

Conduct of Business in the Rajya Sabha, I am directed to return herewith the Goa Appropriation (Vote on Account) Bill, 1999 which was passed by the Lok Sabha at its sitting held on the 10th March, 1999 and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

- (ii) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Goa Appropriation Bill, 1999 which was passed by the Lok Sabha at its sitting held on the 10th March, 1999 and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

12.02¹/₄ hrs.

STANDING COMMITTEE ON FINANCE

Fourteenth Report

[English]

SHRI MURLI DEORA (Mumbai South) : Sir, I beg to present the Fourteenth Report (Hindi and English versions) of the Standing Committee on Finance on the Securities Contracts (Regulation) Amendment Bill, 1998.

12.02¹/₂ hrs.

STANDING COMMITTEE ON LABOUR AND WELFARE

Seventh and Eighth Reports

[English]

SHRI HARIN PATHAK (Ahmedabad) : Sir, I beg to present a copy each of the following reports (Hindi and English versions) of the Standing Committee on Labour and Welfare:

- (1) Seventh Report on Action Taken by the Government on the recommendations/ observations contained in the Fourth Report of the Standing Committee on Labour and Welfare (Twelfth Lok Sabha) on "Demands for Grants, Ministry of Labour—1998-99".

- (2) Eighth Report on Action Taken by the Government on the recommendations/ observations contained in the Fifth Report (Twelfth Lok Sabha) of the Committee on Labour and Welfare on "Demands for Grants, Ministry of Social Justice and Empowerment—1998-99".

12.02³/₄ hrs.

[English]

STANDING COMMITTEE ON PETROLEUM AND CHEMICALS

Eighth Report

SHRI BALRAM JAKHAR (Bikaner) : Sir, I beg to present the Eighth Report of the Standing Committee on Petroleum and Chemicals on action taken by the Government on the recommendations contained in the Fifth Report (Twelfth Lok Sabha) on Demands for Grants—1998-99 relating to the Ministry of Chemicals and Fertilisers, Department of Chemicals and Petro-Chemicals.

12.03 hrs.

MESSAGE FROM THE PRESIDENT

[English]

MR. SPEAKER : Hon. Members, I have to inform the House that I have received the following message dated the 16th March, 1999 from the President.

"I have received with great satisfaction the expression of thanks by the Members of Lok Sabha for the Address which I had delivered to both the Houses of Parliament assembled together on the 22nd of February, 1999."

12.04¹/₂ hrs.

RE: WITHDRAWAL OF OFFICE MEMORANDA PERTAINING TO RESERVATIONS FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN SERVICES

MR. SPEAKER : Now, the House will take up 'Zero Hour'.

...(Interruptions)

SHRI P.C. CHACKO (Idukki) : Sir, we have raised an issue and before we proceed to the other item, we want to know about your decision. ...(Interruptions)

MR. SPEAKER : I have called Shri Buta Singh. Please sit down.

...(Interruptions)

[Translation]

MR. SPEAKER : All the Members will get chance to speak in 'Zero Hour' today.

...(Interruptions)

SHRI VIJAY GOEL (Chandni Chowk) : Mr. Speaker, Sir, you please make a decision on bogus voting. You have kept it pending for a long period. You had informed the House in case of bogus voting, but you are not telling any thing so far. ... (Interruptions)

SHRI VIRENDRA SINGH (Mirzapur) : Mr. Speaker, Sir, this question was raised as a very important matter ... (Interruptions)

[English]

MR. SPEAKER : Nothing will go on record except Shri Buta Singh's speech.

...(Interruptions)*

MR. SPEAKER : Shri Virendra Singh, please take your seat. I have allowed Shri Buta Singh. What is this?

...(Interruptions)*

MR. SPEAKER : Nothing will go on record except Shri Buta Singh's speech.

...(Interruptions)*

MR. SPEAKER : Shri Virendra Singh, do we have to follow any procedure in the House or not? What is this?

...(Interruptions)*

MR. SPEAKER : Nothing will go on record except Shri Buta Singh's speech.

...(Interruptions)*

*Not recorded.

[Translation]

MR. SPEAKER : Everybody will get a chance to speak today, you please sit down.

...(Interruptions)

MR. SPEAKER : Virendra Singh ji, you will also get a chance to speak, please sit down.

...(Interruptions)

MR. SPEAKER : Mr. Chacko, you also sit down.

...(Interruptions)

[English]

SHRI BUTA SINGH (Jalore) : Mr. Speaker, Sir, yesterday, hon. Members belonging to all political parties in the House came together to protest against the official memoranda which the Government to India had issued. ... (Interruptions) They were very keen to put forth the strongest protest on behalf of the people of India belonging to Scheduled Castes and Scheduled Tribes against the memoranda issued in January, 1997 by the Government of India. ... (Interruptions) Sir, this was not just a question of a few people belonging to the Scheduled Castes and Scheduled Tribes here and there. ... (Interruptions) Nor was this a question of employment facilities being given to the members of the Scheduled Castes. ... (Interruptions) It was a wider question. It was a question involving the national entity of the 30 crore people belonging to Scheduled Castes and Scheduled Tribes. ... (Interruptions)

SHRI P.C. CHACKO : Sir, we are happy that you are allowing this discussion. But what about your decision on the Bhagwat issue?

MR. SPEAKER : I will come to it later.

SHRI P.C. CHACKO : Bhagwat issue was raised in the House yesterday. ... (Interruptions) Sir, there are serious allegations against the Defence Minister. ... (Interruptions) Kindly let us know your decision on that. Kindly let us know how you are going to deal with it.

[Translation]

SHRI BUTA SINGH : Mr. Speaker, Sir, yesterday, on behalf of all the parties in the House, the people belonging to scheduled Castes and Scheduled Tribes. ... (Interruptions)

[Shri Buta Singh]

12.09 hrs.

[Mr. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, Sir, yesterday, almost all the parties including R.L.M., Congress party and BJP had urged upon the Government before this House regarding breach of rights of the people belonging to Scheduled Caste and Scheduled Tribe and as a result thereof an official Memorandum issued by the Government from January 1997, has done away with the very basis of the reservation policy.

SHRI HARIN PATHAK (Ahmedabad) : Which Government was in power at that time. ...*(Interruptions)*

SHRI BUTA SINGH : I will say ...*(Interruptions)*

(English)

MR. DEPUTY SPEAKER : Please take your seat. I will be calling one Member from each party. Then you can say whatever you want to say.

...*(Interruptions)*

MR. DEPUTY SPEAKER : Today being the last day before Break, let everybody get a chance.

...*(Interruptions)*

MR. DEPUTY-SPEAKER : You will also get a chance. Please sit down now.

