

1651 hours

SHRI S.K. KHARVENTHAN (PALANI): Mr. Chairman, Sir, first of all, I want to congratulate our hon. Member Shri Haribhau Rathod for bringing this Resolution for the welfare of the Denotified Tribes and Nomadic Tribes.

Sir, the Constitution of India provides protection to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes of this country. The status of Denotified Tribes and Nomadic Tribes varies from State to State in our country. In some States they are considered as the Scheduled Castes, in some States they are considered as the Scheduled Tribes and in some other States they are considered as Other Backward Classes. As per our Constitution, articles 366 (24), 366 (25), 341 and 342 protect the rights of the Scheduled Tribes and also Other Backward Classes in this country.

The population of the Scheduled Castes in India is 84.33 million as per the Census of 2001 and they constitute 8.2 per cent of the total population of the country. Out of them, 91.7 per cent of the Scheduled Tribes are living in rural areas and 8.3 per cent are living in urban areas. In the State of Tamil Nadu, these Denotified Tribes and Nomadic Tribes are living in Nilgiri Hills and also in some parts of my constituency in Dindigul District. Their living conditions are very bad and the educational facilities available to them are pathetic. Even the commission constituted by the Government to study about their living conditions gave an elaborate report about the drop-out rate among the children of Denotified Tribes and Nomadic Tribes. The report said that the drop-out is a critical indicator reflecting lack of educational development and inability of this social group to complete specific level of education. In the case of the Scheduled Tribes, the drop-out rate is still very high. The drop-out rate is 42.3 per cent from Class 1 to Class 5, it is 65.9 per cent from Class 1 to Class 8 and 79 per cent from Class 1 to 10, as per the survey of 2004-05.

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So, I would request our Government to take steps to establish residential schools like Kasturba Gandhi Palika Vidyalaya and they should be provided with hostel facilities and also dresses and particularly vocational courses should be offered to them with job guarantee. Then only they will put all their children in schools. Unless we give them proper education, these tribes will not develop. We are seeing that practically in our area. The Government of Tamil Nadu has taken some steps for the welfare of these people. The present Chief Minister of Tamil Nadu Dr. Kalamangar Karunanidhi has introduced a scheme to provide rice at Re. 1

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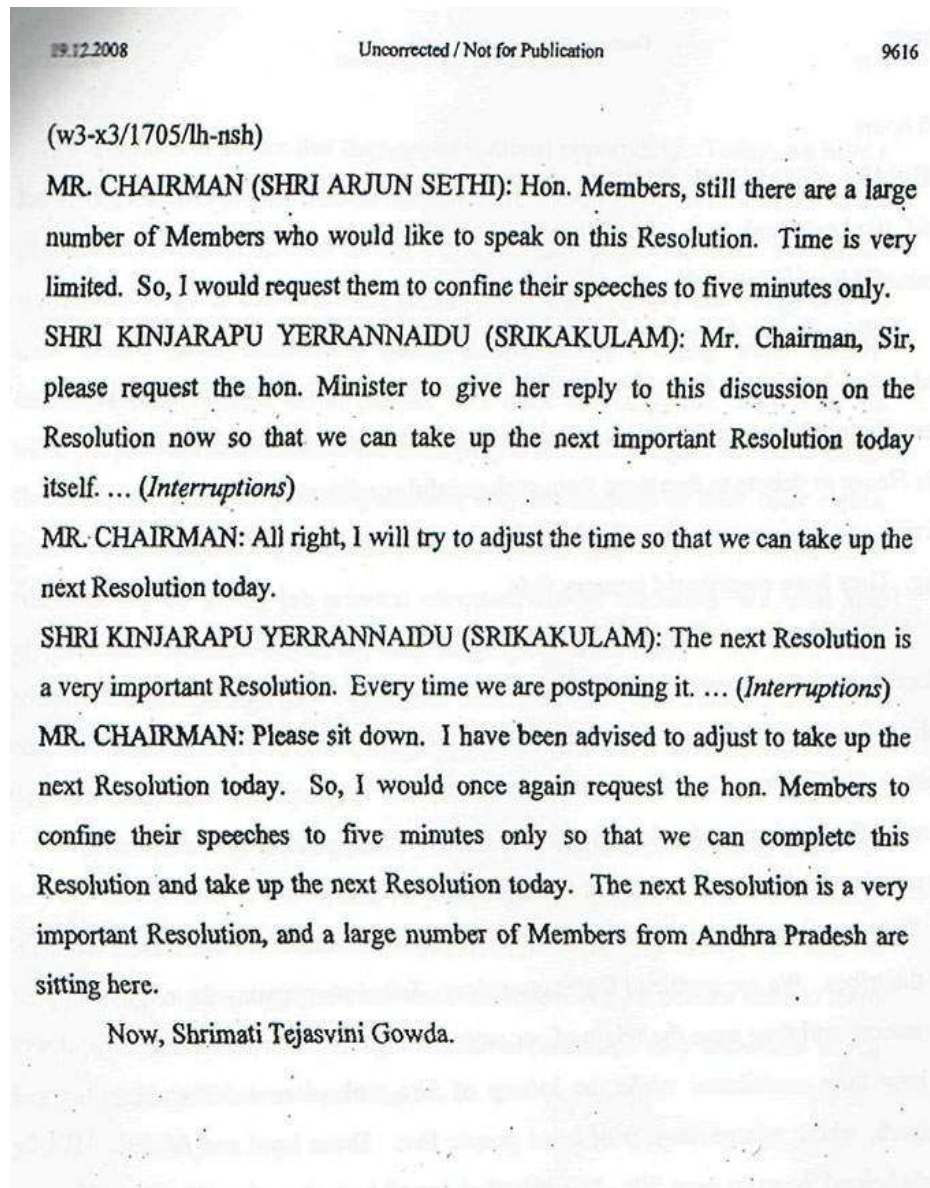
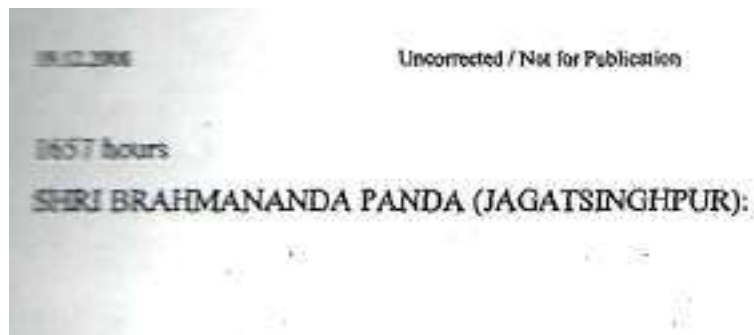
The hon. Member, Shri Chandrappan, referred about the Dalit Christians. In my constituency alone, we are having a Christian population of not less than two lakhs and most of the people are living in tribal and hill areas. Some of them belong to the Scheduled Tribes. They must be given, at least, school education and jobs. Even though, they have converted to Christianity, their rights are to be protected. They should be allowed to continue their education as Scheduled Tribe candidates. That must be considered.

