

14.52 hrs.

FIFTH SCHEDULE TO THE CONSTITUTION (AMENDMENT) BILL

MR. DEPUTY-SPEAKER: We now take up the Fifth Schedule to the Constitution (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): I beg to move:

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

I may invite the attention of the House to the fact that the founding fathers of our Constitution made very special provision for the tribal areas and the tribal communities. It has been our endeavour to enable these simple people to join the mainstream of national life. But, at the same time, we have considered it essential to ensure that they develop according to their own genius and retain their distinctive culture and way of life.

It was clear that the general laws meant for advanced areas may not suit the simple tribals. The flexibility of the administration may become a big burden to them. These were the principles enunciated by the greatest humanist of our age, Pandit Jawaharlal Nehru. These have been the guiding light of our policy. The framers of the Constitution were also aware of the fact that sometimes vested interests manoeuvre within the formal legal frames; they take advantage of uncertainties and indecisions. The instrument of protection itself, therefore, should be equally flexible.

These requirements were given the legal form in the Fifth Schedule, which provided for framing of special regulations. These Regulations have the force of law passed by Parlia-

ment or the State Legislatures. The Regulations can amend the existing laws, they can make the existing laws inapplicable in any part of the Scheduled Areas. The basic objective of this arrangement is quite clear. Instead of simple people adjusting to the complex laws, let the laws be adapted to their needs.

Two Orders under the Schedule were issued by the President in 1950. Certain areas in the erstwhile Part A and Part B States were scheduled. These Schedules continued to be scheduled practically unchanged. It is only recently, in November last year, that some new areas have been scheduled in Himachal Pradesh.

The House is well aware about our new effort for tribal development under the inspiring leadership of our Prime Minister. This is the new strategy adopted in the Fifth Plan for developing these areas in an integrated manner through the process of sub-planning. Our review shows that the existing Scheduled Areas covered about 242 lakh sq. km. The tribal population in these areas is about 1.34 crores, or about 44 per cent of our total tribal population. The sub-plans will now embrace all tribal majority areas and will cover about 3.3 lakh sq. km. a tribal population of about 2.50 crores, i.e., about two-thirds of the total tribal population. These figures would show that in the States where scheduled areas were scheduled already, the Sub-Plan area is larger than the scheduled area. In other words, some portions of the area under the Sub-Plan are not at present covered by the Fifth Schedule in such States. For effective implementation of the economic programmes and for protecting the tribals during the transitional period, it is necessary that the benefits of the arrangements under the Fifth Plan are extended to that portion of the Sub-Plan area in such States which is outside the scheduled area. Not only this. The

[Shri Om Mehta]

benefits of integrated development under the new strategy would not be there unless the entire Sub-Plan in such States is scheduled. The purpose of bringing forward this legislation is to achieve this basic objective.

The Fifth Schedule enjoins special responsibility on the Central Government. There is a provision for giving of directions for the good administration of these areas. The Governor also assumes special responsibility. He is required to make an annual assessment of the development of all these areas and report to Parliament. Thus, the progress in the field is constantly watched and regulated. The amendment of the Fifth Schedule will enable us to rationalise the situation according to the new requirements. It will help us in laying a strong foundation for the faster development of the simple tribal people.

MR DEPUTY-SPEAKER. Motion moved:

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

SHRI DASARATHA DEB (Tripura East): I generally support this Fifth Schedule (Amendment) Bill, but I do not consider it to be comprehensive, because it has been brought here in view of the Tribal Sub-Plan only. After the formulation of the Tribal Sub-Plan they wanted to extend those facilities to certain areas and they wanted to see the new areas brought under the Fifth Schedule. But if the Government is sincere in looking after the interests of the tribal people, their first and foremost duty would be to see what tribal areas are to be brought under the Fifth Schedule of the Constitution. After defining the areas in all the States, which is absolutely

necessary, the Government should plan and allocate money according to the needs of the particular situation of the tribal people, but here it is done haphazardly, because Mr. Om Mehta himself says that the tribal area which is outside the Fifth Schedule of the Constitution is larger than the tribal population which used to live in the Fifth Schedule areas. Our demand has always been that the areas where there is a preponderance of tribal population should be brought under the Fifth Schedule of the Constitution. He gave us the information that very recently certain areas of Himachal Pradesh have been brought under the Fifth Schedule. Three or four years before, the Himachal Pradesh Assembly adopted a Resolution requesting the Central Government to accept it, but they have delayed the matter.

Then there are so many places in India—take my own State of Tripura—where the tribal population constitutes even now 30 per cent, after the heavy influx of refugees. But before 1947, the tribal population constituted 80 per cent of the total population. Still now, it is 30 per cent.

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There are areas where the tribal populations are very much concentrated. Taking advantage of the constitutional provision, the areas where there is 50 per cent or more tribal population, those areas can be declared as scheduled areas. Now, in many States what the administration has done is that because the tribal people generally are concentrated in the hill regions and almost all the hill regions are divided by high hills, they have divided and sub-divided the districts or the divisions in that way. What they did in my State was that they bifurcated a part of the sub-division of Khowai and a part of the sub-division of Sadar which are tribal areas and they were taken along with

other areas with the result that the tribal population in those areas became less than 50 per cent and, therefore, those areas could not be declared as scheduled areas. Why should the tribal areas be bifurcated like that? If there is a concentration of tribal population in an area, that entire tribal area should be taken as a unit and declared as a scheduled area. If you follow this principle, I can give you a guarantee that so many tribal areas in so many States consisting of 30,000 or 40,000 or 1 lakh tribals can be declared as scheduled areas according to the provision of the constitution, according to the principle you are following now. But you are not following that principle.

Now, by bringing forward this Bill, when you are going to extend the Fifth Schedule, when you are going to bring certain areas in the Fifth Schedule, I want the hon. Minister to clarify the position whether he is going to form more scheduled areas or he is going to include certain areas in the existing Fifth Schedule. When he replies, let him clarify this point.

Apart from that, even if you extend the Fifth Schedule to other areas, I do not think only by that provision, the tribal people will be benefited. There is hardly any scope for the tribal people to take part actively in the developmental work of that particular area. It is because in the Fifth Schedule, there are certain regulations, certain restrictions, on the transfer of land of such like things. There is no provision for the tribal people to actively participate in the developmental work there.

SHRI OM MEHTA: There is the Council.

SHRI DASARATHA DEB: The Council is under the Advisory Committee and the Advisory Committee has nothing to do with it.

SHRI OM MEHTA: You cannot say that there is no provision.

SHRI DASARATHA DEB: If you want to give better scope for the tribal people to take active part in the developmental work, you have to extend the Sixth Schedule of the Constitution. The Sixth Schedule of the Constitution is applicable to only some areas. It was applicable to Assam earlier. Now, they have all become States. So, you have to extend the Sixth Schedule to all the tribal belts where there is a concentration of tribal people. Then only the tribal people can take part actively in the developmental work. You might have some advisory committee; you might have some expert committee and things like that. The tribal people may be invited to take some part. But actually what will be their function? Their function will be to ditto what the official says. They have no voice at all. So, in these sub-plans also, the real participation of the tribal people will not be there. These sub-plans will be executed through the officials, through the bureaucratic machinery.

Some individuals may be associated as advisers or associate members with some Committees here and there, but actually I do not call it a full participation of the tribal people in their developmental work. You have to change the entire attitude. Your approach towards the tribal areas has been absolutely wrong, according to my understanding. The tribal people should not be treated like that. In a limited way you are going to give some benefit to the tribal people. That is why I support the Bill, but I want the Government to come forward with a more comprehensive Bill if they want to give real benefit to the tribal people.

I know, there are certain restrictions on transfer of land...

SHRI OM MEHTA: I must inform the hon. Member that Mr. Kartik

[Shri Om Mehta]

Oraon, a Member of this House, is the Deputy Chairman of the Ranchi Board which we have constituted for the tribals

SHRI DASARATHA DEB What about my State

SHRI OM MEHTA In your State, there is dispersed population

SHRI DASARATHA DEB It is not a dispersed population I invite any expert from the Central Government, I will be physically present and I will show that the areas are completely concentrated You divided them Khowai and Sadar Sub-divisions are divided by Barmore hills, and in the plains, the non-tribal people are in majority You cut out one area and say, here is less tribal population Another part was joined with plain areas and you formed a tehsil and say that in most tehsils non-tribals are in majority But that is not the position

When you demarcated the boundaries of these districts and tehsils, there was some defective method followed there were some motives behind it, just to show to people that there was no concentrated tribal areas in our State

Now, there is a Land Reforms Act, and there is restriction on the transfer of tribal lands to non-tribal people According to the 20-point programme, certain lands were supposed to have been restored—lands which were illegally transferred from tribals in my State But I know what has happened If you go there, you will find that the tribal people did not get physical possession of those lands The District Magistrate and some police officers went to the spot and declared that the lands were being restored to the tribal people and that those people who were illegally in possession of those lands must quit the place; he made some announce-

ment there and handed over some record to the tribal people The next day when the tribals went to cultivate the land, the non-tribal people, came in a gang and got them evicted, and when these people approached the Governor, the reply of the Tripura Government was this 'If those people prevented you, then you must go to the court'

SHRI OM MEHTA Can you give specific instances?

SHRI DASARATHA DEB Yes I can give you hundreds of cases I am sending you a note This restoration of lands to the tribal would be meaningless unless you put your own police officers there and enable these tribal people to cultivate their land for six months or three months or whatever period is necessary, so that nobody disturbs them Otherwise, giving land to the tribal people is meaningless, they will not be able to cultivate unless strict measures are taken by the Government You know, the tribal people are helpless people, they are weak people, they can be evicted by the non-tribals

So, this is my point That is why I say that unless this comprehensive and entire tribal belt is declared as the Fifth Schedule area it is no use. Not only the Fifth Schedule but you have to change the Constitution and on the pattern of the Sixth Schedule you have to include the entire tribal area and the maximum scope must be given to the tribal people to participate in their developmental work This guardianship—some body said that the tribal people are weak people, We are the guardians, we have to look after you'—this attitude is absolutely wrong What is wrong if you hand over all this power to the elected Tribal Council there so that they can participate with full swing with full vigour and develop their own areas? You cannot allow them to develop their imagination even. You just draw a certain plan and ask the people to go there and like that.

You did not allow them to develop their imagination to develop their own area, not to speak of physical participation in their developmental work. So you have to change your attitude. Otherwise, these tribal people feel that they are being treated as a second class citizen in India whatever your claim may be or whatever may be the privileges and other things enshrined in the Constitution. It will be meaningless if the Bill does not really provide these facilities. Please do not rely on your bureaucratic machinery. Please do not rely on certain experts alone. I need experts' help. I need it and all assistance, but at the same time, I know that the tribal people must be given full responsibility to develop their own area and for that, you have to take certain measures and I suggest that on the pattern of the Sixth Schedule of the Constitution, certain District Councils must be there with full power to develop the tribal area and then you appoint experts to assist this Council. In that way if you provide, then I think you can give more benefit to the tribal people and more and more tribal areas might be developed. Otherwise, this would be a pious wish.

SHRI D. BASUMATARI (Kokrajhar): While I rise to support this Bill, I find it is very difficult for me what to say or what not to say: really, I do not understand after taking the step to remove the area restriction, what the effect of this Bill would be to bring in certain areas. You know the Constitution. Please read and also contemplate in your mind before you bring a Bill of this kind. We also want that we should go forward. In a matter like this when a legislation is contemplated and when you bring a Bill of this nature, please take us also into confidence. Now, we are thinking how to remove the area restriction. You know that, Mr. Deputy Speaker, you come from a Sixth Schedule area. There are Fifth Schedule areas other than Assam. We have been telling them that the Sixth Schedule tribes—Your tribes and my tribes are not

recognised as tribals in the hill and in the plains, that is to say, You cannot be recognized as such in the plains. It is only in Assam. Other than Assam, there are Fifth Schedule....

MR. DEPUTY-SPEAKER: This is a different issue.

