

[Shri Vidya Charan Shukla]

representing both points of view explained the position. I would in short indicate the position as I look at it.

16.45 hrs.

[MR. SPEAKER *in the Chair*]

We wanted that there should be summary assessment. It was pointed out to us that in the process of summary assessment injustice may result. But the difficulty arises that it was not possible under sections 147 and 148 to reopen these cases.

Because of the operation of court judgments, etc., it would have become very cumbersome and difficult to retain that. The small assessee would suffer on account of that. We thought that the small assessee whose case was disposed of in a summary manner should have an opportunity of going to the income-tax officer and tell him : here a mistake had been committed and so I want to be heard. Therefore we have accepted the amendment of Mr. Salve. It does not make any difference whether power had been given to the income-tax officer to reopen the case or not because as Mr. Viswanatham and Kanwar Lal Gupta and Kothari know those powers were available to the ITO under 147 and 148. No new power has been given by this amendment which we have accepted in the House. An unnecessary furore had been made in this matter.

Shri Shiva Chandra Jha said that this Bill was going to benefit companies. I should assure him that this would benefit mostly small assesseees and not the big companies. The new provision in respect of amortisation of certain expenditure would help the growth of small people in industry ; it is not going to help the bigger people much but the middle level and the lower level people whether in the corporate sector or the non-corporate sector. I am glad that by and large the Bill had received the support of all sections of the House and I hope that the House will now pass the Bill unanimously.

MR. SPEAKER : I shall first put the consequential amendments which the Govern-

ment moved to the vote of the House. The question is :

Page 27,—

omit lines 9 to 11

Page 27, line 12,—

omit "(b)"

Page 29,

omit lines 18 to 25

page 29, line 26,—

omit "(b) in any other case"

The motion was adopted.

MR. SPEAKER : The question is :

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

The motion was adopted.

श्री मधु लिमये : अध्यक्ष महोदय, दूसरा विधेयक लेने के पहले आप जरा संसद्-कार्य मंत्री तक हमारा एक निवेदन पहुंचा दें। जावेद आलम, लेक्चरर, का जो मामला है उसको लेकर 21 लड़कों को गिरफ्तार किया गया है। पार्लियामेंट स्ट्रीट पुलिस स्टेशन पर उन्हें खाना भी नहीं दिया गया है। क्या मंत्री महोदय इसकी जानकारी हासिल करके सदन स्थगित होने के पहले एक बयान देंगे ?

MR. SPEAKER : Not anything, at any time, without any notice. There must be some procedure followed for these things. I am so sorry.

श्री मधु लिमये : उन्हें खाना तक नहीं मिला। इसलिए जावेद आलम का मामला बहुत अहम है।

16.50 hrs.

SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS (AMENDMENT) BILL

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI K.

HANUMANTHAIYA) : Sir, I beg to move :

"That the Bill to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and tribes, for the readjustment of representation, and re-delimitation of parliamentary and assembly constituencies in so far as such readjustment and re-delimitation are necessitated by such inclusion or exclusion and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

Sir, articles 341 and 342 of the Constitution provide that the President may with respect to any State or Union territory specify the castes, races or tribes which shall be deemed to be Scheduled Castes in relation to each State and Union territory. In pursuance of these provisions, the President made the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950, specifying the Scheduled Castes and Scheduled Tribes in the then Part A and B States. In the following year, he made the Constitution (Scheduled Castes Part C States) Order, 1951, and the Constitution (Scheduled Tribes Part C States) Order, 1951 in respect of the then Part C States. Separate orders have also issued specifying the Scheduled Castes in Jammu and Kashmir, Dadra and Nagar Haveli, Pondicherry, Goa, Daman and Diu. In addition, Presidential orders specifying the Scheduled Tribes have also been issued in respect of Andaman and Nicobar Islands, Dadra and Nagar Haveli, Goa, Daman and Diu, Uttar Pradesh and Nagaland. Under the Constitution, the order issued by the President specifying the Scheduled Castes and Scheduled Tribes can only be varied by a law made by Parliament.

The lists of Scheduled Castes and Scheduled Tribes appearing in the various orders came up for criticism on a number of occasions both in Parliament and outside on the ground that they were not rational and contained several anomalies. The State Governments were, therefore, asked to suggest amendments to these lists and in 1965 the Government appointed a Committee under the Chairmanship of Shri Lokur to examine the whole question and make recommend-

ations. The report of the Lokur Committee was examined by Government and also discussed with Members of Parliament and State Ministers belonging to the Scheduled Castes and Scheduled Tribes. As a result of these consultations, Government prepared a Bill which was introduced in the Lok Sabha on the 12th August, 1967. The Bill was referred to a Joint Committee of both Houses of Parliament in March, 1968. The Joint Committee's task was indeed a heavy one, but the Committee undertook it with great zeal and enthusiasm. They called for the views of public bodies and organisations and individuals interested in the subject and also addressed all the State Governments to obtain their views in regard to the lists as they appeared in the Bill. The Committee also divided itself into study groups which visited the areas predominantly inhabited by the Scheduled Castes and Scheduled Tribes in most of the States in the country in order to obtain a certain idea of the various communities whose claim for inclusion in the lists was to be decided upon.

In all, the committee received 262 memoranda and representations from various organisations and individuals. These memoranda covered requests for inclusion or exclusion in respect of about 400 communities, each of which called for a detailed examination on the basis of social, economic and other considerations. The committee held 22 sittings in all. They also heard evidence from parties who made representations. We must record our appreciation of the great care and thoroughness which the committee bestowed in studying each case coming before them.

Subsequent to the presentation of the Joint Committee's report on the 17th November, 1969, Government has received several representations from various organisations and individualisations asking for the inclusion of some communities or for making some other changes in the list. All these representations have been very carefully considered and in cases where it was found that there was justification on for such inclusion or change, we are moving suitable amendments.

