

DR. A. KALANIDHI (Madras Central) : Out of 265 Railway Mail Service

Sorting Sections, 200 have been abolished already on the pretext of effecting savings in expenditure and quick delivery by air routes. Actually, in practice this has not led to any savings or quick delivery. But it has led to abnormal delay in the delivery of letters, etc. and unnecessary expenditure in keeping the personnel in reserve, without adequate employment. The opportunities of further employment are also sealed. The E.D. employees are starving for want of employment. They could neither earn here nor seek any other employment elsewhere. As our country is very vast and our villages are not even connected by bus routes, it is not fair to expect the P&T to use the air routes for delivering the postal articles, etc. Our system cannot be compared with the system that exists in United States of America. Only by maintaining these RMS Sorting sections the mail posted by public could be expected to reach its destination at least in a day or two. Now it takes four or five days. Government is, therefore, requested to restore these RMS Sorting Sections and pave the way for the speedy delivery of Postal articles. The minimum salary to the E.D. employees in P&T should be at least Rs. 275/- p.m. and they should be regularized forthwith. Even an ordinary Mazdoor gets Rs. 15/- per day, whereas the E.D. employees get much less for a day's working. Government, as a model employer, should set things right, and lead the path of welfare State in our country.

MR DEPUTY-SPEAKER : Now we take up Legislative Business viz Constitution (Forty-seventh Amendment) Bill. Do you want to speak, Mrs. Ram Dulari Sihna.

14.00 hrs.

✓// CONSTITUTION (FORTY-SEVENTH AMENDMENT) BILL*

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRIMATI RAM DULARI SINHA) : I beg to move :

“That the Bill further to amend

the Constitution of India, be taken into consideration."

The Constitution (Forty-Seventh Amendment) Bill, 1982 seeks to amend Article 330 and 332 of the Constitution. Prior to the Constitution (Thirty-First Amendment) Act, 1973 there was reservation for Scheduled Tribes in the entire country except for the Scheduled Tribes in the tribal areas of Assam and in Nagaland, Meghalaya and Mizoram, which were then parts of undivided Assam, had reservation in the State Legislature as well as in the House of the People. Arunachal Pradesh had no assembly. They had, however, reservation in the House of the People. Since 1973 there is no reservation for Scheduled Tribes either in the house of the People or in the State Legislative Assembly of these States and Union Territories.

The Meghalaya Legislative Assembly passed Resolution on 13.8.1980 urging the Government of India to provide for reservation of seats in Scheduled Tribes in the State Legislative Assembly and also in the House of the People as per the position that obtained prior to the amendment of articles 330 and 332 by the Constitution (Thirty first Amendment) Act. The Government of Meghalaya have, therefore, proposed the amendment of the Constitution for the purpose. This proposal has been supported by the Governments of Nagaland, Arunachal Pradesh and Mizoram in respect of their respective areas. The Bill seeks to meet the aspirations of tribal population in these States and Union Territories and reinforce the assurance that their identity and distinctive character in our national fabric will continue to be preserved.

The Bill seeks to amend Article 330 of the Constitution to provide for reservation of seats in Lok Sabha for Scheduled Tribes in Meghalaya, Nagaland, Arunachal Pradesh and Mizoram and Article 332 to provide for similar reservation in the Legislative Assemblies of Nagaland and Meghalaya, The amendment proposed to be made to Article 330 of the Constitution by sub-clause (2) of clause 2 of

the Bill shall not affect any representation in the House of the People until the dissolution of the House of the People existing at the commencement of the proposed enactment. Similarly, the amendment proposed to be made to Article 332 of the Constitution shall not affect any representation in the Legislative Assembly of Nagaland or Meghalaya until the dissolution of the Legislative Assemblies of these States existing at the commencement of the proposed enactment. So far as union Territories of Arunachal Pradesh and Mizoram are concerned, consequential amendments to the Union Territories Act, 1963 will have to be undertaken with a view to provide for reservation of seats for Scheduled Tribes in the Legislative Assemblies of Arunachal Pradesh and Mizoram.

With these words, I beg to move that the Bill be taken into consideration.

MR. DEPUTY SPEAKER : Motion moved.

"That the Bill further to amend this constitution of India be taken into consideration."

श्री राजेश कुमार सिंह (फिरोजाबाद) : सभापति महोदय, स्टेट असेम्बली और लोक सभा में जन-जातियों के लिये सीटों के रिजर्वेशन का प्रावधान करने के लिए यह जो बिल लाया गया है, मैं उसका समर्थन करता हूँ। लेकिन मुझे इस बारे में कुछ शंका है। नागालैंड में अघिकांश ट्राइब्ज रहते हैं। जब वहाँ पर ट्राइब्ज के लोग रहते हैं और उन्हीं के द्वारा सरकार संचालित हो रही है, तो फिर उनके लिए रिजर्वेशन की क्या आवश्यकता पड़ गई है? यह रिजर्वेशन किन-किन लोगों के लिए किया जा रहा है? जिन ट्राइब्ज में क्रिश्चियन रिलिजन एडाप्ट कर लिया है, क्या वे भी इसमें शामिल होंगे या नहीं? इन बातों को साफ नहीं किया गया है, जिस-

[श्री राजेश कुमार सिंह]

से पता चले कि सरकार की क्या मंशा है। अरुणाचल प्रदेश में भी ट्राइब्स रहते हैं। मुझे वहां जाने का मौका मिला है। मैंने देखा है कि वहां के लोग आदिवासी हैं, जो दो तीन ट्राइब्स में विभाजित हैं। उन ट्राइब्स में जो माइनारिटी में हैं, क्या उनका रिजर्वेशन दिया जा रहा है या नहीं? ट्राइब की परिभाषा बहुत व्यापक है। मैं जानना चाहता हूँ कि सरकार किन लोगों को यह सुविधा उपलब्ध कराने के उद्देश्य से यह संशोधन लाई है। और इस संशोधन का प्रभाव क्या उन लोगों पर भी पड़ेगा? क्योंकि ट्राइब्स के लोगों में घर्म का एक बड़ा प्रश्न है। अपनी-अपनी उनकी परम्पराएं और अपने-अपने तरीके हैं। तो क्या ऐसे लोगों को भी रिजर्वेशन का लाभ मिलेगा जिन्होंने किसी घर्म को एडाप्ट कर लिया है, क्रिश्चियनिटी या और किसी घर्म को जिन्होंने एडाप्ट कर लिया है उनको भी इसका लाभ मिलेगा या केवल उन्हीं लोगों को मिलेगा जिन्होंने एडाप्ट नहीं किया है? यह सब बात साफ होनी चाहिए। मैं इस बिल का समर्थन करता हूँ अगर सही माने में यह जन-जातियों के हित में है। अगर इससे और जटिल समस्याएं पैदा हो रही हों तो इसका प्रभाव सही नहीं पड़ेगा। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करूंगा।

श्री मूल चन्द ढागा (पाली) : सभापति महोदय, मैं इस बिल का समर्थन तो करता हूँ लेकिन पहले मुझे इतने फेक्ट्स बतलाने की कृपा करें कि नागालैंड मिजोरम और अरुणाचल एवं मेघालय, इनमें कितने-कितने आदिवासी लोग हैं? एक-एक क्षेत्र में कितने-कितने आदिवासी लोगों की संख्या है और कितनी दूसरे लोगों की संख्या है?