SHRI D. BASUMATARI: Other than in Assam, Sixth Schedule has been promulgated....

SHRI JAGANNATH RAO (Chattrapur): This is Fifth Schedule.

SHRI D. BASUMATARI: Please do not disturb me. I know very well. I am not a lawyer but I was one of the founding fathers of the Constitution.

So, with regard to this Sixth Schedule, Mr. Deb is right in saying that there is no power given to the tribal people in the Fifth Schedule as it is given in the Sixth Schedule.

Now, this Advisory Council is an advisory body alone. They meet once a year, sit and discuss and advise the Governor who advises the Rashtrapati.

Governor advises the President. This is a long channel. There is no time at all. In our Assamese there is a saying:-

"Dhanpoke mane tunir maran".

The meaning is that if the birds are to wait till the time when the rice becomes ripe, the poor birds will only die. Like that, in this long channel, the tribals cannot be developed at all. That is why we have been telling all these years in the House that those areas restriction should be taken up...

MR. DEPUTY-SPEAKER: That is a different question. This has nothing to do with the present Bill.

SHRI D. BASUMATARI: Mr. Deputy Speaker, Sir, in this Bill, the provision is extended only to the fifty per cent of the population. What is the fate of the other fifty per cent of the people in the areas outside the Fifth Schedule? As far as Madhya Pradesh is

[Shri D Basumatari]

concerned, half of the tribal population are kept outside the Fifth Schedule. They are not taken into consideration in any way for the purpose of development. In the name of tribal development, you only take fifty per cent of the population in the I T D P areas. What will be the fate of the rest? What is the use of having the Fifth Schedule at all? We do not grudge if others enjoy the facilities given to the tribals in the tribal areas. We do not grudge the non-tribals going to schools and colleges set up in the tribal areas. Let them go there. Our objective is to develop the tribals in the tribal areas.

It is for the benefit of tribals that the Fifth Schedule has been incorporated in our Constitution. I have seen the tribal blocks. I have also been telling that in this House how development takes place in the tribal areas. There the land belongs to the tribal. After making improvements like roads etc. the people go there and take away their lands. How to protect them from this? That is my question.

I am not against this. Before doing so, we should have at least been consulted how the development of areas by way of sub-plans can be made effective? You are going to extend the area in the sub-plan areas where the tribal population exceeds fifty per cent. But what about the tribal people who are outside the Fifth Schedule? You are giving money for the development of tribal areas under the sub-plans based on the population. If it is effective I can give my support to it. But I do not see any meaning in passing this Bill like this. Before you have done it, we should have been consulted. That is my point. Why were we not taken into confidence as to how to develop those areas? We know better than these officials. That is why I am asking the Government to take us into confidence.

SHRI OM MEHTA Sir, he was the Chairman of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. How can he say that he was not taken into confidence?

SHRI D BASUMATARI That is why I claim to know better and I am glad and thankful that you appointed me as a Chairman of that Committee. Whenever you want to do something, it would be better if it were discussed.

SHRI OM MEHTA Whatever is said in the report, that is before the House. We are in fact benefited by his ideas.

SHRI D BASUMATARI Lastly, Sir, after having a full fledged State in the sixth schedule area I do not see any reason to continue the sixth schedule. In place of sixth schedule panchayat raj should be established. There is no point in giving them benefits in two ways. With these words I support the Bill.

श्री कमला मिश्र 'मधुकर' (केसरिया)
उपाध्यक्ष जी, मैं इस बिल का समर्थन करता हूँ कि आपके बिल में जो उद्देश्य है उन का मैं समर्थन करता हूँ। आपने कहा है कि प्रधान मंत्री के नेतृत्व में और उनकी प्रेरणा से यह बिल लाया गया है। यह ठीक है। इस बिल में जो संशोधन हो रहे हैं उन के जरिये संविधान के पाँचवें अनुच्छेद के पैरा 6 का संशोधन हो रहा है जिस में राष्ट्रपति को निम्नलिखित आदेश करने की शक्ति दी जाय तथा राज्यपाल से परामर्श कर के क़ानून किसी राज्य में अनुसूचित क्षेत्र की वृद्धि आजादी के इतने साल बाद भी हकूमत में अच्छे उद्देश्यों के बावजूद भी, जैसा हमारे मित्रों ने कहा है अनुसूचित जातियों और जनजातियों की स्थिति द्वितीय श्रेणी के नागरिक के रूप में है और यह इसलिये है कि उन का शोषण और उन के साथ ज़े अन्याय होता है उस में अभी भी कमी नहीं आई है।

मैं जानता हूँ कि हमारे बिहार में आज भी आदिवासी क्षेत्रों में महाजनों की लूट चलती है। इसके सम्बन्ध में बने बिहार सरकार के कानूनों का कोई फायदा आदिवासियों को नहीं मिला पा रहा है। महाजनों की लूट बैसे ही चल रही है। भूमि मुधार कानून भी लागू किये जा रहे हैं, पहले से कानून बना हुआ है कि आदिवासियों की जमीन गैर-आदिवासी नहीं ले पायेगे। लेकिन आप को मालूम होगा कि तमाम जमीन बिना रजिस्ट्री के आदिवासियों की अन्य लोगों ने ले ली है और इससे लोगों में विरोध है जिसका अनुचित लाभ प्रतिगामी शाक्तिया उठाती हैं। कुछ साल पहले आप ने देखा कि एक ऐसे भवतारी पुरूप हो गये थे जिसकी वजह से ला एंड आर्डर प्रोबलम बन गई थी।

बैसे ही हमारे बिहार में बड़े पूज्यपतियों की लूट है, टाटा की जमींदारी है जमशेदपुर में सिंहभूमि के जिले में जो आदिवासी है उन की समस्याएँ ज्यों की त्यों बनी हुई है। टाटा की तरफ से उनका कोई कल्याण नहीं हो रहा है। बिहार सरकार ने डेवलपमेंट बोर्ड भी बनाया लेकिन वह कागज पर ही है। पूरे देश में आदिवासियों की समस्याएँ समान है, चाहे मध्य प्रदेश हो, बंगाल हो, आन्ध्रा हो या बिहार हो। आदिवासी देश की राष्ट्रीय धारा से अलग हैं। उन को राष्ट्रीय धारा में लाना जरूरी है। उनमें असंतोष दूर नहीं हो रहा है। आप जानते हैं कि ब्रिटिश जमाने में छोटे नानपुर के इलाके से बारू लोगों को ला कर चम्पारन जिले में बसाया गया। बारू और डांगर बोड़े से लोग हैं जिनकी आबादी एक लाख 60 हजार है। महात्मा गांधी ने चम्पारन में सत्याग्रह किया था। लेकिन आज तक इन बारूओं की समस्याओं का समाधान नहीं हुआ। बारबार बारूओं के कहने के बाद, आपके मंत्रियों के जाने के बाद भी उन की समस्याएँ ज्यों की त्यों बनी हुई हैं।

मैं कहना चाहता हूँ कि अनुसूचित क्षेत्र का निर्धारण पंचायत के आधार पर होना

चाहिए। यदि किसी पंचायत क्षेत्र में कम से कम 40 परसेंट आबादी आदिवासियों की है, तो उसको अनुसूचित क्षेत्र मानना चाहिए और अनुसूचित क्षेत्र के लिए बनाई गई सभी विकास योजनाएँ वहाँ भी लागू करनी चाहिए।

उड़ीसा में बारू लोगों की गणना जन-जातियों में की जाती है। 1971 की सेंसस के अनुसार उत्तर प्रदेश में उनकी संख्या लगभग 70,000 है, मगर उत्तर प्रदेश सरकार ने फिर भी उनको जन-जाति घोषित कर दिया है। इस की तुलना में बिहार के चम्पारन क्षेत्र में आदिवासियों की आबादी 1,60,000 होते हुए भी केन्द्रीय सरकार और बिहार सरकार ने उनको जन-जाति घोषित नहीं किया है, जिसके कारण वे लोग सभी मुविद्याओं से वंचित हैं। हम लोग एक डेलीगेशन में गृह राज्य मंत्री, श्री मांहरिन से मिले थे। उन्होंने कहा था कि इस बात पर सहानुभूतिपूर्वक विचार किया जायेगा और यह भी आश्वासन दिया था कि वह इसकी छानबीन करायेंगे। लेकिन अभी तक उन लोगों को जन-जाति घोषित नहीं किया गया है।

इस स्थिति में क्या बारूओं का कल्याण होगा या नहीं? क्या वे लोग जन-जाति घोषित किये जायेंगे या नहीं? यदि उनकी समस्याओं का समाधान आम लोगों के समान होगा, तो फिर उनकी प्रगति कभी भी नहीं होने वाली है, क्योंकि विकास की दौड़ में वे समाज के विकसित लोगों से बहुत पीछे हैं। मैं निवेदन करना चाहता हूँ कि बारूओं की समस्या चम्पारन के 1,60,000 लोगों की समस्या है। उसकी उपेक्षा नहीं की जा सकती है।

चम्पारन जिले में कुछ बड़े-बड़े जमींदार हैं और बारू लोग भूमिहीन खेत-मजदूर हैं। वे लोग महाजनी जूलम से क्षीकृत हैं और आर्थिक तथा सामाजिक शोषण के शिकार हैं।

[श्री कमल मिश्र 'मधुकर']

शिक्षा, रोजगार और उद्योग क्षेत्रों सम्बन्धी उनकी समस्याओं का समाधान नहीं हो रहा है और उनकी बराबर उपेक्षा की जाती रही है। बिहार राज्य के शिद्यूल्ड कामन्स तथा शिद्यूल्ड ट्राइब्स कमीशन ने सिफारिश की है कि धारू लोगों को जन-जाति घोषित किया जाना चाहिए लेकिन केन्द्रीय सरकार और बिहार सरकार ने अभी तक इस बात पर ध्यान नहीं दिया है। मंत्री महोदय उस इलाके के कांग्रेस एम०पीज० से इन बारे में पूछ सकते हैं कि क्या मैं सही बात कह रहा हूँ या श्रुत। मैं उनसे यह प्रपील कर रहा हूँ— मैं उनकी आलोचना नहीं कर रहा हूँ—कि उन लोगों की समस्याओं को हल करने की कोशिश की जाये।

धारू बेल्ट पश्चिमी चम्पारन के गौनाहा, शिकारपुर और हरनाटाड इलाक़ में है। यह एक कम्पेक्ट एरिया है और उसका अनुसूचित एरिया घोषित कर देना चाहिए। इस विधेयक के उद्देश्यों के विवरण में कहा गया है कि केन्द्रीय सरकार अनुसूचित जातियों के विकास के लिए पाचवी पंचवर्षीय योजना में 200 करोड़ रुपये खर्च करने जा रही है। लेकिन हमसे उन लोगों को क्या लाभ होगा, जिन को जन-जाति घोषित ही नहीं किया जा रहा है? राज्य सरकार की योजनाओं में भी उनको कोई लाभ नहीं होगा।

यह केवल धारूओं की समस्या नहीं है, बल्कि यह सारे देश की समस्या है। हिन्दुस्तान की राष्ट्रीय एकता, सामाजिक एकता और इस राष्ट्र का बल इस बात पर निर्भर करता है कि हिन्दुस्तान में रहने वाले हिन्दू, मुसलमान और आदिवासी आदि सभी लोग यह समझे कि यह हमारा राष्ट्र है और इसमें हम सब को जीने तथा फलने-फूलने का अधिकार है। इस समय यह नहीं हो रहा है।

यह समस्या केवल हमारे देश में ही नहीं है। दुनिया के बहुत से देश में ऐसी जातियों की समस्याएँ खड़ी हुई हैं। इस बात पर विचार करना चाहिए कि वहाँ उन समस्याओं का समाधान कैसे निकला है। ऐसे सुझाव भी मरुने हैं कि उनके लिए रिजर्व एरिया कौंसिल या प्राइमोमस एरिया बनाये जायें। इस बात पर गम्भीरता से विचार करना चाहिए कि हिन्दुस्तान में यह व्यवस्था की जा सकती है या नहीं। उन लिख जो भी व्यवस्था की जाये यह आवश्यक है कि उन लोगों के लिए शिक्षा, स्वास्थ्य, श्रम और सिविल की समस्त सुविधाएँ उलब्ध की जायें, विकास-कार्य में भाग लेने का अवसर उनको दिया जाय, उनकी बोलियों को फलने-फूलने का मौका दिया जाय। ऐसी व्यवस्था करनी चाहिए जिसमें वे यह महसूस करे कि वे अपने क्षेत्र के विकास में सहयोग कर रहे हैं। जगलत और बोलियों सम्बन्धी उनको समस्याये हैं।

15.30 hrs.

