

AN HON. Member: It is an important question.

MR. SPEAKER: I will allow it. I am allowing the Minister to reply.

[*Translation*]

Mandal Commission Report

**43. SHRI SURENDRA PAL
PATHAK:
SHRI BIRSINGH MAHAT O

Will the Minister of WELFARE be pleased to state:

(a) the States and Union Territories which have constituted the permanent body for identification of backward classes, as directed by the Supreme Court in its judgement of November 16, 1992; and

(b) the other steps taken so far by the Government to implement the Mandal Commission report in light of the Supreme Court judgement?

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE: (SHRI K.V. THANGKABALU): (a) and (b). A statement is laid on the Table of the House.

STATEMENT

(a) The Supreme Court had not directed the State Governments and Union Territory Administrations to constitute any permanent body for identification of backward classes as such. However, it had directed the Government of India and each of the State Governments and Union Territory Administrations to constitute a permanent

body for entertaining/examining and recommending upon requests for inclusion and complaints of over inclusion and under-inclusion in the list of other backward classes of citizens.

2. Government of India accordingly wrote to the State Governments and Union Territory Administrations on 23.11.92, requesting them to take appropriate action for compliance with the directions of the Supreme Court, including the one relating to the constitution of a permanent body. However, the reports received so far from some of the State Governments indicate that they are active seized of the problem but in none of the States/UTs the permanent body has yet been constituted.

(b) The Central Government, as per directions of the Supreme Court has decided to constitute a National Commission for reviewing the lists of backward classes as indicated above. In order to make this permanent body effective in the discharge of its functions, the President has promulgated an ordinance which will soon be replaced by an Act of Parliament.

3. A Committee of Experts consisting of 4 Members has also been constituted to recommend to the government the socio economic criteria for excluding the socially economic criteria for excluding the socially advanced persons/sections (creamy layer) from other backward classes. Action has also been initiated on other issues flow from the Supreme Court judgment.

[*Translation*]

SHRI RAM VILAS PASWAN: With reference to the reply given by the hon Minister I would like to point out that the last date of Central civil Services Exams., 1992 was 22nd December and now the date is

** Both the members were absent. Keeping in Geli the importance of the question the Speaker allowed the Minister to answer the question without being put.

over. I would like to know from the Government whether any arrangement for the reservation for the Backward classes, in pursuance of the Supreme Court's orders has been made or not, as the examination process will be over at least after one year?

In the last session of the Parliament, with the permission of the Chair the hon. Minister had made a statement on 22nd December. While making that statement, the hon. Minister had also made an assurance that the decision delivered on the 16th November would not affect the interests of SCs and STs in respect of their promotions and the policy of reservation in promotions would continue. Has the Government of India or Ministry of Welfare issued any circulars in this regard to any circulars in this regard to the State Governments or various Ministries? If so, the date on which such circular has been issued, because a ban has been imposed on their promotions in various departments.

THE MINISTER OF WELFARE (SHRI SITA RAM KESRI): So far as the judgment of the Supreme Court in view of the Mandal Commission is concerned, it is under process. We have set up an expert committee which will submit its report before 15th March. (Interruptions) Regarding SCs and STs, I had given a statement in this House as well as in Rajya Sabha on 23rd December. I have already informed all the State Governments accordingly in respect of all these things about a week earlier. (Interruptions)

SHRI RAM VILAS PASWAN: I have put a very simple question and I through that through you, the hon. Minister would give a simple answer to it. I have stated that the last date for submitting the application for the Civil Services Examinations was 22nd December. There was no mention regarding O.B.Cs in the form. It will take at least one

year when the final result may come out. For the decision of the Supreme Court it appears that the recommendations of the Mandal Commission have been implemented. A period of 3-4 months have been allotted by the Court for its processing and this Exams will take at least one year for its finalisation, With a view to provide justice to the youths of the backward classes, what steps are being taken by the Government? In case a backward class candidate selected in the Exams, falls under the category of creamy layer you can later on reject the candidature of that candidate. But why are you ignoring the right of all the candidates belonging to the O.B. Cs as a whole.

SHRI SITARAM KESRI: He has asked a supplementary that is why I am replying to it. This is not an issue which is relate to any particular party rather it is a national issue. (Interruptions) I know each and every thing about it and I will tackle all the problems in this regard. (Interruptions)

SHRI NITISH KUMAR: I would like to know whether this decision will be implemented on the competitive examinations to be held this year or not. (Interruptions)*

[English]

MR. SPEAKER: This will not go on record.

Mr. Nitish Kumar, you are disturbing the House. Not necessary. Yes, Mr. Minister, please.