(Translation)

SHRI BUTA SINGH : Mr. Deputy Speaker, Sir, I am saying that in the beginning of 1997, this Government was not in power, since then Department of Personnel and Grievances has issued five official Memorandum, due to which this reservation policy was wiped out. The basic issues linked with this policy were also done away with. In view of these developments, all the members of all the parties particularly member and leaders belonging to Scheduled Castes and Scheduled Tribe communities have extended their support, first of all I thank them. This question donot rate only to Dalits and Adivasis. Several provisions have been made under the constitution. Article 16(4), 16(4)A, Article 335 and Article 324 enshrined in our contitution are basically the components of the Indian Constitution. He admits that the 1/4 population *i.e.* 30 crore people of India belong to Scheduled Caste and

Scheduled Tribe communities, how their rights can be protected, these are enshrined in the constituent assembly of our country. These are not given in charity nor given in gift. These are our constitutional rights. Therefore whenever there will be any attack on these rights, then 30 crore people belonging to Scheduled Caste and Scheduled Tribe will fight against this and ensure that they are not deprived of their rights. Some times it is also being said that reservation was provided to the people belonging to Scheduled Caste and Scheduled Tribe to grab their votes. We refute this thing. We are not salable goods, this is not a vegetable market that anybody takes our votes by providing reservation or concession. We have our own rights and these have been enshrined in our Constitution. Provision of Article 338 has been made in the Constitution of our country to protect these rights and the President of India has special rights under which he can appoint a special officer to protect these rights. Nowadays this post has been converted into commission for Scheduled Caste and Scheduled Tribes. That commission has constitutional right to punish the bureaucracy by setting up a court of law, whenever any attack be made on the rights of Scheduled Caste and Scheduled Tribe. Clause 9 of Article 3 make it obligatory for any Government, whether it is Union Government or State Government, that wherever any change will be made in this policy, I can tell by reading the Constitution. ...*(Interruptions)* It has been published by many newspapers that nowadays when Buta Singh make his speech, then he keep a book in his hand. I would like to say that this is the only book which protect us, otherwise some persons will wipe out the weaker section and Adivasis. The book protect us, therefore we march ahead with the help of this book. This has been clearly written in it, I would like to read a line of clause 9 of Article 338 in the House.

(English)

Article 338(9) of our Constitution says:

"The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes and Scheduled Tribes."

(Translation)

Even after such a clear order, I would like to ask through this House whatever any Government, whether it is Congress Government, Janta Dal Government or B.J.P. Government. I would like to ask who bestowed you with these rights? How you have issued these five ordinances?

SHRI RAJVEER SINGH (Aonla) : Who issued these.
...(Interruptions)

SHRI BUTA SINGH : I have already said. Why you are so aggrieved? What I mean to say is who has done it. In view of this neither any Government nor Supreme Court or any Court is capable to do anything whenever it is required only Parliament is capable to change the policy therefore all such ordinances or demi official letters issued by the Government under this constitution they are illegal, unconstitutional. ...(Interruptions)

SHRI SURENDRA SINGH (Bhiwani) : When they were issued?

SHRI BUTA SINGH : You please listen. To withdraw these, neither this Government should have any trouble nor earlier Governments should have had any such difficulty. Gujral Sahab is sitting here. He had prepared an ordinance to withdraw these ordinances, a committee had been constituted under the leadership of Shri Ram Vilas Paswan and the cabinet had issued the ordinance. ...(Interruptions)

SHRI ASHOK PRADHAN (Khurja) : Paswanji was a Minister at that time, this matter has come up at that time.

[English]

MR. DEPUTY SPEAKER : Shri Ashok Pradhan, please do not interrupt the hon'ble Member. You will get chance. I will call you.

[Translation]

SHRI BUTA SINGH : These ordinances were likely to be issued, but immediately the Government fell and new Government came in to power. Now we have been making efforts with the new Government for the last one year. The demi-official letter issued for depriving the people belonging to Scheduled Castes and Scheduled Tribes of their rights should at least be withdrawn by issuing the ordinance prepared by Gujral Sahab which is still lying in the Cabinet Sectt. The Commission of SC/ST has submitted a special report to the hon'ble President by using their extraordinary rights after making efforts for one year. Normally it does not happen. The Commission of SC/ST has submitted their report on 22.1.1998. It means this report is lying before this Government and after that we have been trying our best. Our best meeting was held with hon'ble Prime Minister, Shri Atal Bihari

Vajpayee. You will be surprised to know that in that meeting. ...(Interruptions)

KUMARI MAMATA BANERJEE (Calcutta South) : He is making a speech. ...(Interruptions)

MR. DEPUTY SPEAKER : Please keep quiet. Nothing has been done during the last two days, that is why he is making a long speech.

...(Interruptions)

SHRI BUTA SINGH : I am telling the facts. I am not going into details. ...(Interruptions)

MR. DEPUTY SPEAKER : Please keep quiet. You can express your views after his speech.

...(Interruptions)

SHRI BUTA SINGH : A delegation met hon'ble Prime Minister Shri Atal Bihari Vajpayee ji at his residence, which include Shri G.M.C. Balayogi, hon'ble Speaker of Lok Sabha the then Minister of Parliamentary Affairs, Shri Madan Lal Khurana and the Members from all the parties, Shri Sanghpriya Gautam from B.J.P., Shri Hanumantappa from Congress, Shri Ram Vilas Paswan from Janta Dal and we gave a Memorandum signed by hundred Members of Parliament. The Memorandum which was given to hon'ble Shri Atal Bihari Vajpayee ji day before yesterday, had been signed by hundred Members of Parliament. Among these Signatories were BJP, Congress, the Members of all other parties. These members have also requested to withdraw those five demi-official letters which have deprived us of our rights. Hon'ble Prime Minister did not give any reply in this regard. Our Memorandum is still lying with him. Meanwhile, I would like to read a line of the reply which has been given in the Rajya Sabha by Shri Janardhanan, the Minister of State in the Ministry of Personnel. ...(Interruptions)

MR. DEPUTY SPEAKER : Buta Singhji, more people want to participate in it.

SHRI BUTA SINGH : He said in the reply that the Government will neither modify nor revise it, it means the Government has closed this issue. ...(Interruptions)

[English]

MR. DEPUTY SPEAKER : Nothing will go on record.

...(Interruptions)*

*Not recorded.

[English]

MR. DEPUTY SPEAKER : I said, nothing will go on record. Only Shri Buta Singh's speech will go on record.

...(Interruptions)*

[Translation]

SHRI BUTA SINGH : Sir, I would like to inform the House about the impact created by these Memorandums. The ordinance was issued in 1997, in which the people belonging to SCs and STs ...(Interruptions) I am not going out of the subject matter. ...(Interruptions) I would like to submit one point each for all five Memorandums about the impact created by these memorandums. ...(Interruptions)

MR. DEPUTY SPEAKER : You should just tell what should the Government do?

...(Interruptions)

SHRI BUTA SINGH : Sir, with first Memorandum, seniority was lost. Through second Memorandum, Reservation roster was abolished. Thus, the system which was prevailing since 1952, was discontinued. Through the third Memorandum promotion was stopped. Through fourth Memorandum, reservation was not extended to all classes of posts. Through fifth Memorandum the special provision for recruitment in respect of wipe out backlog that was also abolished. Thus, with all these five Memorandums, the policies were completely reversed. But as per constitution, policies cannot be reversed. ...(Interruptions)

[English]

MR. DEPUTY SPEAKER : Please do not give any further details.