The House should realise that the number of castes and sub-castes mentioned in the schedule is almost 2125 based on the

[Shri K. Hanumanthaiya]

1961 census figures and 622 communities which find a place in the Bill will not have any figures against them. Therefore, the consideration of the Bill is one of the most complicated, for no member of the House, for that matter on man in India, can keep in his mind the names of all these 2700 and odd communities, determine the merits and demerits of each case and then come to a decision satisfactory to everyone concerned. This is an uphill task we have to face. Therefore, whenever we make some suggestion either for inclusion or for exclusion, we have to bear in mind the immensity of the task that is involved. Therefore, Government is guided by two sets of principles : The state Governments and the Joint Committee Report. I have already submitted that the Joint Committee has gone into the details of everyone of these cases and has made the report. Therefore, it is not anxiety that has to govern our decision but it is the sober approach and reconciling approach that will ultimately do good to the communities concerned. Government generally accept the Bill as reported by the Joint committee. There are, however, one or two issues on which Government admit Government have their own views. One recommendation of the Joint Committee is that when a person has given up his tribal faith and has embraced Christianity or Islam, he should cease to be deemed to be a member of a scheduled tribe. This is a very controversial matter. In the report of the Joint Committee it has been said that my predecessor had informed the committee that he would find it difficult to accept this amendment. We have since examined it and we find that constitutionally such an amendment is not sustainable because it discriminates between converts to Christianity and Islam on the one hand and converts to other religions on the other. (Interruption). I am only explaining the constitutional aspect at present. Again, in the 1961 census only 4.19 per cent of the Scheduled Tribes declared themselves as following a tribal religion. If conversion from a tribal to individual religion is made a disqualification, then most of the Scheduled Tribes would become de-Scheduled. In view of these difficulties, government are of the view that the amendment proposed by the Joint Committee may be considered by the House from this constitutional point of view.

17 hrs.

I have had discussions with the concerned persons. Their point of view is that the converts to Christianity get double benefits. The Christian missionaries help them in various ways. In fact, some of the Christian converts in Assam and North East Frontier Area are most advanced than the so-called Savarna classes. Therefore, they feel that the converts to Christianity in particular are not in need of this kind of help. And the further argument is these converts will get help from two sources—from the Christian missions and from the governments. Therefore, they argue that whereas the rest of the Scheduled Tribes get help only from one source, the Scheduled Tribes converts get help from two sources and they have better advantages and the other Scheduled Tribes have a handicap. I am trying to find a solution which is just to both the sections of the tribal communities. I will be able to do so in the course of the debate. Therefore, no member who holds one view or the other on the subject need feel that government has taken a partisan view, or it is opposing a view which is just on the face of it. I plead that they may have patience till we evolve a solution which is acceptable to everybody.

Another amendment suggested by the Joint Committee is the Scheduling of the tea garden labourers of Assam. These tea garden labourers belong mostly to the tribal communities who have migrated from Bihar, Orissa and Madhya Pradesh, where these communities have been specified as Scheduled Tribes. The questions whether these migrant tribes should be treated as Scheduled Tribes had been engaging the attention of the government of India and various committee were set up from time to time. The Backward Classes Commission was of the opinion that these tribes are quite backward socially and educationally and should be included in the list of other backward classes. They did not recommend their inclusion in Scheduled Tribes. The Chairman of the Commission in his letter, forwarding the Report, has stated that "in our opinion, assistance is needed in order to enable them to maintain contacts with their homes and more especially to maintain their way of life". The Lokur Committee

also considered that the tea garden labourers do not satisfy the criteria for inclusion as Scheduled Tribes.

Even on this question the government is not anxious to take a partisan view. Members will express themselves, their views will be heard and we will see how far justice can be done to the section concerned. I merely plead at this stage that these migrant labourers are considered to have lost their characteristics, according to these reports, and, therefore, the House has to carefully consider the issue.

Under article 341 a list of Scheduled Castes is prepared for each State separately depending on the economic and social position of the caste in that State. This varies widely and each State list has to be considered on the facts prevailing in the State and not merely on the name of the caste. The Joint Committee has suggested that if a Scheduled Caste person migrates from one State to another in which his caste is not scheduled, he should be regarded as a member of a Scheduled Caste in the State to which he has migrated.

We have carefully examined this recommendation also. Such an amendment will lead to discrimination, because the migrant Scheduled Caste person belonging to a particular caste will be regarded as a Scheduled Caste person in the State to which he has migrated, while a resident of that State belonging to the same caste will not be regarded as a person belonging to the Scheduled Caste and he will be ineligible for facilities admissible to Scheduled Castes. This view also deserves consideration by the House.

I may also say a word about the follow-up necessary after this Bill becomes law. After the Bill is enacted, it will be necessary for the Registrar General to make an estimate of the population of the Scheduled Castes and Scheduled Tribes in accordance with the new list. Thereafter, the Election Commission will have to delimit constituencies in accordance with the revised population figures. Clauses 6 to 9 of the Bill make provisions to enable the Election Commission to take necessary steps for delimitation of constituencies.

These clauses have been reexamined and in order that the work of the Commission in this regard may be facilitated it has been found necessary to make a few changes in these clauses. Necessary amendments in this regard are being brought forward.

I am very happy to see that one recommendation of the Joint Committee is in a way very helpful to the Scheduled Castes and Scheduled Tribes. Normally, a woman marrying a Scheduled Caste has the same social and economic status as her husband. Under the present law, however, such a woman continues to retain her own caste and is not eligible for any facilities admissible to Scheduled Castes. This is an anomalous position and, therefore, the Committee feel that it is desirable to include a provision whereby a woman marrying a member of the Scheduled Castes will be deemed to belong to the caste of her husband. This suggestion or amendment in particular I heartily welcome. The social gates, as it were, are sought to be unlocked by the Committee so that there may be encouragement for savarna girls to marry Harijans.