[SHRI P. PARTHASARATHY in the Chair.]

इसलिए मैं चाहूँगा कि ऐसी बातों पर विचार करूँ तब आप कुछ काम कीजिए तब तो काम हो सकता है। इस बिल का स्वागत करते हुए मैं यह कहूँगा कि यह देश के हित में है, देश का आत्म-बल, गौरव और राष्ट्रीय एकता के हित में है कि आदिवासियों की समस्याओं को जल्द से जल्द हल किया जाय। आज 30 वर्ष का समय गुजर गया, यह किसी भी देश के लिए शर्म की बात होती है कि वहाँ करोड़ों आदिमी ऐसे हों जो जगली जीवन बिता रहे हों, इसलिए उनकी तरफ उचित ध्यान दिया जाय। इन तमाम बातों के साथ-साथ मैं यह कहूँगा कि चम्पारन के धारूओं की समस्याओं की तरफ ध्यान आवश्यक दिया जाय क्योंकि उनकी आबादी 1 लाख 70 हजार के लगभग है।

SHRI SUBODH HANSDA (MIDNAPORE): I do not object to the Bill for increasing the coverage of the area under Fifth Schedule. But I should like to know certain things from the Home Minister. Concessions have been granted to the Fifth Schedule areas and special provisions have been made for the development of those areas. I want to know whether you have made any survey of those areas about the economic development of those people. If you look to Elwyn committee report or the Dhebar Commission report, the same adverse remarks have been made, that whatever developments have been made, whatever amounts had been set apart for the development of those areas, a major part of those things had gone to others and not to those persons for whom those provisions had been made; those people have enjoyed little the benefits which were meant for them. Now those areas are going to be expanded. It is nice to hear that two-thirds of the total tribal population are going to be covered under the present Bill. But the criteria fixed for covering areas under fifth Schedule do not satisfy states like West Bengal. The population in West Bengal is nearly 1200-1300 per sq. km. In states like M. P. it may be 200 and the tribal population may be 150 which will certainly be covered by your criteria. But in West Bengal, even the density of tribal population may be more than the density of population in M. P.; yet it may not be covered because the tribal population may not be fifty per cent. What is going to happen to those areas? You are going to formulate tribal development schemes? What are the provisions that you are going to make for the development of those areas which I mentioned? What are the amounts that you are going to sanction for those areas for their development, when the density of population is so high. You are covering areas where the density is low. You are not going to cover areas where the density of tribal population is very high. Therefore, the government must be careful

in allotting funds. You have allotted Rs. 200 crores for development of tribal areas during the fifth plan. But how much are you going to allot for those areas which will not satisfy the present criteria? Government must see that equal justice is done to the areas which are not covered under the fifth schedule.

It is nice to hear that you have allotted Rs. 200 crores. In the past also, huge amounts were allotted for development of these areas. But what is the pace of progress? Apart from areas where the Christian missionaries have done good work, what about other areas? In M. P. for example there are areas where the Adimjathi Sewak Sangh is working. I have seen some of the institutions run by them. Side by side the Christian missionaries are working. If you compare them, you will find that the Christian institutions are far better organised than institutions run by Bharat Sewak Sangh or other institutions which are assisted by the Government of India. All these things must be looked into. You are increasing the area and you say that two-thirds of the tribal population will be covered. I have my doubt whether, by only covering the areas you are going to achieve the very objective for which this Bill is being brought.

With these words, I support the Bill.

SHRI JAGANNATH RAO (Chattrapur): Sir, this is a non-controversial Bill in the sense that it seeks to authorise the President to issue an order extending the areas under the fifth schedule. The existing para 6(2) only authorises the President to take out a part of the area or to alter or rectify the boundaries of a scheduled area. This Bill enables the President in future to extend it to certain other areas, the criteria being 50 per cent of the population of tribals. It is good so far as it goes. But what are the areas suggested by each State where sub-plants have

[Shri Jagannath Rao]

been prepared by them for economic development in the fifth plan? Every State Government must have sent its proposals. It would have been much better if those proposals had been circulated to us for our information, so that if we feel that some more areas have to be included we may suggest them. But now we are only groping in the dark.

Before the Constitution came into being under the Government of India Act we had the excluded areas and partially excluded areas, which were the special responsibility of the Governor who used to administer them through the Collector of the district as his agent. In the old Madras Presidency there was a regulation of 1933 under which the Collector was called the agent to the Governor and the areas came to be known as the Agency Areas. That nomenclature is not there now. They are called scheduled areas. Nevertheless the Governor has a special responsibility in the matter of administration of these areas not only in the ordinary sense of the term but for the development of the tribal people. I agree with the previous speaker that the development in tribal areas is not as it should be. Much needs to be done. We are half way through the fifth plan. We do not know what is the amount each State has got under the sub-plans prepared by them out of the Rs 200 crores that the Centre has given. We do not know that. For instance, in Orissa I would like to know what are the areas suggested by the Orissa Government. I should be in a position to know which are the areas which have been included and which are the areas which have been excluded so that I could come forward with concrete suggestions.

MR CHAIRMAN The Minister says that this information has already been given.

SHRI OM MEHTA I will reply to these points in the reply to the general debate. But I may inform him now that only those areas where there is a concentrated population of 50 per cent or more are taken in the ITDP. This is the criteria fixed by us. All those areas which have a tribal population of 50 per cent or more are included in the tribal development plans.

SHRI JAGANNATH RAO I would like to know for instance, what way areas have been taken up for inclusion or exclusion in particular areas, while applying these criteria. I want to know how the areas have been carved out by the State Government. I am not suggesting that areas with 30 per cent tribal population should be included as Scheduled areas. That is not my point. Even applying the criteria of 50 per cent, what are the areas suggested by the State Government?

Now we are half way through the Fifth Plan. Which are the sub-plans which have been approved and what is the amount allocated to each State? The other day the Minister was saying that in Orissa out of 32 projects only 8 have been approved. Under para 2 the executive power of the Union extends to the Scheduled areas. So, simply saying on the floor of the House that out of 32 projects only 8 have been approved by the State Government does not give us any satisfaction. I want all of them to be finalized and implemented. Otherwise, the money will lapse when the Fifth Plan is over.

The development of the tribal areas is very tardy. Nobody takes the interest which he should in this matter. I come from the Koraput area, which is a tribal area, where 80 per cent of the people are tribals. In 1938 the Orissa Government appointed the Partially Excluded Areas Enquiry Committee under the chairmanship of Shri Thakkar Bapa. The Committee submitted a report to

the State Government and it was implemented partly. The State Government imposed regulation on money-lending and restriction on transfer of land from tribals to non-tribals. But the administration of those Acts has been very tardy.

Now the 20-Point Economic Programme has drawn attention to this vital problem. I am grateful to the Prime Minister for formulating the 20-Point Economic Programme, which has given some impetus, though not that impetus which is required, to this problem. The Home Minister should take this as his own child and not as an unwanted child. He must exercise his executive power over these areas. Instead of waiting for the annual reports of the Governor, the President has a right to insist on the Governor for a report on this subject. It is high time that the Government of India pay special attention to the development of these areas, because while there is development elsewhere, there is no development in the tribal areas. One will feel as if one is going from light to darkness.

Shri Dasaratha Deb referred to the Tribal Advisory Council and expressed his view that enough power is not given to them. I think he is not correct there. The Tribal Advisory Council has the right to go into all the development plans, discuss what type of development is required and prescribe priorities. The Governor is bound by the advice of the Tribal Advisory Council.

My hon. friend Shri Basumatari was talking about area restriction. I think he is a bit confused, he is mixing up two things.

SHRI D. BASUMATARI: After removing the area restrictions, what is the use of this legislation?

SHRI JAGANNATH RAO: There he is wrong. I will disabuse my hon. friend of this notion. Suppose a tribal lives in a particular area, he

will not be considered a tribal in another area. But under the amendment he will continue to be a tribal wherever he goes. That is the amendment we are bringing forward in the Bill which is coming up tomorrow. But the Fifth Schedule relates to areas where the proportion of the tribal population to the general population is 50 per cent or above.

Secondly, how are you going to see that areas where the tribal population is below 50 per cent are also developed? Some provision should also be made for the development of those tribal people. Again, under article 339, the executive power of the Union extends to the welfare of the tribal people. Therefore, my humble submission is that the Home Ministry which has taken charge of this department of tribal welfare, scheduled castes and scheduled tribes and backward classes, should bestow its attention and take follow-up action to see whether each project is going ahead according to schedule, what are the bottlenecks, what are the shortfalls etc., so that development in the tribal areas can proceed. Otherwise, I am afraid it will be a far cry.

श्री राम सहाय पांडे (राजनन्दगांव) :
फिफथ शेड्यूलड टू दी कांस्टिट्यूशन बिल जिसकी श्री श्रीम मेहता पायलट कर रहे हैं, इसका समर्थन करने के लिये मैं खड़ा हुआ हूँ। यह बड़ा सीधा सादा बिल है और जो उद्देश्य और लक्ष्य हैं उनको साफ करने वाला बिल है। इसमें केवल ये पांचवें शेड्यूलड का विस्तार चाहते हैं और इसका अधिकार प्रेजिडेंट को देना चाहते हैं।

जब प्लानिंग कमीशन ने दो सौ करोड़ का प्रावधान किया होगा उस समय उसके मन में कल्पना रही होगी कि जहाँ आदिवासी रहते हैं उन क्षेत्रों का विस्तार हो और वहाँ रहने वाले आदिवासियों का जीवन स्तर ऊँचा उठाने का प्रयास किया जाये। मध्य प्रदेश एक ऐसा प्रदेश है जिसमें सौ में से 33 लोग

[श्री राम सहाय बाबे]

आदिवासी हैं या हरिजन हैं, वे हैं जिनको हम सर्वहारा समाज कहते हैं। इस बिल में जहाँ आदिवासियों की संख्या पचास परसेंट है या उससे अधिक है केवल उनका ही ध्यान न रखा जाय बल्कि जहाँ उनकी संख्या इससे कम भी है उनकी भी अच्छी तरह से देखभाल होनी चाहिये, उनकी पढ़ाई लिखाई की व्यवस्था होनी चाहिये, उनके दवा दारु इत्यादि की व्यवस्था होनी चाहिये, उनका जीवन स्तर ऊँचा उठ सके इसके उपाय किये जाने चाहिये। सर्वहारा समाज की आर्थिक स्थिति को देखते हुये, आदिवासियों की स्थिति को देखते हुये, बिना के पाम कुछ भी बही है, जिसके पास खेतों नहीं है उनकी ओर हमको विशेष ध्यान देना होगा। यद्यपि 20 सूची कार्यक्रम के माध्यम से हम उन तक पहुँचने का प्रयास कर रहे हैं, कृषि बंटन हो रहा है, बहा इन्फ्रा-स्ट्रक्चर भी दे रहे हैं, उनके जीवन स्तर को ऊँचा उठाने की कोशिश भी कर रहे हैं, इस काम में बहुत तेजी भी लाना चाहते हैं लेकिन हमको देखना चाहिये कि यह जो बीज है इसमें डिल्ली न आने पाये। हमारे प्रदेश में बस्तर है जो केरल से भी बड़ा है, सरगुजा है, मण्डला है, कितने ही क्षेत्र हैं जहाँ जा कर उनकी स्थिति को अगर आप देखें तो आपका हृदय कष्टना से भर जायेगा। अगर हम उनके लिये मैस एंड देने की व्यवस्था नहीं करेंगे तो उनका जीवन स्तर ऊँचा नहीं उठ सकेगा। तब तक जो हमारा उद्देश्य है उनकी पूर्ति नहीं हो सकेगी। आपने दो सौ करोड़ का बाबे प्लान में प्रावधान रखा है और ट्राइबल सब एजेंसिज के माध्यम से आपने सभी राज्य सरकारों को कहा कि वे अपने अपने प्रोग्राम बना करके आपके पास भेजें।