क्यों यह कानून बन रहा है? इसकी जरूरत कैसे पैदा हुई? केवल आप यह चाहते हैं कि शेड्यूल्ड ट्राइब्स के लोग आएँ, लेकिन वहां पर तो बहुमत ही शेड्यूल्ड ट्राइब्स का है, तो यह बिल लाने की जरूरत कैसे पैदा हुई? यह कांस्टीच्यूशन अमेंडमेंट बिल जो आप ला रहे हैं इसको लाने का आप का आधार क्या है क्योंकि मिजोरम के भ्रंदर तो मेरे ख्याल से सारे लोग शेड्यूल्ड ट्राइब्स के आने हैं, अरुणाचल में सारे लोग शेड्यूल्ड ट्राइब्स के आते हैं। जब आप चाहते हैं कि इन की रक्षा हो, ये जो जन-जातियाँ हैं ये ऊपर आएँ और अपना रीप्रेजेंटेशन दें तो यह बताइए कि कुल कितनी सीटें वहां से असेम्बली और पार्लियामेंट में आती हैं और पार्लियामेंट में जो सीटें आती हैं, उनमें कितनी सीटें उनके लिए रहेंगी और कितनी दूसरों के लिए रहेंगी? आप आखिर क्या चाहते हैं? आप चाहते हैं कि पार्लियामेंट में शेड्यूल्ड ट्राइब्स के लोग आएँ तो वहां पर जब उनका बहुमत है तो यह बताइए कि कितनी सीटें आती हैं अरुणाचल, नागालैंड और मिजोरम से और उनमें से कितनी सीटों पर शेड्यूल्ड ट्राइब्स के लोगों को रखना चाहते हैं। यह जानने के लिए मैं इच्छुक हूँ। इसके बाद मैं इस बिल का समर्थन करता हूँ।

SHRI BAPUSAHEB PARULEKAR (Ratangiri) : Mr. Chairman, Sir, I stand to support this Bill and I welcome this measure. However, I agree with my friend Mr. Daga that some more information should have been supplied to this august House in the Statement of Object and Reasons which I believe the hon. Minister would do at the time of giving reply.

While supporting the Bill, I would like to bring to the notice of the hon. Minister one thing that in my opinion I feel that this creates an anomaly and the

purpose is not going to be served. I do not know whether the hon. Minister possesses a copy of the Constitution. If she does, I would like to invite her attention to Article 330 to which she has already referred. Article 330 (1) says that :

Seats shall be reserved in the House of the People for—

- (a) the Scheduled Castes :
- (b) the Scheduled Tribes (except the Scheduled Tribes in Nagaland, Meghalaya, Arunachal Pradesh and Mizoram; and
- (c) the Scheduled Tribes in the autonomous districts of Assam.

That is the position as it stands today. By this Bill, clause (b) is being deleted and instead what is tried to put is 'the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam'. So, if we read Article 330 as it would stand amended, it would mean that all Scheduled Castes and all Scheduled Tribes in the country and in the autonomous districts of Assam, and the districts which are not autonomous will not get this right under Article 330. But, while amending article 332, it is mentioned in clause 3, that for the words "except the Scheduled Tribes in the Tribal areas of Assam, in Nagaland and in Meghalaya" the words "except the Scheduled Tribes in the autonomous districts of Assam" will be substituted. I would like to know whether the hon. Minister has understood the implications of this amendment to clause (1) of article 332. If you put these words in article 332, it would mean that seats shall be reserved for the Scheduled Tribes in the Legislative Assembly, except the Scheduled Tribes in the autonomous districts of Assam. It would mean that in the Constitution, on the one hand, in article 330 you are making a provision for giving reservation to the Scheduled Tribes in the autonomous districts of Assam and, on the other hand, by the amendment of article 332, you are taking

it away. If you read amended article 330, along with article 332, we would land in a chaotic condition.

I would like to be enlightened on this particular point. I would request the hon. Minister to seriously consider as to whether this anomaly would not defeat the object of the Bill, the object for which it has been brought. It would seem that the general purpose is not served; on the other hand, we are going to land in an anomalous condition. I would, therefore, request the hon. Minister to clarify this position, better get this Bill adjourned and come with a proper amendment to article 332. Otherwise, we are not going to achieve the object we have in view.

SHRI GIRIDHAR GOMANGO (Koraput) : I support this Bill. The Fifth and Sixth Schedule of the Constitution deal with Scheduled Tribes. The reservation for the seats for Scheduled Tribes provided under the Fifth Schedule, and not whole area of the Sixth Schedule, in Meghalaya Arunachal Pradesh and Nagaland of the north eastern States. The framers of the Constitution at that time, thought that the Sixth Schedule areas are predominantly inhabited by the tribes, therefore there is no need for reservation of seats in Assembly. Now the problem arose in those States due to influx from other parts of the country to this area. So, the people of those area fear they that slowly and slowly a time may come when they will be reduced as a minority and without reservation they may not get political protection. This is the motive and the object of the amending Bill which the Government has brought forward. The main purpose of this Bill is, when the rest of the tribal areas got reservation in the Assembly, why not in these left out tribal areas also, because the reservation is applicable for both the Sixth and Fifth Schedule Areas for employment in services except for political Reservation.

When the Constitution was adopted, it was felt that seats should be reserved for the Scheduled Castes and Tribes in the rest of the area, except some of the Sixth

[[Shri Giridhar Gomango]

Schedule area. Therefore we have got reservation. But what is the motive behind this reservation? The motive behind this reservation is to give political rights to this class of people, to give them representation in the Assembly, as well as in Parliament, so that they can focus their grievances and raise their voice, if any injustice is being done to them. The Fifth Schedule area is entirely different from the Sixth Schedule area. In the Fifth Schedule, the tribals are having the land rights, that is, the individual ownership right on land. In the Sixth Schedule area they have got the Community ownership right on the land. In the Government they have got the Chief Minister who belongs to a tribe and also tribal Members. They are looking after their own welfare and development. Whereas under the Fifth Schedule also the Tribals are given representation of Seats in the Assemblies and Parliament, but they are under the different administrative set up. The different procedures given in the Sixth Schedule are more appropriate for the administration of these areas and of the people than the Fifth Schedule.

If the reservation of Seats is to be given to the people of this area it should be for non tribals because the tribals comprise 90 per cent of the population in the area. Since the Constitution has provided that reservation should be for the Scheduled Castes and Scheduled Tribes only the non-tribal population of this area is to be properly looked after by the Government. Sir, I would like to seek clarification from the Hon. Minister. This Bill, is seeking to give political reservations and the other Bill is going to be discussed is for the inclusion of the Sixth Schedule area. These two Bills are being brought at the appropriate time. There has to be some reservation at least for the reserved constituency. What is the role of the representatives in respect of their powers, privileges as well as duties by which they can focus the grievances at different levels. Apart from this in the Sixth Schedule area they have got Autonomous Districts Council which is more powerful than the Assembly also. We

have got Tribal Advisory Council in the Fifth Schedule area, which is more powerful than the autonomous district, but these provisions have not been utilized fully. So, it is high time that we analyse the rights given according to the Constitutional provision to the tribals at different levels—political, economic as well as in service. Sir, I think there are ample opportunities for us to go ahead in the development sphere. These tribal people of the Sixth Schedule area also will come forward to mix with the people of other areas of the country and to join in the mainstream of political life as well as in the national life.

SHRI AMAL DATTA (Diamond Harbour): Sir, this is a Bill which has been brought ostensibly to give greater political rights to a section of people in the Eastern States, who had been denied these rights earlier. The earlier amendment of the Constitution, by which these rights were denied to them, which is now again going to be given to them was in 1973. Now, possibly the objective conditions have changed since 1973 and possibly because of that reasons the Legislatures of these States have passed resolutions requesting that these reservations be given to them. But, Sir, if that is the case, then it should have been explained in the Objects and Reasons as to why some particular rights which had been denied in the Constitution in 1973, is are now sought to be given in 1984? In fact it is not even 1984, although we are considering it in 1984. The Bill is of 1982. So, these are the things which should have been brought to the notice of the Members for the purpose of a meaningful discussion on the Bill.