SHRI P. K. DEO (Kalahandi) : Savarna boys also.

SHRI K. HANUMANTHAIYA : It is a very welcome thing and all of us, who want to remove untouchability and who want to raise the status of the Scheduled Castes and Scheduled Tribes, feel very happy about this recommendation. I congratulate the Joint Committee which has made this fundamental and far-reaching recommendation.

This Bill deserves, as I have already said, careful consideration in the sense that the number of communities involved is so great that every one of us has to exercise patience in advocating our respective points of view.

MR. SPEAKER : Motion moved :

"That the Bill to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and tribes, for the readjustment of representation, and redelimitation of parliamentary and assembly constituencies in so far as such

[Mr. Speaker]

readjustment and re-delimitation are necessitated by such inclusion or exclusion and for matters connected therewith, as reported by the joint Committee, be taken into consideration."

I thought I must tell you about the allocation of time so that you may be within the time-limit fixed. Out of 6 hours allotted for the Bill, 3 hours and 30 minutes have been allotted for the general discussion, 2 hours for the clause-by-clause consideration and 30 minutes for the third reading of the Bill.

SHRI P. K. DEO : The time allotted is too short.

SHRI DEORAO PATIL (Yeotmal) : There are about 400 amendments.

SOME HON. MEMBERS : The time should be extended.

MR. SPEAKER : The same House has approved this much time for the Bill.

SHRI TENNETI VISWANATHAM (Visakhapatnam) : We did not know there were 2700 communities...(Interruptions)

SHRI RANDHIR SINGH (Rohtak) : This is a very important Bill. The time should be extended.

SHRI P. K. DEO : So many amendments moved by the Minister have completely changed the character of the Joint Committee Report. So, more time is necessary for the Bill.

MR. SPEAKER : Shri Arumugam.

*SHRI R. S. ARUMUGAM (Tenkasi) : Mr. Speaker, Sir, though the Joint Committee considered the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967 and submitted their Report a year ago, only now the Bill has come up before the House. I was a Member of the Joint Committee. At the time of finalisation of the Draft Report I pointed out that due to a spelling mistake the scheduled tribe called 'Kani' was deleted ; it was written as

'Kanian' and so it was omitted. The then Minister, Shri Govinda Menon, conceded the point and said :

"It should be 'Kani'. There is a spelling mistake. It may be corrected. 'Kani' is an astrologer. If an amendment comes before Parliament, I shall accept it....."

We shall accept it ; inclusion, if any, can be done only in the House."

Accordingly, I have given a Notice of an Amendment in respect of this Scheduled Tribe. The Amendment which is at serial number 92 reads as follows :

Page 40,—

after line 8, insert—

"5A. Kani".

Since the then Minister had accepted my contention, I thought that the Government themselves would bring forward this amendment. But, I hope that the Government would accept my proposed amendment. A number of amendments have been given notice of by the Government to this Bill. I find that a caste named Rajgond has been included in the list, regarding which there have been a number of representations.

MR. SPEAKER : You used to talk in English when you were my neighbour.

SHRI G. KUCHELAR (Vellore) : Translation facilities have been provided.

MR. SPEAKER : If everybody starts speaking in his own language, there is no use of a Speaker sitting here.

SHRI S. XAVIER (Tirunelveli) : Let everyone speak only in English !

SHRI G. KUCHELAR : He is only availing of the translation facilities which have been provided.

*The original speech was delivered in Tamil.

SHRI R. S. ARUMUGAM : We had decided in the Joint Committee that, if a Harijan migrated from one State to another, then he should be deemed to be a Harijan in the State to which he migrated. I would like to point out that it is not proper for the Government to modify that decision. On this occasion, I would also like to place some of my views regarding the welfare of scheduled castes and scheduled tribes. No direct benefit would accrue to the scheduled tribes by mere enumeration of certain castes and tribes in the List. The erstwhile leaders and the Government used to devote their time and energy for the welfare of scheduled castes and scheduled tribes. I have to regretfully point out that the present Government do not evince as much interest in their problems.

It has been stated and accepted many a time by all of us that the progress of Harijans lies in their education. In this context, we have to examine whether the scholarships awarded to Harijan students are adequate and with the existing quantum of scholarships available whether the indigent Harijan parents can afford to give education to their wards. The income limit of the parents for awarding such scholarships is very low and I feel strongly that it should be raised. In Colleges, Harijan students do not get admission for science subjects in adequate proportion. If a Harijan student fails in an examination in Medical Colleges, he is denied the scholarship due to him. In Hostels Harijan students do not easily get accommodation. Though this matter has been raised a number of times here and elsewhere, the Government have not cared to look into this problem.

SHRI K. HANUMANTHAIYA : May I raise a point of order, Sir ? The hon. Member is speaking about the general question of education and economic development.....(Interruptions). This Bill is for inclusion in and exclusion from, the lists of Scheduled Castes and Scheduled Tribes of certain castes and tribes for purposes of delimitation.

श्री रवि राय (पुरी) : अध्यक्ष महोदय, इस तरह के इंटरवेंशन की जरूरत नहीं है।

वह ठीक बोल रहे हैं, उनको बोलने दिया जाय।

MR. SPEAKER : That is all right. Let him say what he wants. You may say what you like.

SHRI R. S. ARUMUGAM : The Harijan students of Tamil Nadu at Madras went in a procession for submitting a Memorandum to the Minister of Tamil Nadu with a view to get their grievances redressed. Their grievances were not redressed, but they were arrested. Under these circumstances, I wonder what kind of progress the Harijans can make.