Further, I would like to bring to your notice, even though we have passed the Tribal Bill, that tribal people are living in hilly areas, the forest people are threatening them daily not to plough the land, not to cultivate the land. They are not being protected carefully. The Government has to take steps to protect the rights of those who are living in the hilly areas.

With these words, once again, I would like to congratulate and thank the hon. Member, Shri Haribhau Rathod, for bringing this Resolution for the welfare of the down-trodden people living in hilly areas.

Thank you.

(ends)



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1706 hours

SHRIMATI TEJASVINI GOWDA (KANAKAPURA): Mr. Chairman, Sir, I would like to thank my colleague, Shri Haribhau Rathod for bringing this meaningful Resolution before this House.

With a heavy heart I am paying my homage to the martyrs like Birsa Munda who had given their lives to free India while fighting against colonial forces. Even after nearly 60 years of our Independence, it is our painful moment in this House to debate to free them from such painful conditions under which they are living in this country. They are having an equal right to live as all of us are having. They have contributed in every field.

Now, this Resolution has been brought forward here for the overall development of the persons belonging to Denotified tribes and Nomadic tribes including Banjaras and urges upon the Government to bring forward suitable legislation for (i) promotion of education and economic interests; (b) reservation of posts in the services under the State; and (iii) reservation of seats in the House of the people and the State Legislative Assemblies.

This is a right moment to remember one incident in *Ramayana*. We cannot forget the tribes. We are unable to forget our origin. Tribal people were the origin of this nation, and they were the origin of our anthropology. We should remember

We have to ensure that they get educational opportunity. Today, we have a lot of habitats but proper schools are not there. Even if we have schools in the places where tribal people are living, we do not have proper teachers. No teacher would like to go to the backward places where tribal people are living. So, we must ensure quality education, quality infrastructure, drinking water facility, housing facility to these tribal people. We must encourage the children of the tribal people. We must educate the tribal people about their rights and other things. Even after 60 years of our Independence, they are unaware of their basic rights, which our Constitution guarantees to them. That means we must promote them

do we not identify from them, some good children and train them? By giving them proper training, we can accommodate them and be able to provide jobs in the sports-oriented fields.