Now, assuming the apprehension which possibly the people of the area have about which the earlier speakers spoke that they will be swamped by the outsiders, and therefore, they will not be able to get representation adequately in the Parliament or in their own legislatures, assuming that such an apprehension has an objective basis, even then I would say that this only reflects the illusion of the people regarding representation in Legisla-

tures and also in a way lays bare the very fact that these people think that they are unequal to the people who may come and Swamp them from outside, that they will never be able to achieve equality economically, educationally, culturally or otherwise. If that has not been so, if there has not been any such apprehension, then there is no reason for asking for reservation for tribal areas in their own States which they have earlier not asked for. Therefore, it appears that in the last 11 years there has been no improvement in the quality of life in those States, and there has been no improvement educationally, culturally, or economically; they have not been looked after as the Centre should have done. The people have illusion as all had before Independence that once we achieve Independence once we have our own Parliament and we send our representatives, then we shall achieve economic betterment. The political betterment is certainly an objective by itself, but it is also a means to an end, namely, economic betterment. Even politically if a person is given independence, if he cannot make two ends meet, then his political independence means precious little. This is what has happened to these people that they have been kept outside the mainstream of Indian political and economic development and this is happening not only to these people in the far North east of India, this is happening today to the entire Eastern region. They are being made to feel that they are not part of India, the Central Government of India, which is dominating Indian politics has slowly rejected this Eastern part as if it is outside India. This is happening not only in Mizoram, Nagaland and all those States which are enumerated here, but in the entire Eastern region which consists of Bengal, Bihar, Orissa and even Eastern U. P. This is a very sad development which has taken place in India during the last 35 years of so-called planned development. We had tried to follow a pattern with our planning, we only tried and not succeeded in adopting that pattern which the socialist countries have been successfully adopting because of the fundamental tenets of political beliefs of the ruling party. The Central Govern-

ment is and has always been representing the vested interests both in respect of land in industry. Therefore, no economic improvement for the common people is possible. Whatever economic improvement has come in some parts of India, it has come by depriving others of the improvement which was their share. So, this is what is now happening that in spite of enormous natural resources which these parts of the country have, instead of helping them to exploit them, what we are doing in this Parliament is, we are passing a law to give them representation. What will happen after that representation? They will be temporarily deluded that we have reserved seats for them in the Parliament and we have reserved seats in the Legislature, they will have their say and then they will be able to improve their lot. But I am afraid that they are going to be deluded and in spite of this representation which this Constitutional Amendment will ensure them, if they are deliberately and consciously left out of economic, Political, cultural, educational development of the rest of India, then nothing will happen to ameliorate the lot of people of those parts as well as the whole of Eastern India. Slowly the country is proceeding to dis-integration and reservation by this means is not going to stop this process.

MR. CHAIRMAN : Shri Girdhari Lal Vays.

श्री गिरधारी लाल व्यास (भीलवाड़ा): सभापति महोदय, कांस्टीच्युशन के 47 वें अमेंडमेंट बिल, 1982 का मैं समर्थन करता हूँ। इसके जरिए से मेवालय, नागालैंड, अरुणाचल प्रदेश और मिजोरम में जो शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स के सम्बन्ध में पार्लियामेंट और असेम्बली में व्यवस्था की है, वह निश्चित तरीके से एक प्रशंसनीय कदम है। इससे पहले ही इस सम्बन्ध में व्यवस्था हो जानी चाहिए थी। लेकिन, देर आयाद दुरुस्त आयाद, इसमें कोई बुराई नहीं है। जो व्यवस्था की गई है, वह

[श्री गिरधारी लाल व्यास]
 प्रशंसनीय है। एक शंका जरूर पैदा होती है। अभी कई माननीय सदस्यों ने कहा कि वहां पर ज्यादातर लोग ट्राइब्स के हैं। ऐसी हालत में उनका रिजर्वेशन अलग करना कहां तक ठीक होगा? रिजर्वेशन, ऐसे लोगों के लिए किया जाना चाहिए जो वहां पर बहुत थोड़ी क्वांटिटी में हैं। जैसे, शेड्यूल्ड कास्ट्स के लोग बहुत कम संख्या में वहां पर हैं। ऐसे लोगों की व्यवस्था के लिए इन बिल में कोई प्रावधान नहीं है। माननीय मंत्री महोदय से मैं यह जानना चाहता हूँ कि जिन लोगों ने अपनी ऑरिजिनल ट्राइब से घम परिवर्तन कर लिया है, जैसे कोई क्रिश्चियनिटी में चला गया हो, क्या उन पर भी यह परिभाषा लागू होगी या नहीं? उन लोगों को इसमें रिजर्वेशन मिलेगा या नहीं? माननीय मंत्री महोदय, इस सम्बन्ध में स्पष्टीकरण दें तो ज्यादा अच्छा होगा। आर्टिकल-330 में आपने जो अमेंडमेंट किया है, वह मैं पढ़कर मुनाना चाहता हूँ।

“(b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam;”

इससे आपका क्या तात्पर्य है? शेड्यूल्ड ट्राइब्स के जो आटोनामस डिस्ट्रिक्ट्स ग्रामाम में बने हुए हैं, क्या उनमें भी लोक सभा या विधान सभा की कांस्टीच्युएन्सी बनेगी या नहीं? इस सम्बन्ध में किस प्रकार का प्रावधान आपने किया है? अभी कई माननीय सदस्यों ने कहा कि आटोनामस डिस्ट्रिक्ट्स में तो मैं ट्राइब्स के लिए और भी ज्यादा व्यवस्था की गई है। ऐसी हालत में वहां पर आटोनामस डिस्ट्रिक्ट्स में भी इस प्रकार की व्यवस्था होगी या नहीं होगी तीसरा सवाल यह है कि जब 90 परसेंट

लोग वहां पर शेड्यूल्ड ट्राइब्स के हैं तो ऐसी हालत में उल्टा प्रावधान होना चाहिए। सिर्फ शेड्यूल्ड कास्ट्स के लिए ही तो है। जो दूसरी जातियां हैं, उनके लिए क्या व्यवस्था है? जो लोग माइनोरिटी में हैं, उनके लिए आपने बिल में क्या प्रावधान किया है? क्या उन लोगों को भी वहां रिप्रजेंटेशन देंगे जिससे असेम्बली में दूसरे लोग भी आ सकें। इस प्रकार की व्यवस्था निश्चित तरीके से होनी चाहिए। अभी एक माननीय सदस्य बोल रहे थे कि इस्टर्न स्टेट्स के अंदर रीजनल इम्बेलेसेज की वजह से आर्थिक, राजनीतिक या सामाजिक आधार पर इक्वैलिटी की व्यवस्था वहां पर नहीं की गई और उन स्टेट्स को पीछे रखा गया। इस प्रकार का प्रावधान लाकर के आप उनको यह तसल्ली देने की कोशिश कर रहे हैं कि आपकी अलग कांस्टीच्युएन्सी बन जाने की वजह से आप आर्थिक तौर पर ज्यादा सम्पन्नता ला सकेंगे। हमारे कम्युनिस्ट भाई इस प्रकार की भावनाएं फैलाने में हमेशा अपसर रहते हैं, और इनका उद्देश्य ही यही रहता है कि भारत सरकार जैसे ही गरीब लोगों को ऊपर बठाने का कोई कदम उठाये, तो उसको मिस-इंटरप्रीट करके लोगों को गुमराह करने का प्रयास किया जाए। आज वैसा ही प्रयास ये सी० पी० एम० के लोग यहां भी कर रहे हैं और यह बात उनके द्वारा बोली जाने वाली भाषा से साफ झलकती है।

इसलिए जिस स्पष्टीकरण देने के लिए मैंने आपसे अनुरोध किया है, मैं चाहता हूँ कि आप उसकी पूरी जानकारी दीजिए। इन हालात में आप जो बिल इस सदन में लाये हैं, वह आपका स्वागत-योग्य कदम है, इससे पिछड़े हुए क्षेत्र के लोगों को रिप्रजेंट-

टेशन मिलेगा तथा इससे निश्चित तरीके से उनकी आर्थिक स्थिति मजबूत होगी और वे मेन-स्ट्रीम में आ सकेंगे और उनके उत्थान में सहायक होगा। जिस तरह की कार्यवाही उन प्रदेशों में चल रही है, इस तरह का प्रावधान करने से, सारी व्यवस्था को सुचारू रूप से चलाने में मदद मिलेगी। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI MOHENDRA NGANGOM (Inner Manipur): Mr Chairman, this Bill while deserving support lacks in certain things as have been put forward by some of our colleagues here. I am not going into the constitutionalities but so far as the Bill is concerned, I would also like to reiterate that the amendments proposed to be made with regard to articles 330 and 332 smack of certain mutual exclusiveness. So far as the Scheduled Tribes in autonomous district of Assam are concerned, it smacks of some discrimination.

