

[Shri Priya Ranjan Das Munshi]

the 20-Point Programme. The workers in the factories in both the public sector and private sector have ensured full production. Yet, it has not been categorically stated that they will get justice by the Labour Minister making statement here. If such a statement is made, it will create an atmosphere which will help the Members of Parliament to convince the working class that they will get their dues.

SHRI DINEN BHATTACHARYYA: Yesterday, when the hon. Prime Minister was present, I raised this issue. Every year the workers were getting some amount as annual bonus. This is the first year after so many years when the workers will not get any bonus in most of the undertakings. Government cannot take the stand that everything depends on the State Government, or in the public interest they cannot make a statement. This is no argument. Most of the public sector undertakings have earned sufficient profits. Within a few days *puja* will come and also *deepawali* and *onam* in the South. Further, this is the last day of the session. So, you should ensure that justice is done to the employees.

SHRI INDRAJIT GUPTA: Many of us are connected with the unions. So long we were being told that, as far as the public sector is concerned, the Bureau of Public Enterprises and the Ministry of Finance were considering at the policy level so that some uniform policy could be decided for all the public sector undertakings. Now, after that we read in the press that the Indian Oil Corporation has declared a bonus of 20 per cent. Therefore, we take it that some decision has been reached by the Government. Otherwise, IOC could not unilaterally give a decision like that. It is neither proper nor fair to expect the Minister of Parliamentary Affairs to explain this matter here. I would insist that on the last day of this House the

Labour Minister should come here at some time suitable to him and make a statement. Somebody must take the responsibility. You cannot expect Mr. Raghu Ramaiah to deal with this matter. What has it to do with the State Government?

MR. SPEAKER: He will kindly convey the feelings of the hon. Members on this important issue to the hon. Minister of Labour.

12.16 hrs.

SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS (AMENDMENT) BILL—*contd.*

MR. SPEAKER: The House will now take up further consideration of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill.

श्री नारायण राय (घोसी) : मान्यवर, कल मैं इस विधेयक की कुछ गलतियों की ओर आप का ध्यान आकृष्ट कर रहा था कि एक जनजाति या अनुसूचित जनजाति एक प्रदेश में तो जनजाति या अनुसूचित जनजाति मानी जाती है लेकिन दूसरे प्रदेश में वह सूची में नहीं है। यहाँ तक कि एक ही प्रदेश के किसी अंचल में एक अनुसूचित जाति या जनजाति उस सूची में है लेकिन उसी प्रदेश के दूसरे अंचल में वह सूची से बाहर है। इस असंगत या असमंजस्य की ओर मैं आपका ध्यान आकृष्ट कर रहा था। मैं उस पर फिर जोर देना चाहता हूँ कि उन असंगतियों को समाप्त किया जाना चाहिये। यद्यपि इस विधेयक में आंशिक रूप से उन्हें समाप्त किया गया है लेकिन पूरी तरह उनकी समाप्ति इस विधेयक से नहीं होती।

कल मैं उदाहरण के रूप में बता रहा था कि पश्चिम बंगाल के दीनाजपुर जिले में एक इसलामपुर अंचल है जो 1956