Sir, from my State of Karnataka, we have more than 30 lakh tribal people. In Karnataka, out of 29 districts, there are 11 districts, where altogether, we have about 3,50,000 tribal people. But I feel that the people belonging to the Denotified Tribes and the Nomadic Tribes have been cornered by the well-educated Tribes. These 11 districts, namely, Coorg, Dakshin Kannada, Chikmagalur, Mysore, Ramnagar, which is my own district, Bangalore Urban, Uttara Kannad, Hassan, Udupi, Mandhya are having more than 3,50,000 tribal people. Even though, we passed Forest Tribal Act in the year 2006, yet it is to be implemented properly in many villages. While trying to implement this Act also, there are a lot of loopholes. Other people are misusing this Act. So, we must ensure that these needy and deserving people get the benefit.

Now, I would say a few words about the reservation of seats for these tribal people in the House of People and in the State Legislative Assemblies. I am giving an example. In Karnataka, 15 seats were allocated based on the 30 lakhs of tribal population. But believe me, Sir, not even a single original tribal people was able to reach the Assembly. All other people exploited this reservation and these tribal people could not reach the Assembly. Therefore, I feel that we must ensure the safe entry of the original tribal people into the Assembly on their allocated seats. There was one lady by name Shrimati Jaji, who got elected some 15 years back to the Zila Panchayat. She was the original tribal lady. She also tried for the Assembly seat, but we were unable to get her the seat. I do not mind mentioning here that I tried my level best to get her the seat through my leader Madam Sonia Gandhiji, but in this male chauvinistic society, I failed to provide her the seat in the Assembly.

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Anyway, Sir, we will continue our fight to get seats for the women, particularly these neglected women with all the support of the Chair. We must do justice to these tribes. The situation is alarming, and this is high time that before they get revolted, we must ensure their basic rights according to the Constitution.

With these words, I conclude. Thank you.

(ends)

MR. CHAIRMAN (SHRI ARJUN CHARAN SEETHI): Hon. Members, there are still six names with me. If any hon. Member wants to lay his speech on the Table of the House, he may do so.

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1713 hours**SHRI MOHAN JENA (JAJPUR):**

**[For the English translation of the speech made by the
hon. Member in Oriya,
please see the Supplement, (pp. 9621A – 9621D)]**

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(z3/1715/rps/krr)

1719 बजे

श्रीमती कल्पना रमेश नरहिरे (उस्मानाबाद) : महोदय, मैं आपको धन्यवाद देती हूँ। माननीय श्री हरिमाऊ राठौड़ जी ने यह जो संकल्प प्रस्ताव रखा है, मैं उसका समर्थन करने के लिए खड़ी हुई हूँ।

महोदय, हमारे महाराष्ट्र में पार्धी, बंजारा, हिसाड़ी, मसंगजोगी, गोसावी, मदारी एवं अन्य बहुत से जाति-जमात के लोग रहते हैं। ये लोग गांव छोड़कर गांव के बाहर ताण्डावाड़ी में रहते हैं, इसलिए इन लोगों को सरकार की ओर से दी जाने वाली कोई भी सुविधा नहीं मिलती है।

(a4/1720/jr-san)

हमारे महाराष्ट्र राज्य में खासकर मराठवाड़ा में जो बंजारा और पारदी लोग हैं, ये लोग शुगर फैक्टरीज में गन्ना तोड़ने का काम करते हैं। इसलिए वे एक जगह नहीं रहते और उन्हें अलग-अलग शुगर फैक्टरीज में जाना पड़ता है। इस कारण उनके बच्चों को शिक्षा की सुविधा नहीं मिल पाती और उनकी महिलाओं को भी कोई सुविधा नहीं मिल पाती। महाराष्ट्र सरकार ने शुगर फैक्टरीज के पास स्कूल खोले हैं, लेकिन उनके बच्चों को सुविधा नहीं मिल पा रही है, जिस कारण उनके बच्चे शिक्षा से वंचित रह जाते हैं।

हमारे यहां मसंदजोगी एक जमात है। ये लोग सुबह गांव-गांव जाकर गीत गाकर लोगों को उठाते हैं। उसके बाद दिन भर ये लोग श्मशान भूमि आदि जगह पर पड़े रहते हैं। मैं जब लोक समा का चुनाव लड़

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1722 बजे

DR. PRASSNNA KUMAR PATASANI (BHUBANESWAR) :

**[For the English translation of the speech made by the
hon. Member in Oriya ,
please see the Supplement, (pp. 9623A – 9623D)]**

(b4/1725/har/ak)