उस दिन जब आप जवाब दे रहे थे तो आपने कहा था मध्य प्रदेश से कोई प्लान नहीं आया। जहाँ तक मेरी सूचना है मध्य प्रदेश से प्लान आ चुका है और शायद आपने उस प्लान को कुछ सुधारने के लिये

आपस में रखा है। मेरा निवेदन है कि 200 करोड़ रुपये बहुत कम है, इसमें आप कुछ नहीं कर पायेंगे। न उनको जमीन दे सकेंगे, न आर्थिक विकास कर सकेंगे, न इन्फ्रा-स्ट्रक्चर, न टेक्नी-काल एजुकेशन दे सकेंगे। यह केन्द्र की जो सीधी जवाब देही है स्टेट के साथ साथ यह कर वह आप पूरी नहीं कर सकेंगे, 200 करोड़ रुपये में। यदि आपको कुछ करना है और चाहते हैं कि उनके जीवन का विकास हो और सैकड़ों स्मॉल के आदिवासी जंगल में जीवन व्यतीत करते रहे हैं, कद मूत्र फल खाने हैं, जितना शोषण होता रहा है, जो बैडिड सेवर की तरह जीवन बिता रहे हैं, अगर चाहते हैं विस्तार के साथ, शेड्यूल 5 को देखते हुये जब विस्तार करते हैं तो वह विस्तार घरेली को दृष्टि के नहीं, जहाँ आदिवासी रहते हैं वही काफी नहीं है, बल्कि समग्र बिना आदिवासियों का आपसे सामने होना चाहिये।

मध्य प्रदेश में उनको स्थिति बहुत खराब है। नई जामुति जो हमने पैदा की है, नई चेतना के माध्यम से, विकास के माध्यम से, जो आवासन दिये हैं उनको, उनकी कुछ पूर्ति 200 करोड़ के माध्यम से कर पायेंगे। इतना ही नहीं प्रधान मंत्री जी ने एक बार कहा था कि हरिजनों और आदिवासियों के लिए एक जो मिनिस्टर्स का सैन बनना चाहिये। मैं जानना चाहता हूँ कि उस सैन के माध्यम से आप क्या करना चाहते हैं? उनके विकास में वह सैन रुक लेता है कि नहीं? मेरी दृष्टि से जितनी रुचि, प्रेम और भावना के साथ उनके विकास के लिये काम करना चाहिये, वह पैसों की कमी के कारण नहीं हो पा रहा है।

इसलिये मेरा माननीय भोम मेहता जी से निवेदन है कि आप प्लानिंग कमिशन से कहिये कि 200 करोड़ रुपये बहुत कम है, इसको जगह 500 करोड़ रुपये होना चाहिये। उनको संख्या को देखते हुये 200 करोड़ रुपये बहुत कम है। उनके जीवन उत्कर्ष के

लिये 200 करोड़ रुपये बहुत ज्यादा नहीं होगा। इस सब में जो प्रास्तावन दिये गये हैं उनको स्टेट मनीनरी द्वारा पूरा करने के लिये प्लानिंग कमिशन से आपको और ज्यादा पैसा लेना चाहिये। इन शब्दों के साथ मैं सम्मान करता हूँ।

SHRI P. VENKATASUBBAIAH (Nandyal): Mr. Chairman, Sir, I whole-heartedly welcome and support the amendment to the Fifth Schedule of the Constitution that has been brought forward by hon. Minister, Shri Om Mehta.

The Planning Commission in the Fifth Plan has allotted Rs. 200 crores for the all round development of scheduled areas. But I want to make it clear to my hon. friend, Shri R. S. Pandey, that this is in addition to the investment made by the various State Governments for development of tribal areas. This amendment is sought to give a greater sense of involvement and also greater economic betterment to the scheduled tribes people who were hitherto neglected.

It is intended to cover more than 2 crores of tribals in this country. The sub-plan idea is an idea which is not recently made. It was there previously. It has taken some time for the Planning Commission and the State Governments to realise the importance of the tribal areas and also to work for their social and economic development.

I shall tell you about Andhra Pradesh. Though, comparatively, in Andhra Pradesh there are less tribals, the area is so strategically important that the long-neglected areas have become a rendezvous for the anti-social elements and the Naxalite elements who created terror and violence and used the tribal people as cannon-fodder to foster their nefarious activities and also indulge in subversive activities. The Andhra Pradesh State Government has realised this danger and they have started giving massive

aid in order to develop this area. The necessary infra-structure has been laid and many institutions have been set up there exclusively for the socio-economic betterment of the tribal people. A Tribal Development Corporation has been set up in order to save these people from the exploitation of the plains people, particularly in the purchase of forest produce. The tribal people have been exploited to the maximum; their lands were occupied and whatever forest produce was there used to be taken for nothing; the plains people, the money-lenders and the vested interests used to exploit these people. In order to give them a sense of equality and also to better their economic condition, the Tribal Development Corporation has been set up, and it is working well.

Another important thing which the Andhra Pradesh State Government have done in this area is setting up of Land Development Bank exclusively for the tribal people. The Land Development Bank advances loans to the people for development of their land. It has been set up exclusively for the tribal people. This has not been done in other States. I hope, the other States and the hon. Minister also will see that institutions of this sort are stated exclusively for the tribal people for land development and other activities.

The tribal area in Andhra Pradesh provides vast potentialities for development, even coffee plantations are there—notably, the Araku Valley and other places. By and large, the tribal people are being drawn to the mainstream of national life. Unless these people form an important part or segment of our national life, unless they are brought to the mainstream of our national life, the significance of the 20-point Economic Programme will not be fully realised.

The worst type of bonded labour existed in this area; they had been taken for domestic purposes and they

[Shri P. Venkatasubbaiah]

had been kept under surveillance for many years. This is now being remedied, and vigorous steps are being taken that free them from the bonded labour.

Another important aspect is their education. Education was not there at all. Now schools are being started under the tribal plan; education is being imparted to these people.

Another important thing is about their cultivation. There was podu cultivation in that area; they could not cultivate the land continuously; only for one year they would cultivate and then they would go to other areas. Even that land that is assigned to them is being appropriated by the other people; they cultivate in their name. Now an Act has been passed that nobody can cultivate the land which has been assigned to the tribal people. These measures are being taken, and the sum of Rs 200 crores which has been sanctioned by the Planning Commission, to be spent for these notified areas, will go a long way in improving their lot.

16 00 hrs.

Though it may not be that sufficient as to bring them up to the level of the development of the other parts of the country, it is a good beginning made and I congratulate the Government of India. I congratulate and thank the Prime Minister for having thought of bringing these people who have been neglected for centuries into the mainstream of the nation, for their socio-economic betterment.

The provision of Rs 200 crores is not much, but a beginning has been made and I feel confident that more and more money will come. And also, there will be a sort of an income to the Government, not only income will get revenues from these tribal development activities and I hope the revenues they would get will be

ploughed back for the betterment of these people. With these few words I welcome this Bill and I hope a beginning has been made and further funds will be pumped in into the economy of the tribal people for their economic development.

श्री पून लाल डाक (पानी) : सर—
पति महोदय, मैं इस कांस्टीट्यूशनल क्लिब
के इन्फुल मेम्बरेंट बिल, 1976 का स्वागत
करता हूँ।

The purpose of this Bill is:—It is stated here:

"In order that the Sub-Plan areas may be declared as Scheduled Areas it is necessary to empower the President to increase the area of any Scheduled Areas in any State. The present Bill seeks to achieve this purpose."

राजस्थान का मैं घनना प्रश्न लेता हूँ।
श्री जी जब गृह मंत्री जी के पास मैंने नक्शा देखा
तो मुझे यह मालूम हुआ कि राजस्थान का
जो उदयपुर का हिस्सा है उस हिस्से को तो आप
ने शेड्यूल ट्राइब्स में लिया है लेकिन श्रीर
जो हिस्से है जैसे मेरा खुद का जो जिला है
पानी उम जिले में बाली का हिस्सा जिसमें 12
गाँव हैं बड़े बड़े उन गाँवों को बिल्कुल एक-
क्यूड कर दिया गया। तो मैं जानना चाहता
हूँ कि जो छोटे छोटे हिस्से हैं, याव हैं,
उनका क्या होगा? यह आपकी रिपोर्ट थी।

"Report of the Study Team on Tribal Development Programme"

A large number of tribal villages not covered by the Tribal Development Blocks have hitherto received scant attention at the hands of the planners. The tribal communities inhabiting these villages have received little or no benefit from the tribal welfare programme. The development of these villages could not be ignored. If these villages cannot be covered in the Fourth Five Year Plan, separate funds should be ear-

marked for their development on per capita basis corresponding to the per capita provision on the tribal population covered by the TD-Blocks."

मेरा कहना यह है कि जो बिनेजरी बिन्दुन एक्सक्लूड कर दिये हैं उनका क्या होगा ? आपने कहा कि 50 प्रतिशत पापुलेशन जहाँ उनकी है उस जिले को डिक्लेयर कर देंगे । लेकिन कुछ तहसीलों हैं, तहसीलों के गांव हैं उनको आप ने हटा दिया । मैंने वह नक्शा देखा था । उसमें केवल उदयपुर का इलाका तो आपने लिया है । बाकी पाली जिले के जो इलाके हैं बाली, नागा, बेड़ा वगैरह उनको एक्सक्लूड कर दिया है । मिरोही का भी कुछ हिस्सा है । आपका यह कहना है कि हमें गवर्नर को पारस होनी । गवर्नर आप के सामने रेकमेंड करेगा और आपको आप भर्नेगे । लेकिन गवर्नर को रेकमेंडेशन मानने के पहले हमको फिफ्थ गेड्यून में जब थर्ड-मैट मानना है तो हमें भी मालूम होना चाहिये कि इनारे प्रान्त का कौन कौन सा हिस्सा शेड्यूलड ट्राइब्स के अंतर्गत लाया गया, वहाँ पर विकास के लिए प्रोजेक्ट क्या क्या बनाये जायेंगे ? लेकिन हमें यह मालूम नहीं हुआ और ऐसी हालत में मान लीजिये 200 करोड़ रुपये इन पर खर्च होना है तो वह केवल एक एरिया में होगा । मगर जहाँ पर शेड्यूलड ट्राइब्स के लोग रहते हैं पाली और सिरोही जिले में उनको हालत सुधारने के लिये क्या कदम सरकार का होगा ?

यह एक बहुत बड़ा सवाल है । क्या आप उन लोगों से कहेंगे कि उनकी जो राज्य सरकारें हैं वही प्लान बनाकर देंगी और क्या केन्द्रीय सरकार उन जगहों के लिये कोई मदद देगी या नहीं । 50 परसेंट से ज्यादा जहाँ पर ट्राइबल पापुलेशन होगी वहाँ के लिये आप प्रोजेक्ट बनायेंगे लेकिन जहाँ पर आदिवासियों की संख्या कम है वहाँ पर उनके विकास के लिये केन्द्रीय सरकार मदद देगी या नहीं—यह एक प्रश्न है । आज भी केन्द्रीय सरकार जो पैसा खर्च करती है वह कुछ

एरियाज में ही खर्च होता है लेकिन जो एरियाज अनुसूचित नहीं हैं, जहाँ पर कोई भी विकास नहीं हुआ है, वहाँ टी० थो० ब्लाक्स नहीं खुले हैं वहाँ पर क्या होगा ? उदयपुर में टी० थो० ब्लाक खुला हुआ है, दूसरी जगहों पर भी है लेकिन बाली और सिरोही में जहाँ यह लोग रहते हैं वहाँ पर आपका पैसा लगा ही नहीं है । जालौर जिले की भी यही स्थिति है । तो इस तरह के जो हिस्से हैं, जहाँ पर ट्राइबल लोग रहते हैं वहाँ पर क्या होगा ?