के पहले बिहार का भाग था लेकिन 1956 में वह बिहार से हस्तान्तरित कर दिया गया। उस अंश में बसी हुई कुछ जनजातियां उन अधिकारों से वंचित हैं जबकि वही जन जातियां बंगाल के ही दूसरे भागों में उन अधिकारों को प्राप्त कर रही हैं। मैंने इन नामों का भी जिक्र किया था—हरी, राजवंशी; सुनरी और नामशुद्ध आदि इस तरह की विमुक्त जातियां भी हैं हमारे प्रदेश के भागों में जिन्हें किसी जमाने में, विदेशी दास्ता के युग में क्रिमिनल ट्राइब्स कहा जाता था, अब उन्हें विमुक्त कर दिया गया है लेकिन विमुक्त करने के बाद उनको अनुसूचित जाति से निकाल दिया गया है। उन्हें अनुसूचित जाति में शामिल किया जाना चाहिये। असम के आदिवासियों की एक मुख्य मांग है कि उन्हें देश के सभी भागों में अनुसूचित जाति और अनुसूचित जनजाति में शामिल किया जाये। केरल हमारे देश का सब से दक्षिणी ध्रुव है उस में चम्पन या चेम्पार की भी मांग है कि उन्हें भी इस सूची में शामिल किया जाये। इसी प्रकार आंध्र की एक उपजाति है अग्निकुल क्षत्री, उस की भी मांग है कि उन्हें इस में शामिल किया जाये और उन को भी वही अधिकार दिये जायें जो दूसरों को उपलब्ध हैं। हमारे प्रदेश में भी एक बड़ी संख्या में भर या राजभर एक उपजाति है जिन की सामाजिक स्थिति देहाती क्षेत्र में हरिजनों से थोड़ी सी ऊंची मानी जाती है, उन की भी मांग है कि उन्हें इस में शामिल किया जाये। हमारे यहां अनुसूचित जातियों की सूची में एक जाति गौड है, उसी तरह की एक जाति हमारे यहां "कहार" है, उन की मांग है कि हमें भी गौड के साथ शामिल किया जाये।

इस तरह की बहुत सी असंगतियां आज देश के विभिन्न भागों में फैली हुई हैं, उन्हें खत्म किया जाना चाहिये और पूरे देश के अन्दर उन में एक एतता लाई जानी चाहिये।

मान्यवर, इन अनुसूचित जातियों और अनुसूचित जनजातियों की स्थिति के संबंध में क्या कहूँ—इन की स्थिति इतनी दयनीय है जिस का वर्णन नहीं किया जा सकता। स्वतन्त्रता के 28 सालों के बाद भी उन में परिवर्तन नहीं आ सका है। लेकिन एक बात की और में खास तौर से मंत्री महोदय का ध्यान आकृषित करना चाहता हूँ— आज भी हजारों हजार ऐसी आबादियां हैं जहां इन अनुसूचित जातियों और जन जातियों के लिये शुद्ध पिय जल की व्यवस्था भी हम नहीं कर सके हैं। आज भी हमारा समाज ऐसे रुढ़िवादी लोगों से भरा पड़ा है जो इन तथाकथित अनुसूचित जनजातियों को अपने कुंघों से पानी नहीं भरने देते अपने जलाशयों से उन को पानी नहीं देने देते, बल्कि उन को उस के पास जाने भी नहीं देते। यह पूरे राष्ट्र के लिये कितनी लज्जा की बात है।

एक और चिन्ता का विषय यह है कि हमारी आजादी के 30 साल बीत जाने के बाद प्रजातन्त्र घोषित होने के 24 साल बीत जाने के बाद भी जातिवाद की प्रथा की भावना कम होने के बजाय बढ़ती जा रही है। माननीय रेडडी जी इस बात को मानेंगे कि ज्यों ज्यों हमारे प्रजातन्त्र की उम्र बढ़ती जा रही है, त्यों त्यों जाति और उपजाति की भावना बजाये कम होने के बढ़ती जा रही है; इसका असर हमारे देश की राजनीति पर पड़ रहा है, यह राष्ट्रीय एकता के लिये शोक है। आज

[श्री झारखंडे राय]

अनुसूचित जातियों के लिये जो सीटें सुरक्षित हैं, चाहे संसदीय क्षेत्र में हों या विधान सभाई क्षेत्रों में हों—उन पर भी इसका असर पड़ेगा। मैं जानना चाहता हूँ कि वर्तमान सरकार ने इस के बारे में क्या तय किया है, ये सीटें कब तक सुरक्षित रहेंगी, क्या महाप्रलय तक सुरक्षित रहेंगी, उच्चस्तरीय सत्ता सम्पन्न लोगों के दिमागों में इस के बारे में क्या भावना है, कब तक यह सुरक्षित सीटों का क्रम चलता रहेगा।

