

RAJYA SABHA

*SYNOPSIS OF DEBATE

(Proceedings other than Questions and Answers)

Friday, August 10, 2018 / Shravana 19, 1940 (Saka)

OBITUARY REFERENCE

MR. DEPUTY CHAIRMAN: Hon. Members, I refer with profound sorrow to the passing away of Shri. S. Madhavan, a former Member of this House, on the 3rd of April, 2018, at the age of 84 years.

Born in October, 1933, at Singampunari in Sivaganga District of Tamil Nadu, Shri S. Madhavan was educated at the Thiagrajar College, Madurai; the Alagappa College, Karaikudi and the Law College, Chennai.

A lawyer by profession, Shri Madhavan was actively involved in organizing sports and propagating Tamil literature in villages.

Shri S. Madhavan started his legislative career as a Member of the Tamil Nadu Legislative Assembly in 1962 and was its Member for four terms- from 1962 to 1967, from 1967 to 1971, from 1971 to 1976 and again from 1984 to 1987. He also served as a Cabinet Minister holding different portfolios in the Government of Tamil Nadu from 1967 to 1976.

Shri S. Madhavan represented the State of Tamil Nadu in this House, from April, 1990 to April, 1996.

*This Synopsis is not an authoritative record of the proceedings of the Rajya Sabha.

In the passing away of Shri S. Madhavan, the country has lost a distinguished parliamentarian and an able administrator.

(One Minute's silence was observed as a mark of respect to the memory of the departed.)

MATTERS RAISED WITH THE PERMISSION OF THE CHAIR

1. Need to Award Bharat Ratna to Late Dr. Kalaignar Karunanidhi Posthumously

SHRI TIRUCHI SIVA: Sir, Dr. M. Kalaignar Karunanidhi was the tallest leader of the country and a Dravidian stalwart who had contributed 80 years of his life to public life, fighting for the cause of the down-trodden, backward and the suppressed people. He headed a political party for fifty years uninterrupted and has got a long list of achievements to his credit. He was an outstanding orator, a prolific writer, a novelist, a short-story writer, a philosopher, a philanthropist and also a dramatist. He was an actor who also wrote scripts for eighty movies. He is unparalleled and made a mark in all walks of life. As a staunch and untiring soldier, he kept on fighting for social justice, secularism, state autonomy and self-respect. As a five-time Chief Minister, he legislated historical laws in respect of equal rights for women in ancestral property, widows' rehabilitation, slum clearance board and many other boards for unorganised sector and even for transgenders. He brought so many revolutionary reforms. He coined new dignified terms for those people who had been insulted. He was the first one to abolish rickshaw pulling by men. That was a very radical and progressive achievement. He advocated for multi-storeyed buildings for slum dwellers. The term 'differently abled' was coined by him. It would not be an exaggeration if we call him an epoch in history. He gave importance to relationship and never compromised in policies and never hesitated to raise voice for the rights. I would urge the Government to confer upon him posthumous Bharat Ratna Award which will be a real tribute for his outstanding

and exemplary work which had left an indelible mark in the annals of history.

(Several hon'ble Members associated.)

2. Need for Better Implementation of Agreements between Government of India and Extremists Groups of North-East Region

SHRI BISWAJIT DAIMARY: I would like to draw attention of the House towards the problem of insurgency in North-eastern region. Sir, it is sad to note that the problem of this region is not being seriously considered in contrast to the problem of Kashmir by the Government. Some solution to this problem needs to be hammered out. The problem of Naga people yet remains unsolved despite passage of 20 years period. The problems of National Democratic front of Bodoland and ULFA is yet to be resolved despite having dialogues with these by interlocutors since 2005 and 2002 respectively. Talks with all insurgent groups of Manipur for the last ten years has not yielded any fruitful result. Promises made in the agreement reached out with Bodo Liberation Tigers with the Government is yet to be implemented. Karbi and Bodo tribes do not belong to that geographical region.

3. Need for Grand Celebration on the Occasion of Inauguration of Netaji and Azad Hind Museum

SHRI SUKHENDU SEKHAR RAY: We understand that a museum on Netaji Subhash Chandra Bose and the Azad Hind Fauj shall be inaugurated at the Red Fort premises. This year is the Diamond Jubilee of the establishment of Azad Hind Government. Netaji Subhash Chandra Bose had hoisted the tricolour on the 21st October, 1943 at Singapore. This Government was recognised by eleven nations across the world. I would request the Government through you that the Museum should be inaugurated only on 21st October 2018

(Several hon'ble Members associated.)