दूसरी बात यह है कि इस सम्बन्ध में जो विकास कार्य किया गया है उस के लिये एस्टि-मेट्स कमेटी ने साफ लिखा है कि हमें उसके कोई सेटिस्फैक्शन नहीं है । उन्होंने लिखा है :

The recent report of the Estimates Committee 1974-75 says:

"The Committee feel that despite the general concern by the Planning Commission in the successive Five Year Plans for removing the regional imbalance and for the development of backward areas, the progress made in this behalf has been far from adequate."

इस्टिमेट्स कमेटी ने 1974 में अपनी रेकमेंडेशन की है जिसमें उन्होंने बतलाया है कि पिछले सालों में जो प्लान हम बना रहे थे उन प्लान्स का कहीं भी गवर्नेरकुल इम्प्ली-मेंटेशन नहीं हुआ है । इसका कारण उन्होंने यह बताया है कि ऐसे अधिकारी लगाये जाते थे जो मिशन की भावना से काम नहीं करते थे । ऐसे लोग लगाये जाते थे जिनको उस काम में कोई इन्ट्रेस्ट नहीं होता था । कमेटी ने सलाह दी थी कि आदिवासी इलाके में उन लोगों को काम करने के लिए भेजना चाहिये जिनमें मिशन की भावना हो । इसके अलावा फिफ्थ गेड्यूल में कुछ ऐसे कानून बनने चाहिये जिनसे आदिवासीयों का लाभ हो सके । आज भी वहाँ से आप मनोनिर्णय को हटा रही

[श्री मूल चन्द डागा]

सके हैं। आज भी वहाँ पर मनीलेन्ड्स मौजूद हैं। कई बार कहा गया कि उनको आप वहाँ से कानून के जरिये से हटा दें लेकिन आप उनको हटा नहीं पाये। (व्यवधान) इसी के साथ दूसरा काम यह करना था कि आदिवासियों की जो जमीन मटंगेज हो गई थी वह छुड़ाकर उनको दिला दी जाये। दूसरे स्वर्ण लोगों ने जो उनकी जमीनें दबा ली हैं वह उनको लौटा दी जायें लेकिन वह काम भी नहीं हुआ। तीसरा काम यह था कि बंधुआ मजदूरों को मुक्ति दिलाकर काम दिया जाये। वह भी पूरा नहीं हुआ। ट्राइबल एरियाज के लिये अलग कानून बन सकते हैं, आपके स्पेशल लाज हो सकते हैं उनको लागू करके जो लाभ उन लोगों को पहुंचाना चाहिये वह नहीं पहुंच रहा है। इसका साथ साथ फिफथ शेड्यूल में ऐसे कानून बनाने चाहिये और उन पर सख्ती से अमल करना चाहिये ताकि आदिवासियों को लाभ पहुंच सके।

जहां तक फॉरेस्ट का सवाल है, मैंने कई बार कहा है कि फॉरेस्ट को बहुत ज्यादा उजाड़ा गया है। इन व्हाइट-काल्ड लोगोंने, ठेकेदारोंने जंगलों को बिल्कुल खत्म कर दिया है। आदिवासियों के लिये अब न जंगल रहे, न मनी लेन्ड्स की बीमारी दूर हुई और न उनको जमीन मिली। उनके लिये जो डेवलपमेंट होना चाहिये, वह नहीं हुआ। इस लिये जो एरिया आप बतला रहे हैं —

"According to the new approach, specific programmes are to be prepared for each project area keeping in view its special problems."

तो एक बात आपने यह कही है कि उसकी स्पेशल प्राबलम्ज को ध्यान में रख कर कानून बनाये जायेंगे।

"The Sub-Plan also accords highest priority to elimination of

exploitation, bonded labour, indebtedness, etc."

ये बातें आपने स्टेटमेंट आफ ग्रांजेंट्स एण्ड रीजन्ज में कही है। मैं आप से यह कहना चाहता हूं कि उससे जितनी प्राबलम्ज है उनको दूर करने के लिये आप को सख्ती से काम करना चाहिये। आप इस सम्बन्ध में सख्त कानून बनायें, गवर्नर को 5वें शेड्यूल में स्पेशल पावर्त हैं, उसके जरिये आप उनकी दिक्कतों को दूर करें।

SHRI GIRIDHAR GOMANGO (Koraput): Mr. Chairman, sir, I rise to support the Fifth Schedule to the Constitution (Amendment) Bill, 1976. The objects and reasons have been given in the Bill. The hon. Minister also has made his view point while introducing this Bill.

Sir, this Bill is very simple. When we proposed the sub-plan area consisting of 50 per cent tribal population, it became necessary for the Government to include these areas in the Fifth Schedule so that there will be no discrimination between the Fifth Schedule area and the sub-plan area.

Sir, the most important point that has been made in this Bill is regarding raising the standard of administration in the tribal areas and this responsibility has been entrusted to the Centre and the States. Under Article 275(1) the Centre and the States have been given responsibility to allocate money for the development and administration of scheduled areas. There are a number of provisions in the Constitution for the tribals. The law which is given in the Fifth Schedule will be covered under the sub-plan areas also. So far we have achieved very little in some areas and something more in other areas. The reason being the level of administrative structure that an area is possessing. Where the administrative structure is better there we have achieved something and where the

administrative structure is not good there we have achieved nothing.

Sir, I would like to make a query from the hon. Minister. The new Plan which is a sub-plan in the Plan—according to the policy decision—the States should earmark the money for the tribal areas from the State sector. I want to know the names of the States who have ear-marked tentative allocation in their State plans for the tribal areas. I would also like to know the names of the Ministries at the Centres who have earmarked money for the sub-plan areas. The financial institutions should be integrated in the sub-plan areas. For the achievement of the goal which is proposed under the sub-plan, integration of different developmental departments is necessary both at the Centre and the States.

At present, power has been given to the Centre under art. 239(2). But under this, only direction can be given, not directive. That is why after completion of two years of the Plan the Centre is asking the States for the preparation of ITDP project. They are not listening to the Centre. I am not accusing the States. Power has been delineated in the Constitution. According to art. 275(1), it is the responsibility of the Centre and the States, specially the States, where the execution of the projects is going on. There is a TD project sponsored by the Ministry of Agriculture. The administrative setup is different. The money is sent from the Centre direct to the project area. But here in the sub-plan area, what will happen? The States will not have the money. The Centre will definitely give the money. We have nearly Rs. 200 crores and Rs. 65 crores will be spent up to the end of the financial year, and the rest of the money will be spent when the plan will be submitted to the Ministry of Home Affairs..

I make an earnest request to the Minister. If the States do not agree with the principles and policies

underlying the decision, if they do not give the money, if they will give the money which they are proposing to be spent to the Centre, the Centre can combine the special assistance money and State money here and send it direct to the project authorities.

There is another point. Here the budget session meets in the month of March. The working season in the tribal area is generally upto June. I am not arguing that the time of the budget session should be shifted to the end of the rainy season. I am only saying that the money which is released to the tribal area should be up to the end of June, not up to the end of March.

In the administration, there is the ladder system. I want, and the tribal areas require, a single-line administrative set-up by the Centre. The Planning Commission had a Study Group to study the administrative setup in tribal areas. They have adopted a certain pattern for this. Has this been sent to the different States asking them to adopt this administrative setup? It has not been done. I am not accusing the Minister. Though I belong to Orissa, I am not referring to the problem of that State only, because this is a tribal sub-plan for the whole country. We represent the whole of the tribal people in the country. We want to make use of the opportunity provided by the Constitution for our development. If we cannot at least achieve in the tribal areas the tempo of development going on in the country as a whole, we cannot achieve our objective after this period is over.

We are very much obliged to the Prime Minister for the keen interest she has taken in finalising this scheme. The Home Minister and the Home Ministry have also taken the decision to prepare a plan and send it from the Centre to the concerned authorities and States.

The purpose of this legislation is not allocation only. I would request

[Shri Giridhar Gomango]

the hon. Minister to discuss with the Chief Ministers/State Governments the question of raising the standard of administration. The problem of money will not be there because that is ensured by art. 275. But the money given should be properly spent. There lies the importance of the quality of the administrative setup. With the hope that the proper administrative setup will be ensured, I conclude.

सरकार स्वर्ण सिंह सोनी (जमशेदपुर) : यह जो बिल लाया गया है इसका मैं स्वागत करता हूँ। मैं उस इलाके से आता हूँ जिसको छोटा नागपुर का इलाका कहा जाता है, जो साउथ बिहार में है और जहाँ मैजोरिटी आदिवासियों की है, गैडपूल्ड ट्राइब्स की है।

मिनिस्टर साहब ने एक बात कही है कि श्री कार्तिक उरांव जो यहाँ के माननीय सदस्य हैं वह छोटा नागपुर डेवलपमेंट बोर्ड के वाइस चेयरमैन हैं। जो बोर्ड बनाये गये हैं उनके चेयरमैन को कोई अधिकार नहीं दिये गये हैं। आप माननीय कार्तिक उरांव जी में पूछ लीजिये क्योंकि यह चेयरमैन हैं। मैं भी उस कमेटी का दो साल तक मेंबर रहा हूँ। एक एम० पी० के द्वारा जहाज के टिकट तथा का पैसा नहीं दे सकते। उनकी सकारिशों को काट दिया जाता है। डेवलपमेंट बोर्ड्स की कोई पावर नहीं है। कानून आप के बन गये हैं लेकिन उनका इम्प्लीमेंटेशन नहीं होता। उन के इम्प्लीमेंटेशन की पूरी कोशिश होनी चाहिये। पांचवें शेड्यूल के पैरा 6 में कहा गया है कि यह संसोधन रेशनलाइजेशन के लिए है। जो एरिया अभी शामिल किये गये हैं पांचवें शेड्यूल में सब-प्लान एरिया में उनके रेशनलाइजेशन की बात है। पैराग्राफ 6 (बी) में लिखा गया है :

"alter, but only by way of rectification of boundaries, any scheduled Area;"

यह एक लाइन लिखी हुई है। एक बात के बारे में मैं क्लैरिफिकेशन चाहूंगा कि यह जो

बाद पाँचवें शेड्यूल में जो आब अमेंड कर रहे हैं यह जो रेक्टिफिकेशन बाऊंड्रीज है, जो बाऊंड्रीज अभी हैं, उनको किस आधार पर रेक्टिफिकेशन करने जा रहे हैं? अभी सिविल प्रोवीजर बोर्ड बिल के बत कहा गया था कि जो 1971 की सेक्स है वही 2000 ए० बी० तक चलेगी। आबादी बढ़ जायगी, फिर भी उसी पोपुलेशन के आधार पर प्लान बनेगा। और जो 528 से 542 सीटें बढ़ी हैं इनमें शेड्यूल कास्ट और ट्राइब्स को सीटें कम की गई हैं। तो इनकी आबादी बढ़ती है लेकिन उनका ठक कम हो रहा है। इस चीज को आप को देखना चाहिये।

आप पांचवें शेड्यूल के पैरा 6 में मंजूर न लाये हैं, यह ठीक है। लेकिन मेरा मुद्दाव है कि आप एक बा अन्टी कमिशन ब्रायें, जैसे एस० आर० सी० कमिशन ब्रा था। वह बा अन्टी कमिशन पूरे देश के आदिवासी इलाकों के बारे में एडमिनिस्ट्रेशन करे ताकि कितने को भिन्नियत का मौका न रहे।

पैरा (ग) - 4 F.

"The Governor of each State having Scheduled areas therein shall annually, or whenever so required by the President make a report to the President regarding the Administration of the Scheduled Areas in the State. ..."

