

RAJYA SABHA

***SYNOPSIS OF DEBATE**

(Proceedings other than Questions and Answers)

Tuesday, July 25, 2023/ Sravana 3, 1945 (Saka)

GOVERNMENT BILL

The Constitution (Scheduled Tribes) Order (Fifth Amendment) Bill, 2022

THE MINISTER OF SCHEDULED TRIBES (SHRI ARJUN MUNDA):

I move that the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 for inclusion of certain communities in the list of Scheduled Tribes in relation to the State of Chhattisgarh, as passed by Lok Sabha, be taken into consideration.

SHRI NIRANJAN BISHI: I am very grateful to you for giving me this opportunity to speak on the Constitution Scheduled Tribes Order Fifth Amendment Bill, 2022 with respect to the State of Chhattisgarh. This would be helpful for the greatest benefit of the tribal communities of Chhattisgarh in particular and the tribals of India in general. The object of this bill is to include certain communities in the list of Scheduled Tribes of Chhattisgarh. I had also participated in the movement to include these tribal communities in Raipur, Chhattisgarh. As I pass this bill today, I feel very proud. There are 43 Scheduled Tribe communities in the state of Chhattisgarh, which constitute 31 percent of the total population. Many tribal communities of Odisha are deprived of this list. It is necessary to protect the land, water, forest, language, dialect, religion and culture of tribals. Along with this, they should be provided employment, job, higher education, technical education free of cost. I support this bill on behalf of my party Biju Janata Dal.

***SHRI RYAGA KRISHNAIAH:** We are supporting this Bill regarding Chhattisgarh. The inclusion of castes in the list is good but there is a need for an increase of reservation for Scheduled Tribes. Reservations for them should be increased in the fields of education, employment and politics. Special care has to be meted out to the Education and Health of the tribal communities. There is a need to increase Eklavya Model Residential Schools. The Central Government is taking special interest towards the Tribal communities. The tribal communities living in the hilly areas are being exploited of their produce and they are unable to sell their agricultural products for minimum price. The people from the Tribal communities are not aware of the importance of education. Hence, awareness programs should be conducted in the tribal areas to make them realize the importance of education. Children belonging to the Tribal communities should be admitted to Eklavya Model Residential Schools. I request the Central Government to increase the budget for the tribal communities. Necessary measures should be taken for developing the socio-economic and health conditions of the tribal communities.

SHRI SAMIR ORAON: In the history of India, the struggle of the country's tribal society laid the foundation for building India and established an indelible culture. Today,

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

* Spoke in Telugu.

the population of tribes in the entire country is above 15 crores. Such a large section of the country has been outside the mainstream since the independence. The Prime Minister has seen this suffering of the tribal society very closely and has tried to understand it. Eklavya Model Residential Schools for the better education of tribal children have been established. Similarly, 'Van-dhan Vikas Kendras' have been set up to increase the income of tribals by processing forest products and adding value to them. The government has planned and worked on how diseases like sickle cell anaemia, thalassemia, and malaria can be eradicated from the tribal communities. Our tribal revolutionary heroes contributed a lot in the freedom struggle. Our Prime Minister has done the work of honouring such unsung heroes. The birthday of Bhagwan Birsa Munda ji has been started to be celebrated as the National 'Tribal Pride Day'. Various castes belonging to the state of Chhattisgarh are being included in the category of Scheduled Tribes through this Constitutional Amendment Bill. With these amendments, a large tribal section of Chhattisgarh will be able to get their rights. Our government under the leadership of our Prime Minister is continuously working to protect their interests. Today this bill has been brought constitutionally to provide tribal rights to the communities who have been deprived of their rights due to errors of spelling in many states. I support this Bill.

THE LEADER OF THE OPPOSITION (SHRI MALLIKARJUN KHARGE): We support the Bill presented in this House regarding Scheduled Castes/Scheduled Tribes in respect of Chhattisgarh and Himachal Pradesh. The injustice has been done to these castes and tribes and they should get adequate rights under the system provided by the constitution.