4. Need for Urgent Steps for Continued Functioning of JIPMER Branch Hospital, Karaikal

SHRI N. GOKULAKRISHNAN: JIPMER is a pioneering institute of medical sciences and is of National importance. It started its Branch at Karaikal during the year 2016-17 with an intake of 50 students every year. While starting Karaikal unit of JIPMER in the year 2016, Puducherry Government had provided some arrangements temporarily to accommodate first year admission of 50 students. As of now, there are no sufficient faculties available in JIPMER. Moreover, no faculty is willing to join the clinical departments on a contract basis. Since there are no sufficient facilities available at Karaikal JIPMER, the Puducherry administration is making temporary arrangements to shift the students to Puducherry so that the academic stream is not broken. The availability of faculty and infrastructure should be ensured at the earliest otherwise it will reflect badly on the administration of the Government of India, since the request for sanctioning the posts are pending for a long time in the Ministry of Health and Family Welfare.

(Shri Tiruchi Siva associated.)

5. Need to Curb the Menace of ATM Frauds

SHRI MD. NADIMUL HAQUE: Over the past one month, there have been many cases of ATM frauds in Kolkata, involving the amount around Rs 20 lakh. ATMs were fitted with skimmers by fraudulents to steal data from debit cards. ATM frauds using cloned cards are on the rise across the country, with several Romanians and Nigerians being arrested in similar cases in places like Delhi, Mumbai, Jaipur, Hyderabad and Bengaluru. Banks need to implement anti-skimming and white listing solutions. Security measures could be made mandatory for banks. We need to make sure such fraudulent practices are eliminated and honest tax-paying citizens do not lose their hard-earned money.

(Shri Ranvijay Singh Judev associated.)

6. Atrocities on Dalits in Uttar Pradesh

PROF. RAM GOPAL YADAV: It is very sad to say that when we were passing SC/ST Act here yesterday, a Dalit was being lynched by mob in Meerut. More sad and surprising is that Meerut police was ordered to shower flower petals on Kawanrias. They were engaged in showering the flower and youth was being killed. There was no one to save him. This is the condition prevailing in Uttar Pradesh. Dalit are being harassed in Uttar Pradesh. I request the Minister Shri Thaawar Chand Gehlot to get it investigated.

7. Various Problems Faced by People Living in Cantonment Areas of Country

DR. CHANDRAPAL SINGH YADAV: I want to draw the attention of the Government towards the problems being faced by residents of cantonment area. Due to obstinacy of some of the officers, they are being harassed and they are not getting the benefit of Government schemes. On this occasion, I request the Government that the resumption proceeding being carried out in Lalta Prasad premises under Jhansi cantonment area may kindly be stopped. Hon'ble Defence Minister had assured that the problems of residents of cantonment area will be addressed through setting up of Parliamentary Committee but nothing has been done. I request to Hon'ble Defence Minister to get the resumption proceedings stopped and address the problems of residents of cantonment area.

8. Alarming Flood Situation in Kerala

SHRI BINOY VISWAM: Kerala is facing an alarming situation and it is the third time that our State is facing a very big flood problem. In six districts, the whole life has come to a standstill and 23 innocent people have died so far. The rains have forced 24 dams to be opened. The people of Kerala are suffering a lot. My request is that the Central Government should entrust the services of the Air Force, the Navy and the Army for the Kerala people. This is a national tragedy. Please support the Government and people of Kerala. The Government of Kerala is trying by all means to face the situation, but it cannot do it alone. I request the Government to

proclaim this as a national tragedy and rush assistance to the people of Kerala immediately

(Shri D. Raja, Ch. Sukhram Singh Yadav and Shri Ashok Siddharth Associated.)

PRIVATE MEMBERS' RESOLUTIONS

(i) Deprivation of Facilities and Concessions and Neglect of Scheduled Castes, Scheduled Tribes Or Denotified Castes Because of Lack of Uniform Reservation System in Country

SHRI VISHAMBHAR PRASAD NISHAD: I beg to move the following Resolution:

"Having regard to the fact that:—

- (i) the people belonging to Scheduled Castes, Scheduled Tribes or Denotified Castes are deprived of facilities and concessions and are being neglected because of the lack of a uniform reservation system in the whole country;
- (ii) the people belonging to Scheduled Castes, Scheduled Tribes or Denotified Castes are facing certain problems, and particularly the people belonging to the fishermen community in many States of the country have to face the difficulties as they migrate to other states in search of employment due to lack of employment opportunities and settle there permanently due to which they are rendered ineligible for availing reservation benefits as they are issued requisite certificate by the state from where they have migrated;
- (iii) in the States of Andhra Pradesh, Telangana, Assam, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Kerala, Karnataka, Madhya Pradesh, Maharashtra, Tripura, Manipur, Meghalaya, Mizoram, Odisha, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal, and NCT of Delhi, the people belonging to

fishermen community have been placed in the categories of Scheduled Castes, Scheduled Tribes and Denotified Castes and some of their castes having names that are synonymous and homonymous, whose food habits, customs and traditions and lifestyle are identical, have been deprived of reservation;