यह तो इतना लिखा जरूर गया है। इसमें कोई अमेंडमेंट भी नहीं है। लेकिन एडमिनिस्ट्रेशन की रिपोर्ट्स किन किस्म से तैयार होती है यह हम लोग जानते हैं। शेड्यूल एंड बाइंडरी कमेटी के जितने सदस्य होते हैं वह लोग भी होते हैं, कुछ काम नहीं करते हैं, केवल दस्तावेज बनते चले जाते हैं। इन सब बातों को तरफ ध्यान देना चाहिये और इन के बारे में बन्दोबस्त करना चाहिये।

एक बात और कहनी है पैरा 5 के सेक्शन (1) और (2), सब-सेक्शन (ए), (बी),

(सी) और सेक्शन (3), (4), (5) में
लिखा हुआ है :

It means, the area has been neglected by the Administration, especially in Bihar.

आज भी वर्नलैंड्स हैं। एडः आदिवासी की जमीन दूसरा आदिवासी नहीं ले सकता। लेकिन नीची में जो आदिवासी बकील है, अगर एक गरीब आदिवासी कचहरी में जाता है, तो उनकी जमीन वह आदिवासी बकील मटेगेन रख लेता है। ना इस दिम्ब की बातों को आप को बंद करना चाहिये।

इन शब्दों के साथ मैं इनका समर्थन करता हूँ।

SHRI CHAPALENDU BHATTACHARYYA, (Gridih): Sir, I welcome the Bill for the simple reason that it rationalises the arrangement and the sub-plan area now becomes coterminous with the scheduled area. This is really clearing the deck for action, so that no procedural difficulties should arise

Rs. 200 crores allotment is all right, but these 26 years which have gone by have been years eaten by locusts. The adivasis, through a series of chain reactions, living in forests, with forest laws preventing them from cutting down trees, have been driven to usury, mahajans and land alienation and later on, as it happened in my area in Pirtand, Tunde, Gonde and Dumri, it led to confrontation. This process which took place in our area in 1973-74 is the underlying process. We have to reverse the trend. The Planning Commission's macro and anchal or block-wise approach will not serve the purpose. Shri Om Mehta said in his opening speech that while the previous arrangement covered only 44 per cent of the population, now it will be 66 per cent. Kindly make the gram panchayat the base of your effort, not anchal. If you cannot do that, the least you can do is to make per capita allotment to the anchals which have 20 per cent adivasi popula-

tion to be spent on the advasi areas or adivasi villages, so that the leeway can be made up very soon.

The adivasis live on a particular belt stretching from Bakura to Bombay, full of forests and full of minerals. The forest laws prevent them from cutting down the trees and the metalliferous mines regulations prevent them from even doing the prospecting. I know many of them are home-grown geologists. They can find ground water and minerals by their own techniques. We have not been able to take advantage of their knowledge and their instinct. Therefore, if we have to make a real attack for reversing the process of regional variation of growth through macro planning, we have to make it a broad front. It will also require follow-up action in amending the Mineral Concession Rules and Metalliferous Mines Regulations. I know mineral-bearing areas have been ploughed up by the adivasis. They say, "We cannot work it. So, we are growing one crop." Because it has been macro planning, the entire approach has passed these areas by and things have gone from bad to worse year by year. We have made a break in the Chotanagpur Development Autonomous Authority. The Vice-Chairman is sitting there. He is dissatisfied and I am also not satisfied with the pace of growth. We have to develop an effective, alert, organisational apparatus to give effect to the policies decided by the Government of India, so eloquently outlined in the new economic programme.

Sir, I thank the Home Ministry for bringing out this sub-plan as a component of the larger Five year Plan. It should have been there from the First Plan itself. Then these variations would not have taken place.

In spite of the Chotanagpur Tenancy Act being there, the Home Minister has to enquire as to how is it, when the HEC came up, when the DVC built their demands, the Adivasis lost

[Shri Chapalendu Bhattacharyya]

their land. They did not get any jobs; the jobs went to the smart, not to the needy, not to the people who really deserved them.

There are many development devices, there are many apparatus of development like irrigation, crop pattern, electricity, small dams etc. I need not elaborate them. I only urge that Rs. 200 crores is insufficient to make up for the lag, which has grown over the last 25 years. There must be effective integration in the allotment; the anchal-wise allocation should be either reduced to gram panchayat-wise allocation, or those anchals which have less than 50 per cent population of adibasis should be allocated *per capita* so that the adivasi villages in those anchals should also come to join the mainstream.

After all, it is a process of national integration, and India can never reach its destiny unless we take these millions of adivasis along with us into the broad and expansive future which is opening before us. I support the Bill.

श्री चणिका प्रसाद (बलिया) : सभापति महोदय, मैं उसियत विवेचक का स्वागत करता हूँ। और यह कह सकता हूँ कि इस सम्बन्ध में माननीय मन्त्री जी से कई बार हम मिल भी चुके हैं। यह विवेचक हमें यह अधिकार देता है कि फिफ्थ शेड्यूल में यह एरिया बढ़ाया जाय। इस सिलसिले में मैं यह निवेदन करूँगा कि हमारा उत्तर प्रदेश देश का सबसे बड़ा हिस्सा है और हिमालय भी इसके रेंज के अन्दर आता है। हमारे यहाँ तीन चार पाकेट्स इसके हिमालयन ट्राइबल एरिया में पड़ते हैं जिसमें थारू जन-जाति बसती है। उसी थारू जन-जाति के बहुत से लोग मैदानों में आकर बस गए हैं जिनको हमारे यहाँ गोंड, कहार, खैरवार, रगवा, गन्धर्व, बड़ई आदि कहते हैं। बैकवर्ड क्लासेज कमिशन ने यह कहा है कि ये जातियाँ थारू जन-जाति की ही जातियाँ हैं। इन जातियों के लोग हमारे यहाँ खेतिहर मजदूर और

बंधुवा मजदूरों के रूप में काम करते हैं और उनकी हालत आज की हमारी बढ़ती हुई राष्ट्रीय धारा के समय में भी इतनी खराब है कि उनके खाने का भी ठिकाना नहीं है। उनकी इस स्थिति को देखते हुए मैं मन्त्री महोदय से निवेदन करूँगा कि हमारे उत्तर प्रदेश में ये जातियाँ जिन एरियाज में पाई जाती हैं उन एरियाज को भी इसमें शामिल किया जाय।

श्री मंगल उइके (मंडला) : सभापति महोदय, मेरी बोलने की इच्छा तो नहीं थी। मेरी तबियत अच्छी नहीं है। पर सभी भाषणों को सुनने के बाद बोलने की इच्छा हुई। मैं मन्त्री जी को यह बिल लाने के लिए धन्यवाद देता हूँ और इस का समर्थन करता हूँ। लेकिन इसके साथ साथ मैं कुछ बातें भी रखना चाहता हूँ। मन्त्री जी जरा उन पर ध्यान दें।

यह बात जरूर है कि इस पंचम अनुसूची को जहाँ जहाँ आदिवासी घनी तादाद में आवादी में बसे हुए हैं उनके लिए ऐसा बिल लाना आवश्यक था लेकिन इस पंचम अनुसूची के अन्दर जो एरियाज 26 जनवरी 1950 से आते हैं उनकी क्या हालत है वह मैं मन्त्री महोदय के सामने रखना चाहता हूँ। उस पर ध्यान दें, नहीं तो अभी जो बढ़ा रहे हैं यह कागजों में दिखेगा तो जरूर लेकिन उसका कुछ अर्थ नहीं निकलेगा।

मेरे जिले में 17 रेवेन्यू सर्किल हैं, जिनमें दो रेवेन्यू सर्किल शेड्यूल्ड एरियाज हैं मैंने उनका टूर पिछले मार्च महीने में किया। उस शेड्यूल्ड एरिया में 65 फ़ारेस्ट विलेजेज हैं, वैसे टोटल मध्य प्रदेश में 3005 फ़ारेस्ट विलेजेज हैं, जिनमें 99 प्रतिशत आदिवासी रहते हैं। उन 65 गांव के लोगों ने मेरे पास शिकायत की कि सितम्बर महीने से जो उनको डेली-वेजेज मिलने चाहिये वह फ़ारेस्ट डिपार्टमेन्ट ने नहीं दी है। सितम्बर से मार्च तक सात महीने की डेली-वेजेज उनको नहीं मिले हैं। इतना ही नहीं मुझे लोगो ने

बताया कि इन्दिरा जी के नाम पर 800 रुपये तक किसी किसी धारणी के चप्पा बसूल किया गया है। ये किसानों पर टिकन हैं, जो मैंने इधर-उधर खोजी हैं, लेकिन मैं होम मिनिस्ट्री की नजर में भी लाया चाहता हूँ। जब तक प्राप सी०बी०आई० क्षेत्र कर इनको नहीं परकेंगे, तब तक शेड्यूल एरिया बनाने से कोई फायदा नहीं होगा। मैंने शेड्यूल एरिया में सब से ज्यादा एक्स्प्लायटेशन देखा है। फारेस्ट विलेज में गिनती काप हुई है, उनमें जो वास्टली काप है जैसे सरसों घायल मीड, जिनका भाव प्रती 150 रुपये क्विंटल है, उस सरसों के 60 बोरे फारेस्ट प्रकरों ने उन लोगों से लेकर बेच दिये। 60 बोरे प्रती भी एक के घर में मौजूद हैं, जोकि आप जा कर पकड़ सकते हैं। फारेस्ट वानों ने वहां में 6 लाख की लकड़ी हटा दी है—वह कोई छोटी-मोटी बात नहीं है। इसके अलावा मैंने गिनता मफर किया है—मैंने कलक्टर को भी बताया, कर्ज की मुक्ति की भी बात की तो दो रेवेन्यू मजिस्ट्रेट ने उन्होंने 56 लाख का कर्ज निकाला। वहां पर कोई रजिस्टर्ड साहूकार नहीं थे। आपकी पंचम अनुसूची में यह है कि जो ट्राइबल एडवाइजरी कमेटी होनी है और जो गवर्नर है, उनकी जवाबदेही है कि उस एरिया में कोई अन-रजिस्टर्ड साहूकारी न करे, लेकिन वह तो मझे गवर्नमेंट सर्वेंट भी साहूकारी करने मिल। टीचर्स साहूकारी करते थे फारेस्ट यफ पर और पुनिम वाले—सैरडों—साहूकारी करते मिले। यह तो मैंने शेड्यूल एरिया की बात कही है, लेकिन हमने भी गये-बीते एरिया वहां पर मौजूद हैं।

उस वक्त पार्लियामेंट के ऊपर केवल दो सफिल को शेड्यूल एरिया बनाया था। जब यह सवाल उठा था कि हम से भी पूछना चाहिए था न पूछने पर भी जो कुछ आपने किया है, वह बाकि है। 50 परसेंट आन्विषरी पब्लिकेशन के एरिया में यदि आपकी कुछ करना है तो सेन्स में विभि-

पापुलेशन बनती है, कटबोरी हलके की पापुलेशन बनती है, रेवेन्यू सफिल की पापुलेशन जाती है, तहसील और डिस्ट्रिक्ट की पापुलेशन जाती है—उसमें कितने परसेंट आदिवासी हैं, इसको मैंने देखा है। डीलमिटेसन कमेटी का मेम्बर होने की वजह से 45 जिलों की विलेज सेन्स रिपोर्ट मेरे पास है—उसमें मैंने देखा है कि हमारी स्टेट में 50 परसेंट के आकार पर जो सब-प्लान प्रोजेक्ट बनाये हैं वे सही हैं, इसमें कोई प्रॉब्लम नहीं हुआ है। इसको पास करने से कोई फायदा नहीं होगा। मैं 20 साल से एडवाइजरी कमेटी का मेम्बर हूँ—मैंने कभी नहीं देखा कि प्रेसिडेंसी में कोई बिल पास हुआ और यदि वह आदि-बासियों को नुकसान पहुंचाता है तो उसको एडवाइजरी कमेटी राज्यपाल से रिपील करा सकती है, लेकिन कभी राज्यपाल ने कोई सुझाव दिया हो, या हम ने किसी बिल को रिपील करने की कोशिश की हो, उसका मवाल उठाया हो तो वह रिपील हो गया हो—ऐसा कभी नहीं हुआ।