SHRI KANAKAMEDALA RAVINDRA KUMAR: This Bill has been brought before this august House to include certain communities in the Scheduled Tribes (ST) list pertaining to the State of Chhattisgarh. I would like to draw the attention of the Government to the plight of Valmiki and Boya communities in the State of Andhra Pradesh who are demanding the ST status. As of now, the Boya and Valmiki castes are deprived of ST status.

MS. SAROJ PANDEY: Whenever it comes to the history of India, without mentioning the tribal society, their rituals, and their culture, our history will always remain incomplete. Due to a minor mistake in the name of their caste, they did not get their caste certificate, and without the certificate, they were denied the job that was rightfully theirs. The soul of democracy is that every person should get their democratic rights, but it is a matter of misfortune that these people of Chhattisgarh could not get that right due to a minor mistake. About 75 percent of the total tribes of the country reside in Chhattisgarh. Even a slight difference in the names of these tribes, a minor mistake, results in them being deprived of their rights. This Bill has been introduced today to address these issues and safeguard their rights.

DR. KIRODI LAL MEENA: I express my gratitude to the Government for the crucial initiative taken by our Parliament to grant rights to the tribal communities who have been deprived of their rightful entitlements for years due to minor caste name discrepancies. While the issue of conversion is more prevalent among the tribes in Chhattisgarh and Jharkhand, we also face a similar situation in Rajasthan, where conversion has become a common practice due to extreme starvation, malnutrition, and poverty. To address this concern, I propose abolishing the provision of reservation for those who convert and adopt another religion, thereby curbing this practice. I would like to bring to the Government's attention a problem in my area. The 'Meena' caste is listed as Scheduled Tribes (ST) in Rajasthan, and 'Meena' and 'Mina' belong to the same caste with no distinction between them. However, in my village, individuals with the name 'Meena'

receive their certificates, whereas those without 'Meena' in their names face certificate denials. I request the Ministry to send another letter to the Government of Rajasthan, seeking an amendment to the constitution by adding the word 'MINA' alongside 'MEENA.' Similarly, in Chhattisgarh, people face difficulties due to differences in tribal names, and the 'MINA' and 'MEENA' tribes in Rajasthan also encounter similar challenges.

DR. M. THAMBIDURAI: This Bill has been brought for inclusion of certain communities in the list of Scheduled Tribes in relation to the state of Chhattisgarh. I am very happy that the Government has made a lot of efforts to give importance to the tribal community. There are a lot of demands from various States also for including certain communities in the respective lists. I request the Government to consider all such requests from various State Governments and bring a consolidated Bill. We have also recommended inclusion of many communities, particularly, the fishermen community, in the tribal list. We are requesting the hon'ble Minister that the States may be different, but the community is the same and the social status of the people is the same. Therefore, when a certain community is a tribal community in one area such as in Karnataka, then they should be included under tribal community in Tamil Nadu and Andhra Pradesh as well. So, we humbly request the Government to include them in the list of tribal communities.

DR. ANIL AGRAWAL: I rise today to speak in support of this Bill. The population of our tribal brethren in our country is 8.6 percent of the total population of the country and this is a good percentage. They have always contributed in the development of the country and they also contributed a lot in the independence of the country. Today all these brothers of ours want to join the mainstream of the country. This government understood their pain and worked towards integrating them into the mainstream of development and economic development. Today they are being educated. For this purpose, Eklavya Model Residential Schools are being built.

SHRI BIPLAB KUMAR DEB: I support this Bill. I also want to put it before the House that not only the whole country, but the whole world knows that the Bru-Reangs were displaced and were living as refugees in their own country. Hon'ble Prime Minister has done a commendable job of giving a package of 600 crores for them so that they may live in Tripura permanently. I thank Arjun Mundaji for the work he has done to integrate the tribes of Chhattisgarh.