As you know, I come from the State called Manipur though I do not belong to the Scheduled Tribe. The State is inhabited by 29 tribes and sub-tribes and two major non Scheduled Tribe communities. There is an anomalous position which arose once upon a time. So, I don't say that the purpose of the Bill is not good. I would like the Minister to clarify whether the proposed amendments with regard to articles 330 and 332 are mutually exclusive or mutually inclusive. To my mind, the two cannot stand together.

Secondly, Sir, it must be noted that the resurgence in the entire Northeastern region, howsoever much one may feel sorry or happy. This region has been, as has been submitted by my hon. friends on this side, neglected for a pretty long time, for three decades. And it is good that at the fag end of this Session, people on the other side do realise the slackness in looking into the affairs of those people, those valiant people who are inhabiting that rugged part of this country.

Although the Bill seeks to give some doses of rights, there are people who feel that the people here are tempted to give any rights in small doses. Now, here is the dose. I do not know how many more doses these people will think to confer. At the same time, I would like to bring to the notice of the hon. Minister about an anomalous position in similar circumstances. Supposing this Bill is Passed and it will be passed, it will have relevance to the electoral reforms. It implies that some sort of electoral reforms by way of delimitation of constituencies, etc. would be there.

I would like to remind the hon. Minister an anomalous position which is obtaining in Manipur. There are two Parliamentary constituencies in Manipur, Inner Manipur and Outer Manipur. Outer Manipur is a reserved constituency for the Scheduled Tribes. But here in the matter of delimitation, since the Scheduled Tribes alone could not make up the requisite number of voters in that Parliamentary constituency, seven general constituencies, that is to say, non-Scheduled Tribe constituencies are grouped together. Now, there is a feeling among the people of those seven non-Scheduled Tribe constituencies that they are only destined to cast their votes and not to contest in the parliamentary election. So, such things should not take place in those distant regions. Even from my own side, I would say that that should not be forgotten and something also should be done with respect to delimitation of Outer Manipur parliamentary constituency.

So far as I concerned and my party is concerned, we are for conferring adequate rights, political and otherwise, to these people so that they may also be drawn not only gradually but at once into the mainstream of our country.

SHRI HARIKESH BAHADUR (Gorakhpur): Mr. Chairman, Sir, though it is a welcome measure, I would like to say one thing that this Bill should have been brought before the House earlier. As we have repeatedly said and I would

[Shri Harikesh Bahadur]

like to say again the same thing that this Government is not in favour of the welfare of weaker sections of society. Therefore, this Bill was delayed for a long time. Otherwise, this should have been brought forward earlier.

The conditions of weaker sections, tribals, etc. are very well known to everybody, what type of miserable conditions they are facing today in various parts of the country. But now any way this Government has felt the necessity of bringing forward this legislation before the House. Therefore, I must say that at least now they have decided to do something good.

Again, whatever information has been provided in the Bill is incomplete. Some hon. Members have already said that the hon. Minister should try to give more information regarding the tribes, etc. which are being included in this particular category which is going to be provided this facility. So far as this political benefit which is being provided to these tribals is concerned, everybody will welcome it. But only by providing these benefits, you cannot say that you will definitely improve their economic conditions also. Now economic conditions are very miserable. Government should think of improving them.

So far as these autonomous District Councils are concerned, I would like to ask whether they are having adequate financial resources at their disposal. If the District Councils do not have adequate financial resources, then this kind of autonomy will not give them any benefit.

Therefore, I would like to urge upon the Government, through you, that they should try to see that these Council's must be given adequate financial resources also and their economic conditions should be improved.

With these words, I support the Bill.

PROF. N. G. RANGA (Guntur) : Sir, I am glad there is support for this Bill from all quarters of the House.

Only one doubt has been expressed by our Communist friend as to why we should provide this reservation even now after all these years and why is it that we have not helped these people to join the mainstream so that they would be able to get on without any special reservation and would enjoy the same kind of citizenship and the same status as all other people except the Harijans.

Excepting this doubt, I am sure he is also in favour of this Bill.

If we keep in mind the reactions of most of the leaders of these tribal people in North-Eastern States in the first two or three decades of our freedom, we should be able to appreciate why there is need for this reservation although they happen to form even at present 80-90% of the tribal population.

My hon. friend Shri Ravindra Varma is acquainted with what has happened and what is happening in Assam. The Assamese have been suffering from a fear that they might be overwhelmed by the non-Assamese in the kind of representative system that we are having and non-Assamese might come to have more votes than themselves and that the Assamese may not be able to have control over their cultural development.

Amongst the Assamese themselves, this feeling must be much more intense in the case of tribal people. Whether they are Christians or non-Christians, all of them are tribals and they would not like to be overwhelmed by non-tribal people coming from outside and making a show and that must have been the feeling and the situation which the Government wanted to meet by providing this specific reservation, this specific protection through this Bill.

Secondly, my hon. friends were referring to the lack of economic development

in that area. It is true that they started with many handicaps. They started with their own tribal organisation in regard to cultivation and also the development and utilisation of forestry and there were no communications as a result of hopeless neglect for a very long time. During the British period and even after we have achieved our freedom, we have not been able to extend our railway system as far as it is needed. Nevertheless, I bear witness to the fact and I am sure my hon. friends who toured those areas would not find it difficult to agree with me, that the Government has been sparing large sums of money for the development of those areas and that the Government has been doing its best. In spite of this, Assamese are backward. So much more has get to be done. Government is keen and sincere about it.

I am sure all sections of the House, irrespective of party differences, are really keen to spare funds and personnel as much as possible in order to help these areas to achieve their social and economic development.

In order to do that, we must have the wholehearted cooperation of the people of those areas and those people want this protection and that is why this Bill is introduced.

I hope that this Bill would meet with the approval of all sections of the House.

SHRI CHITTA BASU (Barasat) : Sir, I rise to support the Bill. In the Statement of Objects and Reasons, there is a very significant line which reads :

“The amendments have been proposed to meet the aspirations of the local tribal population.”

This means, Government also understand the urgent need of fulfilling the aspirations of the tribal population, not only of that region but of the entire country. The tribal population constitutes a very important segment of our total population.

As a matter of fact, I would say that India is a tribal India; it is primarily inhabited by tribal people. Therefore, while supporting the Bill which seeks to fulfil the hopes and aspirations of the tribal people, I would only like to take advantage of this occasion to ask the Government, particularly the Home Ministry, whether they are aware of the phenomenon of ‘tribal unrest’ in different parts of the country...

SHRI RAM PYARE PANIKA (Robertsganj) : Created by you people.

SHRI CHITTA BASU : We are not needed to create any unrest. You are strong enough, you are capable of creating all the unrest.

Is it not a fact that there is unrest in certain areas like Kolhan areas? Is there anybody to deny that there is unrest in Santhal Parganas? Can anybody deny that there is so much unrest in Singhbhum District, Bihar, and also in Chhota Nagpur area?

SHRIMATI RAM DULARI SINHA : It is not true.

SHRI CHITTA BASU : If they want to have an ostrich-like attitude, let them have it. But, as a Member of this House, I can say that tribal unrest is there. You may deny it. But it is there. This tribal unrest is a phenomenon which we can ill afford to ignore now. It is a part of my duty as a Member of this House to point this out. Unless the root cause of this unrest is identified, I think, there will be a greater disaster. In the north-eastern region there has been continued dissatisfaction among the tribal people and it is spreading. Therefore, my contention at this stage is that a simple measure like this of giving them the right of representation through the method of reservation is not the only way by which we can fulfil the hopes and aspirations of the tribal people of our country. As a matter of fact, the discontent among the tribals is being taken advantage of by certain vested interests, particularly by certain foreign forces which are also there...

