

Fourteenth Lok Sabha

**Session : 8**

**Date : 25-08-2006**

**Participants :** [Singh Shri Arjun](#), [Yadav Shri Devendra Prasad](#), [Radhakrishnan Shri Varkala](#), [Singh Shri Arjun](#), [Aditya Nath Shri](#)

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Title : Motion for introduction of Central Education Institutions (Reservation in Admission) Bill, 2006 (Bill Introduced).

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH): Mr. Speaker, Sir, Hon. Shri Jawaharlal Nehru Ji, the first Prime Minister of India introduced the first amendment to the Constitution of India, which incorporated article 15 (4) in the Constitution with a view to giving relief to the weaker sections of the society. This amendment was added as article 15 (5) of the Constitution by the 93<sup>rd</sup> Amendment of the Constitution passed by this Parliament.

This has been possible only because of the abiding commitment of the hon. Congress President and the hon. Prime Minister to the cause of advancement of the educationally and socially backward sections of the society. ... (*Interruptions*)

MR. SPEAKER: You ask for leave.

... (*Interruptions*)

SHRI KHARABELA SWAIN (BALASORE): Mr. Speaker, Sir, the Minister has to first seek leave of the House to introduce the Bill. How can he make a speech now? ... (*Interruptions*)

MR. SPEAKER: You are right. The hon. Minister wants to make a preface. It is not forbidden under the rules.

PROF. VIJAY KUMAR MALHOTRA (SOUTH DELHI): Mr. Speaker, Sir, he can seek leave of the House first. Then, some hon. Members who have objection to the introduction can speak.

MR. SPEAKER: Yes. Just wait. Everybody knows the importance of this Bill. It will go to the Standing Committee. It will be thoroughly discussed there.

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SHRI ARJUN SINGH: Sir, I would like to put on record also the fact that all parties represented in this House, in an unanimous vote, 389-NIL, enabled this amendment to be made and thereby paving the way for this piece of legislation. To the best of my knowledge, this piece of legislation is the first to be brought before Parliament under this provision of the Constitution.

MR. SPEAKER: Mr. Minister, you ask for leave to introduce the Bill.

... (*Interruptions*)

SHRI KHARABELA SWAIN : Sir, he is making a speech before introducing the Bill. ... (*Interruptions*)

MR. SPEAKER: This is the problem. Let me try to regulate it. There is nothing forbidden in the rules.

PROF. VIJAY KUMAR MALHOTRA : Sir, the convention is that he should first seek leave of the House to introduce the Bill. ... (*Interruptions*)

MR. SPEAKER: Yes, but I cannot say that this is never done.

SHRI ARJUN SINGH: Sir, millions of backward classes all over the country have been looking forward to get an opportunity for equitable access to the institutions of higher learning maintained by the State. To this end, a small but irrevocable step is being taken today. It is now for the wisdom of this Parliament to provide shape and substance to their dreams, which they have nurtured for decades.

With these words, I beg to move for leave to introduce a Bill to provide for the reservation in admission of the students belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes of citizens, to certain central educational institutions established, maintained or aided by the Central Government, and for matters connected therewith or incidental thereto.

MR. SPEAKER: Motion moved:

“That leave be granted to introduce a Bill to provide for the reservation in admission of the students belonging to the Scheduled Castes, the Scheduled Tribes and the other Backward Classes of citizens, to certain central educational institutions established, maintained or aided by the Central Government, and for matters connected therewith or incidental thereto.”

I have got three notices. Under our specific rule, at this stage, the reason has to be given for opposing the introduction of any Bill. Now, so far as Shri Devendra Prasad Yadav's notice is concerned, he has only said that the Bill is against the Constitution. That is no reason. Therefore, how can I allow?

प्रो. राम गोपाल यादव (सम्भल) : अगर यह संविधान की मंशा के खिलाफ है तो यह सबसे बड़ा रीजन है।

MR. SPEAKER: Only Mr. Radhakrishnan has given a reason, but a wrong reason. Yogi Aditya Nath has not given any reason.

योगी आदित्यनाथ (गोरखपुर) : अध्यक्ष महोदय, मैंने इस पर एक आपत्ति दी है।

अध्यक्ष महोदय : आपत्ति का टाइम तो होना चाहिए। But even then, because of your feelings, I will allow all of you to speak for a minute each.