पिछड़ापन इन अनुसूचित जनजातियों या अनुसूचित जातियों में एक रोग है, बहुत बड़ा कोढ़ है। यह प्रश्न पहले भी देश में बहुत बड़े पैमाने पर उठा है, आज भी उठ रहा है—इस का जबाब हम सब को देना होगा। मैं भी उत्तर प्रदेश की विधान सभा में 16 वर्ष तक सदस्य रहा हूँ—वहाँ भी इस बात की चर्चा अक्सर आती रहती थी कि पिछड़ापन किसी जाति या जनजाति या उपजाति में जन्म लेने से है या आर्थिक आधार पर है। सिद्धान्ततः देश के अधिकांश मनोविषयों ने इस बात को स्वीकार किया है कि यह आर्थिक आधार पर होना चाहिये, लेकिन दुख यह है कि यह बात अमल में नहीं है बहुत सी जातियाँ आज हमारे देश में ऐसी हैं जो जनजातियाँ मानी जाती हैं या पिछड़ी जातियाँ मानी जाती हैं, लेकिन उन में बहुत से लोग ऐसे हैं जिनकी स्थिति आर्थिक दृष्टि कोण से बहुत अच्छी है। बल्कि जो उच्च जाति के माने जाने वाले लोग हैं, जिनके मन में उच्च जाति का होने का भ्रम है, उनकी स्थिति इतनी दयनीय और खराब है, जिस को देख कर दया आती है—इन के मुकाबले में वे पिछड़ी जाति या जनजाति के लोग कहीं अच्छी आर्थिक स्थिति में हैं। इसलिये पिछड़ा-

पन जन्म के आधार पर नहीं, गरीबी के आधार पर, आर्थिक आधार पर होना चाहिए। किसी जाति विशेष या उपजाति या अनुसूचित जाति या जनजाति में जन्म लेने से नहीं होना चाहिये।

हमारे देश के सभी प्रगतिशील विचारों के लोग, जनवादी विचारों के लोग, इस बात को स्वीकार करते हैं और उन्होंने अपने अपने कार्यक्रमों में, घोषणा पत्रों में इस बात की घोषणा की है कि हम वर्गविहीन, जातिविहीन समाज स्थापित करना चाहते हैं। इस मामले में रेड्डी साहब से भी हमारा कोई मतभेद नहीं है—लेकिन आवश्यकता इस बात की है कि इस उद्देश्य की प्राप्ति के लिये कुछ ठोस कदम उठाये जाने चाहिये। माननीय मीर्य जी यहाँ बैठे हुये हैं—वह इस बात को स्वीकार करेंगे कि हरिजनों या अनुसूचित जातियों में पिछले 25 सालों में एक स्थिर स्वार्थ वर्गीय स्ट्रेटा पैदा हो गया है जो पिछले 25 सालों से तमाम सुविधाओं का हड़पता जा रहा है, 90 फीसदी फायदा इसी वर्ग ने उठाया है, अपनी ही जाति के, उपजाति के, हजारों और लाखों लोगों को उन सुविधाओं से महलूम किया है। इन स्थिर स्वार्थ वर्गीय लोगों को उन सुविधाओं से वंचित किया जाना चाहिये।

मैं समझता हूँ—श्री मीर्य जी—इससे सहमत होंगे। यदि मैं गलत नहीं हूँ तो मैंने एक अखबार में उनके एक भाषण की रिपोर्ट पढ़ी थी जिस में उन्होंने इसी बात का कहा था और फिर उन्हीं की तथाकथित बिरादरी में इस बात का लेकर काफी कुलबुलाहट पैदा हो गई थी।