AN HON. MEMBER : Extremists.

SHRI CHITTA BASU : You create the extremists. That is the whole trouble. It is because of your policy that the phenomenon of extremism is growing. If somebody goes on saying that there is extremism, if somebody goes on saying that, in order to have the extremists annihilated, there should be Special Courts and declaration of certain areas as terrorist-affected areas...

MR. CHAIRMAN : Don't bring in those things here.

SHRI CHITTA BASU : They are bringing those things. I was only replying to them. We are mature enough to meet them. The more they talk, the better for us.

My main point is that I am in a hundred per cent agreement with this legislation. But at the same time I want to draw the attention of the Government to the fact that this measure cannot cope with the increasing unrest among the tribal population. Along with this measure certain other measures are to be taken and these measures are primarily economic and social measures. A vast part of our tribal population still feel that they are not part of India and a sense of alienation is prevailing. If you are interested in the matter of unity and integrity of the country or emotional integration, then merely a measure of this nature cannot fulfil that task. Therefore, it is necessary for us and particularly, the Government to go in depth into the question of tribal unrest which is manifesting in different areas. In some areas they demand that there should be separate States for the tribals and some also wanted independent States. Various manifestations are quite evident to us. And the Government to my great surprise and distress too, is just not looking at the very basic and root cause of this unrest. Certain measures are to be taken to see that this sense of alienation from the mainstream of Indian political and economic life is removed as early as possible. May I know from the

Government whether they have realised this situation and if they have realised the situation, whether they propose to take certain concrete measures to remove that sense of alienation and bring in a sense of oneness of Indian nation and particularly, among the tribal population and for that certain measures I suggest. They have their own machinery. You have an in-depth study of the basic reason of the tribal unrest in our country which we can ill afford to ignore at this particular stage of development of our society.

SHRI BAJUBAN R. KHARLUKHI (Shillong) : The Bill which is before this House for consideration concerns my constituency and I would humbly request you to give me some more time.

MR. CHAIRMAN : All right, instead of 3 minutes, you can have 5 minutes.

SHRI BAJUBAN R. KHARLUKHI : No, Sir. Please give me 7 minutes.

The Constitution (47th Amendment) Bill, as we are all aware, seeks to amend Articles 330 and 332 of the Constitution of India to provide for reservation of seats in Lok Sabha for the tribal people of Meghalaya, Nagaland, Mizoram and Arunachal Pradesh and also to provide similar reservation in the Legislative Assemblies of Meghalaya and Nagaland. While speaking on behalf of the tribal people in general and on behalf of the tribal people whom I have the honour and privilege to represent in particular, I cannot refrain from expressing my gratitude to the Government of India and for that matter, the Ministry of Home Affairs, for the steps they have taken to introduce this Bill in 1982. After long and trying years of waiting, the Bill is now before this august House for consideration and passing.

While I raise to support the Bill wholeheartedly, I would appeal to all the hon. Members of the House in all simplicity and straightforwardness which is the hallmark of the tribal people, to extend their support to the Bill.

I would humbly exhort the Honourable Members to extend their support to this Bill and for the support which you are giving, I can assure you that the tribal people of the North-Eastern region shall remain grateful.

Reservation of seats for the Scheduled Tribes of the two States and the two Union Territories of the North-Eastern region is on the pattern obtaining in other States in the country. That is the object and reason of the Bill. Before the commencement of the Constitution in 1950, reservation of seats for the tribal people of the north-eastern region had found considerable weight with the Bardoloi Sub-Committee in view of their minority character. Subsequently, reservation had found place in the original provisions of the Constitution. By subsequent amendments, reservation was taken away and a sense of frustration had started developing. In the case of Meghalaya, reservation of seats for the Scheduled Tribes was taken away by the Thirty-first Amendment to the Constitution. Peaceful and lawabiding as we are by nature, we had not taken the issue to the streets. We still pin our hope in the wisdom of Government as well as in the wisdom and collective concern of Parliament. This day, Mr. Chairman, shall turn out to be another milestone in the realisation of our legitimate aspiration.

The tribal people, as we all know, constitute a microscopic minority in a vast and varied population of the country. Special constitutional safeguards are considered imperative to enable the tribals to grow and to develop in accordance with their time-honoured custom and tradition. However, I must assure this august House that the pride in our tradition should not stand in the way of making ourselves involved in the mainstream of national activities.

Surviving as we are under the liberal umbrella of the Indian Union, we shall always endeavour to see that the legitimate rights of other communities are fully safeguarded. If my predecessor who had

also served as Deputy Speaker of this House had promised some years ago to make Meghalaya 'a patch of beauty and grace and a shining outpost', my promise today on behalf of the tribal people is to keep the national honour flying high.

The greatest merit of the Bill lies in that it seeks to generate a stronger sense of national awareness among the tribal people by giving them the right they rightfully deserve. As the previous speakers said, the tribal people constitute a majority in the hill State. But the sense of security does not depend on numbers alone. Going by the latest figures available, it has been found that in some areas, more particularly, in the urban areas, the tribals have been reduced to a minority in that the population structure has changed with the passage of time. Circumscribes as we are by such realities, we feel that a real and meaningful sense of security lies in getting constitutional safeguards and this Bill is but one to lead us to that most desired destination.

As can be seen from the Statement to Objects and Reasons, the Constitution (47th Amendment) Bill was introduced as a positive answer to the unanimous resolution passed by the Meghalaya Legislative Assembly on 31st March, 1980 urging upon the Government of India to provide for reservation or, to be precise, to restore reservation for the scheduled tribes as was provided for under the original provisions of the Constitution. With our southern borders lying exposed to a foreign country, the fear of the largescale influx was one which has necessitated the urgency of getting the Bill passed.

I conclude my speech and I extend wholehearted support to the Bill and with folded hands exhort the hon. Members to extend their support.

✓ THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRIMATI RAM DULARI SINHA) : Sir, I am grateful to the hon. Members of the House for participating in the debate

[Shrimati Ram Dulari Sinha]

and making useful suggestions. The reasons for making amendment in the Constitution in 1973 were that Nagaland, Meghalaya, Arunachal Pradesh and Mizoram are pre-dominantly tribal units. As has been stated by another hon. Member it was felt that the population in these areas being pre-dominantly tribal no reservation for the scheduled tribes was necessary. One of the hon. Member wanted to know the total population and the seats allotted to them. I can inform the hon. Member, Mr. Dada, that the percentage of tribal population as per 1971 census is :

Nagaland	...	88.76
Meghalaya	...	80.76
Arunachal Pradesh	...	79
Mizoram	...	94.28

The percentage of tribal population as per 1981 census is :

Nagaland	...	83.99
Meghalaya	...	80.58
Arunachal Pradesh	...	69.82
Mizoram	...	93.59

The number of seats in the House of People in Nagaland is one and Meghalaya two; Arunachal Pradesh two and both the seats are held by scheduled tribes. In Mizoram we have got one scheduled tribe seat and that is actually held by scheduled tribe. Total number of seats in the Assembly in Nagaland are 60 and out of that actually held by scheduled tribes 59; in Meghalaya 60, and out of that 58 are held by scheduled tribes. In Arunachal Pradesh there are 33 seats and all the 33 seats are actually held by scheduled tribes. In Mizoram there are 33 seats and all the 33 seats are actually held by scheduled tribes.

However, apprehensions have been expressed by the tribals in these areas that unless constitutional guarantee is given to them, political power may pass out

of their hand in due course because of influx of outsiders in their areas. The Chief Minister of Meghalaya also has been expressing apprehensions that unless constitutional guarantee is given to the tribals the outsiders will ease the tribals out of political power and this has been stated by all the Chief Ministers of the concerned States which I have already mentioned. And with this background it was considered necessary to provide safeguards to the tribals and to remove their apprehension for Scheduled Tribes in the Lok Sabha as well as in all the State Assemblies.