[Translation]

SHRI SITARAM KESRI: Mr. Speaker, Sir as I have told the House earlier, we have constituted an expert committee after the decision of the Supreme Court. The Supreme

Court, in its decision has directed the Government to constitute a commission within a period of four months and on the same lines the expert committee constituted by us would give its report before 15th March. We would implement the Export Committee's report after examining

[English]

SHRI A CHARLES: In the name of the implementation of the recommendations of the Mandal Commission, I am sorry to say that a lot of misunderstanding is sought to be created all over the country, to take political advantage. I belong to a backward community. I come from Kerala. In that State, for the last quarter of a century, 50 per cent of the whole of the appointments in the State Government are earmarked for the backward communities and they are enjoying this benefit. So, in a State like Kerala, the Mandal commission has no relevance at all because even now, as per the orders of the Supreme Court, more than 50 per cent cannot be reserved. The main problem of implementing the Mandal Commission's report is..

MR. SPEAKER: What is your question, Mr. Charles?

SHRI A CHARLES: Sir, this is a very serious issue. I may be given one minute to formulate my question. I will not take more than that

MR. SPEAKER: There are others who want to ask questions.

SHRI A. CHARLES: I am coming to the point. Please permit me. The main problem of implementation of the Mandal Commission is because of the stand of the then Government. The former Prime Minister,

Shri V.P.Singh while making the *suo motu* statement, did not say that the 3, 743 communities included in the Mandal Commission's Report should be given reservation. If that were so, the whole problem would not have arisen at all.

May I know from the hon. Minister whether the newly appointed Committee may also be authorised to identify and bring out a complete list for giving reservations with regard to appointments in Central Government as also in public sector undertakings?

SHRI RAM VILAS PASWAN: He is not correct. We have not asked for 3, 700 communities. (Interruptions)

[Translation]

SHRI RAM VILAS PASWAN: We did not talk of all communities. We had asked for a Common list (Interruptions)*

[English]

MR. SPEAKER: This is not going on record.

SHRI A. CHARLES: You just see the backward communities. We are the aggrieved party. I myself belong to a backward community. (Interruptions)

[Translation]

SHRI SITA RAM KESRI: Sir, as per the Supreme Court orders the list of backward classes being maintained by the States should be treated as the basis. And so far as the issue of common list is concerned a scrutiny will also be done in this regard. However, the verdict of the Supreme Court is very clear that the list being maintained by the State should also be accepted.

SHRI DEVENDRA PRASAD YADAV:
Mr. Speaker, Sir, though the hon. Minister has accepted it to be a matter of national importance, his reply is not positive. My question regarding the U.P. S.C. examination of 22nd was very clear. (*Interruptions*)

MR. SPEAKER: This question is on the Mandal Commission and not on examinations.

SHRI DEVENDRA PRASED YADAV:
There is no column for the O.B.c in the form as per the with the Mandal Commission Report in respect of All India Services in regard to which the Supreme Court has given a verdict. (*Interruptions*)

[*English*]

MR. SPEAKER: You are coming from general to specific. You please ask the question on the general issue.

[*Translation*]

SHRI DEVENDRA PRASAD YADAV:
Mr. Speaker, Sir, my question is very specific.

[*English*]

MR. SPEAKER: That is not allowed. You are jumping from general to specific.

[*Translation*]

SHRI DEVENDRA PRASAD YADAV:
This is not general (*Interruptions*) Please State whether 27 per cent reservation as recommended by the Mandhal commission will be made from this year or not and also whether any positive steps will be taken by the Government for the inclusion of a column for O.B.C. in the forms?

SHRI SITARAM KESRI: Sir, we will consider the matter after the presentation of the expert committee report. (*Interruptions*)

MR. SPEAKER: This is a wrong practice. This is the Question Hour. He is replying to his question. When his question has not been replied you should not create a situation by rising again and again and making interruptions.

[*English*]

I don't appreciate you people standing up every now and then and disjuring the House. Mr. Hari Kishore ji, I don't appreciate it.

[*Translation*]

SHRI SITARAM KESRI: Sir, the question of implementtion will rise only after examineng the Expert committee report, when received. (*Interruptions*) As regards the present position, I would like to inform him that as per the Supreme Court judgment, we will have to set up a commission by the 15th March. It will be difficult to implement the report till the term, 'creamy layer' is interpreted. This is the reason for setting up of the expert committee.

SHRI CHANDULAL CHANDRAKAR:
Mr. Speaker, Sir, from the report of the Mandal Commission it is clear that the Commission has not included 'Kurmis' living in large numbers in Madhya Pradesh, in the list of backward classes. Sir, through you, may I request the hon. Minister to definitely include 'Kurmis' of Madhya Pradesh in the list, because the Mahajan Commission of the State has included 'Kurmis' in the list of backward classes? I would like to know whether they will be included?

MR. SPEAKER: This does not arise out of the main question.