...(Interruptions)

[Translation]

SHRI BUTA SINGH : Sir, The Minister of Welfare has removed the picture of Dr. Ambedkar from her office. ...(Interruptions)

[English]

MR. DEPUTY SPEAKER : What do you want the Government to do?

...(Interruptions)

SHRI BUTA SINGH : My demand is that the Government should withdraw this official Memoranda.

[Translation]

We demand that the picture of Dr. Ambedkar be again placed there. ...(Interruptions) A Bill should be introduced to enact law regarding reservation.

That law should be incorporated in Ninth Schedule of the Constitution so that nobody dares to do injustice with the SC and ST officers, this is our demand. Discussions should be held on all decisions of Supreme Court so as to revise them. ...(Interruptions)

[English]

MR. DEPUTY SPEAKER : I am calling one hon'ble Member from all parties. Everybody will get a chance.

...(Interruptions)

[Translation]

MR. DEPUTY SPEAKER : Please be silent, you will get a chance to express your views.

...(Interruptions)

SHRI ASHOK PRADHAN : Mr. Deputy Speaker, Sir, at first I would like to thank you and the Government whose intention is that discussion should be held and one should express his views in a clear way. I associate myself with the views expressed by my senior Member Shri Buta Singh. ...(Interruptions)

[English]

MR. DEPUTY SPEAKER : Shri Prabhunath Singh, you will get a chance. What you want to raise is a different matter. After the discussions on this is over, you will get your chance. Every party will put forth its point of view on this. Please do not interrupt.

...(Interruptions)

[Translation]

SHRI ASHOK PRADHAN : Sir, the situation is this.
...(Interruptions)

[English]

MR. DEPUTY SPEAKER : I have called Shri Ashok Pradhan to speak. Please do not disturb him; he is also from your party.

...(Interruptions)

[Translation]

SHRI ASHOK PRADHAN : Sir, see, how they are supporting the dalits. Their condition will become clear. I would like to submit that I associate with what hon'ble Shri Buta Singh has said. ...(Interruptions)

[English]

SHRI SOMNATH CHATTERJEE (Bolpur) : Sir, the Prime Minister must come and clarify this matter. What is the point of this discussion, if the Prime Minister is not here? ...(Interruptions)

[Translation]

SHRI ASHOK PRADHAN : Shri Buta Singh you have expressed your views. Now, listen to my views too
...(Interruptions)

[English]

SHRI A.C. JOS (Mukundapuram) : Sir, is this 'Zero Hour'? ...(Interruptions)

MR. DEPUTY-SPEAKER : Yes, A discussion is going on and every party will get a chance because this is a very important matter.

...(Interruptions)

MR. DEPUTY-SPEAKER : One Member from each party will put forth its point of view and then the Government will react to it.

...(Interruptions)

SHRI A.C. JOS : Sir, the Prime Minister is not here; the Home Minister is not here; what is the discussion that is going on? I am sorry, Sir, that during 'Zero Hour' there cannot be a discussion on any particular matter.
...(Interruptions)

MR. DEPUTY-SPEAKER : Shri Jos, I have called Shri Ashok Pradhan.

...(Interruptions)

MR. DEPUTY-SPEAKER : What is going on here?

...(Interruptions)

MR. DEPUTY-SPEAKER : I am calling one hon'ble Member from each party.

...(Interruptions)

MR. DEPUTY-SPEAKER : I am on my legs. Prof. Kawade, I am on my legs.

...(Interruptions)

MR. DEPUTY-SPEAKER : Will you please resume your seats? Shri Reddy, please sit down.

...(Interruptions)

MR. DEPUTY-SPEAKER : Hon'ble Members, you have all seen how this issue was raised yesterday—for the whole day, the House could not function. So, the hon'ble Speaker has allowed one Member from all parties to mention his party's viewpoint so that the Government can react to it. This is the decision that is taken.

...(Interruptions)

MR. DEPUTY-SPEAKER : Shri Jos, I am on my legs. Will you please sit down?

...(Interruptions)

MR. DEPUTY-SPEAKER : Shri Jos, will you please sit down? Let me complete. You are simply not allowing me also to speak. Let me understand the position.

...(Interruptions)

MR. DEPUTY-SPEAKER : Let me complete. I am on my legs.

...(Interruptions)

SHRI A.C. JOS : What about our 'legs', Sir?

...(Interruptions)

MR. DEPUTY-SPEAKER : Your 'legs', only after my 'legs'!

...(Interruptions)

MR. DEPUTY-SPEAKER : I have called Shri Ashok Pradhan. Likewise, I will call one Member from all parties. Kindly be patient to hear everybody. Please do not interrupt so that we can complete this issue and then the Government will react.

If you do not cooperate with me, then I will adjourn and go.

...(Interruptions)

PROF. P.J. KURIEN (Mavelikara) : What is the use if the Home Minister and the Prime Minister are not present here? ... (Interruptions)

[Translation]

SHRI KANTILAL BHURIA (Jhabua) : Please call the Prime Minister. ... (Interruptions) Why does the Prime Minister not want to listen today? ... (Interruptions)

PROF. JOGENDRA KAWADE (Chimur) : Mr. Deputy Speaker, Sir, the hon'ble Prime-Minister should come in the House. It is concerned with thirty crores of dalits and tribal people ... (Interruptions)

SHRI RATILAL KALIDAS VERMA (Dandhuka) : Mr. Deputy Speaker, Sir, Hon'ble Prime Minister had come to the House yesterday. Why did they not let him speak? ... (Interruptions) The Hon'ble Prime Minister wanted to speak yesterday, but you did not let him speak. You are not sympathetic with the poor. ... (Interruptions) You wasted the whole day. ... (Interruptions)

[English]

MR. DEPUTY-SPEAKER : Prof. Kawade, please take your seat.

...(Interruptions)

MR. DEPUTY-SPEAKER : The Minister of Parliamentary Affairs is here. He is representing the Government. How can I insist that Prime Minister must be present here?

...(Interruptions)

MR. DEPUTY-SPEAKER : Kumari Mamata Banerjee, please take your seat.

...(Interruptions)

MR. DEPUTY-SPEAKER : Prof. Kawade, this is not good. Please sit down.

...(Interruptions)

[Translation]

PROF. JOGENDRA KAWADE : One day was wasted. That is being talked about. ... (Interruptions)

[English]

MR. DEPUTY-SPEAKER : Prof. Kawade, if you continue like this, then I will have to name you.

...(Interruptions)

MR. DEPUTY-SPEAKER : Is everybody to speak in this House? I have given the floor to the Minister of Parliamentary Affairs.

...(Interruptions)

MR. DEPUTY-SPEAKER : Madam, please take your seat.

...(Interruptions)

THE MINISTER OF POWER, MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF NON-CONVENTIONAL ENERGY SOURCES (SHRI P.R. KUMARAMANGALAM) : Sir, yesterday the Prime Minister was here. He wanted to hear all the Members of Parliament and give his reaction. However, neither could we hear the views of the leaders from the other side nor could we have his reaction. He will come the moment the House feels that he should come. Yesterday, the House literally stopped him from speaking nor did they present their views. I went around begging people that

you can make your presentation, that your views can be presented in this House after which the Prime Minister will reply.