हमें राजकीय स्तर पर जातियों से विमुक्त या उपजातियों से विमुक्त समाज

की स्थापना पर जोर देना चाहिये। अर्न्तजातीय विवाह, अर्न्तजातीय विवाहों पर जोर देना चाहिये, सरकार की तरफ से उन को प्रोत्साहन मिलना चाहिये। आज हम फैमिली प्लानिंग के मामले को एक अभियान के रूप में चला रहे हैं— मैं उस के विरुद्ध नहीं हूँ, लेकिन इस के लिये जो मंथन एडाप्ट किया जा रहा है, उस को ठीक नहीं समझता हूँ, मैं चाहता हूँ कि उसी तरह का अभियान हमें इस के लिये चलाना चाहिये। ऐसे लोगों को सरकारी नोकरी देने में, अन्य सुविधायें देने में सरकार को ध्यान देना चाहिये, तरह का प्रोत्साहन उन को देना चाहिये— इस तरह के प्रोत्साहन से एक बर्ग बिहीन, जाति बिहीन समाज बनाने में बहुत सहायता मिलेगी।

एक बात मैं नहीं समझ पाया हूँ— आज कोई हरिजन या अनुसूचित जाति या अनुसूचित जनजाति का कोई व्यक्ति सिद्ध, बौद्ध या जैन बन जाता है या किसी दूसरे धर्म में चला जाता है तो वह उन सभी सुविधाओं से वंचित हो जाता है जो उसे पहले मिल रही थीं। मेरे ब्याल में यह उचित नहीं है, धर्म परिवर्तन से उसे उन सुविधाओं से वंचित नहीं किया जाना चाहिये।

इन्हीं शब्दों के साथ मैं इस विधेयक का समर्थन करते हुए मंत्री महोदय से एक बात जानना चाहता हूँ कि उन्होंने जब जातियों, उपजातियों, अनुसूचित-जातियों या अनुसूचित जनजातियों की सूची में से निकाला है, वह किस आधार पर निकाला है, किन आधारों पर उनको शामिल किया गया था। मैंने इस बात को शुरू में भी कहा था — मैं इस बात का स्पष्टीकरण चाहता हूँ।

MR. SPEAKER: Before I call the next hon. Member, I would like to seek the cooperation of the House in conducting this debate, because, we have, unusually, a very large num-

ber of Members who want to speak. More than forty names are there, and if I want to accommodate as many of them as possible, if not all of them, the remarks by each hon. Member should be brief. I would suggest that each hon. Member may confine his remarks to seven or eight minutes....

AN HON. MEMBER: That is not possible. This is a serious subject.... (Interruptions)

MR. SPEAKER: There are a large number of hon. Members who want to speak. You must remember that today is an additional day on which we are sitting, and if you are not able to do it, the only result would be that not even a half of the Members will be able to speak. I hope, the Members will cooperate.

Mrs. Maya Ray.

SHRIMATI MAYA RAY (Raiganj): In due deference to your request, I will try to confine my remarks about this Bill in as short a possible time as I can.

The biggest revolution that we have to usher in this vast sub-continent of ours is integration. Integration of what? Intergration of castes, integration of religions and integration of communities and this is the biggest revolution that is facing us to-day.

I feel that the Bill that has come before us is one which really cuts across Partylines. There may not be very much difference between me and what my hon. friend opposite has said because he mentioned actually the very sub-division which I have the privilege to represent. I have the privilege to represent a constituency which comprises of 40 per cent Muslims, 20 per cent Scheduled Castes, 20 per cent Scheduled Tribes and 20 per cent other communities and that is why I feel about this subject very very strongly. Because they have chosen me to represent them here, I must, in all deference, not merely speak—and I never speak unless I

[Smt. Maya Ray]

feel—and I feel what my friend opposite said is practically 100 per cent correct, that how these people are treated has to be seen to be believed and I have seen it because I had been to my constituency. They have no communications worth the name and I had to use spade to dig a road in order to reach some villages that have not been touched for the past 25 years. That is what we have seen. But the only point where I differ with him is when he says that nothing at all has been done. There had been attempts to do something, but I am afraid the impact is not such as it should have been and here is where I would like to suggest that when we have this Bill, this should have acted as a catalyst towards the achievement of that revolution which we are preaching to bring about. There was a time in Bengal when it was sought to be brought about by violence and bloodshed. But they have now realised that that is not the proper method. To-day we want to bring in that revolution in a peaceful way and the path has been shown by no less a person than Shrimati Indira Gandhi through her 25-point programme which is certainly, shall we say, the torch which is showing the path and we could be the torch-bearers.