- (iv) as per the Constitution (Scheduled Castes) Order 1950, in the list of Scheduled Castes with respect to the state of Uttar Pradesh, the caste of '*Beldar*' is included at Sl. No. 18, but a sub caste having similar name '*Bind*' has been excluded and at Sl. No. 36 the caste '*Gond*' has been included, yet the castes '*Godiya*', '*Kahar*', '*Kashyap*', '*Batham*', '*Raikwar*', '*Dhuriya*' have been excluded, at Sl. No. 53, the caste '*Majhwar*' has been included but the castes '*Mallah*', '*Kevat*', '*Manjhi*', '*Nishad*' have been excluded, at Sl. No. 66, the caste '*Turaiha*' has been included, but the castes '*Turha*', '*Dhivar*' and '*Dhimar*' have been excluded, at Sl. No. 65 '*Shilpkar*' Caste has been included, but the castes '*Kumhar*', '*Prajapati*' have been excluded, at Sl. No. 59 the Castes '*Pasi*' and '*Tarmali*' have been included, but the castes '*Bhar*', '*Rajbhar*' have been excluded, thus the synonymous sub-castes have been deprived of the facilities of reservation;
- (v) under the Constitution (Scheduled Tribes) Order 1950 issued by the Government of India, and in the Schedule -VIII of the Madhya Pradesh Reorganisation Act, 2000, the caste of '*Manjhi*' has been notified at Sl No. 29 and the caste of '*Majhwar*' have been notified at Sl. No. 30 as Scheduled Tribes throughout the State of Madhya Pradesh but the sub castes like *Dhimar*, *Dhiwar*, *Kevat*, *Kahar*, *Mallah*, *Nishad*, which are homonymous and synonymous to '*Manjhi*' and '*Majhwar*' have been left out due to which these sub castes are deprived of the facilities of reservation;
- (vi) in the NCT of Delhi, the caste '*Mallah*' has been entered in the list of Scheduled Castes, whereas the castes '*Kevat*',

'Dhimar', 'Dhivar', 'Kahar', 'Kashyap', 'Nishad', 'Turha' and 'Manjhi', which are synonymous and homonymous to *'Mallah'* have been excluded, due to which these sub-castes are deprived of the facilities of reservation;

- (vii) in the State of Bihar, the castes of *'Mallah', 'Dhivar', 'Dhimar', 'Kevat', 'Kahar', 'Khairwar', 'Tiyar', 'Manjhi', 'Khago', 'Bind', 'Nai', 'Rajbhar'* and *'Dhanuk'* have not been included in the list of Scheduled Castes in respect of which the State Government had sent a proposal to the Centre;
- (viii) in the State of Maharashtra, the caste *'Koli'* is included in the list of Scheduled Castes, but its synonymous sub castes like *'Bhoi', 'Dhivar', 'Mahadev Koli', 'Kevat', 'Nishad', 'Mallah', 'Keer', 'Kirat', 'Gond', 'Kahar', 'Godiya Kahar', 'Pardesibhai', 'Rajbhoi', 'Dhimar', 'Koli', 'Dor', 'Malhaar', 'Koli', 'Dhangar Koli', 'Kolhe', 'Kolga Tokre'*, have been excluded from the list of Scheduled Castes;
- (ix) in Andhra Pradesh, *'Bestha', 'Besthar', 'Gangaputra', 'Gangavar Jalari', 'Pattapa', 'Pali', 'Banne Reddy', 'Pale Reddy'*, etc., have been excluded from the list of Scheduled Castes, and
- (x) in Gujarat, *'Bhoi'* Caste is included in Scheduled Castes but its synonymous sub castes like *'Dhinvar', 'Mahadev Koli', 'Mallah Keer', 'Kirat', 'Gond', 'Kahar Godiya', 'Kahar', 'Pardesibhai', 'Rajbhoi', 'Dhimar', 'Koli', 'Malhar', 'Dhuriya Kahar', 'Godiya Kahar', 'Kolcha'* have been excluded from the list of Scheduled Castes.

this House urges upon the Government to:—

- (a) provide uniform facilities, by amending the articles 341 and 342 of the Constitution to include the homonymous and synonymous sub-castes of Scheduled Castes and Scheduled Tribes according to the castes registered

State-wise in the Constitution (Scheduled Castes) Order 1950 in all the States, and

- (b) amend the Constitution so that the persons belonging to SC/ST category in one state may be treated as the person of that SC/ST category all over the country to get the benefit of the reservation."The SCs/STs are ignored and deprived of facilities due to absence of uniform system of reservation in the country. Particularly the fishermen community is facing problems. The SC/ST people of every State migrates to other States in search of employment. Due to shortage of employment SCs, STs, OBCs and gypsy communities migrates to other states but these states do not accept them under reserved category. That is why I have moved this important Resolution.