SHRI V. VIJAYASAI REDDY: I, on behalf of my Party support this Bill. When Andhra Pradesh had requested the Central Government to set up a tribal university, hon. Prime Minister had immediately agreed for the same and the process of setting up a tribal university in Paderu constituency is under progress. At the same time, the Centre is also constructing a super specialty hospital, particularly for tribals in the tribal areas located in Andhra Pradesh. It is for the Central Government to take a call whether the Boya Community and also Valmiki Community in the plain areas are to be included in the list of tribals or not.

SHRI JUGALSINH LOKHANDWALA: I congratulate this Government for the efforts they are making to bring these communities into the mainstream in Chhattisgarh. Credit for promotion and success of Ayurvedic system of medicine in the country also goes to this government.

THE MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRIMATI RENUKA SINGH SARUTA): I rise to speak on this Bill. I have stood up to speak on this bill. I myself come from Chhattisgarh. Presently 42 tribes reside in Chhattisgarh. It is a historic day not only for the tribal community of Chhattisgarh, but for

more than 700 tribal communities living in the country. In the list of 12 castes, which have come in this Amendment Bill, there are 10 such castes, which were deprived of the rights given to them by the Constitution, even after so many years of independence, due to a clerical error. The two Rajya Sabha Members who come from the quota of Chhattisgarh, both those Rajya Sabha Members should have supported it and they should have expressed their view in its favour. I wholeheartedly support this Bill and I am also a Minister of this Ministry, so I am very happy.

DR. SASMIT PATRA: I support this Bill on behalf of our party Biju Janata Dal and our leader Shri Naveen Patnaik ji. It is a glorious occasion when our tribal brothers and sisters in Chhattisgarh are getting their rights. I hope that when the Government is giving justice to the tribal people of Chhattisgarh today, very soon it will also work for inclusion of 169 communities in the Scheduled Tribes List who are struggling for being included in the list since 1970. *Santhali* is today included in the Eighth Schedule of the Constitution. Similarly, there is a need to include 'Ho', 'Mundari' and 'Bhumij' languages of Odisha in the Eighth Schedule. I would like to mention about the tribals that about 10 lakh tribal women in Odisha earn their livelihood from Kendu leaves. The Central Government should remove 18 percent GST on Kendu leaves. Many tribal brothers and sisters in Western Odisha and Southern Odisha are deprived of *Pradhan Mantri Awas Yojana* till date. If they get this house and also get employment, then their all-round development will take place. I urge the Central Government to pass a Bill for 50 percent reservation for women. The 169 tribes of Odisha hope to be included in the tribal list. The Government should fulfill their hopes.

SHRI RAKESH SINHA: I congratulate the Minister of Tribal Affairs, Shri Arjun Munda ji for addressing the anomalies due to which our forest dwellers had to face many difficulties. Today, 17 percent of the tribal people in Chhattisgarh are suffering from malnutrition. I would like to tell the country through the House that since 2014 many basic changes have taken place at the level of the Central Government. But due to insufficient efforts of the State Government, the expected success could not be achieved. As against the year 2012-13, the Ministries and Departments of Central Government have increased the budgetary allocation for tribal people by almost five times. Since independence, the existence and identity of tribal society has been under question. The British used the word 'Animist' for them and then used the word 'tribe' for them. Post independence, the Indian government led by the Congress neither gave them any economic benefit nor any proper representation. Hon'ble Prime Minister Narendra Modi has rectified that system. This Government has increased the budget allocation for them and has started celebrating '*Janjatiy Gaurav Diwas*' under '*Amrit Mahotsav*' to give proper recognition to their identity and pride and to honor their sacrifice in the freedom movement of the country. Today, under the leadership of Prime Minister Narendra Modi, we are moving ahead on existence and identity of the tribal people. This is where the fundamental change has taken place.