Sir, much has been said regarding the delimitation of Constituencies and I would like to inform the Members that the Group of Ministers of Eastern States which considered the proposal for reservation for Scheduled Tribes for Meghalaya and Nagaland, etc., before the Cabinet considered the matter, did not recommend any amendment of Articles 82 and 170 of the Constitution for considering the delimitation of the reserved constituencies on the basis of the latest census. These Articles as amended by the Constitution (Forty-Second Amendment) Act prohibit any fresh delimitation of constituencies. The Group of Ministers recommended that the reservation may be provided on the basis of 1971 Census figures. Necessary legal provision may have to be made for authorising the Election Commission for delimitation/designation of the constituencies which are treated as reserved. This is possible through an ordinary law of Parliament. Such a law can provide for necessary guidelines and leave it to the Election Commission to determine which of the existing Lok Sabha and Assembly constituencies should be treated as reserved constituencies.

Sir, I would like to extend my thanks to the hon. Members who have participated in the debate.

MR. CHAIRMAN : Before putting the motion for consideration to vote, I would like to inform hon. Members that this being a Constitution Amendment Bill, voting has to be by division.

So, let the Lobbies be cleared—

MR. CHAIRMAN : The lobbies have been leared I shall now put the motion to the vote of the House.

The question is :

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

The Lok Sabha divided :

15.13 hrs.

Division No. 8

A Y E S

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Ahmed, Begum Abida
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Anand Singh, Shri
 Ankineedu Prasada Rao, Shri P.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S.R.A.S.
 Arakal, Shri Xavier
 Ashfaq Hussain, Shri
 Azad, Shri Ghulam Nabi
 Bairwa, Shri Banwari Lal
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Banatwalla, Shri G.M.
 Barrow, Shri A.E.T.
 Behera, Shri Rasabehari

Bhagat, Shri H.K.L.
 Bhagwan Dev, Acharya
 Bhardwaj, Shri Parasram
 Bhatia, Shri R.L.
 Bhole, Shri R.R.
 Bhuria, Shri Dileep Singh
 Birbal, Shri
 Bishnu Prasad, Shri
 Biswas, Shri Ajoy
 Buta Singh, Shri
 Chakraborty, Shri Satyasadhan
 Chandrashekarappa, Shri T.V.
 Chaturvedi, Shrimati Vidyawati
 Chaudhary, Shri Manphool Singh
 Chaudhuri, Shri A.B.A. Ghani Khan
 Chavan, Shri S.B.
 Chavan, Shri Yeshwantrao
 Choubey, Shri Narayan
 Chouhan, Shri Fatehbhan Singh
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Das, Shri A.C.
 Das, Shri R.P.
 Datta, Shri Amal
 Desai, Shri B.V.
 Dev, Shri Sontosh Mohan
 Dhandapani, Shri C.T.
 Dogra, Shri G.L.

Doongar Singh, Shri	Kamal Nath, Shri
Dubey, Shri Ramnath	Karma, Shri Laxman
Engti, Shri Biren Singh	Kauf, Shrimati Sheila
Gadhavi, Shri Bheravadan K.	Kauskal, Shri Jagan Nath
Gaikwad, Shri Udaysingroa	Ken, Shri Lala Ram
Gehlot, Shri Ashok	Keyur Bhushan, Shri
Ghosh, Shri Niren	Khan, Shri Arif Mohammad
Ghosh Goswami, Shrimati Bibba	Khan, Shri Zulfiquar Ali
Ghufran Azam, Shri	Kidwai, Shrimati Mohsina
Gireraj Singh, Shri	Kodiyan, Shri P.K.
Giri, Shri Sudhir	Kosalram, Shri K.T.
Gogoi, Shri Tarun	Kshirsagar, Shrimati Kesharbai
Gomango, Shri Giridhar	Kuchan, Shri Gangadhar S.
Gouzagin, Shri N.	Kulandaivefu, Dr. V.
Gowda, Shri D.M. Putte	Kunhambu, Shri K.
Gowda, Shri H.N. Nanje	Lakkappa, Shri K.
Hannan Mollah, Shri	Laskar, Shri Nihar Ranjan
Horo, Shri N E.	Madhuri Singh, Shrimati
Jaffer Sharief, Shri C.K.	Mahavir Prasad, Shri
Jagpal Singh, Shri	Mahajan, Shri Vikram
Jain, Shri Nihal Singh	Mahendra Prasad, Shri
Jain, Shri Virdhi Chander	Makwana, Shri Narsinh
Jamifur Rahman, Shri	Mallanna, Shri K.
Jatiya, Shri Satyanarayana	Mallick, Shri Lakshman
Jena, Shri Chintamani	Mallikarjun, Shri
Jha, Shri Bhogendra	Mani, Shri K.B.S.
Kahandole, Shri Z.M.	Mayathevar, Shri K.
Kailash Pati, Shrimati	Mehta, Prof. Ajit Kumar

Mishra, Shri Gargi Shankar

Mishra, Shri Uma Kant

Misra, Shri Nityananda

Misra, Shri Satyagopal

Mohammed Ismail, Shri

Mohanty, Shri Brajamohan

Mohite, Shri Yashawantrao

Mohsin, Shri F.H.

More, Shri Ramkrishna

Motilal Singh, Shri

Mukberjee, Shri Samar

Murthy, Shri M.V. Chandrashekhara

Muttemwar, Shri Vilas

Naidu, Shri P. Rajagopal

Naik, Shri G. Devaraya

Naikar, Shri D.K.

Namgyal, Shri P.

Netam, Shri Arvind

Nihal Singh, Shri

Nihalsinghwal, Shri G.S.

Nikhra, Shri Rameshwar

Nurul Islam, Shri

Oraon, Shrimati Sumati

Pal, Prof. Rup Chand

Panika, Shri Ram Pyare

Parashar, Prof. Narain Chand

Parmar, Shri Hiralal R.

Patel, Shri Ahmed Mohammed

Patel, Shri C.D.

Patel, Shri Mohan Lal

Pathak, Shri Ananda

Patil, Shri A.T.

Patil, Shri Balasaheb Vikhe

Patil, Shri Shankarrao

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patnaik, Shrimati Jayanti

Pattuswamy, Shri D.

Phulwariya, Shri Virda Ram

Potdukhe, Shri Shantaram

Pradhani, Shri K.

Quazi Saleem, Shri

Quadri, Shri S.T.

Rai, Shri M. Ramanna

Rajan, Shri K.A.

Rajesh Kumar Singh, Shri

Ram, Shri Ramswaroop

Ramulu, Shri H.G.

Ranga, Prof. N.G.

Ranjit Singh, Shri

Rao, Shrimati B. Radhabai Ananda

Rao, Shri Jalagam Kondala

Rao, Shri M. Nageswara

Rao, Shri M. Satyanarayan

Rao, Shri P.V. Narasimha

Rathod, Shri Uttam

Raut, Shri Bhola

Ravani, Shri Navin
 Reddi, Shri G.S.
 Reddi, Shri G. Narsimha
 Riyan, Shri Bajju Ban
 Roat, Shri Jai Narain
 Roy, Shri A.K.
 Saha, Shri Ajit Kumar
 Sahu, Shri Shiv Prasad
 Saminuddin, Shri
 Sangma, Shri P.A.
 Satihyendran, Shri M.S.K.
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T.M.
 Sen, Sri Subodh
 Sethi, Shri Arjun
 Sethi, Shri P.C.
 Shaktawat, Prof. Nirmala Kumari
 Shankarananda, Shri B.
 Sharma, Shri Chiranjil Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Shastri, Shri Hari Krishna
 Shastri, Shri Ramavatar
 Shingda, Shri D.B.
 Shivendra Bahadur Singh, Shri
 Shukla, Shri Vidyacharan
 Sidnal, Shri S.B.