... (Interruptions)

MR. SPEAKER: Nobody else will be allowed except these three Members who have given notices.

... (Interruptions[k3])

MR. SPEAKER: You have not given notice now.

श्री ए. नरेन्द्र (मेडक) : पहले हमें बोलने दीजिए।

अध्यक्ष महोदय : आप किस बारे में कहना चाहते हैं?

...(व्यवधान)

MR. SPEAKER: There is a time for that. I have requested you.

Mr. Yadav, I will not allow you. You can take only one minute. You have not given any reason for objection.

श्री देवेन्द्र प्रसाद यादव (झंझारपुर) : महोदय, अगर आप अलाउ नहीं करेंगे, तो कैसे काम होगा? मुझे अपनी बात कहने के लिए एक मिनट का समय दीजिए।

MR. SPEAKER: It says:

“Notice to oppose introduction of a Bill shall be addressed to the Secretary-General, specifying clearly and precisely the objections to be raised, and given by 1000 hours on the day on which the motion for leave to introduce the Bills is included in the list of business.”

This was specifically incorporated in the rules because all general notices used to be sent without indicating the ground for objection.

श्री देवेन्द्र प्रसाद यादव : महोदय, यह 72 (1) के तहत है।

अध्यक्ष महोदय : हम यहां 72 (2) पढ़ रहे हैं।

श्री देवेन्द्र प्रसाद यादव : मैं आपके आदेश से अपने को करेक्ट करता हूं। आर्टिकल 15 (4) के तहत और 15 (5), जो पिछले सत्र में दोनों सदनों से पारित हो चुका है, मैं इस संबंध में निवेदन करना चाहता हूं और इसके पहले मैं माननीय मंत्री जी को बधाई देना चाहता हूं। मैं इसमें कुछ करेक्शन चाहता हूं। अभी जो बिल आया है, उसके संबंध में मैं एक बेसिक प्वाइंट उठाना चाहता हूं। हिंदी का वर्जन देखा जाए, मैं क्लॉज 2 का जिक्र करना चाहता हूं। क्लॉज 2 में a सैक्शन डेफिनिशन सैक्शन है। डेफिनिशन सैक्शन क्लॉज के अनुसार एक्ट बनेगा, उसका इंटरप्रिटेशन क्या होगा? जिसमें क्रीमी लेयर है, जबकि इंग्लिश वर्जन में यह नहीं है।

MR. SPEAKER: It will go to the Standing Committee.

श्री देवेन्द्र प्रसाद यादव : यह क्या कन्फ्यूजन हो रहा है? हिंदी वर्जन में क्रीमी लेयर है। मेरे पास उसकी कापियां हैं और इंग्लिश में वह गायब है। यह क्या हो रहा है? इससे जब यह न्यायालय के पास जाएगा, तो कन्फ्यूजन हो जाएगा। जब इसका इंटरप्रिटेशन होगा, तो हिंदी का माना जाएगा या इंग्लिश का माना जाएगा?...(व्यवधान)

अध्यक्ष महोदय : आपका जो पसंद हो, आप वह ले लीजिए।

...(व्यवधान)

MR. SPEAKER: If that is so, the hon. Minister should take note of it, the hon. Members of the Standing Committee will take a note of it. We are not that powerless.

प्रो. राम गोपाल यादव : अध्यक्ष महोदय, इस क्रीमी लेयर को हटायें या रखें। ...(व्यवधान)

अध्यक्ष महोदय : अभी इसका टाइम नहीं है, उसे स्टैंडिंग कमेटी में तय करेंगे।

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYA RANJAN DASMUNSI): If there is a shortcoming in the Hindi translation, I talked to the hon. Minister, it will be corrected. The English version is absolutely correct.

श्री देवेन्द्र प्रसाद यादव : हां, ऐसा है। जो दूसरा आर्टिकल है, उसमें दो जगह क्लाज के बारे में कहना चाहता हूं। ...(व्यवधान)

MR. SPEAKER: I will not allow on clauses.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I fully support the Bill. I am a strong supporter of the Bill, but at the same time, I would like to bring out a very important matter... *(Interruptions)*

MR. SPEAKER: Then, why are you objecting now?