1726 बजे

प्रो. रासा सिंह रावत (अजमेर): समापति जी, मैं माननीय हरिमाऊ राठौड़ द्वारा उपस्थित संकल्प का समर्थन करता हूँ। इन्होंने जो संकल्प प्रस्तुत किया है कि “ यह समा अधिसूचना से निकाली गई जनजातियों और बंजारों सहित यायावरी जनजातियों से संबंधित व्यक्तियों की दुर्दशा पर अपनी चिंता व्यक्त करती है और सरकार से आग्रह करती है कि वह अधिसूचना से निकाली गई जनजातियों और बंजारों सहित यायावरी जनजातियों से संबंधित व्यक्तियों के पक्ष में शैक्षणिक और आर्थिक हितों का संवर्धन करने, राज्य के अधीन सेवाओं में पदों का आरक्षण करने और लोक समा तथा राज्य विधान सभाओं में सीटों का आरक्षण करने का उपबंध करने के लिए उपयुक्त विधान लाए और उनके समग्र विकास के लिए सभी आवश्यक कदम उठाए।” मैं समझता हूँ कि यह सागोपांग संकल्प है। इसमें सारी बातें आ गयी हैं। जो घुमक्कड़ जातियाँ हैं, यायावर जातियाँ हैं उनके कल्याण के लिए विशेष प्रयास किये जाएँ। मैं माननीय सदस्य का धन्यवाद करता हूँ क्योंकि “ माया से माया मिले कर कर लम्बे हाथ, तुलसी हाथ गरीब की पूछे नहीं कोई बात।” उन्होंने जो सचमुच में दरिद्र नारायण हैं, उनकी तरफ ध्यान दिलाया है। शहरों, गांवों और वन्य जातियों की तरफ तो सबका ध्यान गया है, जंगलों के बीच रहने वाली आदिवासी जातियों की तरफ भी सबका ध्यान गया है, लेकिन शहरों और गांवों के पास डेरे डालकर रहने वाले इन गरीब लोगों को पूछने वाला कोई नहीं है। सुबह कहां, शाम कहां, एक दिन कहां, दूसरे दिन कहां और जैसे-तैसे वे अपना पेट भरते हैं। कभी सांप दिखाने का काम, कभी मदारी का खेल दिखाने का काम, चक्कियां बगैरहा बेचने का काम या अपनी गाड़ी पर सामान लादकर एक स्थान से दूसरे स्थान पर ले जाने का काम ये लोग करते हैं। इनकी तरफ बहुत कम लोगों का ध्यान गया है।

15 अगस्त 1947 को हमारा देश आजाद हुआ और 26 जनवरी 1950 को सर्वसत्ता संपन्न लोकतंत्रात्मक गणराज्य घोषित किया गया, जब हमारा संविधान भी लागू हुआ और साथ ही बहुत से

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प्रवेश नहीं करेंगे और गांव में स्थाई निवास करके नहीं रहेंगे, तभी से वे गाड़ी में अपना निवास करके रहने लगे हैं। हालांकि हमारे प्रथम प्रधान मंत्री जवाहर लाल नेहरू जी ने चित्तौड़ में जाकर उनको बसाने के लिए बड़ा भारी सम्मेलन किया था और उन्हें समझाया था कि हिंदुस्तान आजाद हो गया है, लेकिन उनमें अशिक्षा व्याप्त है और वे घरों में न रहकर अपनी गाड़ी में ही रहते हैं, उनका जन्म, मरण सब कुछ गाड़ी के अंदर ही होता है और वे एक गांव से दूसरे गांव घूमते रहते हैं। जो औजार खेती के काम में आते हैं उनको बनाने का काम वे लोग करने हैं। ऐसी जातियों की तरफ सरकार का ध्यान जाना चाहिए।

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समापति महोदय, वे सुबह-सुबह घर पर आकर लोगों का भविष्य बताते हैं, लेकिन उनका खुद का भविष्य कितना अंधकारमय है, यह किसी से छिपा नहीं है। मैं आपके माध्यम से सरकार से प्रार्थना करूंगा कि कम से कम, जब माननीय राठौर साहब ने हम सब का ध्यान आकर्षित किया है, तो इन घुमक्कड़ जातियों की तरफ विशेष ध्यान दिया जाए और हमारी आधुनिक कल्याणकारी योजनाओं का लाभ देने का प्रयत्न किया जाए। कल्याणकारी सरकार का कर्तव्य है, राजा का कर्तव्य है,

‘मुखिया मुख से चाहिए, खान-पान को एक,
पाले पोसे सब संग, तुलसी संग विवेक।

जैसे मुख से हम खाते हैं और चोटी से ले कर एड़ी तक का विकास होता है, ऐसे ही समाज के प्रत्येक अंग का विकास होना चाहिए। तभी हम कह सकेंगे कि सर्वांगीण विकास हुआ है। अगर कुछ लोगों का ही विकास हो अमीर ज्यादा अमीर हो गया और गरीब व्यक्ति गरीब ही रह गया, ऐसी विषमता पैदा हो गई तो ऐसी विषमता समाज के लिए दुखदायी होगी। इसलिए मैं आपके माध्यम से सरकार से निवेदन करना चाहता हूँ कि इन यायावर जातियों के कल्याण के लिए विशेष कदम उठाए। धन्यवाद।

(इति)

MR. CHAIRMAN (SHRI ARJUN SETHI): Hon. Members, the time allotted for the Resolution is over. There are three other hon. Members who would participate in this discussion. If the House agrees to extend the time allotted for this, I can accommodate them.