I want to stress two things in this. Of course, the other speakers will fill in all the other details and they are more competent to do so. But I would like to say that I never preach what I do not practise. I do not believe in casteism. I have not practised it. Incidentally this is a digression as far as the population control is concerned, I can claim that I have fully contributed to that and I am competent to talk about population control. To come back to the point that I do not preach what I do not practise, I do not believe in casteism. This very word 'Scheduled' in the vocabulary of our Indian languages should be wiped out and eradicated because it brings invidious division, casteism and sub-

divisions and what I would say, a dividing line between one human being from the other. Everybody is a human being and an Indian in this country. I do not call myself a Bengali first. I am an Indian first. My heritage comes second, but I am an Indian first.

Now, coming to the Bill before us, what I find here in this Bill is a sort of piece-meal legislation. It could have been comprehensive and it should have been comprehensive. You take away the advantages that you give to a person in order to bring him up or par as soon as possible with the rest of the more fortunate of ours. You give him certain advantages. Sir, the freedom of movement is enshrined in our Constitution. It says that an Indian can go to any part of the country and settle there. But, as far as this Bill is concerned, what you give by one hand, you take away by the other hand. Inside the State you are all right but the moment you choose, perhaps to get a better opportunity or job, to go to another part of the country, that advantage you have been given will be taken away.

I cannot understand why what you give with your right hand, you take away with your left hand. Why could we not have done the whole thing together? Within the State I am faced with this problem. It used to be a part of Bihar. It was transferred to Bengal. It was neglected by Bihar because at that time the decision was not taken whether it was going to remain with Bihar or come to Bengal! And therefore Bihar felt, 'we are not going to bother about it'. Likewise, the erstwhile Bengal Government also thought, 'Well, if it is going to Bihar, why should we bother about it?' So, it remains a Norman's land. What happens to the people? They are exactly in the same position as my hon. friend opposite has said. Then who the Hell are going to recognise them? Forgive me for using this language because I

feel strongly about it. I go to my constituency. I find that they are the most abysmally backward class of people you can think of. That is why I feel strongly about it. This Bill could have acted as a catalyst towards this revolution which we are going to bring about but it is bringing about impediments. The very values that are enshrined in our constitution are being made nugatory by bringing in this Bill because, as I said, it merely nibbles at the fringe of the problem. Through you, Mr. Speaker, I want to apprise this House of the feelings I had on the broad principles. I don't want to go into the clauses; there may be other persons who will go into them. I don't believe in casteism. The sooner the words 'scheduled' 'maistries' etc. are removed from our vocabulary, the better that would be. These are disparaging, according to me.

With these words, Mr. Speaker, Sir, I hope I have been able to give out my feelings which I feel within my heart; I sometimes do not speak always with my head as Mr. Raghu Ramaiah has pointed out. Therefore, I hope, I have conveyed my feelings about it.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Sir, this is a very important Bill and many hon. Members are anxious to participate. I do not want to stand in their way. I would like to mention that this item will be over by 6 O'clock. That means, the Minister may be called at 5 O'clock. He will take about 45 minutes or so. Then there are two other Bills and so the House will have to sit a little late. This is my submission.

MR. SPEAKER: So, accordingly, the Minister will be called at 5 O'clock.

Now, Shri Dasaratha Deb.

SHRI DASARATHA DEB (Tripura East): It is very unfortunate that after 29 years of independence

we have to treat a considerable section of our population as scheduled caste and scheduled tribe. If the Government was sincere enough this could have been done much earlier, but the Government had all along been negligent towards their problems. Even though they are being treated as scheduled castes and scheduled tribes and certain concessions and safeguards are given to them, we find that the net result has been very negligible. I do not say 'minus', there is some result. But it is not up to the mark.