I would ask whether all the educated young men are getting employment. Is it not a common sight that thousands of educated unemployed youths are roaming listlessly in the streets ? It was said that Harijan representatives should be included in the Recruitment and Selection Committees. Has it been done ? In the matter of promotions in Services, have the Harijans got their due ? Though examinations are conducted by the departments, the employees belonging to Scheduled Castes and Scheduled Tribes are deliberately failed and thereby they are deprived of their promotions—this is the common allegation throughout the country. What have the Government done in this regard ? Though it has been repeatedly pointed out inside and outside this House that some posts of Ambassadors and Governors should go to Harijans, have the Government considered this proposition seriously ? I regret to say that the Government seem to think that it is *infra dig* to appoint Harijans for such high posts.

In the matter of economic development, what is the share that the Harijans have been allowed to enjoy ? They continue to be as before and there is no significant change in their economic status. Empty slogans and catchy phrases cannot lead the Harijans to progress. We have demanded on numerous occasions that ways and means should be found out for the industrial and economic progress of Harijans. I say in anguish that even the Prime Minister is all the while thinking as to how an industrial licence for manufacturing small cars can be

[Shri R. S. Arumugam]

granted to her son, but does not seem to take equal interest in the economic welfare of Harijans.

Untouchability and casteism are practised more virulently nowadays. In a village named Kilavenmani in Tamil Nadu, 43 Harijans were huddled together in a hut and were burnt alive. This unprecedented atrocity had been committed in 1969 and I don't think that such a ghastly incident would have taken place in any other part of the world. I would like to narrate another incident of untouchability. In a village named Thiruppani Karisalkulam in Tirunelveli District.....

MR. SPEAKER : Mr. Arumugam, I am following the English translation. This Bill has a specific and particular scope. It is not a general discussion.

SHRI R. S. ARUMUGAM : Sir, unless they do all these things for the welfare of scheduled caste people, what is the use of altering the List ? Therefore, I am giving some suggestions.

MR. SPEAKER : I thought that after the Minister pointed out you might restrict your speech to the scope of the Bill, but still you are continuing like this. I would request you to keep yourself within the scope of the Bill.

SHRI R. S. ARUMUGAM : Sir, I am finishing shortly.

SHRI RANDHIR SINGH : Sir, the definition of 'relevance' should be modified.

MR. SPEAKER : I am only afraid that if tomorrow somebody reads the speech, he will just wonder as to where was the Speaker at that time. That is why I point this out.

SHRI R. S. ARUMUGAM : In Thiruppani Karisalkulam, one Mandiramurthi, a Harijan leader, was brutally murdered for the simple reason that he entered a restaurant. The man who committed this murder was the brother of the local DMK Unit office bearer and that is why the Police cannot take effective action

against him. It is not known what would be the final outcome of the case.

MR. SPEAKER : As I stated just now, if anyone reads the speech, he will wonder where was the Speaker at that time. That is why I am saying this. He will say : "all of us are chips of the same block." Mr. Arumugam, I have all respect for you and for your views. The scope of the Bill is to provide for the inclusion and the exclusion from the lists of Scheduled Castes and Scheduled Tribes of certain castes and tribes, for the readjustment of representation and re-delimitation of parliamentary and assembly constituencies in so far as such readjustment and re-delimitation are necessitated by such arrangements. Where have you gone into the question of someone being stabbed in a particular village and the policeman not taking action ? If you say that this must be included in the "readjustment", then you can continue.

SHRI R. S. ARUMUGAM : I am only saying that merely by including certain castes in the lists, the problems faced by scheduled castes and scheduled tribes are not going to be solved.

MR. SPEAKER : I am very glad you have started speaking in English.

SHRI R. S. ARUMUGAM : Unless the disabilities faced by the Harijans are removed, there will be no tangible benefit for them through measures like this. The ownership *pattas* of poromboke lands which were being cultivated by the Harijans for years, are now being given to others. The surplus lands as a result of land ceiling, instead of being given to Harijans as it was promised, are now being given to others. Unless these things are done, no useful purpose would be served merely by including certain castes in the List. In the end, expressing my hope that the Amendment proposed by me for including 'Kani' tribe in the list would be accepted by the Government, I conclude my speech.

SHRI P. K. DEO : Mr. Speaker, Sir, this Bill was introduced immediately after the last General Election by our good friend Shri Asoka Mehta.

That was well in time, so that the

Schedules could be revised and our unfortunate brothers could get the benefit in time for the next election.

Sir, the Lok Sabha discussed and adopted the Bill for reference to a Select Committee on the same day. It is more than 4 years ago and now the Bill has come back to this House for discussion.

This Bill was presented in November, 1969 and for one whole year the Government kept it in cold storage and slept over it. And now, when the question of the next General Election is knocking at their door, the Government had come forward with this Bill and say that they propose to revise this list.

17.24 hrs.

[SHRI K. N. TIWARY *in the Chair*]

From this, it is obvious that the Government are not sincere about the amelioration of the Scheduled Castes and the Scheduled Tribes or to revise the list, but only they are doing it with a political motive, and having their eye on the election, they want to use them as pawns in the game of power politics.

I want to have one clarification. As soon as this Bill is enacted and as soon as this Bill is published in the Official Gazette, it has to take effect. I would like to ascertain from the Minister whether, after this Bill becomes an Act and the usual Government machinery like the Registrar General for Census and the Election Commission goes into operation for enumeration of and for the delimitation of constituencies for the Scheduled Castes and Scheduled Tribes, whether they will act on the basis of the 1961 Census or will they wait till the 1971 census for which all preparations are being made and de-limitation will take place after a few months. Unless a categorical answer is given at this stage, I am afraid there will be gerrymandering and there is every apprehension that on the plea that the Scheduled Castes and Scheduled Tribes constituencies are going to be delimited, Government are not likely to hold the general elections in 1972. I have been associated with the Delimitation Commission on two previous

occasions, and I know it for certain that it takes at least two years to collect all the data and to delimit the constituencies on the basis of the concentration of the Scheduled Castes and Scheduled Tribes. So, Government may take it as a plea for postponing the elections or keeping it in abeyance till 1974 or 1975 and thereby this unpopular government will continue in power as long as it wants. So, I want a categorical answer to this question.