इस तरह से मैं 25 सालों से देख रहा हूँ कि ट्राइबल एडवाइजरी कमेटी भी उपयोगी नहीं है और जो आप ने शेड्यूल एरिया बनाये हैं वे भी उपयोगी नहीं हैं। क्योंकि स्टेट में मिनिस्टर हैं या सेंक्रेटरी हैं—वे तो कलक्टर के ऊपर और कलक्टर अपने छोटे प्रकरो पर निर्भर करने हैं। आदिवासी कोई शोर करने नहीं हैं और प्रती शिकायत ऊपर में नहीं आते। अगर कोई आदिवासी का भना चानने वाला प्रकरो आये—तो एक कलक्टर तो आपने यहाँ ही बैठा है—उसका ट्रैफिक कर दिया गया। ये वानें आदिवासी डिस्ट्रिक्ट में चल रही है। वहाँ पर डिस्ट्रिक्ट सबल पर जो प्रकरो होते हैं, वे समझते हैं कि अगर हम ट्राइबल के पक्ष की कोई बात करेंगे तो हमारे ऊपर कुछ न कुछ हो जायगा। पोलिटिक्स गरीबों को नहीं चाहता है। इसलिये मैं कहता हूँ—अन इन्दिरा जी का बीस सत्री कार्यक्रम नहीं होता तो आप जो

(श्री बंगरु उइके)

कुछ हमारा भला हुआ है, वह पिछले 25 सालों में ट्राइबल वेलफेयर से नहीं हुआ, जो पिछले एक साल के अन्दर हुआ है—यह बड़े गौरव की बात है।

मैं आप से यही कहना चाहता हूँ—जब तक आप की तरफ से गेडवुड एरियाज में सुपरविजन नहीं होगा, देखभाल नहीं होगी, काम नहीं चलेगा। हर राज्यपाल को डायरेक्शन दी जाय कि पांचवी सूची में जो कुछ दिया गया है, उसके अनुसार लगातार रिपोर्ट उनकी तरफ से मानी चाहिए। इस के ऊपर और ज्यादा बहस की जरूरत नहीं है—राज्यों पर छोड़ देने से काम नहीं चलेगा, आपको स्वयं आगे आकर कार्यवाही करनी चाहिए। डिस्ट्रिक्ट लेवल आफिसर की भी सचिप फाइल होती है, वे नहीं चाहते हैं कि उनकी फाइल बिगड़े, इसका ख्याल उनको करना होता है। मैं बहुत से लोगों के सम्पर्क में आया हूँ और हम पोलिटीशियन्स ही उनको बिगाड़ते हैं।

SHRI B V NAIK (Kanara) Mr Chairman Sir, I welcome this Bill and, with due deference to our hon Minister of Parliamentary Affairs, I am not moving my amendment. So, what I would have spoken in regard to my amendment, I am speaking

The scheduled areas are the limited amendments under consideration I hope, the hon Minister of Home Affairs will be receptive to the suggestions from the Governors which are going to come even though he is not very receptive to our suggestions because he is busy in his conversation and we cannot object to that

Article 342 lays down that scheduled tribes have to be notified by the President. In this behalf, I must admit that the Scheduled Area Part A States Order is an order of the year, 1950, when the States of Maharashtra, Karnataka and Gujarat were called

as the State of Bombay. There have been such huge gaps in regard to the location of scheduled tribes. I do not know when these gaps are going to be made up. First of all, I would say, as this is a very important subject and the scheduled tribes, for the first time have become aware that our Prime Minister is basically interested in their welfare, that by doing justice to the scheduled tribes as a whole, some missing links may not feel that greater amount of injustice has been done to them

Even though the alien rulers of this country made a very good contribution to the administration, in the Survey of India which was carried out with meticulous care, I think, we are going by the rule of the thumb when it comes to the identification and location of these tribes. A thorough, scientific and masterful survey of the anthropological tribes in this country has never been done. I would request the Government of India to kindly appoint a high-powered body called as the Anthropological Survey of India. Then, I will find in my own district nearly 1 lakh of people who are tribals. If I may say so their costumes are different. So, if only the Home Ministry were to appoint such a survey of man to man, then only you will be able to identify what are the scheduled tribe areas

We are today identifying the scheduled tribe areas. Some of us, definitely, know that while some part of the country have been over-served by the tribal orders and the benefits that go to them, we know, right under our nose, that there are tribes living in our areas who are not being treated as scheduled castes or scheduled tribes who, till recently, were not being treated as backward classes. A population of one lakh does not even have three graduates. Who is backward? Shall I say that our ex-Chairman of the Committee on Scheduled Castes and Scheduled Tribes,

Mr. Basumatari, is backward? Shall I say that our Hon. Deputy-Speaker of this House, a very talented and able Deputy-Speaker, Mr. Swell, is backward? While these people have produced one lakh of population, they do not have even three graduates. Under these circumstances, unless and until the Government of India does a thorough survey of these things, all these marginal improvements and amendments will serve the purpose of only those who are already getting the benefits and will not serve the purpose of those who directly need the benefits of the Scheduled Areas. I hope, Government will apply its mind to this aspect.

SHRI OM MEHTA: I am thankful to all the hon. Members of this House who have supported this Bill.

In the policy, there have been some drawbacks. I agree. If those drawbacks had not been there, then there would not have been any need to change the policy for tribal development.

It is for the first time that this concept of integrated tribal development block has been introduced in the Fifth Five-Year Plan. It is known to the House and to everybody that the tribal people who live in the most undeveloped and backward pockets of our country have been exploited for centuries; they have been exploited by the money-lenders; they were exploited by the foreigners who came to this country; so, they remained backward. We brought the concept of tribal development blocks. More than 500 tribal development blocks were there. Central assistance was given to the States, so that they could develop, but unfortunately the exploitation has remained there; the States, instead of spending some money from their own State Plans, spent only that money which was given by the Centre. So, seeing their plight, seeing that, after 20 years of independence, they have not come up to the standard our Prime Minister

was kind enough to pay a special attention to the development of tribals, and it is for the first time that this concept has been introduced. This concept has been that we must protect them from exploitation and we must raise their standard of living and their educational level.

When the subject came to the Home Ministry—it was, earlier, being dealt with by the Ministry of Social Welfare—we immediately called a Conference of the State Ministers and Chief Ministers responsible for tribal development, and there certain hard decisions were taken. The first decision we took was to change the excise policy; we said that vending of liquor through contractor should not be there in the tribal areas. I plead guilty that, in spite of our calling the Conference and advising the Chief Ministers, all the Chief Ministers have not done it; but in the majority of the States, it is being done; in some States in tribal areas the new excise policy is in operation and vending of liquor through contractor has been stopped.

Then there was the question of review of land laws and restoration of alienated lands which were taken away from the tribals by hook or by crook by the money-lenders and other exploiters. We brought some laws that these lands should be restored to the tribals.

In many States—Mr. Ukey acknowledged it also—when the 20-point programme was launched after the emergency, it was for the first time that action is being taken on that and most of the States have passed laws under which alienated lands which are there are being restored to the tribals.

Then comes the forest policy. Sir, I also come from a forest area and I know how in many forest produce things are happening. It is the tribal who knows how to get it and then

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come the contractor who used to exploit these poor tribals and take the minor forest produce at very cheap prices and sell it to government or other agencies at a very high price, making a lot of profit. We have advised the State Governments that this should be put an end to, that the co-operatives should purchase these minor forest produces from the tribals or the State Government itself should directly purchase these minor forest produces from the tribals so that all the benefits can go to the tribals rather than going to the middlemen.

Then in the field of marketing policy, there also we are taking steps so that exploitation of the tribals by these money-lenders can be stopped. Nowadays what happens particularly in Madhya Pradesh, and Orissa and Bihar is that if a money-lender gives a few rupees to a tribal, he makes him bonded labour for life. The tribal people are simple people and they do not know the calculation and other things. A few hundred rupees are given to them and for their whole life they have to serve that man because he will say that it is the interest that has been paid and the original still remains. So he becomes a bonded labourer to the money-lender. To end that exploitation also laws have been passed and you know liquidation of indebtedness is one item of the 20-point programme. An alternative system of credit is also being provided and particularly in the tribal areas we are seeing to it that when they need consumption loans there also some arrangement should be made so that they have not to go to those very money-lenders who will now exploit them with redoubled vigour.

About administration also...

SHRI R. S. PANDEY (Rajnandgaon): You should also collect the

information about the land distributed to these Adivasis, whether infrastructure has been provided, whether any money has been provided or not and whether any house construction material has been provided to them or not.

SHRI OM MEHTA: I have listened to Mr. Ram Sahai Pandey who spoke in a very very able manner and expounded the cause of the tribals of his area. I will reply to the points raised by him when I come to that.

I know Mr. Ram Sahai Pandey has worked hard for the tribal uplift because there is a heavy concentration of tribals in his constituency. He has always been coming to me for one thing or the other and I always tried to help.

I will tell him that we are providing for forest administration also. A single line of administration has been provided with effective delegation. Previously, postings in tribal areas were considered as punishment postings. Whenever any officer was found unfit in urban areas, he used to be posted in the tribal areas. We have asked the State Governments that this should be totally discarded and only able and honest officers should be posted there. We have also told them that unless you make it more attractive, efficient officers may not be forthcoming to go and serve in the tribal areas. But we have appointed some efficient officers and given them incentives in the form of money and facilities so that those who are posted in the tribal areas—they must also be given more allowances—can live in that area. Most of the States have agreed to that (Interruptions). Those officers who are posted in the tribal areas are given some more money because they might often find some hardships because they will not get the same facilities which they enjoyed in the city and they have to keep their children in some schools. Whenever we are giving this incentives to the officers, it is

only because they may not think that their posting there is a sort of punishment. Like this, a lot of things have been done.

The other point that has been raised is that only Rs. 200 crores have been allocated in the Fifth Five Year Plan. That is not much. We should give more money for the purpose. I must say that money is no constraint and I can assure the hon. Member that if the Administration wants to spend money, there will be no constraint on our side. It is not that Rs. 200 crores only have been provided for. Under the new policy, in the Fifth Five Year Plan, we are planning to spend Rs. 1400 crores in the tribal areas. 146 integrated Tribal Development Blocks are there. I shall give the list of the States on how many integrated Tribal Development Projects have been submitted by the States. Rs. 1400 crores will be spent in the areas. For this purpose, the allocations have been divided into four parts—share from the State Plan, benefit from the Centrally sponsored Schemes, Special Central Assistance and Institutional Finances.

Out of Rs. 1400 crores, Rs. 952 crores will flow from State Plans, Rs. 200 crores will be from the Central Special Assistance and the balance will flow from other sources. Of the Central Assistance, in 1974-75, Rs. 5 crores were released; in 1975-76 we increased it to four times, that is Rs. 20 crores were released and in 1976-77 Rs. 40 crores have been released. It comes to Rs. 65 crores. Two years after the Plan remains we expect to release Rs. 135 crores of the balance from the Central subsidy.

SHRI D. BASUMATARI: May I know the amount spent on the Administration from out of Rs. 1400 crores?

SHRI OM MEHTA: I do not remember specifically. When I was replying to a question in this House,

some time back, I said that in no case the administrative expenditure from the State Exchequer had to be more than 20 per cent and from the Central Exchequer, more than 2 per cent of the whole amount which has been allocated, I gave the figures. I do not remember the exact figures. But, from my memory, what ever I can remember, I can say that in no case it has to be more than 2 per cent from the Central sector. It is not that most of the money is being spent on the administration. But, considerably more amount is spent on the development of more areas. It has been said that the State's allocation should be told and how much we are allocating them. I have got a long list of States—Mr. Daga, Mr. Jagannath Rao and others who are not here now wanted the figures.