If they agree today that we will have a proper decorum and that we will all voice our views one after the other, then the Prime Minister will come in a minute. Let them agree. ...*(Interruptions)*

MR. DEPUTY-SPEAKER : Shri Bhuria, let him complete.

...*(Interruptions)*

MR. DEPUTY-SPEAKER : Nothing will go on record.

...*(Interruptions)**

MR. DEPUTY-SPEAKER : Prof. Kawade, this is not the way to raise the matter. If you continue like this, then nothing will go on record.

...*(Interruptions)*

MR. DEPUTY-SPEAKER : Shri Bhuria, please sit down.

...*(Interruptions)*

MR. DEPUTY-SPEAKER : Hon'ble Members, will you please yield to me?

...*(Interruptions)*

MR. DEPUTY-SPEAKER : I am on my legs. I will hear you Shri Banatwalla.

...*(Interruptions)*

SHRI G.M. BANATWALLA (Ponnani) : I will say it in one sentence. The question of propriety. ...*(Interruptions)*

MR. DEPUTY-SPEAKER : I will give you the floor. Please allow me to complete.

...*(Interruptions)*

MR. DEPUTY-SPEAKER : Shri Banatwalla, I am on my legs.

...*(Interruptions)*

SHRI E. AHAMED (Manjeri) : How can he say that the Prime Minister will come to the House when the House is in order? ...*(Interruptions)*

MR. DEPUTY-SPEAKER : Shri Ahamed, I am on my legs. Will you please resume your seat?

...*(Interruptions)*

MR. DEPUTY-SPEAKER : Today is the last day of the Session. Why are you agitated? The whole House is prepared to hear you. The Parliamentary Affairs Minister has said that the Prime Minister will come to the House at any time. Be fair to him. Yesterday, he was here and he wanted to make a statement. The Minister has just now told that he will come to the House and hear all of you. So, let us have a peaceful atmosphere in the House. I have given the floor to Shri Pradhan. I will give the floor to everybody who wants to speak.

...*(Interruptions)*

[Translation]

SHRI PRABHUNATH SINGH (Maharajganj) : Mr. Deputy Speaker, Sir, other matters are also serious.

MR. DEPUTY-SPEAKER : Let them come, I will listen them too.

[English]

SHRI G.M. BANATWALLA (Ponnani) : Sir, the hon'ble Minister says that the Prime Minister will come when the House is peaceful. What does he mean by that? That is a breach of propriety. The question of dignity, decorum is a question between the Chair and ourselves. The Prime Minister cannot say that he will come to the House on a condition. ...*(Interruptions)*

MR. DEPUTY-SPEAKER : He did not say it. Please do not put words in his mouth. He was here to make the statement. Be fair to him. This is unfair. He wanted to make the statement. He came to me twice saying that he wanted to make a statement. You are a senior

[Mr. Deputy Speaker]

Member and a leader also. For heaven's sake, let us be patient enough to hear everybody.

...(Interruptions)

SHRI G.M. BANATWALLA : To maintain the dignity of this House, I am raising this question. ...(Interruptions)

MR. DEPUTY-SPEAKER : Nothing will go on record.

...(Interruptions)*

MR. DEPUTY-SPEAKER : Shri Shiv Shanker wants to make a statement.

...(Interruptions)

SHRI P. SHIV SHANKER (Tenali) : This is a highly sensitive matter affecting a large segment of the society. You are kind enough to say that Shri Buta Singh will speak and you have now given the floor to Shri Pradhan. All those Members, who want to say something on this should be allowed to speak because this has a far reaching consequence. My friends from the other side should also be allowed to speak. ...(Interruptions) You have allowed Shri Pradhan. You may allow us also to speak. The Minister of Parliamentary Affairs is here in the House. Other Ministers are also here. If Members feel it necessary, the Prime Minister can also come and the matter can be decided. In the meanwhile, let us all say what we want to because this issue has far reaching consequences. I am sorry to say, that yesterday a question was decided in the Committee about what should be discussed and what should not be discussed. I am sorry to say that the Prime Minister should not have said outside that the JPC could not be formed. That is unfair. ...(Interruptions)

MR. DEPUTY-SPEAKER : No, you are going to the other subject.

SHRI P. SHIV SHANKER : That is unfair. ...(Interruptions) He could have said this here that JPC would not be constituted.

MR. DEPUTY-SPEAKER : May I appeal to all the Chief Whips that this issue concerns about one-third population of this country? This is such an issue that everybody is concerned about it. The hon'ble Speaker has said that let every party say something and the

Government can react to it. After that we can pass on to certain other items. Today being the last day, let us transact some business. Therefore, I seek cooperation of all the Whips and leaders to keep their Members calm.

[Translation]

SHRI ASHOK PRADHAN : Hon'ble Mr. Deputy-Speaker, the topic on which Shri Buta Singh expressed his views, is very serious. If other Members speak this way, how could the dalits be uplifted? Today, matter before us is that five Memoranda have been issued. Mr. Deputy-Speaker, we should first study the root-cause of this matter as to from where it has been originated. It happened on 16.11.1997. ...(Interruptions) Everything was going on smoothly. Then came January 1998. ... The Government in power at that time. ...(Interruptions) Whose Government was in power, is known to all, at that time Shri Devegowda was heading the Government.

SEVERAL HON'BLE MEMBERS : Shri Gujral Government was in power at that time.

SHRI ASHOK PRADHAN : It's o.k. Both the ex-Prime Minister Shri Devegowda and Shri Gujral are present in the House. At that time, they were in power, although, the Prime Minister was changed. Mr. Deputy Speaker, Sir, if only the ex-Prime Minister who is present in the House at present could express his view, there would be no conflict. But this procedure was not followed and why this Memorandum was issued? I would like to submit that atrocities are being committed against the dalits. This issue has not arisen today. It is prevailing since independence. A provision has been made in the Constitution in this regard. We are sitting here because of this. There is no difference of opinion that dalits are sitting here. Shri Buta Singh expressed his views. I would like to associate myself with him but I would also like to submit that there should not be any politics in it. It is not a matter of politics. Mr. Deputy Speaker, yesterday whatever was said, was inspired by politics while the Hon'ble Prime Minister ji ...

SHRI SAILENDRA KUMAR : B.J.P. people were also there ...

SHRI KANTI LAL BHURIA : You were with us.

SHRI ASHOK PRADHAN : During the last fifty years, Congress has been in power for about 40-45 years. ...(Interruptions) They have ruled in the name of dalits. When this official Memorandum was issued, the Government was being run with their support. I can

*Not recorded.

imagine the feelings of Shri Buta Singh ji and Shri Raghuvansh Prasad Singh, who is sitting here, was a part of the Government. ...*(Interruptions)*

MR. DEPUTY SPEAKER : Raghuvansh ji, please sit down.

SHRI RAGHUVANSH PRASAD SINGH (Vaishali) : He is calling my name, so please let me express my views.

MR. DEPUTY SPEAKER : Raghuvansh ji, when your name will be called, then you should speak. This is not a matter of reservation. Please tell what do you want from the Government so do.