SHRI G.K. VASAN: While supporting the Bill, I would like to mention that our hon'ble Prime Minister is generous and committed to the upliftment of the tribal people. In previous session, the Narikkurava community in Tamil Nadu was awarded the ST status. The community has witnessed a growth. In the same way, I would request to consider the Badagas community in Nilgiris; number two, the fishermen community, the Valmiki community and the Bare Community under the category of Scheduled Tribes. I sincerely hope that hon'ble Minister will certainly consider Badaga community to be listed in this list.

DR. K. LAXMAN: I congratulate Shri Arjun Munda Ji for including some genuine castes in the list of 'Tribes'. As far as Telangana is concerned, the 10 percent of the population over there is tribal. But, unfortunately the *Bharat Rashtra Samithi* claims that they are equidistant from the Congress and the BJP. But, they dance to the tune of Congress. The entire Telangana society is watching their indifference. In both the states of Andhra Pradesh and Telangana, there are Valmiki and Boya communities, along with fishermen and Vaddara, a stone cutter community. They have been demanding the ST status for many decades. But, even while being a part of the UPA Government, the BRS did not ever talk about the inclusion of Valmiki and Boya castes in the ST list. Today, Modi ji has shown by working for their development. He ensured participation in the Cabinet to eight people from Scheduled Tribe society. For the first time, he made a tribal woman the President of India. I request the Hon'ble Minister that the people living in the Podu tribal area should be given the right to own and cultivate the land over there and Valmiki, Boya and our other social groups must be included in list of Scheduled Tribes.

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI RAMDAS ATHAWALE): This Bill aims to include some castes of the tribal community of Chhattisgarh in the List of Scheduled Tribes. Along with that, there are some castes in Himachal Pradesh also. This Bill has been brought to include them under the category of Scheduled Tribes. There is a fort named Vishalgarh in Khalapur, Khopoli taluk in Raigad district of Maharashtra. There was a village having 47 houses. But this year at least 80-90 people have died over there because of the mountain collapse. However, in this tragic incident, 124 lives have been saved. I have also written a letter to the CM and Deputy CM of Maharashtra on the issue. My demand to the Government of India is that we must bring the people living in the mountains to safer places. They suffer heavy losses due to earthquakes, rains and landslides. I also request that according to the 2011 census, the tribal people should be given 8.4 per cent reservation instead of 7.5 per cent. At the time of discussion on this important Bill, I also regret the absence of Congress and opposition and support this Bill on behalf of my party.

SHRI RAMJI: I am in support of this Bill. The 'Mahara Samaj' should also be included in the Scheduled Tribes, as they have a distinct tribal identity, it is wrong to keep them under the Scheduled Castes. In the Gazette of 1949-1950 of Madhya Pradesh, the 'Mahara Samaj' of Chhattisgarh was included under tribal communities. 'Mahara' and 'Mahar' are different. One is a Scheduled Tribe and the other is a Scheduled Caste, so these two should not be considered the same. While taking a decision on the issue, the relevant facts should be taken into consideration.

The hon'ble Minister, replying to the debate, said: Today, in this House all the senior hon'ble Members discussed very seriously the Amendment proposed on the Bill related to the state of Chhattisgarh and almost all the hon'ble Members supported this Bill. I express my gratitude to all those hon'ble Members. Under the leadership of Hon'ble Prime Minister Narendra Bhai Modi, the aim of the Government was that the people of the tribal community should get proper rights under the constitutional system. The Chair has mentioned several times that we all should present our viewpoint only on the basis of the Bill presented in the House. Apart from this, Hon'ble Members have kept raising many such topics, which are not related to this Bill, but are related to the tribal cause. Therefore, taking them into cognizance, I say that whatever your suggestions have come in relation to the tribal communities, the Government will consider all those matters in a constructive way. During last 9 years, under the leadership of Hon'ble Prime Minister Narendra Modi, the continuous efforts have been made and initiatives have been taken to solve such