SOME HON. MEMBERS: Please extend the time.

MR. CHAIRMAN: Now, I extend the time allotted for the discussion of this Resolution by another half-an-hour.

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1733 hours

SHRI M. SHIVANNA (CHAMRAJANAGAR) :

**[For the English translation of the speech made by the
hon. Member in Kannada,
please see the Supplement, (pp. 9627A-9628.)]**

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1739 hours

PROF. M. RAMADASS (PONDICHERRY): Hon. Chairman, Sir, I support the Resolution moved by Shri Haribhau Rathod on improving the condition of the denotified tribes and nomadic tribes. I do not want to take the time of the House

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That study was commissioned by the Government of India. Later, the Government of Puducherry had asked the Central University of Puducherry to conduct another study about the existence of this population; they had also endorsed the existence of these communities in the Union Territory. Then, the Union Territory Assembly passed a Resolution, urging the Government of India to recognize the ST population through a Presidential Order. But all these efforts of the Government of Puducherry ended in vain and even today, this ST population is not recognized by the Government of India. Since the Union Territory of Puducherry is working under the Ministry of Home Affairs, these people have no other go except to approach the Government of India.

In the last four years, I have also made several efforts with the Registrar General, the Ministry of Home Affairs and the Ministry of Tribal Affairs, giving all evidences about the existence of these people there; but everybody says that there are no ST population. This is a human issue.

Today, they are not recognized as ST people; they are not recognized as OBCs; nor are they recognized as MBCs; they are treated as the forward communities or other castes in the Union Territory of Puducherry. This is singularly an exceptional case in the whole of India. This needs the attention of the Government of India very urgently. Let them make any kind of empirical study; in fact, the SC Commissioner came to Puducherry; he also visited the places where these people are living; he saw those conditions; he told openly that these people are living and we have to recognize. All these people pay lip service to the existence of these people, but no concerted action has been taken by the Government.

Consequently, they are not entitled to any of the benefits, either in terms of economic benefits or educational or social benefits. They are neither here nor there. They are leading the most miserably life in this country. Social justice to them is just an empty dream. We are not able to do anything for them.

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That is why, I request that till the time the Government of India recognizes them, kindly instruct the Government of Puducherry to treat them as ST and extend all facilities under the Special Component Plan which is exclusively meant for those people. Thank you.

(ends)

1744 hours

SHRI B. MAHTAB (CUTTACK): I stand here to support the Resolution that has been moved by Shri Haribhau Rathod.

I have two specific subjects to raise before this House. One is when we discuss about the notified communities it encompasses a large number of castes; and in our country and also in large parts of the world, caste gives dignity to a person. There is nothing to be derided upon. While denotifying the caste, a large section of the people are de-recognized by the masses and by the Administration.

(f4/1745/rk-hcb)

In the 17th and in the 18th century the history says that a large section of the community was declared as 'criminals'. Accordingly, in 1839, later on in 1877,

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1749 hours

SHRI LAKSHMAN SINGH (RAJGARH): Thank you, Sir. I will take half-a-minute. I just have to speak about the tribes in Andaman and Nicobar Islands. Although the Government is giving a lot of money for their welfare programmes, unfortunately it is not reaching them. I would just like to mention that there is a tribe called the Jalawa tribe, which was badly affected when Tsunami hit the Andaman Islands. I would just request the Minister, through you, Sir, if she can make a trip to Andamans herself, see their condition and monitor the whole scheme very-very strictly and properly so that they get all the benefits.

Thank you.

(ends)

SHRIMATI TEJASVINI GOWDA (KANAKAPURA): Sir, the Minister can take some Members also along with her.