It is unfortunate to note when it is the duty of the Government and Parliament too that, after ten years, they have to review how far these people have come up after availing of these facilities given to them that review was not properly done. After a long time, our Home Minister has brought forward the Scheduled Castes and Scheduled Tribes Orders Amending Bill in this piecemeal manner. Is it just? It should have been brought in a comprehensive way. Sir, there are as many as 144 amendments the notices for which were given by a good number of hon. Members for the inclusion in the list of Scheduled Castes and Scheduled Tribes. That itself is an indication that this Bill is not a comprehensive one. There are a large number of scheduled castes and scheduled tribes who should be treated as such because of their economic and social backwardness. But they are not included in the list and thereby they are being deprived of the facilities that are being provided to the specified scheduled castes and scheduled tribes.

In 1967 there was a Bill coming from the Joint Committee with many recommendations. But, I regret to say that Government did not take note of it and they have brought forward this Bill in a very piecemeal manner just to remove certain restrictions within the State—not within the Union of India—which is a welcome feature and I welcome and support that. But, at the same time, I must

[Shri Dasaratha Deb]

say that if a particular tribe is treated as a scheduled tribe in a particular State, why should the same tribe be not treated as such in the other State? When the Scheduled Tribes people migrate from one State to another, should they lose their ethnological entity or racial character or the tribe itself? No, certainly not.

Sir, all these matters, therefore, require a very careful consideration and they have to be examined carefully by Government and by the House itself. As many as 144 amendments are brought forward here. It is not possible to say which amendment is to be supported or not to be supported. Therefore, it is better that Government does not take up this Bill at this stage and the Bill be referred to the Joint Committee.

Let the Joint Committee go for an on the spot study and then bring before us a comprehensive Bill so that the House will have the benefit of this being discussed thoroughly. What is the hurry involved in this Bill?

Another interesting thing is this. The very same Bill was about to be discussed in the last session. When it came up, for some reason or other the Government had dropped that Bill at that time for consideration. And that was postponed. At that time we thought that Government might be bringing forward before the House a comprehensive Bill. We find now that the same Bill is now being brought here for the discussion. What is this?

This is funny. It itself indicates that still Government are reluctant to consider the problems of the Scheduled Tribes seriously and they are dealing with them in a lighthearted manner. This is very unfortunate.

In Assam there is a 40-lakh tribal population known as tea garden workers or ex-tea garden workers. During the British period, they migrated from Madhya Pradesh, Bihar, Bengal and Orissa as tea garden wor-

kers. They have been residing in Assam for generations. Their kith and kin in their original States are treated as Scheduled Tribes, e.g. Santals, Mundas, Oraons, Gonds etc. But in Assam they are not treated as Scheduled Tribes. What is the logic behind this? I do not understand it. Simply because certain vested interests in Assam have objected to their inclusion in the Scheduled Tribes list, why should the Government of India concede this objection? Why are you sitting idly here? I think it is the duty of the Government of India to see that all the Scheduled Tribes are treated equally and properly. It is not their duty to ditto whatever the State Government says—that these castes should not be included in the SC list, that these tribes should not be included in the ST list. Is this the way in which you are looking after the welfare and interest of the Scheduled Tribes living in the Indian Union? What is the logic behind it.

A tribe is a tribe. Once a tribe is recognised as a Scheduled tribe in any State of the Indian Union, wherever it lives or migrates, it must be treated or specified as a Scheduled Tribe in that area also. Government must pursue this policy. There should be no discrimination. In the neighbouring State of Tripura, the Chakmas and Halams are treated as tribes.

SHRI D. BASUMATARI (Kokrajhar): Santal tribes also.