SHRI ASHOK PRADHAN : I am coming to the same point. ...*(Interruptions)* Hon'ble Deputy Speaker, they were part of the Government. He was speaking about the recent episode but the recent Bihar episode which took place not hidden from anyone. The whole country has seen it. ...*(Interruptions)*

MR. DEPUTY SPEAKER : Please tell what do you want to say to the Government.

SHRI ASHOK PRADHAN : I am covering on the same point.

...*(Interruptions)*

SHRI AJIT JOGI : I request please do not bring polices in it. ...*(Interruptions)*

SHRI SHAILENDRA KUMAR : Please tell what should be done ...*(Interruptions)*

SHRI ASHOK PRADHAN : I only wanted to say that the Bihar episode is not hidden from anyone. It is well know to all. The manner in which Congress supported Lalu Yadav and saved him, is not hidden. Now, they talk about dalits which is not good. ...*(Interruptions)*

MR. DEPUTY SPEAKER : Pradhan ji, please speak on the issue and not on other matters. ...*(Interruptions)*

[English]

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS, MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION (SHRI RAM NAIK) : Sir, I have a small submission to make. The hon'ble member is frequently disturbing every member who is speaking. I think there should be at least some decorum in the House.

MR. DEPUTY SPEAKER : Yes, I am asking for his cooperation.

[Translation]

SHRI ASHOK PRADHAN : Hon'ble Mr. Deputy Speaker, Sir, I would like to express my views. Don't I have the right to express my views. Are other members not expressing their views? Has not Shri Buta Singh expressed his views and we heard their views. We are speaking on this topic only.

Today, our Bharatiya Janata Party Government under the leadership of Shri Atal Bihari Vajpayee and its allies have taken this issue very seriously. Even before agitation, Bharatiya Janata Party has dealt this matter very seriously. It was decided in SC/ST forum that we will express our views but it was not mentioned that politics would be involved. Yesterday's episode was inspired by politics. Yesterday for the whole day. Hon'ble Prime Minister made efforts that we express our views on this topic. I would like to submit that this Government is the Government for dalits in real sense. It aims at the interests of the dalits. Our Government has maintained this provision all along. Even if we count by the representation in Parliament, the position of dalits is clear before the House. If our Government intends to do anything, it does not just pose to do that as the previous Government was doing. At that time, Shri Paswan was in the Government and he was the leader of his party, all this happened during that period. ...*(Interruptions)*

MR. DEPUTY SPEAKER : Please Speak on the topic.

SHRI ASHOK PRADHAN : Mr. Deputy Speaker, Sir, should not we look into the whole matter and find out as to who was the Minister and Prime Minister and the Government when this Memorandum was issued and which Government was in power? Should not we inform the nation about it? ...*(Interruptions)*

MR. DEPUTY SPEAKER : You have put your point and now it is your turn to ask as to what Government should do?

SHRI ASHOK PRADHAN : Mr. Deputy Speaker, Sir, I am saying that our BJP Government, under the leadership of Hon'ble Shri Atal Bihari Vajpayee ji, is taking this matter very seriously, and they have made up their mind, that's why they kept on sitting the whole day in the House yesterday to listen the points raised in regard to down-trodden people as well as the entire matter pertaining to them. You are a witness to it. ...*(Interruptions)*

SHRIMATI USHA MEENA (Swai Madhopur) : Mr. Deputy Speaker, Sir, unless this important issue is taken up by the Prime Minister ...*(Interruptions)*

SHRI ASHOK PRADHAN : Today, it is our Government who wants to protect the interests and welfare of the down trodden people, it wants them to bring them in the main stream. ...*(Interruptions)* Our Prime Minister wants to say something about it and also wants to do something for this class. He is totally in the favour of down trodden people. ...*(Interruptions)*

PROF. RITA VERMA (Dhanbad) : Mr. Deputy Speaker, Sir, atrocities have been committed on a down trodden (Suppressed) women ...*(Interruptions)*

[English]

MR. DEPUTY-SPEAKER Order please ...*(Interruptions)*

[Translation]

Why have you stood up?

SHRIMATI MEIRA KUMAR (Karol Bagh) : Hon'ble Mr. Deputy-Speaker, Sir, today, an important issue is being discussed here in this House. ...*(Interruptions)*

MR. DEPUTY-SPEAKER : One lady Member is speaking and when ladies themselves are busy in talking, please listen to her.

SHRIMATI MEIRA KUMAR : All the Members of the House, including Mr. Pradhanji, who has spoken just before me, alongwith SC, ST and other Members of each and every party of the House have altogether opposed the five orders issued. ...*(Interruptions)* Madam, you also supported it, everybody has supported it. ...*(Interruptions)*

SHRIMATI KAMAL RANI (Ghatampur) : What were you doing at that time. ...*(Interruptions)*

SHRIMATI MEIRA KUMAR : I would like to say one thing here that the entire House is unanimous over this point that these orders should be withdrawn, there is no doubt about it. Shri Buta Singh ji has said it just now and all of us support the issue raised by him. ...*(Interruptions)*

[English]

MR. DEPUTY-SPEAKER : Madam, Shrimati Meira Kumar is not yielding.

...*(Interruptions)*

[Translation]

SHRIMATI MEIRA KUMAR : Mr. Deputy-Speaker, Sir, you please tell them not to oppose it. This issue is pertaining to the Scheduled Castes and Scheduled Tribes which has such a large population in the country. ...*(Interruptions)*

[English]

MR. DEPUTY-SPEAKER : Who is the Minister for Parliamentary Affairs?

...*(Interruptions)*

[Translation]

SHRIMATI MEIRA KUMAR : This issue relates to the people who elect you to form the Government, they are the back bone of this country. You please do not oppose them. Today the whole House is supporting it. This is not a question when these orders were issued, but the question is that these orders are wrongly issued, and it hardly matters who has issued these orders and when. Today we strongly demand that neither our party nor any member present in this House is protesting to withdraw this order.

[English]

MR. DEPUTY-SPEAKER : What is this going on here? Order please.

...(Interruptions)

MR. DEPUTY-SPEAKER : May I request the Chief Whips to cooperate with me?

...(Interruptions)

SHRI BUTA SINGH : Mr. Deputy-Speaker, Sir, I am on a point of order. Kindly allow me.

MR. DEPUTY-SPEAKER : There is no point of order during 'Zero Hour'.

SHRI BUTA SINGH : Sir, the hon'ble member is making her submission. But the members from the other side are not allowing her to speak. When she has been called by you, she should be allowed to speak. Please control them.

MR. DEPUTY-SPEAKER : Shri Buta Singh, you are also indulging in the same thing. She will continue now. I will take care of it. Please take your seat.