[*English*]

SHRI SHARD DIGHE: Mr. Speaker, Sir, pursuant to the Supreme Court directives the Government has appointed this expert

committee to find out the criteria for excluding the 'creamy layer' and it has also issued the Ordinance for constituting a National Commission for reviewing the list of the Mandal Commission. I would like to know after this, 'creamy layer' criteria are laid down by this expert committee, is the Government going to follow initially the Mandal Commission list as far as the backward community is concerned, or is it going to wait further for the decisions of this National Commission to review the list?

[Translation]

SHRI SITARAM KESRI: Mr. Speaker, Sir, the expert committee has been appointed to fix the criteria to identify the 'creamy layer'. This has got nothing to do with the issue of the Commission because commissions will continue to be appointed regularly to include and exclude castes and communities. Only after a decision about the criteria to be followed for the 'creamy layer' is taken after examination, the Government will immediately take action and implement it.

SHRI RAM LAKHAN SINGH YADAV: Mr. Speaker, Sir, the Mandal Commission has made many recommendations. The main recommendation is the issue of reservation. Different Governments have taken decision to provide 27 to 72 percent reservation. against this writs have been filed as many as 4 times in High Courts and 3 times in the Supreme Court, but ultimately the courts have considered it to be very justified, constitutional and legal and necessary for the country. Will the hon. Minister please State the steps being taken by the Government in this regard?

SHRI SITARAM KESRI: As per the judgment of the Supreme Court total reservation cannot exceed 50 percent and after including 27 percent, it comes to 49.5 percent. So far as the question of providing

more than 50 percent reservation is concerned, this limit can be increased or curtailed if there are some extraordinary conditions. As per the judgment of the Supreme Court reservation cannot exceed the 50 percent limit. (Interruptions)

[English]

MR. SPEAKER: This is not going on record.

SHRI D.K. NAIKAR: The recommendations of the Mandal Commission have to be implemented by the Government and the Supreme Court has hold that the reservation should be in favour of the caste, not on the basis of the economics.

In view of the decision given by the Supreme Court, and on the basis of the recommendations made by the Mandal Commission in respect of certain castes, will the Government implement it by issuing the notification on the Mandal Commission? If so, when will it be issued?

[Translation]

SHRI SITARAM KESRI: Sir, I could not follow.

MR. SPEAKER: I also could not followed. Please repeat it.

[English]

SHRI D.K. NAIKAR: I will tell you again. When the Mandal Commission has investigated and identified certain number of classes as backward classes, the question was whether it should be on a caste basis or the economic basis. Now the Supreme Court decision has been given. Now, in view of the decision of the Supreme Court whether the Minister will issue a notification in favour of those castes identified on the basis of the list prepared or identified by the Mandal

Commission to make reservations and if so when?

[*Translation*]

SHRI SITARAM KESRI: Sir, as I have submitted just now, the Supreme court has made caste the basis, but mostly those castes included in the lists prepared by States. So far as the common list of castes identified by the Mandal Commission and the castes included in the lists prepared by States is concerned, I think it would be better to have a scrutiny of this common list. Such common list is there in fourteen States. We will write to States to send their list to the Centre to facilitate us to prepare a common list.

[*English*]

MR. SPEAKER: Now, I will go to the next question which is equally important. Shri Rupchand Pal.

(*Interruptions*)

SHRI ANBARASU ERA: Mr. Speaker, Sir, this is not fair. From the beginning, I am asking for a chance to put a supplementary question. You have not allowed me. (*Interruptions*)

MR. SPEAKER: Please sit down. Do you realise that you are alleging against the Chair. Other questions are equally important. Please sit down. You have to sit down. I will ask the Minister of Parliamentary Affairs to tell him. Otherwise, I will name him and throw him out. Please take your seat. Now, you have to take your seat.

(*Interruptions*)

SHRI ERA ANBARASU: Sir, this Government is (*Interruptions*)

MR. SPEAKER: Your statement is not going on record. Please take your seat.

MR. SPEAKER: Please take your seat. The other question is equally important.

(*Interruptions*)

[*Translation*]

SHRI MOHAMMAD ALI ASHRAF FATMI: Mr. Speaker, Sir, Please allot two hours for a separate discussion on it.

[*English*]

MR. SPEAKER: You give me a notice. I will allow Half-An-Hour discussion.

[*English*]

- **Demolition of Babri Masjid**

+

*44. SHRI RUPCHAND PAL:
SHRI PRETHWIRAJ D
CHAVAN

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether there was any conspiracy for demolition of the Babri Masjid at Ayodhya on December 6, 1992;

(b) if so, the details thereof;

(c) whether any explosives were used to demolish the Masjid;

(d) if so, the details thereof;

(e) whether any persons died at or near the demolition site due to detonation of explosives or otherwise on that day; and

(f) if so, the details thereof?