My apprehension has been further strengthened by a note of dissent by no less a person than Shri P. R. Thakur who has lately joined the Ruling Congress. He has stated in his minute of dissent :

"From the very beginning I have been feeling that the Bill has been drafted by the Government not with a view to rationalising the question of scheduling on the basis of any scientific studies or approach but only to play some politics at the cost of the unfortunate and helpless people."

This is what I am inclined to feel.

SHRI RABI RAY : Does he own it now ?

SHRI P. K. DEO : Another question that I would like to ask is this. Why should there be separate lists for separate States ? Why do they not have a consolidated list of Scheduled Castes and Scheduled Tribes for the entire country ? Why should there be water-tight compartments ? We talk of national integration we say that people should go to different areas and should be given full facilities for migration. So, I cannot understand how Scheduled Castes and Scheduled Tribes people like the Gonds, the Oraons, the Santhals and Khadiyas who are Scheduled Castes and Scheduled Tribes in Madhya Pradesh, Bihar and Orissa, when they go to Assam for working in the tea gardens, should be deprived of their status simply because they have migrated from one place to another. What are the criteria that have been fixed for Scheduled Tribes ? The criteria are : indication of primitive traits, distinctive culture, geographical association, shyness of contact with community at large and backwardness. The Santhals remain Scheduled Tribes in West Bengal, but when

[Shri P. K. Deo]

they work in the tea gardens in Duar in West Bengal, they remain Scheduled Tribes, and in Tripura, they remain Scheduled Tribes, but only in the tea gardens of Assam, they leave their tribal characteristic. What justification is there for this? I cannot follow this.

The Santhal community has produced leaders like Jangal Santhal. They have produced born leaders from their Community.

If Government are inclined to feel that by conversion to another religion, the Scheduled Tribes people cannot change their tribal character, then I cannot understand how by migrating from one place to another, they change their tribal character. I cannot understand how even after changing their religion and by giving up their ancient gods and totems and tribal habits, they still remain as Scheduled Tribes, but by migrating from one place to another, they leave off their tribal character. This is only because they are victims of the vested interests, because they will entirely change the composition of the Assam Legislative Assembly and the Lok Sabha seats for Assam. That is why the tribal population which has migrated from Orissa, Behar and the Chhatisgarh belt to Assam are being denied of their legitimate rights. It is only the vested non-Scheduled Tribe and non-Scheduled Caste interests in Assam who are responsible for this, and the hon. Minister has become an abettor today by agreeing to this kind of thing and by denying them this fundamental right. This is a clear discrimination and it contravenes article 19(d) of the Constitution which guarantees freedom of movement from one place to another. If you go to the Andamans and go to the Baratanz island, you will find in the settlement there the people from Chota-Nagpur, the Santhals, the Gonds, the Oraons and the Mundas.

If they go to Assam, they will not be treated as Scheduled Tribes—no argument will convince me about this. The Joint Committee's recommendations should be accepted and I think the Bill should be passed.

Regarding equality of sex, each Minister

dealing with this Bill has his own view. Shri Hanumanthaiya is the fourth Minister dealing with this. We had first Shri Asoka Mehta, Shri Sanjivayya, then Shri Govind Menon and now Shri Hanumanthaiya.

SHRI HANUMANTHAIYA : Is it my fault?

SHRI P. K. DEO : Each Minister changes his view and misguides the House. He has stressed so much about equality of sex. I quite appreciate that when a Scheduled Tribes man marries a non-Scheduled Tribes girl, the girl becomes a Scheduled Tribe. Why cannot it be *vice-versa* also? If a non-Scheduled Tribe boy marries a Scheduled Tribe girl, why should not the boy also become a Scheduled Tribe? Why is the Member not accepting that? Equality of sex is there under art. 15.

Here I would like to point out that it may be to accommodate Shrimati Jahanara Jaipal Singh who could not be found a seat from Ranchi because she was not a Scheduled Tribe, that this has been brought in.

SHRI SONAVANE (Pandharpur) : This provision applies only to Scheduled Castes and not to Scheduled Tribes.

SHRI P. K. DEO : I have been saying how the Scheduled Tribe people have become victims of vested interests. As early as 1957 when I first stepped into this House, I have been pressing for including Bhattadas in the list of Scheduled Tribes in the Orissa State. We submitted memoranda and gave many a mass petitions. At long last, Bhattadas were included in the list. But all sorts of impediments used to be put by the Brahmins of Koraput district. Shri Jagannath Rao and Shri Sadasiva Tripathi stood in the way. At last we succeeded. Shri Jagannath Rao had to leave his home constituency and find a berth somewhere else. Shri Sadasiva Tripathi could just scrape through 144 votes from some other constituency. Now Shri Khagapathi Pradhani, the representative of the Bhattadas community, is here from that area. Even in the definition, they have made the term 'Dhotada' which is a very vulgar, abusive and contemptuous term. It should be

changed to 'Bhattada'. Shri Pradhani has tabled an amendment to this effect.

The Bhuiyas are Scheduled Tribes in Orissa. But when they cross the border into Singhbhum district in Bihar, they become Scheduled Castes.

This is what Verrier Elwin, the famous anthropologist has said :

"Orissa and its States also has a high population of aboriginals ; notable among them are the Bhuiyas and Bhumig."