(g4/1750/asa/rc)

1750 बजे

सामाजिक न्याय और अधिकारिता मंत्री (श्रीमती मीरा कुमार): समापति जी, श्री हरिमाऊ राठौर जी जो सम्मानित सदस्य हैं, उनकी पीड़ा बहुत गहरी है और बहुत समय से वह अनधिसूचित खानाबदोश और अर्धखानाबदोश जनजातियों के संबंध में चिंतित हैं। थोड़ा सा यहां पर सभी सम्मानित सदस्यों ने उनकी इस चिंता और पीड़ा के साथ अपने को जोड़ा है और बहुत ही भावनात्मक भाषण दिये हैं और पूरी तरह से उनके संकल्प का समर्थन किया। 17 सम्मानित सदस्यों ने अपने विचार व्यक्त किये। अधिकांशतः सभी ने डीएमटी ट्राइब्स के इतिहास पर प्रकाश डाला। मैं उसके बारे में ज्यादा नहीं बताऊंगी लेकिन इतना जरूर कहूंगी कि जब देश में स्वतंत्रता की पहली लड़ाई वर्ष 1857 में हुई, तभी से अंग्रेजों को यह चिंता होने लगी थी कि भारत में अपनी सत्ता बनाये रखने के लिए उन्हें कौन-कौन जातियों पर, किन-किन वर्गों पर अपना दमन चक्र चलाना चाहिए और मैं ऐसा सोचती हूँ कि वर्ष 1871 में जो वह क्रिमिनल ट्राइब एक्ट बनाया गया, वह इसी सोच के तहत बनाया गया कि ऐसी कौन सी जनजातियाँ हैं, ऐसे कौन से वर्ग हैं क्योंकि ये घुमंतु हैं, गुरिल्ला बॉर कर सकते हैं, इसीलिए क्यों न उन्हें न केवल अपराधियों की श्रेणी में रख दिया जाए और पूरी तरह से अपने शासन तंत्र का दबाव और यातना का उन्हें मुक्तभोगी बनाया जाए बल्कि समाज में भी उनके प्रति संशय और अविश्वास का वातावरण पैदा कर दिया जाए। They should be stigmatized. वह दोनों ही उन्होंने किया और बहुत समय तक जब तक भारत आज़ाद नहीं हुआ और उसके तुरंत बाद वर्ष 1949 में जब पुनः इस पर विचार किया गया कि ये तो वे लोग हैं जिन्होंने स्वतंत्रता की लड़ाई में बढ़-चढ़कर हिस्सा लिया है, उन्हें अपराधी घोषित कर दिया गया है और उन्हें तरह-तरह की

इन्हें डिनोटिफाईड जातियां कहा जाये। इनकी शिक्षा के लिये, इनके आर्थिक विकास के लिये, इनकी सुरक्षा के लिये और इनके पुनर्वास के लिये भी कार्यक्रम चलाये जायें, ऐसी अनुशंसा की। उसी श्रृंखला में कार्य होते रहे। इनमें से कुछ को अनुसूचित जाति में, कुछ को अनुसूचित जनजाति और कुछ को अन्य पिछड़ी जाति की सूची में शामिल किया गया। शुरु से ही अनुसूचित जातियों को आरक्षण की सुविधायें मिलती रही हैं, वे सुविधायें इन्हें भी प्राप्त होने लगीं। उसी प्रकार ओ.बी.सी. के लिये जो विभिन्न प्रावधान बने, उसी आधार पर इन लोगों को भी प्रावधान मिले, क्योंकि ये भी उसी सूची में शामिल थे। यह होता रहा लेकिन इनकी कुछ भिन्न समस्याएँ रहीं हैं। क्योंकि ये घुमन्तूर रहे हैं, एक स्थान पर नहीं रहते थे, ये लोग चरागाह ढूँढ़ने के लिये इधर-उधर चले जाते रहे थे। हिमालय की गोद में और तराई के इलाके में रहते हैं। जब जलवायु कठोर हो जाती है तो ये लोग वह स्थान बदल लेते हैं। क्योंकि इनको अपराधी घोषित किया गया था, ये लोग भय से आक्रान्त होकर एक जगह नहीं रहते हैं, घूमते रहते हैं। इसलिये न इनका बीपीएल कार्ड है, न कोई राशन कार्ड है और न मतदाता पहचान पत्र ही है।

समापति महोदय, हमारे यहां व्यवस्था है कि गरीबी उन्मूलन के अनेकों कार्यक्रम चलाये जा रहे हैं। अभी NREGA का कार्यक्रम चल रहा है। इसके अलावा मंत्रालय की तरफ से अनुसूचित जाति के लोगों के विकास के लिये अनेक कार्यक्रम चलाये जा रहे हैं। ट्राइबल मिनिस्ट्री की तरफ से अनुसूचित जनजातियों के कल्याण के लिये कार्यक्रम चलाये जा रहे हैं। यह आवश्यक हो जाता है कि किसी न किसी रूप में

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MR. CHAIRMAN (SHRI ARJUN SETHI): Hon. Members, it is 6 p.m. now. If the House agrees, the time of the House may be extended upto the disposal of the current item and initiating the next item which is regarding Telengana. Does the House agree with this?

SEVERAL HON. MEMBERS: Yes.