Singaravadeivel, Shri S.
 Singh, Shri C.P.N.
 Singh, Shri D.G.
 Singh, Kumari Pushpa Devi
 Singh Deo, Shri K.P.
 Sinha, Shri Nirmal
 Sinha, Shrimati Ramdulari
 Sivaprakasam, Shri D.S.A.
 Solanki, Shri Babu Lal
 Soren, Shri Harihar
 Soundararajan, Shri N.
 Soz, Prof. Saifuddin
 Subburaman, Shri A.G.
 Sultanpuri, Shri Krishan Dutt
 Sunder Singh, Shri
 Tariq Anwar, Shri
 Tewary, Prof. K.K.
 Thorat, Shri Bhausahab
 Tirkey, Shri Pius
 Tiwari, Shri Chandra Bhal Mani
 Tiwari, Shri R.G.
 Tudu, Shri Manmohan
 Uike, Shri Chhote Lai
 Unnikrishnan, Shri K.P.
 Vairale, Shri Madhusudan
 Verma, Shri Deen Bandhu
 Vijayaraghavan, Shri V.S.
 Vyas, Shri Girdhari Lal

Wagh, Dr. Pratap

Wasnik, Shri Balkrishna Ramchandra

Yadav, Shri Subhash Chandra

Yadav, Shri Vijay Kumar

Zainal Abedin, Shri

Zainul Basher, Shri

The following Members also recorded their votes through Division clerks.

Kumari Kamla Kumari, Shri B. K. Nair, Shri Chakradhari Singh, Shri P. Shanmogam, Shri Manikrao H. Gaviti, Shri Prabhunarain Tandon, Shri Narayan Sahu, Shri Bhubaneswar Bhuyan, Shri T. Damodar Reddy, Shri Kazi Jalil Abbasi, Dr. Golam Yagani, Shri Rajiv Gandhi, Shri Nathu Ram Shakyawar, Shri Bajuban R. Kharlukhi, Shri Indrajit Gupta, Shri Chitta Basu, Dr. V. Kulandaivelu, Shri Ram Vilas Paswan, Shri Danik Lal Mandal, Shri Bijoy Modak, Shri Gadadhar Saha, Shri M.M. Lawrence, Shri K. Arjunan, Shri N. Selvaraju, Shri Mati Lal Hasda,

NOES

Shamanna, Shri T.R.

Chaturbhuj, Shri

[MR. SPEAKER *in the Chair*]

15 25 hrs.

(*Interruptions*)

SHRI NARAYAN CHOUBEY : (Midnapore) : It is a total mockery of the democracy.

(*Interruptions*)

MR. SPEAKER : We will do it according to the rules.

(*Interruptions*)

SHRI RAM VILAS PASWAN : Under rule 357 I am on a point of order... (*Interruptions*).

अध्यक्ष महोदय : हर एक चीज का समाधान शांति से होता है ।

SHRI SATISH AGARWAL (Jaiyur) : On the Constitution Amendment Bill the entire opposition has supported this measure. We have voted in favour of the Bill. Unfortunately, the ruling party could not muster that much strength which is required under the Constitution to pass it. (*Interruptions*) We did not claim a division, because we are not opposed to it. But what is recorded in the Constitution is that 50 per cent of the total strength of the House has to be in favour of this Bill and two-third of the Members present and voting. So far as two-third Members present and voting is concerned, that particular criteria is satisfied. But so far as 50 per cent of the total strength of the House is concerned, this Bill requires 271 votes. The Chair ordered the clearance of the lobbies. Votes were recorded by pressing buttons. Now the result is 229 excepting one or two, four or five or ten Members who have not been able to cast their votes. You can add that and announce the result of the division. But it is unfortunate that when the division result has not been announced, the gates have been opened and some Members have been allowed to come. (*Interruptions*) This is highly objectionable. Mr. Buta Singh is giving the plea that the machine is out of order and count the heads. Gates have been opened. And Members have been permitted to come in. Now, they want you to order the recount of the plea that the machine has gone out of order. (*Interruptions*.)

श्री राजेश कुमार सिंह : (फिरोजाबाद) : आप रिजल्ट की घोषणा करें ।

MR. SPEAKER : I must understand what I am supposed to do.

SHRI SATYASADHAN CHAKRABORTY : I am on a point of order.

अध्यक्ष महोदय : मेरी बात सुन लीजिये। मैं अभी अन्दर से आया हूँ मुझे समझने दीजिये क्या समस्या है ।

श्री राम विलास पासवान : समस्या उन्होंने करवाई है।

अध्यक्ष महोदय : खुद की होयी, अपने आप होगी या किसी ने करवायी, मुझे समझने तो दीजिये। मैं एक-एक करके पूछ लूंगा।

At least there is a problem and that problem is to be understood before I give my ruling. Therefore, I want to understand from you one by one. (Interruptions) I will call you if you have a point of order. (Interruptions).

MR. SPEAKER : If you want to submit, I also want to submit. I must understand what is happening.

(व्यवधान)

अध्यक्ष महोदय : यही तो पूछने जा रहा हूँ। कोई पूछने दे तब न।

I only want to understand this problem.

मैं सब कुछ करूंगा।

SHRI SATYASADHAN CHAKRABORTY : Sir, will you kindly allow me to submit ?

अध्यक्ष महोदय : आपकी बात भी सुन रहा हूँ। एक आदमी की बात ही तो सुन सकता हूँ। सब की बात सुनूंगा।

I can understand when only one man speaks.

SHRI SATYASADHAN CHAKRABORTY : Sir, this is the Rule of Procedure. Under Rule 367 regarding Division by Automatic Vote Recorder, the Chairman already ordered for a Division and also the Division was taken, Automatic Vote Recorder was operated and slips were also distributed according to rules. The Chairman was to announce the result... (Interruption).

MR. SPEAKER : If the slips were issued, then the result is subject to correction.

SHRI SATYASADHAN CHAKRABORTY (Calcutta-South) : Let me complete, Sir. The Chairman was to announce the result but then the Minister for Parliamentary Affairs intervened though he has no right to intervene because there has been a Division. Anyway, now the question is to announce the result because the voting has been done according to the procedure. Someone may like the result or may not like the result, but the point is that this is to be declared. So, I would request you, as a man as a Speaker who steadfastly follows the Rules of Procedure of the House, to announce the result.

SHRI K. P. UNNIKRISHNAN (Badagara) : Normally speaking, there cannot be a Point of Order at this stage, I am, therefore, only making a submission. I want to make it very clear because it will be violative of the procedure and violative because we are considering a very serious matter of Constitution amendment—which has been provided not only in the Constitution but also in Rule 158 of the Rules of Procedure which is very clear. We are right now at a stage where actually nobody can make a statement because the result has to be announced. You can take it up later. Therefore, the question of any revision of the procedure does not arise at all and it has to be done by the normal procedure as stipulated under Rule 158. I, therefore, call upon you to announce the result, whatever it is.

MR. SPEAKER : I understand now.

THE MINISTER OF PARLIAMENTARY AFFAIRS, SPORTS AND WORKS AND HOUSING (SHRI BUTA SINGH) : Sir, what I did was not on a Point of Order. As a matter of right, when there is some doubt, if a Member has pressed wrong button, he has the right to stand up and say that his voting... (Interruptions).

MR. SPEAKER : That can be corrected, yes.

SHRI BUTA SINGH: I was not going to settle a score with the Opposition Members. What I was trying to say was that I had a hurried check of the hon. Members present here. Today I must say that we are really thankful to the hon. Members for having supported this measure. The thing is that the strength inside the House was much more than what was shown on the machine. This is what I said, I did not contest anything. Therefore, I said...*(Interruptions)*

अध्यक्ष महोदय : चौबे जी, शांति से बैठिए। ऐसे मर्म होने से बात थोड़े ही बनती है।

(व्यवधान)

SHRI BUTA SINGH: Therefore, I said that it seems that there is something wrong with the machine because obviously the Membership present inside is much more than...*(Interruptions)*. That is why I said that we are grateful to you that you supported this measure. But, at the same time, I was pointing out that the machine is not properly working. A large number of our hon. Members are participating in the voting in a room, where there is no sound and the hon. Members did not listen to the bell...*(Interruptions)*.