For all purposes the Bhuiyas are aboriginals and it is only vested interests in Bihar which are obstructing their inclusion in the list of Scheduled Tribes.

Coming to Kaibartas or Keotas who are fishermen, they are Scheduled Castes in Assam and West Bengal, but in Orissa probably by mistake they have not been included. On their behalf I plead that they should be included.

As I said, this delimitation question has been influenced by the naked passion for power. That is why the name of Rajgond has been deleted because there is a struggle for power between our friend hon. Mr. Uikay's son and the Raja of Sarangarh regarding the leadership of the Gond Community in Madhya Pradesh. That consideration influenced the Joint Committee to recommend the deletion of Rajgond from the list of Scheduled Tribes in Madhya Pradesh. I may read an extract from *the Tribes and Castes of the Central Provinces of India*, Vol. III by R. V. Russell. He says about "Rajgonds" :

"But the term practically comprises the land-holding sub-division of the Gonds, and any proprietor who was willing to pay for the privilege could probably get his family admitted into the Raj-Gond group."

There is absolutely no distinction between the Gonds and the Raj-Gonds. Further Mr. Sleeman says :

"Under these Gond Rajas the country seems for the most part to have been

distributed among feudatory chiefs, bound to attend upon the prince at his capital with a stipulated number of troops, to be employed wherever their services might be required, but to furnish little or no revenue in money."

There is a saying in Oriya :

केते बेले गोंड पत्तर बीके
केते बेले गोंड छत्तर टेके ।

It means that at times the Gond sells leaves and makes his living and at time he puts up an umbrella and declares himself king. This is an appropriate proverb and, therefore, I submit that the Rajgonds should be included in the schedule for tribes.

I have made out a case for a consolidated list of Scheduled Castes and Scheduled Tribes for the entire country. Unless that is done, after some time in Tamil Nadu we may have the Brahmins as Scheduled Castes because they have been placed in such an unprivileged position. So, taking into consideration all these facts I submit that this thing should be discussed in a dispassionate way and not in a partisan way, and no party whip should be issued. Most thoughtful consideration should be given to it so that the really downtrodden and unfortunate people should be benefited by the provisions of the Constitution.

SHRI BASUMATARI (Kokrajhar) : I wholeheartedly support this Bill and I hope the hon. Minister will accept the report of the Joint Select Committee. The Joint Select Committee was set up on the demand of the members belonging to the Scheduled Castes and Scheduled Tribes, because in the present set up many of the Tribals are facing injustice.

There is a saying that man proposes and God disposes. In regard to the Scheduled Castes and Scheduled Tribes it is God that proposes and man who disposes.

SHRI SURAJ BHAN (Ambala) : The Committee proposes and Government disposes.

SHRI BASUMATARI : Hon. Minister was also one of the Constituent Assembly Members and I had the privilege to be with him then. The spirit of this provision in the Constitution was to bring

[Shri Basumatari]

up the undeveloped people to the same level with the advanced communities. But when the rules were framed they were so done to negative the spirit of what Father of Nation, Mahatma Gandhi wanted. The hon. Minister just now said about the converts and non-converts. We have no dispute with the Christian missionaries or the converted people. We only want to develop the undeveloped sections of our people among the tribals. The hon. Minister says that they were getting help from both sides—Government and the missionaries, not only of this country...(Interruptions).

AN HON. MEMBER : Christians are not getting any help.

SHRI BASUMATARI : I am telling the hon. Minister about conditions in Assam. The percentage of literacy of India is 24. But if you take only one district, particularly Migo Hills, it will be 55 per cent. If you take percentage of Tribals in Kashi hills it will be 42 per cent. So also it varies from area to area. The spirit is to develop the undeveloped sections of the people. We have no dispute with the Government. Let them do what they like. But there should be a barrier or a line. Mr. Oraon feels that the converted people were being benefited more than the non-converts. What to do ? As I said we have no dispute ; let the Government do what they like. But there should be a barrier or line between the converted and the non-converted. There is no objection at all if you give them any benefit you like ; we do not object if you reserve seats for them. Only we want a line between the two so that in the name of tribals somebody else may not enjoy. Come to Assam. There are 25 direct recruited IAS in the whole of Assam in general. How many for the Tribal ? I do not object to others ; I am saying this only for information. Only three days ago I was abused by some person—he is not here to reply. He is no less a person than the Chief Minister of Meghalaya. He said Basumatari divided the tribals into two—plain and hill in matter of appointments. Yes, I did. But among the two tribals, Kashi and Garo, where you have got the Meghalaya, how many Garo tribals had been taken ? Only one in the present set up of administration of Meghalaya. He did not answer. How many class I services from the Garo tribal people ? None. How many in class II service in

Meghalaya from Garo Hills : He could not say. I said : only one or two in Class II. What about my tribal in plains ? I have got 15 in class I and 25 in class II service uptill now of 35. It is only because of the principle of division among the tribals. I would not have said it ; the Minister himself mentioned it. Let there be two. They can give them whatever they like. But protect the underdeveloped tribals from the more advanced people. That is the point of Mr. Kartik Oraon's amendment.

There is another point and I do not know what the Government intends to do to the removal of the restriction on the areas. You may not know why I say. God proposes but man disposes. Mahatma Gandhi wanted to bring them up to the level of other advanced communities. But the leaders of our country did not act in that spirit, and the result is that the tribals remain as tribals everywhere, and follow the tribal modes. So, for political reasons, they have kept many layers like this.

I now come to the Fifth Schedule of the Constitution. Except Assam, it is promulgated in all parts of the country. It has been promulgated like that. In the areas covered by the Fifth Schedule, wherefrom my friend comes, the tribals remain as tribals only in the Scheduled area. The point is, if one's own brother, goes out of the Scheduled area, he ceases to be a tribal. Our request to the Government is that they should remove this barrier so that we may get justice, because you are saying you are going to give us justice. If you understand the difficulties, give them chances for advancement, then you have to extend to them these benefits.