...(Interruptions)

[Translation]

SHRI PRABHUNATH SINGH (Maharajganj) : Mr. Deputy-Speaker, Sir, we should also be allowed to speak. ... (Interruptions)

MR. DEPUTY-SPEAKER : The hon'ble Speaker has said on this subject that the next subject will be taken up only after giving opportunity to all the parties to speak and getting the reaction of the Government. ... (Interruptions)

SHRI PRABHUNATH SINGH : Mr. Deputy-Speaker, Sir, this subject is being discussed here from yesterday onwards and I do not know for how long it will be discussed. You kindly allocate some time. Please listen to us also. ... (Interruptions)

SHRI KANTILAL BHURIA : Mr. Deputy-Speaker, Sir, a member of our party is speaking and she is talking

about the welfare of all the parties. This subject relates to the crores of Scheduled Castes and Scheduled Tribes but they are not allowing her to speak. ... (Interruptions)

SHRI PRABHUNATH SINGH : How much you are concerned about these people, the entire country knows it very well. ... (Interruptions)

[English]

MR. DEPUTY-SPEAKER : Nothing will go on record.

...(Interruptions)*

MR. DEPUTY-SPEAKER : I have already taken a decision. She will continue now.

...(Interruptions)

MR. DEPUTY-SPEAKER : May I seek the cooperation of the Chief Whip? What is this going on? Prof. Kurien, please ask your Member to take his seat.

...(Interruptions)

MR. DEPUTY-SPEAKER : Nothing will go on record.

...(Interruptions)*

MR. DEPUTY-SPEAKER : I have already told you that I will not allow this. How many times should I have to repeat it?

...(Interruptions)

MR. DEPUTY-SPEAKER : No, you cannot dictate the Chair.

...(Interruptions)

MR. DEPUTY-SPEAKER : Do you want to allow it?

...(Interruptions)

[Translation]

SHRI VIRENDRA SINGH (Mirzapur) : Hon'ble Mr. Deputy Speaker, Sir, if you will allow them. Who will

*Not recorded.

[Shri Virendra Singh]

listen to us. You allocate a fix time for them, for how long this whole matter will go on ...*(Interruptions)*

SHRI BUTA SINGH : Unless these orders are withdrawn, this matter will go on. ...*(Interruptions)*

SHRI KANTILAL BHURIA : Mr. Deputy-Speaker, Sir, a lady member is speaking from our party and they are feeling uncomfortable. She is talking about everybody's interest. She is talking about the interest of down trodden and Adiwasi people and the entire House wants to listen to her attentively. But the people from other side do not want to listen to her and are creating disturbance in the House. ...*(Interruptions)*

[English]

MR. DEPUTY-SPEAKER : Nothing will go on record, except what Shrimati Meira Kumar says.

...*(Interruptions)*

[Translation]

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY (Kokrajhar) : Mr Deputy-Speaker, Sir, when the time comes to discuss the matter regarding tribals in the House, the members start interrupting, it is very unfortunate. ...*(Interruptions)*

[English]

MR. DEPUTY-SPEAKER : Nothing will go on record.

...*(Interruptions)*

13.00 hrs.

KUMARI MAMATA BANERJEE (Calcutta South) : May I make an appeal? Let hon. Members from all the parties speak. Whenever an hon. Member is speaking, let there not be any running commentary.

MR. DEPUTY-SPEAKER : This is what I have been saying.

...*(Interruptions)*

*Not recorded.

MR. DEPUTY-SPEAKER : He is again standing. Shri Bwiswmuthiary, when I am on my legs, you should sit. You must learn the rules.

[Translation]

PROF. PREM SINGH CHANDUMAJRA (Patiala) : Mr. Deputy-Speaker, Sir, you fix a time. ...*(Interruptions)* You please allow everybody to speak only for two minutes as there are many more issues also to be discussed here. ...*(Interruptions)*

MR. DEPUTY-SPEAKER : All right.

SHRIMATI MEIRA KUMAR : Mr. Deputy-Speaker, Sir, I was saying the same thing but I was interrupted several times. I was saying that injustice has been done towards Scheduled Castes and Scheduled Tribes by issuing those orders. The entire House oppose it. The entire House wishes that these orders be withdrawn. We are unable to understand as to why some of our members are interrupting it because I know they are the people who participated in the 'Dhama' yesterday. It is a national issue rather than a question just related to any party. How these down trodden and adiwasi people of this country can get back their rights, they are leading a shameful life for the thousands of years. ...*(Interruptions)* You please do not insult them here. ...*(Interruptions)* You please be quiet. ...*(Interruptions)*

SHRIMATI BHAVNA KARDAM DAVE (Surendranagar): Mr., Deputy-Speaker, Sir, kindly allow us to speak also. ...*(Interruptions)*

SHRIMATI MEIRA KUMAR : Mr. Deputy-Speaker, Sir, whatever judgement was there, by mentioning that these five orders have been issued. They have wrongly interpreted it and knowingly whatever office orders and office Memorandum have been issued, there was only one aim that whatever provisions have been made regarding reservation in our constitution, should be implemented *in toto* so that more and more dalit and adiwasi masses could accrue these benefits but these orders are contrary to the intention. These orders weaken the cause of the reservation provided in Constitution and weaken the basic structure of reservation. I earnestly demand to Prime Minister from our party side. In this connection many times delegations have met the Prime Minister. The Prime Minister said that he is helpless. I would like to request him through you that he should not feel helpless. ...*(Interruptions)* Whole House is with him

and he should not feel any type of weakness. ...*(Interruptions)* These orders should be withdrawn. ...*(Interruptions)* Please let me speak. ...*(Interruptions)*

MR. DEPUTY-SPEAKER : Please sit down.

SHRIMATI MIERA KUMAR : What they want to prove by standing repeatedly. I am sure that they are with us but they are shaking my confidence by interrupting repeatedly. They are repeatedly showing that they do not want to support us on this issue. I have put a demand, I do not want to play politics in this matter. They have talked about Congress that is why I would like to say that during the Congress period when there was a contradictory judgment of Supreme Court in regard to reservation in promotion. We had reversed it by bringing 77th Constitution amendment. I would like to tell the Prime Minister that he should also take the similar step, if require, bring amendment in Constitution and withdraw these orders so as to protect the interest of SC and ST people.

[English]

SHRI SOMNATH CHATTERJEE : Mr. Deputy-Speaker, Sir, if there was ever a national issue, this is a national issue and it should be treated as a matter not of any political party. ...*(Interruptions)*

SHRI P.C. CHACKO : Sir, the concerned Minister has left the House.

SHRI SOMNATH CHATTERJEE : Sir, the country is also watching who is here and who is not there. ...*(Interruptions)*

SHRI P.C. CHACKO : Sir, the concerned Minister is not here. ...*(Interruptions)* it would have been better if the Hon'ble Prime Minister had been here.

MR. DEPUTY-SPEAKER : The Prime Minister will be coming, I told you.

...*(Interruptions)*

SHRI P.C. CHACKO : But Sir, the concerned Minister should be here to listen to the submission. They are not at all interested in this ...*(Interruptions)*

MR. DEPUTY-SPEAKER : Shri Chacko, they are all interested. All are here. The concerned Minister can also hear it from his chamber.

...*(Interruptions)*

SHRI P.C. CHACKO : Sir, such an important matter is being discussed in the House, so the concerned Minister should be present in the House. ...*(Interruptions)*

MR. DEPUTY-SPEAKER : Please, let him speak.

SHRI SOMNATH CHATTERJEE : Sir, as is very rightly said, the matter which is very sensitive, concerns a very large percentage of our population who require most urgent and appropriate attention, not only of this House but also of the Government. Therefore, there is no doubt about the importance of the matter. I feel and all of us are concerned, therefore, as a Parliament we should also treat it in the same spirit.