SHRI DASARATHA DEB: But these tribes living in Assam are not treated as such. There are so many of them: Santals, Mundas, Oraons, Gonds, Kharaias, Hos, Kishans, Paharis, Lohars, Kamars, Pans, Saoras, Khondas, Bhumijis, Goraitis and many others—forty of them. They are treated as Scheduled Tribes in their respective original States, Bihar, MP, Orissa and so on. They are staying in Assam for generations, hundreds of years. But they are not being treated as Scheduled Tribes. What

is the logic behind this treatment? That is why my demand is that this Bill should not be passed now. It must be referred to a Joint Committee to go into detail on the basis of an on the spot study.

As regards Tripura, I have got my amendment. There is a particular tribe, they are not a tribe; they are called Laskar community. They are being treated as Scheduled Tribe, but so far as the Scheduled Castes and Scheduled Tribes Order is concerned, I do not find this Laskar community specified as a Scheduled Tribe. But the Government of Tripura has treated them as a Scheduled Tribe.

MR. SPEAKER: Laskar is here.

SHRI DASARATHA DEB: My argument is that they are scheduled castes not scheduled tribe. Long ago, 60 years ago, a very small group of the Laskar community came to the Maharaja and submitted to him that 'we may be treated as a scheduled tribe; we will be loyal to the throne for generations'.

The Maharaja treated them as scheduled tribes, by a certain order but in the presidential list it is not there. I want to point out that a tribe has got its distinct culture, distinct language and everything. You may not call it language; you may call it dialect; they speak in a different dialect. The Laskar community is different; it is of Bengali origin and in Tripura their mother tongue is Bengali; their culture is Bengali; they have nothing in common with the tribes of Tripura. They are being treated as a scheduled tribes. Our demand is that they should be treated as scheduled castes and not as scheduled tribes. That is my amendment.

I shall explain the problem that we face. The Laskars are more advanced compared to the scheduled tribes. In the Tripura Land Reform Act there are certain provisions. Transfer of land from one scheduled

tribe person to another scheduled tribe person is permitted... (Interruptions) In this Bill Laskar is not included; in the earlier Bill also it is not there but by the order of the Maharaja passed some sixty years ago, they are treated as Scheduled Tribes.

MR. SPEAKER: Is it a large community?

SHRI DASARATHA DEB: Not very large; but it is a community of considerable size. Now without the prior sanction of the government tribal land can be transferred to Laskar community because they are treated as tribal and they file an affidavit saying that they are tribals. Thus tribal land is transferred to them without prior sanction of the government. Once they get the land transferred to them, what happens is this. They use their Bengali surname such as Mazoomdar, Dutta, Chaudhuri, Das or Sen and then transfer their lands to non-tribals and it never strikes the authority registering the land transfer that the person who transfers land is a tribal and again here also since it is assumed that the land transfer is between one non-tribal and another non-tribal, prior sanction of the government is not insisted upon or obtained. If you allow them to continue to be treated as scheduled tribe, then they play the dirty game of transferring land in this manner. That is why our demand is that they should be given the facilities that are provided in our Constitution for the scheduled castes and they should not be treated as scheduled tribes. Therefore, you should accept my amendment. Laskar community should be treated as scheduled caste and not as scheduled tribe.

I also suggest that this Bill should be referred to a Joint Committee which should be given full opportunity to make on the spot studies and then bring a comprehensive Bill.

SHRI KARTIK ORAON (Lohardaga): Sir, I have already moved an amendment to the motion of the hon. Minister. I have asked that this Bill may be referred to a Joint Committee and that it may be required to present the Report on the first day of the next session. I have many reasons for proposing this amendment. While I do not oppose this Bill, the manner in which this Bill is introduced in this House will not help the Scheduled Castes and Scheduled Tribes to a great extent.