You say that the Scheduled Castes and Scheduled Tribes have now advanced. "What is this ? If you go back to 1940 and think of the conditions now, in 1970, you will find that the gap remains wider still, not closer. Economically and otherwise, the tribals are still backward. I have visited almost all the tribal blocks of the country. Out of 889 tribal blocks, I have visited almost all of them. What did I see ? I have shed tears on seeing the conditions. In the name of helping the tribes, there are number of schools ; high schools and Colleges also. Higher-secondary schools are there. But what about the number of

Scheduled Castes and Scheduled Tribes students studying there ? I have found hardly two to three per cent of them there. I asked the authorities, "Why don't you encourage these people to come in large numbers ?" They say that if the percentage of Scheduled Castes and Scheduled Tribes is not 40 or 50, they should not get a grant. Such is the position.

Mr. CHAIRMAN : The hon. Member's time is up.

SHRI BASUMATARI : Now that you have rung the bell, I will not take much time. I only request the minister just to remove this barrier.

Then I refer to the tribals in Assam. There are about 15 to 20 lakhs of tribals working in the tea gardens. Our Government, our *sarkar*, I would say, say that the tribals should be brought to the same level. (*Interruption*) But what is done now ? Just as the British brought the Negroes from Africa and just as the Americans did, the sepeople were taken from different parts of the country, to work in the Assam tea-gardens : from Orissa, from Madhya Pradesh and Bihar. They are considered as migrants just like the Negroes. They belong to several tribes like Gonds, Santhals, and so on. They are not included in the list. They were brought in the British time. Is it the fault of these tribals who were brought to Assam from other parts of the country by the British ? I ask where is the point for not including them in tribal list. Why should you listen to the Assam Government if you want to do justice to these people and if you want to bring them to the same level as others in Assam ? I request the Government to realise that this aspect should not be considered as a political one. There should not be any political reasons in this matter.

For instance, the Assam Government is afraid of increasing the seats for tribals in the Assembly. If the tribals are included in the lists, then there will be 50 seats in the Assembly against the 10, at present, out of the 126 seats in Assam Assembly. What is the outcome of all this ? The outcome is Meghalaya ; there will be another outcome namely, the Mizos will want a State of their own ; as the Khasis and Garo have been granted a separate State. This is the reason why they want separate States for themselves. When their

difficulties are not understood, when their just demands are not conceded, and when everything is being considered on political grounds, you have to face all this trouble.

I do not want to quote in detail from your amendments. You have brought so many amendments, which are more than what is contained in the Joint Committee report. Then, what is the use of the work of the committee ? They have taken so much pains to examine the memoranda and representations and they have spent two years for producing this report. I am the Chairman of the parliamentary committee on the welfare of the scheduled castes and tribes. We have submitted seven reports. I do not know whether those reports have been thrown into the waste paper basket or some action is taken on them.

I would request the minister, Mr. Hanumanthaiya, not to consider this matter from a political point of view. He must consider it sincerely. Our ministers are going abroad for six months in a year. They know with what sincerity they implement their Acts and resolutions in foreign countries. A resolution is passed tonight and tomorrow it is implemented. But here it is not implemented at all; Parliament passes the law but the rules are so framed by the officials only to stand in the way of the implementation of the law. I am appealing to the Minister : Please don't be insincere. What you want to do, do it sincerely. Please don't try to throw dust in our eyes. I know you very well. You were a member of the Constituent Assembly and then you were Chief Minister of Mysore so many years. Now you are shouldering the responsibility of looking after the welfare of the down-trodden people. You must do all that is possible to develop these people. Repuests for extension of the period of reservation for scheduled castes and tribes have to be made only because they are so much below compared to other communities. Should you not try to bring them up ? You have brought an amendment seeking to delete the names of Santals, Mundas, etc., from the list in regard to Assam which are mentioned in the Joint Committee report. It is not correct. I hope you will try to do justice to them and withdraw the amendment.

श्री . राम सिंह अयरवाल (सागर) :
सभापति महोदय... (इन्टरप्राज)

श्री अटल बिहारी वाजपेयी (बलरामपुर) : श्री राम सिंह आज बोलेंगे, पहले बोलेंगे और बाद में विद्यार्थी जी बोलेंगे।

श्री राम सिंह अयरवाल : इस बिल में कुछ जातियों को जोड़ने और कुछ को निकालने का जिक्र किया गया है। इन जातियों से देश का प्रतिबिम्ब सारे विश्व में आता है। मैं कहूंगा कि हरिजन और आदिवासी आधुनिक युग में राम और लक्ष्मण का स्वरूप हैं। भारत के जन मानस में एक जो विकृति आई है, उसमें रावण को मारने के लिए हरिजन और आदिवासी राम और लक्ष्मण का काम करेंगे।

इस बिल में कई ऐसी जातियां हैं जिनको जोड़ा नहीं गया है। हमारे माननीय सदस्य श्री देव ने आपको बताया है कि भोई जाति उड़ीसा में शैड्यूल्ड ट्राइब्ज में मानी जाती है तथा दूसरे प्रदेशों में शैड्यूल्ड कास्ट में मानी जाती है। मध्य प्रदेश में मैंने देखा है कि भोई जाति जो आदिवासी जाति है उसको सागर जिले में मध्य प्रदेश के शैड्यूल्ड ट्राइब्ज में नहीं माना जाता। इस प्रकार की परिस्थिति से बड़ा विभ्रम हो जाता है, बड़ा असन्तोष फैलता है। इस तरह से जो आदिवासी जातियां हैं, वे चाहे भारत के किसी भी कोने में रहती हों लेकिन उनका नाम एक है, उनको एक जैसा ही स्वीकार किया जाना चाहिए। साथ ही जो हरिजन जातियां एक प्रदेश में पाई जाती हैं, उनको पूरे प्रदेश में उस जाति में शामिल किया जाना चाहिए।