I demand to provide uniform facilities, by amending the articles 341 and 342 of the Constitution to include the homonymous and synonymous sub- castes of Scheduled Castes and Scheduled Tribes according to the castes registered State-wise in the Constitution (Scheduled Castes) Order 1950 in all the States and the persons belonging to SC/ST category in one state may be treated as the person of that SC/ST category all over the country to get the benefit of the reservation. There are homonymous and synonymous sub- castes of Scheduled Castes and Scheduled Tribes in all over the country but other states do not acknowledge the same. There are a number of homonymous and synonymous sub-castes of Scheduled Castes and Scheduled Tribes in many states such as Uttar Pradesh, Delhi, Bihar, Maharashtra and Andhra Pradesh. So, the names of Scheduled Castes, Scheduled Tribes and Other Backward Classes are mentioned in state lists. Vote politics should be avoided rather real work should be done in favour of these communities. All castes which are listed as scheduled should be treated same state-wise in all over the country.

SHRI VEER SINGH: This Resolution is moved on a very serious problem. A number of people of Scheduled Castes, Scheduled Tribes and Other Backward Classes migrated to other states in search of employment. But those states denied their rights. They are deprived. They are not getting the benefit of the reservation. People of scheduled castes and the scheduled tribes are not able to participate in the democracy in absence of caste certificate. A similar system should be there in the whole country. Time and again backward classes are included in the Scheduled Castes by amendments to the constitution. Our beloved leader Behan Kumari Mayawati had, a number of times cleared that we are not against backward castes. The reservation may be stepped up according to the increasing number of scheduled castes as this reservation has not been changed since formation of constitution. Neither any State Government nor the Central Government has completed the reservation till date. Governments never provided justice to the SCs/STs and OBCs. Justice is reservation, justice is education. There should be uniform education system in the country. Education has become costly since it has been privatized. Poor person can not provide quality education to his children. No one raises the matter of their interest. After this NDA government, public companies are being given to private sector. There should also be reservation therein for SCs, STs and OBCs so that descendants of SCs, STs and OBCs can get employment in this sector. It is a matter of grave concern that backlog of reserved government vacancies have not been cleared till date though out the country. Respected Behen Kumari Mayawati ji had cleared the backlog of government jobs in Uttar Pradesh. I request you to clear all backlog vacancies reserved for SCs, STs and OBCs. Apart from this, the data of 2011 census may be revealed as we are still in dark about the details of SCs, STs and OBCs. Every body is demanding to reveal the census data as it is linked with the reservation.

SHRI PRADEEP TAMTA: This is the irony of this country that anything can be changed here but we can not change the caste. We want this nation to become a equalitarian, socialist and democratic society but we do not want to abolish caste system. Unless

and until this caste system will remain, inequality shall prevail. Dr. Ambedkar, once in an article advocated the uniformity of rights of scheduled castes in every state. No one will be satisfied with your name unless you are asked about the caste. When people of the country are moving from one State to the other in search of employment, then why shouldn't they get these facilities there? If a person from U.P. settles in Maharashtra and if he asks for his rights as a Scheduled Caste and if the name of his caste is not included in the list of SCs in that State, then he will not get the SC certificate. If the same person applies for Central Services while living in Mumbai, then on the basis of the Certificate from his native State, he will get reservation in the Central Services. In order to remove this contradiction it is necessary that once a person gets the SC status, he should get all kinds of facilities. When a person from SC goes to another State and if he faces caste-based harassment, then where will he go? The Police Officer of that place will say that you do not belong to Scheduled Caste in this State. This is a contradiction. Now this topic is being discussed in Britain also. Even when a person goes abroad he is unable to shed his caste identity, caste based ego. The British Government has also accepted that there is a institution of caste in which harassment takes place. The people belonging to SCs there are demanding that caste should also be considered a basis for discrimination. This is more dangerous than racial discrimination. In this country everyone looks to the Supreme Court for justice, but a person from Scheduled Castes finds that he faces maximum injustice there. I wish to give three examples. There was the Indira Sawhney case that whether OBCs should get reservation or not. In that law there was no question of SC/ST. But the Court decided that the promotions for SCs and STs is unconstitutional. Had this Parliament not been there where would the people of this category have gone? The second example is of S.Nagraj. The case was about giving oppurtunities to people of SCs and STs in promotion. The Court also accepted that this is constitutional. But first three conditions should be prescribed - Whether you belong to the backward classes or not, whether your representation is minimum or not, and whether it affects the efficiency or not. In the Indira Sawhney case the Court decided

that SCs and STs are included in backward classes. Their representation is less. When the efficiency is not affected at the entry level then how will it be affected in the promotions? In India if a person belonging to SCs and STs goes from one State to the other, then he should be give the right of reservation in that State also.