SHRI VARKALA RADHAKRISHNAN : Sir, my humble submission is that after the passing of the Ninety-Third Constitutional Amendment, a new situation has arisen in the country with regard to the minority institutions and on that we have to decide. Without which the Act will be in difficulty. The admissions of the backward communities as well as Scheduled Castes and Scheduled Tribes will be in difficulty. Until and unless, we make a specific point about the definition of minority institutions, which are exempted from the operation of the Ninety-Third Constitution Amendment as per article 3 of the Thirtieth Constitution Amendment, there will be a crisis.

So, I would request the hon. Minister to take a firm stand with regard to defining the minority institutions. Simply exempting them is not enough. You will have to make it clear. Sir, in our State 90 per cent of the institutions are controlled by the so-called minority institutions.

MR. SPEAKER: I am sure, he will very much oblige you for your suggestions.

SHRI VARKALA RADHAKRISHNAN : So, I strongly support him. He may go ahead and bring about a clear-cut legislation.

अध्यक्ष महोदय : योगी आदित्यनाथ, आप बोलिए। आपने भी कोई कारण नहीं दिया, सिर्फ स्पिरिट ऑफ दी कौन्सटीट्यूशन बोल दिया। यह क्या बात है।

योगी आदित्यनाथ : अध्यक्ष महोदय, मैं माननीय मंत्री जी...(व्यवधान)

MR. SPEAKER: Why is this provision made? It is regarding merely legislative competence.

योगी आदित्यनाथ : मैं मंत्री जी के इस विधेयक को यहां प्रस्तुत करने का इसलिए विरोध करना चाहता हूं, क्योंकि उनकी नीयत ठीक नहीं है। माननीय प्रधान मंत्री जी और मंत्री जी के बयान में स्वयं विरोधाभास है। देश के अंदर जो वर्तमान स्थिति है, यह विधेयक संविधान की मूल भावनाओं का शुद्ध रूप से अपमान करता है। अल्पसंख्यक और शैक्षणिक संस्थाओं को इस विधेयक से वंचित क्यों रखा गया है। आखिर जो संस्थाएं भारत सरकार से ऐड पाती होंगी, राज्य सरकारों से ऐड पाती हैं और भारत सरकार जो उन्हें सुविधाएं देती है, वह देश की जनता का पैसा होता है।...(व्यवधान)

अध्यक्ष महोदय : आप मेरिट्स ऑफ दी बिल के बारे में बोल रहे हैं। सॉरी।

...(व्यवधान)

योगी आदित्यनाथ : आखिर उन संस्थाओं में अनुसूचित जाति, अनुसूचित जनजाति और अन्य पिछड़े वर्ग के नागरिकों को आरक्षण की सुविधा क्यों नहीं मिलेगी। यह व्यवस्था करें और अगर सरकार नहीं करती तो माना जाएगा कि सरकार संविधान की धारा 14, 15 और 16 का अपमान कर रही है, उसका उल्लंघन कर रही है और इस देश के अंदर अलगाववाद की स्थिति पैदा करके वर्ग संघर्ष की स्थिति पैदा कर रही है। इसलिए हम माननीय मंत्री जी के इस विधेयक को प्रस्तुत करने का विरोध करते हैं।...(व्यवधान)

MR. SPEAKER: You have not spoken on the constitutionality.

Now, Mr. Minister, do you wish to say something?

SHRI ARJUN SINGH: Mr. Speaker, Sir, first I would like to address the concern of my colleague here about the Hindi translation. Naturally, translation is not done by our Ministry, and it is done by the Legislative Department. In case there is any typographical error or something which should not be there, it will be clarified in the Standing Committee, and ultimately, the Bill will have to go in that shape.

On the issue of Yogi Aditya Nath, I would like to inform him that this issue of including minorities was moved in this House through a motion when the main Constitution (Amendment) Bill was being considered, and that motion was negated in this House by 287 to 214 votes.

MR. SPEAKER: The question is:

“That leave be granted to introduce a Bill to provide for the reservation in admission of the students belonging to the Scheduled Castes, the Scheduled Tribes and the other Backward Classes of citizens, to certain central educational institutions established, maintained or aided by the Central Government, and for matters connected therewith or incidental thereto.”

# *The motion was adopted*

MR. SPEAKER: Now, the hon. Minister may now introduce the Bill.

SHRI ARJUN SINGH: Sir, I introduce the Bill.

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