मुझे हाई कोर्ट में इलैक्शन पेटिशन लड़नी पड़ी। मेरे साथ यह वाक्या घटा इसलिए मैं उसको आपको विशेष रूप से सुनाना चाहता हूँ। अभी एमेंडमेंट हुई है और अहिरवार जाति को शैड्यूल्ड कास्ट में लिया गया है। सागर जिले में खास तौर से अहिरवार जाति पहले नहीं ली गई थी। चूंकि मेरे माता-पिता, मेरे पूर्वज चमार लिखा करते थे और सागर

जिले में अहिरवार शैड्यूल्ड कास्ट की लिस्ट में नहीं आते थे, इसलिए मुझे हाई कोर्ट में जाना पड़ा और मेरे खिलाफ इलैक्शन पेटिशन दाखिल किया गया। इस प्रकार से जो गलतफहमियां होती हैं, इनको दूर करना चाहिए। शासन को चाहिए कि वह पूरे प्रदेश की इस तरह की बातों के बारे में जानकारी रखे। चमार या कोई भी जाति जो विभिन्न नामों से पुकारी जाती है विभिन्न क्षेत्रों में लेकिन वह है चमार जाति उनको उसी जाति में स्वीकार किया जाना चाहिए। सरनेम लिख देने मात्र से वे लोग अन्य जाति के नहीं हो जाते हैं। आप देखें कि बिलासपुर में मध्य प्रदेश में पात्रे, भारद्वाज, मुदगल, शांडिल्य जोकि सतनामी समाज के हैं, वे अपने आपको इन सरनेमज से पुकारते हैं लेकिन इसका मतलब यह नहीं हो जाता है कि वे ब्राह्मण हैं। वे आज भी स्कालरशिप ले रहे हैं। इन सब बातों की जानकारी हमारे शासन को रखनी चाहिए।

सागर जिले में मध्य प्रदेश में धीवर ढीमर जाति है। किन्हीं प्रान्तों में इनको केवट या खेवट कहा जाता है। हमारे यहां बरौवा भी इनको कहा जाता है। ये लोग हरिजनों या आदिवासियों में नहीं आते हैं। वास्तव में उनका कार्य जूठे बर्तन साफ करना होता है और जिनके यहां वे बर्तन धोते हैं या उनकी ओरतें धोती हैं या बरौवा पानी भरते हैं, वे जिनके यहां इस तरह के काम करते हैं, उनकी जूठन खाते हैं। उनकी आर्थिक और सामाजिक स्थिति बहुत खराब है। क्यों न उनको आदिवासियों या हरिजनों में सम्मिलित किया जाए हमारे प्रदेश में। इस ओर भी आपका ध्यान जाना चाहिए।

मध्य प्रदेश में पहले धोबी जाति हरिजनों में आती थी। किन्तु किसी राजनीतिक नेता ने हमारे यहां पर जिसका नाम जालम सिंह धोबी था, उसने प्रयास किया और कहा कि इससे हमारे स्वाभिमान को ठेस पहुंचती है,

[श्री रामसिंह अग्रवाल]

इस वास्ते घोबी जाति हरिजनों की लिस्ट में से निकाल देनी चाहिए और उन्होंने इसको कटवा दिया। घोबी जाति मध्य प्रदेश में शैड्यूल्ड कास्ट की लिस्ट में नहीं आती है। एक नेता की गलती के कारण जो उसी समाज के अन्य लोग दुख भोग रहे हैं अपनी सामाजिक दुर्व्यवस्था के कारण वह दूर होना चाहिए और घोबी जाति को भी हरिजन जाति में मध्य प्रदेश में शामिल किया जाना चाहिये।

गधेरे जो ईंटें आदि बनाने का काम करते हैं, छोटे-छोटे काम करते हैं उनको भी शैड्यूल्ड कास्ट की लिस्ट में शामिल किया जाना चाहिए। मैं उन फैक्ट्रियों की बात नहीं करता हूँ जहां बड़े पैमाने पर ईंटें बनती हैं। लेकिन ये छोटे-छोटे लोग हैं और गधेरे भी शैड्यूल्ड कास्ट की लिस्ट में सम्मिलित किए जाएं।

अब मैं कनवर्शन पर आता हूँ। जो क्रिश्चियन बन जाते हैं, बुध्तिस्ट बन जाते हैं

उनपर आता हूँ। कोई व्यक्ति किसी भी धर्म में जाए परन्तु यदि वह राष्ट्र के प्रति वफादार रहता है तो हमें उसको सुविधायें देनी चाहियें और धर्म और मजहब से हमें कोई मतलब नहीं रखना चाहिए। लेकिन हम देखते हैं कि दूसरे मजहब में जाकर कुछ लोग एन्टीनेशनल तत्त्वों के तौर पर काम करते हैं, उनसे सम्बन्ध स्थापित कर लेते हैं। इसलिए उनकी वफादारी पर सन्देह होने लग जाता है। श्री उरांव भाई ने जो कहा है वास्तव में वह सत्य है या असत्य इसमें मैं जाना नहीं चाहता हूँ। बुध्तिस्ट हों या क्रिश्चियन, उनकी जो नेशनल फीलिंग्स हैं और जो गलत तत्त्व हैं, देश के बाहर के तत्त्व हैं, उनसे दूर रहकर राष्ट्र के प्रति लोग वफादार रहें, इस बात का निरीक्षण इस मामले में होना चाहिए।

18 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, November 18, 1970/Kartika 27, 1892 (Saka)