

15.57 hrs.

GOVERNMENT OF UNION TERRITORIES (AMENDMENT) BILL

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): Sir, I beg to move*:

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

When the Government of Union Territories Act was enacted in 1933, Scheduled Castes and Scheduled Tribes had not been notified in relation to Goa, Daman and Diu. Hence, no provision could be made at that stage for the reservation of seats for these communities in the Assembly of that Union territory. Scheduled Castes and Scheduled Tribes were notified in relation to Goa, Daman and Diu in 1968 and their population figures based on the 1971 census became available in April, 1972, i.e., after the last General Elections to the Assembly. Now that the population figures are available, this Bill has been brought forward to amend sub-section (4) of section 3 of the Act to provide for reservation of seats for the Scheduled Castes and Scheduled Tribes in the Legislative Assembly of Goa, Daman and Diu. Certain consequential amendments are also proposed in the Bill to sub-sections (5) and (6) of section 3. The delimitation of Assembly constituencies in Goa, Daman and Diu has, on the basis of the population at the time of the 1971 census already been done by the Delimitation Commission. This Bill, therefore, proposes to empower the Election Commission to determine the number of seats to be reserved and to specify the constituencies of the Assembly to be reserved. No Sche-

duled Tribes have been notified in Pondicherry. Hence, reference to Scheduled Tribes in section 3(4) has not been retained while proposing the revised version of that sub-section.

Sir, this is a small Bill which has been brought forward with a view to promoting the interests of the weaker sections and I hope that it will be supported by all sections of this House. I commend this Bill to the House.

MR. CHAIRMAN: Motion moved:

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

Shri Kathamuthu.

****SHRI M. KATHAMUTHU** (Nagapattinam): Mr. Chairman, Sir, on behalf of my party, the Communist Party of India and on my own behalf, I welcome the Government of Union Territories (Amendment) Bill, 1976.

Sir, this Bill seeks to provide for the reservation of seats for the Scheduled Castes and Scheduled Tribes in the Legislative Assembly of the Union Territory of Goa, Daman and Diu and to empower the Election Commission to determine the number of seats to be so reserved and the constituencies in which those seats shall be reserved. As no scheduled tribes have been notified in the Union Territory of Pondicherry, the provision for reservation in the parent Act is also being deleted through this Bill.

While welcoming the fact that the scheduled castes and the scheduled tribes of Goa, Daman and Diu are getting the opportunity of enjoying the constitutional rights, I have to bring to the notice of the hon. Minister of Home Affairs one or two relevant issues. Sir, the Union Territory of Goa, Daman and Diu was liberated in 1961. Being comparatively a small area, an emergency census could have

*Moved with the recommendation of the President.

**The original speech was delivered in Tamil.

been conducted to find out the population of Scheduled Castes and Scheduled Tribes. If that had been done, even in the 1967 General Elections reservation of seats in the Legislative Assembly of the Union Territory for the Scheduled Castes and the Scheduled Tribes could have been made. These downtrodden people could have got their representatives in the Assembly as early as 1967. This thing need not have been delayed till now. I would only say that this inordinate delay could have been averted by taking prompt steps much earlier. Though it has become belatedly, yet I welcome this measure since the scheduled castes and the scheduled tribes are getting their constitutional rights. I stress the need for taking such steps as are needed in this matter without such inordinate delay.

Here, I would like to refer to the Union Territory of Andaman and Nicobar Islands. Though there is no Assembly there, yet there are many Committees. I am sorry to state that the representation for the Scheduled Castes and the Scheduled Tribes is not there. You know, Sir, that such people from West Bengal, Tamil Nadu and Kerala have also gone and settled there. Though they were enjoying this constitutional right in their home States, they are now being denied this constitutional right in Andaman and Nicobar Islands. I have to regretfully point out that this constitutional protection is being denied to them.

16.00 hrs.

While we are laying great emphasis on the implementation of 20-point programme, it is regrettable that the basic programmes which have been already accepted are either not being implemented or there is unconscionable delay in their implementation. I would like to emphasise that concrete steps must be taken to implement the already accepted programmes, constitutionally or otherwise, for the welfare of the scheduled castes and the scheduled tribes.

With these words, I support the Government of Union Territories (Amendment) Bill.

SHRI BIREN DUTTA (Tripura West): I support this Bill. For a long time the Scheduled Castes and Scheduled Tribes of Pondicherry, Goa, Daman and Diu have not been given their due share in taking part in their legislature. It cannot be without any reason that this omission was there. There are some people who are against it. Even in the Centre there are certain people who do not like it. When the law was first enacted, why have they not been declared? Now, even after giving these rights, I am quite apprehensive if they will get their proper representation. We have got so many reports from the committee of our own House that the Scheduled Castes and Scheduled Tribes do not get their due share in various services.

Then, Sir, delimitation of constituencies is done according to some peculiar principles. Where there is a concentration of Scheduled Castes or Scheduled Tribes people, they are split into two or three constituencies and they are made reserved seats for these people. The candidates who get elected from these constituencies are elected by a majority of non-Scheduled Caste or non-Scheduled Tribe people. Although they belong to one contiguous area they are split up into many territories in such a way that the non-Scheduled Caste or non-Scheduled Tribe people prevail in the voting. I do not know whether our Minister who is piloting this Bill knows about these facts.

So, if you really like the Scheduled Caste people to have their rights and to have their reserved seats, you must look into this and see that they get one of their own men elected and they should not be split in such a way that the majority members of non-scheduled caste people elect one Scheduled Caste member.

[Shri Biren Dutta]

Sir, I have nothing to say against this Bill. It is a welcome measure and I support it.