Sir, it would have been better—I am not saying it is a condition precedent—since all sections of the House are very much agitated for good reason, I wish the Prime Minister would have been here today also to listen to the Hon'ble members' submissions.

What I feel is that there are two aspects which are of very great importance. It has been understood that on the basis of the Supreme Court Judgement, the previous Government had issued the orders. Some hon'ble Members are saying that there is apparently a wrong interpretation of the Supreme Court Judgement. But that cannot be said like that. The earlier Government had also taken a legal opinion at the highest level. Therefore, this is a matter which cannot just be decided on the basis of my perception of the Supreme Court Judgement. This is a matter to be studied properly. Therefore, what I am requesting is that let this Government also have some time.

It appears, in January this year, a delegation, in which the hon'ble Speaker was also a member, the Chairman of the National Commission for Scheduled Castes and Scheduled Tribes was also a member, apart from other hon'ble members, had a long discussion with the Hon'ble Prime Minister. Ultimately, on 29th January a letter was sent to him recording the discussion they had. The hon'ble Speaker, Shri Buta Singh, Shri R.V. Paswan, Shri Hanumanthappa, Shri Gautam, almost all party delegation met the Prime Minister.

I wish the Hon'ble Prime Minister had also responded positively to this, in the sense of trying to find out a solution to meet urges and aspirations of our people. They are our people. Therefore, instead of keeping quiet something should be done. The reply is very unhappy in

[Shri Somnath Chatterjee]

the sense, there is a totally closed mind of the Government on this issue. This is a creating problem today.

I appeal to the senior hon'ble Ministers, they are all concerned I have no manner of doubt, I am not casting any aspersions on any of them, but Sir, some matters have to be responded more quickly than others. On the 25th of February it is said that it has not been found possible to withdraw, modify any of these instructions. After that, obviously a large number of Members are agitated.

Therefore, I am respectfully submitting for the consideration of all sections of the House that this is a very vital matter.

Most urgently a small Committee including the members of Parliament may be formed to go into the implications of the judgement of the Supreme Court—which can be withdrawn and which cannot be withdrawn; they can take opinion from the Attorney General or anybody else they like—and come with a solution. The Government must cooperate with them. The Government must take the initiative in this regard.

Today, it is a sorry spectacle when 38 per cent of the people are concerned with this issue—this is the mood of the House—yesterday because something unfortunate has happened and, therefore, the hon'ble Prime Minister will not be present here today; the concerned Minister is also not present here. It is a very sorry state of affairs. I am not making any personal accusation. As I said, it is a national matter; treat it as such.

I am sure that Shri Buta Singh and many friends will accept with my suggestion of forming a committee in this regard. Let something be done immediately as per the suggestions made by the Opposition so that some solution may be found out at an early date.

I generally support but I have to consider very deeply the implications of different Memoranda. I must confess that I have not yet done that but generally we know and we support the cause for which this demand has been made.

[Translation]

SHRI SHAILENDRA KUMAR (Chail) : Honourable Mr. Deputy-Speaker, Sir, I am thankful to you for giving me

an opportunity to participate on this important issue pertaining to SC and ST.

Almost all our honourable members have expressed their views about it. The entire house and the honourable members of all the parties are concerned about it. As I remember, the honourable members of Parliament belonging to all parties, have met several times on this issue and there was unanimity among all the members about this issue. These 5 G.O. which have been issued recently are very dangerous in regard to the promotion of SC and ST officers. We have also met time to time, whether it was the meeting of SC and ST forum, or all the leaders of other parties have called this meeting at their residence. I do not want to say that in this regard last Government was on fault or whose fault is this but present Government is going to complete almost one year, in this subject all the honourable members. ...*(Interruptions)* Mishra ji please sit down for a minutes.

Regarding this subject as all honourable members have said, just now as our Somnath babu has said, who is a senior member of our House, all the parties have said that leaders of all the parties had presented a combined Memorandum to Prime Minister but the reply of Prime Minister was not satisfactory. Prior to this question regarding Government of Delhi was raised, no effective step was taken in this connection, that is why today whole house is concerned about this issue. All the members of different parties who are sitting here and they were also present at the time of dharna yesterday, at that time it was decided that this issue will be raised in the House tomorrow and honourable Prime Minister will give reply in this regard. It is a very serious issue, honourable Prime Minister should come to the House and listen the views of all honourable members and express his views clearly and in satisfactory manner.

The other thing, which I would like to tell, is very important, is that commission of SC and ST should be provided with constitutional and judicial rights and full powers. So far, it does not have the judicial and Constitutional right as such that is why, whenever any order is issued, it is not complied with. As the Government has given the Constitutional and judicial rights to Election Commission, powers should also be conferred upon the commission of SC and ST on the same lines.

With these words, I demand on behalf of my party that the G.O.s containing five points issued by the Government, should be withdrawn immediately and all the officers belonging to Scheduled Castes and Scheduled Tribes should be given their Constitutional rights. Thanks.

SHRI PITAMBER PASWAN (Rosera) : Mr. Deputy Speaker, Sir, I am thankful to you for giving me an opportunity to speak. ...*(Interruptions)*

[English]

MR. DEPUTY-SPEAKER : I am coming to you. According to the strength of the party, you will get the chance.

...*(Interruptions)*

SHRI V. SATHIAMOORTHY (Ramanathapuram) : Sir, why are you not calling us? ...*(Interruptions)*

MR. DEPUTY-SPEAKER : I am calling the members to speak according to the strength of the party. Please understand that. Do not cast aspersion like that. You are a member in the Panel of Chairmen. It is least expected of you.

[Translation]

SHRI PITAMBER PASWAN : It is a very sensitive matter. Major part of the people of the country has been insulted and admonished for thousands years, to whom in view of their helplessness, reservation has been provided by the framers of the constitution. Dalit and Adivasis for reservation have been deprived of their reservation rights. It is immaterial as to which Government was involved in it, but the present Government should fulfill responsibility honestly to provide protection for weaker section's rights. It is a matter of sorrow that members of B.J.P. say that their Government deals fair with Dalits and Adivasis. But I put a question mark on it. When we the members of Parliament and leaders of SC/ST met him and gave Memorandum, he said he is compelled for it, and we are unable to do anything in the matter and he did nothing so far. If you have sympathy towards people belonging to Scheduled Castes and Scheduled Tribes, you would have introduced the bill and protected their rights. I would like to say to our friends of B.J.P. that you should see what happened in Bihar. The Government of our party do work for Dalits in Bihar, but very few people are engaged in massacring of Dalits and want to withdraw the rights given to Dalits. We are expressing our views about Dalits in this House, but neither the Prime Minister is present here nor the Minister of Parliamentary Affairs.

MR. DEPUTY SPEAKER : Please tell what do you want from the Government.

SHRI PITAMBER PASWAN : I want that the ordinance should be promulgated for withdrawing these five orders. With this, I want to say one thing more ...*(Interruptions)*

[English]

MR. DEPUTY-SPEAKER : Please sit down now. Nothing will go on record.