SHRI CHUNIBHAI KANJIBHAI GOHEL: The resolution brought by Shri Vishambhar Prasad Nishadji is a very good resolution, but had it come in the form of a Government Bill, it would have received preference. I myself belong to the fishermen community. Our lifestyle, food habits are same as it was in the past. I went to Bihar, U.P. In all the States our fishermen brothers live in similar conditions, cook in the same way, live in huts. There is no change among them. There are fishermen in about 23 States. The fishermen had Scheduled Caste reservation in Uttar Pradesh; the previous Government ended this reservation there. The Kahars, Kashyaps, Malhars, Kolis are all one and the same. The migrant fishermen who go to other States face a lot of problems there. For example, when fishing boats of Andhra used to come to Gujarat, they were not allowed to enter the port. We fishermen youth together allowed them to enter. I request you that the fishermen from all the States should be included in the Scheduled Tribe.

PROF. MANOJ KUMAR JHA: In the Lok Sabha 55 years ago Pro. Hiren Mukherjee had talked about elimination of poverty and exploitation in any form. Even after 70-71 years we come back to this House with the same topics. It sounds poetic that poverty does not belong to any caste. But there is poverty among castes. There is no denying the fact that there is poverty among other castes also, but it is not because of the caste. Had it been so, caste would have gone. Babsaheb Ambedkar had warned in the Central Hall that if the social democracy does not change, then the volcano will continue to erupt. He had also warned against hero worship. It makes the issues unimportant. I support this Resolution. I believe that it is necessary to understand castes along with migration. People belonging to SCs, STs and OBCs are in the schedule in one State and are not in any schedule

in another State. Reservation is still a token and nothing else in lieu of the atrocities meted out since thousands of years. If the data of caste-based census is not made public, then we are transforming our society into a volcano. Whose share is to what extent, whose population is how much, what is their condition at present? The topic of reservation in private sector is raised. We are not begging from the private sector. The private sector is not so private because they get tax holidays and other facilities.

SHRI DIGVIJAYA SINGH: I support the proposal brought by Hon'ble Nishad ji. In Delhi, the Mallah caste is included in the Scheduled caste and if a person of this caste crosses the river Yamuna and goes to NOIDA and settles there, then he is not an SC, he is an OBC. Such problems exist in all the States. Before the reorganization of Indian States the Mallah caste was included in Scheduled Tribes in Vindhya Pradesh. When Madhya Pradesh was formed, then they were removed from the category of Scheduled Tribes. Discussion should take place under the Constitution on such discrepancies and changes should be brought about. I just want to say that there is a need to reconsider the entire issue. The report of Renke Commission was also submitted, but no decision could be taken yet. The Government should think about the synonyms of castes and make such provisions so that the difficulties could be removed. I had toured the entire area during Narmada Parikrama. Most of the fishermen castes - Mallah, Kahar, Dhimar live along the rivers and their condition is worse than the SCs, STs. They do not possess lands. This is why I support this Resolution.

SHRI RAKESH SINHA: We criticize ourselves, but sometimes we should also pay attention to our specialties. It is the specialty of the Indian society that there has been a consensus in relation to the people who have been exploited or those who are suffering. There was consensus even before the Constituent Assembly that provision should be made by the State to bring the people of SCs and STs to the mainstream, to empower them. If a sub-caste is getting reservation in Gujarat and not in Rajasthan, then this discrepancy should be removed. A day earlier the Bill for the security of the SCs,

STs was passed unanimously. The society is ready to get rid of the caste but politics does not allow it to do so. You may legislate thousands of laws but if social action is not initiated, the society can not change. When the civil disobedience movement was at its peak, at that time Mahatma Gandhi took a decision of taking out a "Harijan Yatra". He faced opposition but it did not deter him. It created an environment, with respect to empowering those who have been victimised for thousand of years, in the constituent assembly. I want to tell that what is the role of the society. I wanted to tell that the society has to play a significant role at social level in the efforts made by Mahatma Gandhi to Jaiprakash Narayan and Dr. Hegdewar to till date for elimination of inequality. The irony will be addressed by the governments to make it rational. With regard to disparity in the law, the people responsible for this have to introspect themselves as to why did they fail to address this issue for the last six decades? The second point I want to make that there are fifteen crore persons belonging to nomadic tribes in the country who have no identity for themselves. Today if they are in Haryana after a week you will find them in Rajasthan and they will be moving to Maharashtra after the fortnight. Dada Igate Commission was constituted for these people. There is an NGO named "Bhatke Vimukta Vikas Parishad" which has made efforts for their rehabilitation. The government should constitute a permanent commission based on the recommendation of Igate Commission, to rehabilitate them. Otherwise it will be blot on the Indian society. Today the problem is that we talk of a casteless society. But can we resolve that even if we loose the election, we shall never take recourse to casteists measures? Pt. Deen Dayal Upadhyaya contested election from Jaunpur and opposed the casteist measures despite the request of his own workers. The conservatives rejected this progressive slogan of Pt. Deen Dayal Upadhyaya and he lost the election. After loosing the election he said that let a message go to the nation that although Deen Dayal lost, Jan Sangha won. Indian society rejected the castes in 1977, 1989 and 2014. Those who have been victimised for the thousand of year, they are not only backwards but are the victims of caste-system. After adoption of Neo-liberal regime, the magnitude of inequality has been increasing. I just want to