...(व्यवधान)

सभापति महोदय : इसमें ज्यादा से ज्यादा दस या बारह मिनट लगेंगे। मैडम ज्यादा से ज्यादा और पांच मिनट बोलेंगी। हमारे मेंबरर्स ने इनीसिएट किया, वे पांच मिनट से ज्यादा नहीं लेंगे। He will move the Resolution. That is all.

श्रीमती मीरा कुमार : सभापति महोदय, मैं थोड़ा इस आयोग के बारे में बताना चाहती हूँ कि इस आयोग ने 76 अनुशंसाएं की हैं और हमने इन 76 अनुशंसाओं को 13 विभिन्न वर्गों में बांटा है। जैसे डीएनटी का पहचान कैसे हो, उनका एडेंटिफिकेशन कैसे हो, उनसे संबंधित जो स्कीम बनेगी उसके लिए एक

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ये सारी 76 अनुशंसाएँ हैं। कुछ राज्य सरकारों से संबंधित हैं, कुछ केन्द्र सरकार से संबंधित हैं, कुछ दोनों से संबंधित हैं और कुछ संविधान में संशोधन लाने से संबंधित हैं। हालांकि इस आयोग का

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MR. CHAIRMAN (SHRI ARJUN SETHI): In view of the hon. Minister's assurance, are you withdrawing your Resolution?

SHRI HARIBHAU RATHOD (YAVATMAL): I will declare it. I will just take a minute.

MR. CHAIRMAN: You have made your point.

... (Interruptions)

सभापति महोदय : आपने बहुत स्पष्ट तरीके से अपनी बात कह दी है। क्या अब आप विद्वद्ग करणा चाहते हैं या नहीं?

श्री हरिभाऊ राठौड़ (यवतमाल): महोदय, मुझे माननीय मंत्री जी से एक रिप्लाय चाहिए।

MR. CHAIRMAN: The hon. Minister has already assured you.

श्री हरिभाऊ राठौड़ (यवतमाल): महोदय, 15 दिन, एक महीना या कुछ समय दे दीजिए कि कब तक होगा, मैं इसे विद्वद्ग कर लूंगा।

MR. CHAIRMAN: Shri Rathod, already, the hon. Minister has indicated it and assured you. Are you withdrawing your Resolution?

श्री हरिभाऊ राठौड़ (यवतमाल): आप इसके बारे में डायरेक्टिव दे दीजिए, मैं इसे वापस ले लूंगा।

MR. CHAIRMAN: That is not possible. Already, the hon. Minister has assured you. You have also mentioned that the hon. Minister has already assured. In view of the assurances made by the hon. Minister, are you withdrawing it?

श्रीमती मीरा कुमार : राठौर साहब, हम आपसे अलग नहीं हैं। आयोग ने जो भी अनुशंसा की, उन्हें मंत्रालयों को भेज दिया गया है। अब हम उनकी प्रतीक्षा कर रहे हैं। आप कृपया अपना संकल्प वापिस ले लें।

श्री हरिभाऊ राठौड़ (यवतमाल): महोदय, मीरा कुमार जी ने आपके सामने आश्वस्त किया है। मैं अपना संकल्प वापिस लेना चाहता हूँ।

MR. CHAIRMAN: That is very good.

... (Interruptions)

MR. CHAIRMAN: Is it the pleasure of the House that the Resolution moved by Shri Haribhau Rathod be withdrawn?

The Resolution was, by leave, withdrawn.

Bill No. 8 of 2008.

THE CONSTITUTION (AMENDMENT) BILL, 2008

By

SHRI HARIBHAU RATKOD, M.P.

A

BILL

further to amend the Constitution of India.

Be it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2008.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of the Act.

2. In article 15 of the Constitution, in clause (4), for the words "Scheduled Castes and

Amendment

Amendment of
article 16.

3. In article 16 of the Constitution, in clause (4A), for the words "Scheduled Castes and Scheduled Tribes", the words "the Scheduled Castes, the Scheduled Tribes and the Scheduled Denotified Tribes and Nomadic Tribes" shall be substituted.

Substitution of
new article for
article 46.

4. For article 46 of the Constitution, the following article shall be substituted, namely:—

Promotion of
educational and
economic
interests of
Scheduled
Castes,
Scheduled
Tribes,
Scheduled
Denotified
Tribes and
Nomadic

"46. The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes, the Scheduled Tribes and the Scheduled Denotified Tribes and Nomadic Tribes and shall protect them from social injustice and all forms of exploitation." 5

6. For article 332 of the Constitution, the following article shall be substituted, namely:

Substitution
of new article
for article
332.

"332.--(1) Seats shall be reserved for the Scheduled Castes, the Scheduled Tribes and the Scheduled Denotified Tribes and Nomadic Tribes, except the Scheduled Tribes in the autonomous districts of Assam, in the Legislative Assembly of every State.