सरदार स्वर्ण सिंह सोबी (जमशेदपुर) :
चेयरमैन साहब, यह जो बिल—गवर्नमेंट ऑफ यूनियन टैरिटरीज अमेन्डमेंट बिल, 1976—पेश किया गया है, हालांकि यह बहुत छोटा सा बिल है, लेकिन इस का महत्व बहुत ज्यादा है क्योंकि इस का ताल्लुक शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स के साथ है। जिस इलाके से मैं आता हूँ—छोटा नागपुर का इलाका, सिवभूम डिस्ट्रिक्ट में—यहां पर ज्यादा तादाद शेड्यूल्ड ट्राइब्स और शेड्यूल्ड कास्ट्स की है। एक बात मुझे बताने करनी है—इस बिल में एक तरफ तो आप ने गोआ-दमन-दियु के लोगों को—मेरा मतबल शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स से है—हक दिया है, उन को भी सीट मिलनी चाहिये, लेकिन दूसरी तरफ आप ने यह हक छीन लिया है। आप का स्टेटमेंट ऑफ इंटेंशन एण्ड रीजनिंग कहता है—

"Opportunity is also being availed of to delete the provision for reservation for Scheduled Tribes in the Legislative Assembly of the Union territory of Pondicherry since no such tribes have been notified in relation to that Union territory."

मेरे कहने का मतलब यही है कि एक तरफ तो आप ने उन को जगह दी है, लेकिन दूसरी तरफ जब किसी चीज को छीनते हैं तो बहुत सावधान बन लेनी चाहिये।

आपने इसको 1971 की संसद फिगरर्स पर बस किया है। यह तो ठीक है। फिर भी मैं कहूंगा कि अगर आपने इस पर विचार न किया हो तो करें। कहीं ऐसा न हो कि शेड्यूल्ड ट्राइब्स के हक इससे छिन जाएं। इसका उन पर दूसरी ही प्रकार का असर

पड़ेगा। और यह समझा जाएगा कि वहां शेड्यूल्ड ट्राइब्स हैं ही नहीं।

इलीकशन कमिशन सर्वेरांच और आर्जेंटमेंट एंटरटेन करता है। इसमें बहुत ही बोलस किसिम की आबजैवमेंट भी आ जाती हैं। इन से आपको सावधान रहना चाहिये।

मैं यह भी चाहता हूँ कि यूनियन टैरिटरीज को आप कम करें। आप चंडीगढ़ को ही लें। एक तरफ पंजाब है और दूसरी तरफ हरियाणा और बीच में चंडीगढ़ है। क्यों इसको किसी एक को आप दे नहीं देते हैं? क्यों इतना खर्चा आपने अपने ऊपर डाला हुआ है? मैं चाहता हूँ कि यूनियन टैरिटरीज को आप कम करें।

मैं अन्त में यही कहना चाहता हूँ कि जो भी काम आप करें उस में थोड़ा-सा किसी के साथ नहीं होनी चाहिये। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): Certain points have been raised by hon. Members and I will try to deal with them. It has been said that only Harijans and Scheduled Castes should vote for the Scheduled Caste Member. I think the entire House knows and every Member would know that the Father of the Nation, Mahatma Gandhi, went on a fast that there should not be any separate electorate. We all stand by it. The Britishers wanted that there should be separate electorate for scheduled castes, muslims and others but Mahatma Gandhi was against it and fought against it. The policy of the Government of India is that there should not be any separate electorate. We stick to it. We only reserve the constituency but all the people will have the right to vote for a

member; however they can only elect a scheduled caste member from the constituency.

About delay, I said in my opening speech that the Union Territories Act was enacted only in 1963. The scheduled castes and scheduled tribes were notified in Goa, Daman and Diu only in 1968. It was in 1971 that census was there. It cannot be said that the rights of scheduled castes were denied. In fact, in the last Assembly, Government exercised their power of nomination to nominate a scheduled caste member. In Goa a scheduled caste member Shri Kamble was nominated for the last Assembly in Goa. About Pondicherry we have reserved this. Of the total population of 4,71,707, the scheduled caste population is 72,921. There is not a single scheduled tribe. So we thought, when there is not even a single scheduled tribe, it is no use to provide a seat for the scheduled tribe. That is all. For scheduled castes we have provided seats. Out of 30 members there, 5 scheduled caste members were elected to the Pondicherry Assembly and we are seeing to it that the rights of scheduled castes and scheduled tribes are looked after properly. I request that this Bill may be passed.

MR CHAIRMAN: The question is:

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

The motion was adopted.

MR. CHAIRMAN: We now take up clause by clause consideration. There are no amendments to clauses 2 and 3. The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

MR. CHAIRMAN: The question is:

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

The motion was adopted.

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

SHRI OM MEHTA Sir, I move:

"That the Bill be passed."

MR CHAIRMAN. The question is:

"That the Bill be passed."

The motion was adopted.

16.11 hrs.

CODE OF CIVIL PROCEDURE
(AMENDMENT) BILL

MR. CHAIRMAN. Now we take up the next item—the Code of Civil Procedure (Amendment) Bill. Dr. Seyid Muhammad.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR V. A. SEYID MUHAMMAD): Sir, I beg to move:

"That the Bill further to amend the Code of Civil Procedure, 1908, and the Limitation Act, 1963, as reported by the Joint Committee, be taken into consideration"

Sir, you are aware that the Code of Civil Procedure (Amendment) Bill, 1974, as introduced in this hon'ble House, was referred to a Joint Committee of both Houses of Parliament. After examination of the Bill in depth in the light of the memoranda and the evidence received by it, the Joint Committee have suggested certain changes in the Bill.

Sir, you are aware that there has been persistent demand for judicial reforms with a view to expediting the disposal of suits and proceedings. The matter was considered by the Law Commission in its 14th Report, but in