say that instead of dividing ourselves let's stand united on this issue. We have great heritage. Quoting Baba Saheb Ambedkar or Dr. Hedgewar time and again will not fulfil their dreams. We have to follow their character in order to achieve the same. Therefore it is my view that let's not get into the political bargaining on the name of these great personalities. If we have to fulfil our dream of casteless society, we have to exhibit the diligence that we will lead society without money and caste & class power and show that we will win even after we loose and you will loose even after you win. This was our dream and in this context I request everybody that let us unite and not divide for the sake of social causes.

SHRI D. RAJA: I support the resolution. I have been looking at this issue for quite some time and I have come across many cases. The people who belong to SC community in Haryana, when they move to Delhi, they are not treated as SC. In the same way, the people who belong to the SC community in Tamil Nadu, if they move to Maharashtra, Mumbai, they are not treated as SC communities. I agree that there should be a permanent mechanism. Reservation is an affirmative action, and it is not the final solution to the problems. But, in the transitory period, we want to build a new India, free from castes, free from classes. This is part of our struggle for social justice. Thiruvalluvar, a great philosopher, said, "Birth is common to all creatures." Who codified the caste system in India? Thiruvalluvar had also said, "Whatever the wealth we create, we should distribute the share among ourselves equally." This is what Karl Marx said, and I do not find any difference between Thiruvalluvar and Karl Marx. I moved to Communism from my Tamil ethos. From my Thiruvalluvar, I moved to Karl Marx. I stand with Karl Marx, and we are for casteless society

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI THAAWAR CHAND GEHLOT)

intervening in the discussion, said: This resolution has been brought by Shri Vishambhar Prasad Nishad, he had brought forward this point in this House earlier also on a number of occasions. During the discussion I have apprised him of the rules and procedures in this regard made with in the constitutional parameters with respect to his resolution and the private member Bill. I feel to reiterate those few of the points in short and tell about the problems we have faced in this regard in order to satisfy him. He has mentioned about including a number of castes in the category of Schedule Castes. There is a laid down procedures for this. The Indian constitution has some rules in place to delete or add these castes. When these castes are listed, its record is available with the RGI. Whenever any proposal from any state is received for addition/deletion of any caste, the Ministry forwards it to the RGI and seeks its opinion on the same. After the RGI has concurred, the same is forwarded to the respective commission. When both RGI and the commission give their concurrence, the government forwards a proposal to the cabinet in the form of a draft Bill and ultimately the Parliament takes final call. This is the entire procedure. The case of the castes which have been mentioned by hon'ble member have been rejected number of times by the RGI and also based on the advise of the RGI, the respective commission did not concur with the proposal. This is the reason why we are unable to add or delete these castes. However, I would certainly like to mention that during the last four to four and half years we have received proposals from about 11 States and following the same procedure added about 24 castes in this schedule. These include two new castes. There are 22 synonyms of same castes totalling to 24 castes. As per demand from the State we have deleted six castes and omitted one . The same caste has different status in the different districts. After preliminary study it has been found that they were included in accordance with the then prevailing situations. Now the law and the rules governing addition or deletion of these castes have been enacted by the Parliament. These laws have been complied with by the past governments and we are also doing the same. There have

been proposals which were rejected during the past governments. Our government is working on the basis of laws laid down since 1950 and we are committed to safeguard the interest of all these classes of this society.

Scheduled Castes and Scheduled Tribes Order Amendment Bill was formulated in 1967. At that time, Joint Parliamentary Committee had also examined this issue. The social situation of any caste in one state is different from the other state. Therefore, it will not be proper to categorise any caste or tribe in the whole country under Scheduled Castes and Scheduled Tribes by giving a general rule regarding this. There are so many judgements regarding this and there are number of examples. A judgement of Supreme Court came in 1950 with regard to issue of certificate, which is being implemented in the whole country. Even then, different State Governments have formulated different modalities in this regard and on that basis the persons belonging to said listed castes can get certificate. Prime Minister had launched a special drive in 115 districts in this regard and it was also directed to the issue caste certificate. We have issued one lakh certificates till May. It is not possible to give similar reservation to these castes in the whole country because castes are not evenly recognised even in the same state. In the present law, we have not got the right to address this problem. We are also in favour of reservation in promotion. We filed a review petition in Supreme Court against its judgement. I am happy to state that court has issued an intrim order and the provisions of reservations in promotion have come in to force once again as per the DOPT Order and action is being taken on the same. As regard the provision of reservation in private sector, as per my knowledge a committee was constituted under the chairmanship of Chief Secretary to Prime Minister around 2002. That committee deliberates on this subject from time to time and hold meetings with private institutions and industrilists. Efforts are being made to create a atmosphere in this regard. Favourable atmosphere has not been created as yet. There is mention of nomadic tribes here. Hon'ble Prime Minister constituted a nomadic commission and that commission held talks with people in the country