MR. CHAIRMAN. You better lay it on the Table of the House.

SHRI OM MEHTA: I shall place it on the Table. Some Members also wanted to know the number of tribal development blocks. As far as Andhra Pradesh is concerned, the number of integrated tribal projects that have been provided for is seven but they have prepared three and all the three projects have been approved: from Assam, not a single project had come out of seven provided for approval. for Bihar 13 have been provided out of which they have sent nine. It is very good that they have prepared projects for nine out of 13.

In Gujarat out of 9 which are to be allocated 7 have been prepared. In Kerala out of 2 IDTPs 2 have been prepared. In Karnataka one has been allocated but none has been prepared. In Madhya Pradesh 32 were allocated and only 7 have been prepared. Unfortunately, not a single one has been approved because some comments were asked. As regards Manipur out of five only two have been submitted. In Maharashtra 15 have

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been allocated but no IDTP has come from that State. In Orissa out of 19, 4 have been prepared and approved also. In Rajasthan they were allocated four. They have prepared and got approved all the four. In Uttar Pradesh one was allocated and they have prepared one. As regards West Bengal 34 have been allocated but only 3 have been received.

17.00 hrs.

Sir, out of 146 integrated tribal development projects only 41 have been received. We are taking up with the States that only two years of the Fifth Five Year Plan remain and if they do not accelerate the completion of these tribal development plans they would not be able to spend the money. The main thing that we have done is that we have made the allocation for these projects as non-diversionable. Previously most of this money used to be diverted but now the money which will be allocated for the integrated tribal development projects cannot be diverted. Special instructions in this respect have been given to the Accountants General in the States. Now, if they do not spend the money they will lose that amount. So, it is urgent for the States that they should gear up the machinery for spending the money which has been allocated to them for this purpose.

Now, I come to specific points raised by the hon. Members. About Tripura, Mr. Deb said that the tribal areas in Tripura can be scheduled by a Presidential Order. This Bill is for States where scheduled areas are already there but these are to be extended or extension cannot be done by Presidential Order. As has been made clear by me in my opening speech, previously President could only alter the boundaries. If he wanted to bring some new areas as scheduled areas he could not do it. Now, with this Bill he can bring some

new areas. In the States where no area has been declared a scheduled area he can declare it and there is no restriction on it. In States like Tripura, U.P., Karnataka the tribal areas can be brought under Fifth Schedule by a Presidential Order. The scheduling in the States of Tripura, Kerala, Karnataka, Tamil Nadu and West Bengal through a Presidential Order is separately under examination. As no area has been brought as a scheduled area in these States, so it is under the consideration of the Government to bring areas in the Fifth Schedule.

SHRI B. V. NAIK: Until and unless there are tribes you cannot declare it as a scheduled area and you cannot have tribes until and unless there are notifications about it. So, it is a vicious circle.

SHRI OM MEHTA: If there is tribal population, as in the case of Karnataka we have declared one block as IDTP and there are some areas where there is concentration of tribal population. That area can be made as a scheduled area.

So far as Manipur is concerned, it is governed by a separate provision of the Constitution.

Shri Madhukar raised the question of scheduling of Tharus in Bihar, scheduling the areas where the Tharus live. Tharus are not included in the list of Scheduled Tribes in Bihar. Their inclusion in the Schedule can be considered at the appropriate stage. Scheduling of an area can be taken up only after the community has been scheduled.

श्री कमला मिश्र 'रघुकर' : मैं चाहता हूँ मंत्री जी एक बात वादावादी दें—जो थारू 170000 हैं उनकी समस्याओं को आप हल नहीं करेंगे तो कैसे काम चलेगा। आज इस बिल के पास हो जाने के बाद कल जो दूसरा बिल आ रहा है उसमें भी उनकी समस्या का कोई हल नहीं है।

SHRI OM MEHTA: If a community is not included in a Scheduled Tribe or in a Scheduled Area, it does not mean that they are neglected. Under the Backward Classes scheme, whatever money is there, generally we spend it for the problems of other communities also which are not at present included.

SHRI K. M. 'MADHUKAR': There is no backward scheduled tribe....

MR. CHAIRMAN: You may take it up with the hon. Minister later.

SHRI OM MEHTA: Our experience of the past two years is that resources are not a constraint. In fact, many States have not been able even to spend the budgeted amount. Last year the States spent Rs. 102 crores plus Rs. 20 crores from Central Assistance. This year, 1976-77, the figure is Rs. 200 crores including Central assistance. Raising allocations alone, therefore, will not help. We have to strengthen the administrative set up and the institutions to absorb more funds first.

Shri Basumatari and Shri Madhukar raised some more points. It was contended that participation of tribals in development was not being secured in the 5th Schedule areas whereas this was so in the 6th Schedule areas. People's participation in developmental programmes is the accepted policy of Government, but the level and form of participation will vary from one area to another. In Maharashtra and Gujarat, we have strong local institutions entrusted with development tasks. Tribals also have due representation in these areas. Elsewhere participation is on the increase in various forms.

The Sixth Schedule areas, namely Garo Hills, Jaintia and Khasi Hills district, however, had a special set up of Panchayats and District Councils right from the early days of the British raj, and historically these

areas have been allowed to retain that setup through the provisions of the Sixth Schedule. We cannot talk in terms of having the same thing everywhere. Our endeavour should be to give other tribal areas even a better setup.

Shri Jagannath Rao said that these areas should be included in the sub-plan so that they could be taken care of that way. Sub-plans have been finalised in respect of 11 States. I have said that the criterion for inclusion in the sub-plan is that they should have 50 per cent concentration of tribal population.

Shri Subodh Hansda raised the point that since the tribal population is dispersed in his State, not many people will get benefit from this programme. The problems of West Bengal have been specially taken care of. In West Bengal, they have got a dispersed tribal population. They do not have a concentration of such population. For that reason, much attention could not be paid to them in the past. Now the new policy, for the first time, is that 10 lakhs out of 25 lakh tribals—which is about 40 per cent—will be covered by the special programme of the sub-plan. So integrated tribal development plans have been introduced there also. This has been done for the first time, because unfortunately, the population there is dispersed.

Shri Daga in his wisdom raised the point that his area has not been included in a scheduled area. I must tell him that the smallest unit for inclusion in the sub-plan is a block. The tribal area of Pali and Sirohi does not satisfy this criterion. Therefore, it could not be included.

The problems of tribals in areas where they are a dispersed population will be taken care through schemes in the sub-plan. I think I have tried to cover all points which have been raised and I again say that this has been done so that the sub

[Shri Om Mehta]

plan areas would be made co-terminus with scheduled areas. I commend the Bill for acceptance of the House.

श्री भंगरु उइके : मैंने जो प्रश्न किया था उसका जवाब मंत्री जी ने नहीं दिया। हमारे यहां एक कहावत है—भीख न दे, पर कुत्ते को तो सम्भाल। आप पैसा मत दो लेकिन जो एक्सप्लायटेशन सरकारी अफसरों की तरफ से हो रहा है, मैं जानना चाहता हूँ कि उसके लिये आप ने क्या किया ?

SHRI OM MEHTA: I started my reply by replying to Shri Uikeyji that the exploitation of tribals should be ended. I remember when I met him for the first time in a meeting of tribal Members from both houses and he said: please do not do anything, do not spend a single paisa on the tribal areas; I still remember his words: please save them from exploitation, particularly from those who go there in the garb of vendors, liquor vendors, and I still remember what he said clearly.

DR. KAILAS (Bombay South): The Member is talking about forest and other govt. officers who are working as money-lenders.

SHRI OM MEHTA: I think I understand Shri Uikey better than any other Member. He has been taking part in a number of meetings and he is a Member of the Home Advisory Committee and he has been raising those questions persistently. He referred mainly to the exploitation of the contractors and some small officers also. In regard to officers also, recruitment in that level, class IV, it should be done mostly from that area so that they know the problems of tribals.

श्री कमला मिश्र 'मधुकर' : मेरा प्रश्न यह है कि अगर बिहार सरकार उनको ट्राइव घोषित नहीं करती और आप भी उनको

ट्राइव घोषित नहीं करते तो क्या आप इस बात के लिये तैयार हैं कि उनके जो प्रतिनिधि हैं, और उनके एरिया के जो एम०पी० हैं, उनके साथ बैठ कर बातचीत करें ताकि इस समस्या का कोई समाधान निकल सके ?

श्री ओम मेहता : चेयरमैन साहब, मैंने पहले ही कह दिया था—मैं समझता हूँ शायद मधुकर जी नहीं जानते—इस बिल के अलावा एक और बिल इस हाउस के सामने है—इन्कलूजन और एक्सक्लूजन के बारे में—कौन कौन सी जातियों को इन्कलूड किया जाय और कौन-कौन सी जातियों को एक्सक्लूड किया जाय, जो इस हाउस के सामने कल आ रहा है। इसी सूरत में हम बैठ कर क्या बातें करेंगे। मैं यह भी अर्ज करना चाहता हूँ—बैंकवर्ड एरियाज के लिये सेक्टर की तरफ से जो प्लान है, जो 305 करोड़ रुपया दिया जाता है, उसमें जो शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइव्स में नहीं आते हैं, बैंकवर्ड और अदर-बैंकवर्ड क्लासेज में आते हैं, उनके लिये भी स्कीमें रखी गई हैं। जब हम ये बातें करते हैं कि उनको स्कालरशिप्स दिये जायें, एजुकेशनल फ्रैसिलिटिज दी जायें, उसका यह मतलब नहीं है कि सिर्फ शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइव्स को ही दी जायें, बल्कि बैंकवर्ड और अदर-बैंकवर्ड एरियाज के लोगो को भी दी जायें—यही हमारा मकसद है।

MR. CHAIRMAN: The question is:

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

The motion was adopted.

MR. CHAIRMAN: We take up clause-by-clause consideration. The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 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: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

17.16 hrs.

KERALA LEGISLATIVE ASSEMBLY (EXTENSION OF DURATION) SECOND AMENDMENT BILL

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

"That the Bill to provide for the
further extension of the duration
of the present Legislative Assembly
of the State of Kerala, be
taken into consideration."

As the House is aware, the duration of the Kerala Legislative Assembly was first extended by Parliament for a period of six months by the Kerala Legislative Assembly (Extension of Duration) Act, 1975 (23 of 1975), as the Proclamation of Emergency issued by the President under clause (1) of article 352 of the Constitution on the 3rd December, 1971 and the 25th June, 1975 were both in operation when the normal five year term of the said Assembly was due to expire. It was also considered at that time that it might be possible to synchronise the general election to the Kerala Legislative Assembly with the general election

to the House of the People which was due in March, 1976, so that expenditure on elections could be reduced, as far as possible.

When the extended period of duration of the Kerala Legislative Assembly was about to expire, it became clear that the proclamations of Emergency would continue in operation beyond the last date of the extended term of that Assembly, namely, the 21st April, 1976. Meanwhile, the duration of the House of the People has also been extended for a period of one year with effect from the 19th March, 1976 by the House of the People (Extension of Duration) Act, 1976. In these circumstances, it was considered necessary to extend the duration of the Kerala Legislative Assembly for a further period of six months. The duration of that Assembly was accordingly extended for a further period of six months by the Kerala Legislative Assembly (Extension of Duration) Amendment Act, 1976 (46 of 1976).

The circumstances in which the duration of the Kerala Legislative Assembly was extended for a period of six months for the second time (from the 22nd April, 1976 to the 21st October, 1976) continue to prevail. Both the Proclamations of Emergency continue to be in operation. It is, therefore, felt that it is not desirable to hold the elections now. It is proposed that the duration of the existing Legislative Assembly of Kerala may be extended for a further period of six months with effect from the 22nd October, 1976. The present Bill seeks to give effect to this proposal.

With these remarks, I commend the Bill for the consideration of the House.

MR. CHAIRMAN: Motion moved:

"That the Bill to provide for the further extension of the duration