problems, an example of which is the Bill presented in this House today. Prior to this, efforts were made to solve such anomalies in many states like Tripura, Uttar Pradesh, Jharkhand, Karnataka and Tamil Nadu etc. The state government over there has been asked to do a proper research on all these matters and provide all the information to the Government of India as per the prescribed criteria. Thereafter, the Government of India will ensure the rights of the tribal people from the constitutional point of view through the Bill. It is possible to do this work not for the whole country but at the level of different states. That is why, today this Bill has been brought in relation to Chhattisgarh. At present, there are 12 such communities in Chhattisgarh, most of which have been discussed by the hon'ble Members so far that due to quantitative or clerical error or due to illiteracy in those days or due to difference between writer or hearer or speaker, which were recorded in the revenue records in this way, which were not amended over time, due to which this problem kept on increasing. In the year 2000, Hon'ble Supreme Court also mentioned that Parliament has the right that if there is any kind of error in it, then the Parliament should amend it. Many years passed after that, but the previous Governments did not pay attention to it. Because of this, the circumstances kept getting more complicated. But, after the formation of the Government under the leadership of respected Narendra Modi, showing sensitivity, the work of resolving all the states like Arunachal Pradesh, Tripura, Uttar Pradesh, Jharkhand etc. got started. It happened in the last session as well, it happened before and this sequence will continue. After that we will discuss the Bill related to Himachal Pradesh. In this way, we are continuously doing this work. One thing is clear that the Government is sensitive towards the tribal communities. The estimated population of these 12 communities mentioned in the Bill is 75 thousand. These numbers are very less, but the government is sensitive that they should be discovered, their problems should be solved and they should also get justice. Chhattisgarh state's list of Scheduled Tribes has a spelling mistake at entry number five, before amendment it is in the form of 'Bharia Bhumia', but it has spelling errors like 'Bhuiyan', 'Bhuiyan' or 'Bhuyan'. Many problems arise due to spelling mistakes in English at many places and revenue records being in Hindi at many places, so we have introduced amendment in this Bill both in Hindi, i.e. in Devanagari script as well as in English. In the same manner, the word 'Dhanuhar', 'Dhanuwar' has been added as a synonym for 'Dhanwar' in Entry No. 14. Similarly, words synonymous with 'Gond' have also been added to it. Also, we have two different spellings - Kondh and Kond in English. We have solved a total of 12 such problems in the case of Chhattisgarh. The government is always trying to ensure that every citizen of this country gets justice. Under 'Ayushman Bharat', everyone's health is being taken care of at a micro level. A national campaign has been launched jointly by the Ministry of Health and the Ministry of Tribal Affairs for the hereditary problem of sickle cell anaemia. This campaign has been started with the resolution that by the time we celebrate 100 years of independence in this country, this disease should be eradicated from India. Good education is being ensured for the children of each family through Eklavya Model Residential Schools. Through the Sickle Cell Anemia campaign, we are providing a permanent solution to their health concerns. The system of general medical treatment is going on through 'Ayushman Bharat', in which every person has the facility of up to Rs. 5 lakh that he can get free medical treatment. The intention of the government is that there should be proper arrangements for education, health and employment in those areas. I urge upon the House to pass this Bill unanimously.

The motion for consideration of the Bill was adopted.

Clauses etc., as amended, were adopted.

The Bill, as amended, was passed.

OBSERVATION BY THE CHAIR

MR. DEPUTY CHAIRMAN: Hon'ble Members, as you all are aware, while participating in the debates or discussions, Members put forth various arguments and viewpoints pertaining to the subject being discussed in the House. However, I wish to draw attention of the House towards Rule 110 which clearly states that, "*the discussion on a motion that the Bill be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech, a Member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character*". There are several rulings on this also. That is, whenever you discuss on a bill, you should always keep in mind the Rule 110, which is related to the scope of debate and Rule 240, which is related to irrelevance or repetition of speech. I urge you to speak about the bill keeping in view of these rules.

P. C. MODY,
Secretary-General.

rssynop@sansad.nic.in