during last three years and also consulted State Governments and submitted a report in this regard. We have circulated that report to State Governments and also to the Ministries of Government of India. When their response is available, I assure, we will take positive action on that report. A point has been made about backlog also. The process of filling vacant posts continues unabated. Because it is continuous process, Government keep on taking action in this regard.

SHRI VISHAMBHAR PRASAD NISHAD, replying to the debate, said: I want my resolution to be accepted. Our hon'ble members expressed their views on this resolution. All the members have support this resolution. But, hon'ble minister has referred to RGI stating that RGI objects to it. I want to say to the hon'ble minister that please get this resolution passed because it is in public interest. The people of whole country have hopes from you and this House on this and they want this resolution to be passed so that these castes get equal facilities in the entire country and the castes which are synonyms and which have been deprived of, get these benefits.

The resolution was negatived.

(ii) Bringing Suitable Legislation for Welfare of Widows in Country

SHRI TIRUCHI SIVA: I beg to move the following Resolution:

"Having regard to the fact that:—

- (i) according to the Census of 2011, the population of widows in India is 4,32,61,278 which accounts for 7.37 percent of the female population in India, which is the largest population of widows in the entire world;
- (ii) widowhood in India is not an ideal social condition and remarriage of widows is a rare phenomenon as widows in India face problems on economic, social, legal and health fronts;
- (iii) most of the widowed women do not have any formal training or education and as a result they are not able to

find any employment to earn their livelihood and the conditions are worse for those widows who belong to the unorganised sector, which constitutes 70 percent of India's population;

- (iv) customs in the Indian society are still engrained in age old practices where death of the husband is a social phenomenon in the society which affects every aspect of the life of the widow and many of them suffer a social death;
- (v) the old structures of joint family are being transformed into new structures of nuclear family which are not able to support the widows as around 72 percent of the female population above the age of 60 years is dependent population;
- (vi) around 60 percent of the population of widows is in the age group of 70 -74 years, who require appropriate health care facilities, but contrary to that healthcare of widows is considered as a taboo and they do not have access to basic healthcare;
- (vii) widows are given property rights under the Hindu Succession Act, 1956, but most widows are unaware of these rights and they suffer from the conflicts for the inheritance of property;
- (viii) a study conducted by the National Commission for Women in 2016 on the condition of widows in Uttar Pradesh, Uttarakhand and West Bengal stated that 84 percent of women who live in *Swadhar Greh* homes had no access to any family property and 15 percent had no access because their children or other family members had taken away the property;
- (ix) religious places like Vrindavan, Mathura, Varanasi, etc., have become home for a large number of destitute widows from all around the country who have been left by their kiths and kins and are solely dependent on the

state for their food and shelter and do not have any means of livelihood;

- (x) currently the Central Government does not have any specific scheme for the welfare of widows except for the Indira Gandhi National Widow Pension Scheme whereas *Swadhar Greh* Scheme and Short Stay Home Scheme are not specifically meant for widows and cater to all categories of destitute women, and
- (xi) there is no specific law or scheme addressing needs of the widows in the country, despite the fact that it has the largest population of widows in the entire world which must be recognised as a special category of destitute women, as they suffer from mental trauma and social pressures,

this House urges upon the Government to —

- (a) bring a suitable legislation for the welfare of the widows in the country, which is able to address their social security needs;
- (b) extend adequate financial assistance at par with current living standards to the destitute widows;
- (c) frame a policy that enables widows to get appropriate legal aid and health care;
- (d) initiate awareness programmes to make people more sensitive to the social pressures faced by widows in the country, and
- (e) conduct a relevant study regarding the condition of the widows in the country and use the study report to take necessary steps for their welfare."

A year before, I drew the attention of the Government to the pathetic conditions of widows in Vrindavan, but nothing concrete came to reality. More than one lakh widows are suffering or languishing in Vrindavan and they have got no asylum, no food and

no shelter and they are left in the streets begging and their condition is quite worse. In our country, out of the total women population, 7.37 per cent are widows. It accounts to the largest widow population in the entire world. Nowhere in any part of the world a widow is being treated so badly as in our country. It is not something which they have desired for. This is not an issue of a political party. This is a humanitarian issue. Sir, widows are of various ages. They may be above 70 years or in their 20s. But this is only in our country that this sort of social stigma comes along with widows. This social discrimination which they are facing with lack of everything has led them to the worst situation and they have a very bad end in their life. Families are deserting them. Some NGOs give them some refuge; they are given just Rs.8 per day. How can a person live with Rs.8 today? It is not confined to Vrindavan only; it is across the country. So far, no Act is in place for their welfare.