I would invite the attention of the hon. Members to the fact that on the 19th May the hon. Minister came with a memorandum saying that this Bill is merely for the purpose of removal of area restriction, and the rules were suspended for this and the members were given an opportunity to study the Bill and apply their mind to it. They wanted the Bill to be passed the very next day. If you look at the preamble to the Scheduled Castes and Scheduled Tribes (Amendment) Bill 1967 and the preamble to the 1976 Bill, there is no difference whatsoever; line by line, word by word, it is the same. But if we look at the Statement of Objects and Reasons attached to the two Bills, they are miles apart. Just to refresh the memory of hon. Members, I would better read them out. The Statement of Objects and Reasons of Bill No. 119 of 1967 says:

"The lists of Scheduled Castes and Scheduled Tribes were last revised over ten years ago, on the recommendations of the Backward Classes Commission. These lists have been criticised in recent years, in Parliament and outside, on the ground that they contain many anomalies. For instance, some castes and tribes have been treated as Scheduled Castes and Scheduled Tribes, as the case may be, only in certain specified areas of a State. Again, some castes and tribes which deserve to be treated as Scheduled

Castes and Scheduled Tribes are not so recognized; while others which do not deserve such treatment have been included in the lists.

It has, therefore, been considered necessary to revise the lists further. The proposals for revision were examined in consultation with the State Governments and Union Territory Administrations, the Commissioner for Scheduled Castes and Scheduled Tribes, and the Registrar General of India. They were also scrutinised by a high level Advisory Committee appointed for the purpose. The opinion of the Scheduled Caste and Scheduled Tribe Members of Parliament and State Ministers were also ascertained. This Bill has been prepared after a careful consideration of all views and aspects brought to the notice of Government during these consultations."

The Statement of Objects and Reasons attached to Bill No. 59 of 1976 says:

"Under the Scheduled Castes and Scheduled Tribes Orders, some communities have been specified as Scheduled Castes or as Scheduled Tribes only in certain areas of the State concerned and not in respect of the whole State. This has been causing difficulties to members of these communities in the areas where they have not been so specified. The present Bill generally seeks to remove these area restrictions. However, in cases where continuance of such restrictions were specifically recommended by the Joint Committee on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967, no change is being effected."

—mark the words "no change is being effected—

"The Committee had also recommended exclusion of certain communities from the lists of Scheduled Castes and Scheduled Tribes."

MR. SPEAKER: He may continue his speech after lunch. We will now adjourn for lunch to meet again at 2 p.m.

13.00 hrs

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair].

SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS (AMENDMENT) BILL—Contd.

SHRI KARTIK ORAON (Lohardaga): I was continuing with the Statement of Objects and Reasons of the 1976 Bill. Here it says:

"The Committee had also recommended the exclusion of certain communities from the list of Scheduled Castes. The exclusions are not being made at present, and such communities are being retained in the List with the present area restrictions. Such communities in respect of which the Joint Committee had recommended exclusion on the ground that they were not found in the State are, however, being excluded if they were not returned in respect of these communities in the census of 1961-71."

It is not a fact that the recommendations of the Joint Committee wherever possible have been retained and that they are not affected. This Bill was brought by the Government in 1967. What is there which makes them to go back on their own Bill? It was not a Private Bill, it was a Government Bill. Therefore, this is something which is not convincing to us.

Again, some of the communities which were left out then have been brought in again. The only way in which you can include or exclude any community in the List of Scheduled Castes and Scheduled Tribes is under article 341 (2) which reads:

"Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe...".

This is about the Scheduled Castes. Again, about the Scheduled Tribes, similarly, it says, "for any tribe or tribal community or part or group within such tribe or tribal community". This is the only way by which you can include in and exclude from the Schedule. There is nothing whatsoever about the area restriction. Therefore, it is rather misleading to say that you are merely removing the area restriction.

The fact remains that when the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1976 is passed, the objects and the reasons of the Bill will be no where in the picture. Also, the Home Minister's Memo will be nowhere in the picture. What is there to suggest that the Bill is merely with the object of removing the existing area restrictions, whether of Scheduled Castes and Scheduled Tribes Orders Bill of 1967 or of 1956. Therefore, I have no doubt left in my mind that the present Bill is a bundle of confusion and suffers from various anomalies and disabilities.

According to the Preamble of the Bill, there are three parts of the Bill, inclusion in, exclusion from and removal of area restrictions. There is no mention of area restrictions for Scheduled Tribes. Where do we get that from?