अध्यक्ष महोदय : आप बैठ जायेंगे तो मसरा काम आराम से हो जायगा। आप सब बोलेंगे तो मैं कुछ नहीं कर पाऊंगा। आपने अगर कुछ कहना है तो मैं सुन लूंगा। रूलस के हिसाब से ही मैं करूंगा।

... (व्यवधान)

THE MINISTER OF STATE IN THE DEPARTMENT OF SCIENCE AND TECHNOLOGY, ATOMIC ENERGY, SPACE, ELECTRONICS AND OCEAN

DEVELOPMENT (SHRI SHIVRAJ V. PATIL) : Sir, we are considering amendment to the Constitution. An important issue has arisen. I would request the Chair to hear the submissions by the Members from the opposite side and this side and decide in whatever fashion the hon. Speaker wants to. Sir, we are using electronic machines here for counting the votes. We know the machines can commit mistakes and can go wrong. If the machines go wrong then there is a procedure laid down. *(Interruptions)* If the machines go wrong then there is a procedure laid down. If any Member challenges that the machine has gone wrong then a different method has to be followed for counting the vote. Now, here after we saw the light on the board we tried to physically count and am told by our friends who counted that we are more in number in the House than what the machine shows. *(Interruptions)*

अध्यक्ष महोदय : आप लोग बैठ जाइये। एजीटेशन करने से मसरा काम गड़बड़ हो जाना है। पहले इनकी बात सुन लेता हूँ, उसके बाद आपकी भी सुन लूंगा। आप, चिंता क्यों करते हैं ?

..... (व्यवधान)

SHRI SHIVRAJ V. PATIL : I would request the hon. Member opposite to make their submissions in whatever fashion they like after my submission is over. Sir, when this is the position that we are more in number and the machine has gone wrong...*(Interruptions)*

श्री राम विलास पाम्बन : कोई वेपम तो होना चाहिए कि मशीन खराब हो गई है। यह किसी ने नहीं कहा कि मशीन खराब है।

अध्यक्ष महोदय : ये तो कह रहे हैं।

..... (व्यवधान)

SHRI SHIVRAJ V. PATIL : Sir, I had started by saying that it is a constitutional amendment and a very important issue has come up in the House. Let it be decided in a correct manner. (Interruptions).

श्री राम विलास पासवान : हम लोग एबसेन भी तो हो सकते थे। पहले मेरी बात सुन लीजिए। (व्यवधान)

अध्यक्ष महोदय : मैंने, पांच घादमियों की बात सुनी है, आपकी भी सुन सकता हूँ। घंटा जस्टिस बुरा होता है। पहले मैं इनकी सुनूँगा फिर आपकी।

..... (व्यवधान)

श्री राम विलास पासवान : ऐसा कानून है कि वोटिंग के समय कोई नहीं बोल सकता। (व्यवधान)

श्री जगपाल सिंह : पहले रिजल्ट डिक्लेयर करवाइए। (व्यवधान)

सर, आप अपना फैसला सुनाइये कि क्या रिजल्ट रहा ?

अध्यक्ष महोदय : उससे पहले क्या आप मुझे समझने नहीं देंगे कि मैं किस बात का फैसला कर रहा हूँ।

श्री जगपाल सिंह : आप पहले रिजल्ट डिक्लेयर कीजिए और उसके बाद दूसरों की बातों को सुनिये।

(Interruptions)

SHRI SHIVRAJ V. PATIL : Nobody can compel the hon. Speaker in the fashion in which they are doing now. Sir, I was making a submission that if the machine was wrong and if the bill did not ring at the proper time and if the Members could not come to the House,

a decision has to be given by the hon. Speaker as to what procedure is to be followed now.

MR. SPEAKER : The decision is that it can be corrected by counting the Members.

(Interruptions)

SHRI SHIVRAJ V. PATIL : We will abide by your decision. But please hear my submission. Sir, if you come to the conclusion that the machine is wrong, is not working properly, there is nothing to show that the bells have rung in the proper manner and at the appropriate time. Sir, if you come to the conclusion that the machine is wrong, then you will have to come to the conclusion that the bell has not rung.

(Interruptions)

MR. SPEAKER : I have come to the conclusion that I have to announce the result.

Ayes	:	245
Noes	:	1
Abstention	:	1
Total	:	247

The motion is not carried in accordance with rule 157 of the Rules of Procedure and in accordance with the Constitution.

The motion was negatived.

श्री राजेश कुमार सिंह : सर, अब सरकार को इस्तीफा दे देना चाहिए।

(व्यवधान)

SHRI SATISH AGARWAL : Sir, the Government must resign.

श्री राम विलास पासवान : इस सरकार को अब इस्तीफा दे देना चाहिए।

अध्यक्ष महोदय : प्लीज आइडर.....

श्री राजेश कुमार सिंह : इस सरकार के निकम्मे कामों के कारण ही यह संविधान संशोधन विधेयक पारित न हो सका, गिर गया जबकि हम अपोजीशन वालों ने उसको पूरी तरह सपोर्ट किया था। इस पर आप अपनी रुलिंग दीजिए... (व्यवधान)...

अध्यक्ष महोदय : इसमें मेरी क्या रुलिंग है।

श्री राजेश कुमार सिंह : मान्यवर, यह कितना बड़ा गैर-जिम्मेदारी का काम इस सरकार ने किया है। सरकार के लोग सदन में उपस्थित नहीं होना चाहते। इस विधेयक को जानबूझ कर गिराया गया है, जानबूझ कर अनुपस्थित रहे क्योंकि इसमें शेड्यूल्ड कास्टस के लिए रिजर्वेशन का प्रावधान था, इसीलिए इसको जानबूझ कर गिराने की कोशिश की गई है। क्या यह गवर्नमेंट की जिम्मेदारी नहीं थी कि इसको पास करवाया जाए।

श्री राम बिलास पासवान : हम लोगों ने तो इसको सपोर्ट किया था, उसके बावजूद भी यह लौट ही गया।

अध्यक्ष महोदय : आप अपना काम कीजिए।

15.44 hrs.

CONSTITUTION (FORTY-
EIGHTH AMENDMENT)
BILL

THE MINISTER OF STATE IN THE
MINISTRY OF RURAL DEVELOP-
MENT (SHRIMATI MOHSINA KID-
WAI) : I beg to move :

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

MR. SPEAKER : Motion moved :

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

Mr. Datta.

(Interruptions)

SHRI AMAL DATTA (Diamond Harbour) : Sir, this Bill is welcome to all of us who are in favour of land reforms in the country. Initially, when land reform Acts were passed in all the States, this being a State subject, most of the Acts were struck down by the courts, because they were found to be violating one or the other provisions of the Fundamental Rights Chapter of the Constitution. So, ultimately, this was the device which was adopted, the constitutional device, to give protection to progressive legislation, including the land reform Bills, against the onslaught of people with vested interests. This Ninth Schedule was introduced by the constitutional provision of article 31-B. Under this clause, any Act which has been put in the Ninth Schedule cannot be struck down by any court of law on the ground that it is violative of any fundamental rights under Chapter III. Sir, the natural thing which I find very objectionable so far as this particular Bill is concerned is that...

(Interruptions)

Sir, do you want me to continue under this discussion that is going on in the House.

MR. SPEAKER : Please, if you want to discuss among yourselves, kindly go outside. And if you want to participate, sit here quietly.

SHRI AMAL DATTA : Sir, they are not used to any kind of discipline.

15.51 hrs

[SHRI F. H. MOHSIN in the Chair]

(Interruption)

MR. CHAIRMAN : Order please.