Whatever our mentor Shri Periyar said, all were implemented when he was in power, especially for the welfare of the widows. I am proud to say that we are descendents of Periyar. We belong to a social reformation movement. Periyar used to say in our human society, men and women are the same and should have equal rights. And, they should not be discriminated against for any reason. At last, he went, especially to the widows. Widows were denied access to public places. Widows were not allowed in holy places. Why should this sort of treatment be meted out to the women community in this world? The purpose of this Resolution is to bring forth a solution to them. If the Government comes out with a very good solution, then, that will be a great solace and consolation to those women who are languishing across the country. Widows are everywhere, across the world, but discrimination is meted out to them only here for so many reasons. We have got a caste hierarchy system. Someone is supposed to be higher and someone lower. So also, women are being destined to be like that. If the family of the widow is not prepared to take care of her and if she is sent away and deserted, the Government is, ultimately, responsible. Widows are being exploited by everyone. Our intention behind bringing this Resolution is only to sensitise the Government to act upon this issue. We want the Government to come

out with a legislation, which would bring solution to the problems faced by the widows in this country. Around 60 per cent of the population of widows is in the age group of 70-74 years, who require appropriate healthcare facilities. Widows are given property rights under the Hindu Succession Act, 1956, but most widows are unaware of these rights because they are illiterate. So, the Government should come to their rescue and awareness should be created. Religious places, like Vrindavan, Mathura and Varanasi, have become homes to a large number of destitute widows from all around the country. Currently, the Central Government does not have any specific scheme for the welfare of widows except the Indira Gandhi National Widow Pension. When our leader, Dr. Kalam, was the Chief Minister, he brought out so many rehabilitation schemes for the widows, like remarriage. The children of the widows were given financial assistance for education. Our mentor, Periyar, started the Self-Respect Movement and especially the self-respect marriage also. Now, it is there across the State of Tamil Nadu. We have done a lot. Whenever we have been in power, for women, especially, widows, our Government has evolved a number of social welfare schemes. There should be no discrimination against anyone. I would urge the Government to kindly take this issue very seriously. It must be recognized as the special category of destitute women as they suffer from mental trauma and social pressures. We have implemented a lot of schemes for them in Tamil Nadu. But it should not be confined to one State. I urge upon the Government, through this Resolution, to extend adequate financial assistance to the destitute widows. So far, there are no legislations, no specific schemes especially with regard to widows. I urge upon the Government to bring a suitable legislation for the welfare of the widows in the country; a legislation which is able to address their social security needs.

DR. SONAL MANSINGH: I support this Resolution. I am also happy that a male has taken this initiative in our male dominated society. I want to speak on two issues only. This subject should be included in corporate social responsibility. Secondly, the media should also understand its responsibility and should conduct debates

on this important issue so that social awareness is created in this regard. There should be a chapter on this issue in school books also.

DR. AMEE YAJNIK: I strongly join the views of Tiruchi Siva ji. India has 40 million widows. They live in such desolate conditions, practically without any health care and also without any social security cover. We need a special place for them as far as legislation is concerned. Widows range from the age of 14 to 74 and they are in huge number in all sections of the society. About pension schemes pertaining to destitute women, there are almost 28 per cent who are entitled to pension, but only 11 per cent are getting this pension. As far as health care facilities are concerned, they should have health care card. Every woman is entitled to free legal aid. But how many women in the country know about this. There is nobody to give a helping hand to these women. This is the right time the Government comes out with a special legislation for them and empower them. We have to see that they get their due in society; they get a little bit of care; they get some kind of health system which they can readily avail. Women are just sent to old-age homes. They require some kind of health care in those homes also. I also request the Government to see that these aspects are taken into consideration and some special legislation is brought about.

SHRI RAVI PRAKASH VERMA: I congratulate Shri Tiruchi Siva for bringing this issue. There is one section of our Indian society whose situation is not better than animals. We should also focus on the treatment being meted out to our elders and should not leave them alone. Women are imparting basic education to the children to become good citizens in the homes. Why cannot we treat their activities as economic activities? Their services should be economically evaluated and should be added in GDP. I think this is the only way the State can help these destitute widows and make their lives respectful. We cannot tolerate such situation of women in our society. The media should give importance to the women but instead they are using them as a commodity. I want to appeal the Government to stop this schooling against women in the society. An assessment

should be made regarding the points raised by Sivaji. The government should make a policy for the widows so that they can lead a respectable life.

Discussion not concluded.

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Desh Deepak Verma,
Secretary-General.

rssynop@sansad.nic.in

****Supplement covering rest of the proceedings is being issued separately.