Reservation of
seats for
Scheduled
Castes,
Scheduled
Tribes,
Scheduled
Denotified
Tribes and
Nomadic Tribes.

(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

included in the Bodoland Territorial Areas District, so notified, and existing prior to the constitution of Bodoland Territorial Areas District, shall be maintained."

Amendment of
article 334.

7. In article 334 of the Constitution, in clause (a), for the words, "the Scheduled Castes and the Scheduled Tribes", the words, "the Scheduled Castes, the Scheduled Tribes and the Scheduled Denotified Tribes and Nomadic Tribes", shall be substituted.

Substitution of
new article for
article 335.

8. For article 335 of the Constitution, the following article shall be substituted, namely:—

Claims of
Scheduled
Castes,
Scheduled
Tribes, the
Scheduled
Denotified
Tribes and
Nomadic
Tribes to
services and
posts.

"335. The claims of the members of the Scheduled Castes, the Scheduled Tribes and the Scheduled Denotified Tribes and Nomadic Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State:

Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes, the Scheduled Tribes and the Scheduled Denotified Tribes and Nomadic Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State."

Insertion of
new article
342A.

9. After article 342 of the Constitution, the following article shall be inserted, namely:—

Scheduled
Denotified
Tribes and
Nomadic
Tribes.

"342A. (1) The President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Denotified Tribes and Nomadic Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Denotified Tribes and Nomadic Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

STATEMENT OF OBJECTS AND REASONS.

People belonging to the Scheduled Castes and the Scheduled Tribes are well safeguarded by the Constitution and they have been enjoying the benefits of reservation for so many years. However, it is unfortunate that nobody has given attention to the problem of upliftment of the Denotified, Nomadic and Semi-Nomadic tribes of the country which constitute one of the most backward communities even after sixty years of independence. The population of the Denotified Tribes in the country, according to a rough estimate, is about 15 crore. About 50 to 60 tribes come under this category. In pre-independence era, these tribes were notified as criminal tribes. However, Pandit Jawaharlal Nehru denotified them and assured them that all efforts would be made for the overall upliftment of this community. The Planning Commission has also felt that there is a need for upliftment of the Denotified Tribes and special provision/budget should be made for the development of this most backward community of the country. In the Third Five Year Plan, there was a special provision for this community but the same has been discontinued without any valid reason. After the death of Pandit Jawaharlal Nehru, his words about the upliftment and development of the Denotified Tribes were not given due consideration. Justice Venkatachelliah Commission which was constituted to Review the Working of Constitution of India, has recommended that separate budget provision for development of this community should be made. The Mandal Commission had also recommended that this community should be given separate reservation. The National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, in its interim report, has also recommended separate reservation and budget provision for this community. The Technical Advisory Group under the Chairmanship of Dr. Ganesh Devy has recommended separate reservation for this community. Keeping in view the plight of the Denotified Tribes, it is utmost necessary that this community be provided reservation so that the people belonging to this community develop socially, educationally and economically.

The Bill seeks to achieve the above objectives.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

15. Prohibition of discrimination on grounds of religion, race, cast, sex or place of birth.—(1)

(2)

(3)

(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

16. Equality of opportunity in matters of public employment.—(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2)

(3)

(4)

(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

(3) Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bears to the total population of the State.

Explanation.—In this article and in article 332, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed as a reference to the 2001 census.

332. Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.—(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the autonomous districts of Assam, in the Legislative Assembly of every State.

(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

(3) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the

same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

(3A) Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the re-adjustment, on the basis of the first census after the year 2026, of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be,—

(a) if all the seats in the Legislative Assembly of such State in existence on the date of coming into force of the Constitution (Fifty-seventh Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the Scheduled Tribes, all the seats except one;

(b) in any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.

(3B) Notwithstanding anything contained in clause (3), until the re-adjustment, under article 170, takes effect on the basis of the first census after the year 2026, of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitution (Seventy-second Amendment) Act, 1992, of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the population of the district bears to the total population of the State.

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further to amend the Constitution of India.

RECOMMENDATIONS

The Terms of Reference of the Commission refer to Denotified, Nomadic and Semi-nomadic Tribes. The Denotified Tribes include various Tribes notified as Criminal Tribes under the Criminal Tribes Act, 1871. Some of these Tribes are Nomadic Tribes as well. The difference between Nomadic Tribes and Semi-nomadic Tribes (including pastoral nomads) is based on the frequency of their movement from one place to another. It is, therefore, desirable that the three categories may be reduced to two categories, viz. Denotified and Nomadic Tribes (DNTs) for the purpose of reference to these Tribes as a target group in the context of dealing with various issues relating to them. Henceforth, Denotified and Nomadic Tribes will be referred to as DNTs.

For implementing welfare schemes for DNTs, it is desirable that these Tribes