...*(Interruptions)**

SHRI M. RAJIAH (Siddipet) : I would like to express my views on this subject. ...*(Interruptions)* This is a very important and sensitive matter coming up before the House. Today we are discussing the rights of the Scheduled Caste and Scheduled people provided in the Constitution. It is not a question of their belonging to any party; they are there in every party. But nobody should try to indulge in politics in this matter. That is the issue here about the rights of the Scheduled Caste/Scheduled Tribe employees.

The previous Government issued five Office Memoranda by which the rights of the employees as well as of the Scheduled Caste/Scheduled Tribe communities have come down. The seniority of the employees has been affected. The backlog in the vacancies has also been affected. Thus there is a great loss to the Scheduled Caste/Scheduled Tribe communities about which we are discussing in this House.

My party is helping the poor people and the Scheduled Caste/Scheduled Tribe people in our State. Now many people have been discussing here about this issue. They have mentioned some judgement. The judgement might be there. But I request the Government and the Prime Minister to go through the judgement fully and decide it. My party is insisting that all the Office Memoranda that have been issued must be withdrawn. This is our request. I thank you for giving me an opportunity to speak. Thank you.

[Translation]

SHRI MAHENDRA BAITHA (Bagaha) : Mr. Deputy, Speaker, Sir, whatever atrocities are being committed on Dalits, is very bad thing. In 1997, their reservation rights for promotions have been cancelled, these orders should be withdrawn. Our senior officials are reverted to junior

*Not recorded.

[Shri Mahendra Baitha]

position as per the orders issued by the Government offices. Thus injustice is being committed on Dalits. These five orders should be withdrawn. Therefore a reply should be given by consulting with the Prime Minister and these five Memoranda be withdrawn, with these words I conclude my speech.

[English]

KUMARI MAMATA BANERJEE (Calcutta South) : Sir, you said that you are calling Members according to the party's strength. Since you are going by the strength, that is why I am telling you.

MR. DEPUTY-SPEAKER : I am going according to the strength of the party.

KUMARI MAMATA BANERJEE : CPI has five Members and we are seven. ...*(Interruptions)* You are telling about the party strength. That is how, you are calling. That is why, I raised this issue. Let, Shrimati Geeta Mukherjee speak. I do not have any objection. But our party strength is more than that.

MR. DEPUTY-SPEAKER : Yes, I know.

SHRIMATI GEETA MUKHERJEE (Panskura) : Mr. Deputy Speaker, Sir, thank you for giving me an opportunity to participate in the discussion. The arithmetic of the parties can be settled later. Now, we have to give our attention to the main question.

I fully associate myself and our party with the feelings expressed by Shri Buta Singh as well as by other members belonging to different political parties.

Now, the question is that the five Government Orders deprive the Scheduled Caste and Scheduled Tribe people of their important right in the sphere of recruitment, promotion, etc. They really put many difficulties to the Scheduled Caste and Scheduled Tribe people in the way of recruitment, promotion, etc. I also really do not know whether the Supreme Court's order was at the back of all these orders. If it is so, then we should find some way out to cross the bar, if necessary, by some other amendment to the Constitution or through some orders. I cannot say how exactly it can be done. But, I think, that the Government should not waste any further time of giving this right back to our Scheduled Caste and Scheduled Tribe brothers and sisters. This is my suggestion before the Parliament. I hope the Government will do the needful.

SHRI V. SATHIAMOORTHY : Sir, rendering justice to the suppressed sections of the people is the duty of the Government. It is not the duty of the courts. The law passed by Parliament must be maintained by the courts alone.

Now, the orders, which were passed either by the present Government or by the past Government, are certainly affecting the Scheduled Caste and Scheduled Tribe employees at the national level. It is the voice of 30 per cent suppressed sections of the people. They are raising their voice for the past two years in each and every corner of the nation. Now, only it has come to the light of Parliament. This Government should not shift this burden to the court or to the past Government. The issue is in the hands of this Government. The Government must come forward to act speedily to rectify the errors of the orders already passed.

Sir, AIADMK, headed by our great leader, Dr. Puratchi Thalaivi, is always for reservation of the suppressed sectioned of the people.

Therefore, on behalf of our AIADMK Party, I urge upon this Government to take speedy action, if necessary to bring an amendment to the Constitution in Parliament. It will be supported by all the parties.

[Translation]

PROF. PREM SINGH CHANDUMAJRA (Patiala) : Sir, I support the issue raised by Buta Singh in the House, in connection with the people belonging to Scheduled Caste and Scheduled Tribe. I think all the party do support it. I would like to say beyond this whether the purpose for which this enactment has been made is being fulfilled; whether those people get benefit? After fifty years, it requires to be reviewed. Buta Singh ji has given the figure of 30 crores, who are affected with this. I would like to know whether these 30 crores people got benefit of it. I think it should not be on this basis but it should be on the basis of economic condition. Now, farmers have been brought under the list of Dalits. So many people have been brought under reservation. But only 5% people of IAS and IPS category are getting benefit of it. In these circumstances, how minorities can get benefit of it. Therefore my suggestion is that a Parliamentary Committee should be constituted in this regard to ensure as to how these benefits can reach to 30 crore people. There is a need of paying attention and making amendments in this regard.

[English]

DR. BIKRAM SARKAR (Howrah) : Mr. Deputy Speaker, Sir, I am grateful to you for having given me this opportunity to have my say on behalf of my party, Trinamul Congress, on an important, urgent and sensitive matter like reservation for Scheduled Castes and Scheduled Tribes in Government services.

At the very outset, I would appeal that the reservation facilities which were available before 1997, should be restored and we should not divide the country on the basis of Scheduled Castes, Scheduled Tribes, OBCs, Minorities and so on. We request that the hon. Prime Minister should announce a policy statement on reservation for Scheduled Castes and Scheduled Tribes today itself by revoking the five Office Memoranda of the Department of Personnel, etc. We know for certain that it may be necessary to go in for a Constitutional amendment, but that will take time. So, may we request, on behalf of everybody here, that the Government should think of promulgating an Ordinance to that effect?

The spirit and provision of the Constitution is very clear that the Scheduled Castes and the Scheduled Tribes will get reservation in employment. Sir, if you look in this backdrop and the situation obtaining today, we find that the representation of Scheduled Castes and Scheduled Tribes in different categories of Government services is still very poor, even 51 years after independence. The Government has expressed its intention many a time to fill up the vacancies to bring the percentage in employment on par with their percentage in the population. Therefore, it is only fair and just that so long as representation of Scheduled Castes and Scheduled Tribes in services does not come up to the level of percentage of population, the reservation in appointments as well as promotions should be continued, as it was in force up till 1997, before those five Office Memoranda came into effect. Therefore, we demand that those five Office Memoranda, referred to by Shri Buta Singh ji, should be withdrawn at once.

Yesterday our Hon'ble Prime Minister wanted to make a statement, but we did not listen to him. It is very sad. My only appeal, on behalf of my party, Trinamul Congress, is that let us keep this thing above everything else. The matter of Scheduled Castes and Scheduled Tribes, the matter of OBCs and the matter of Minorities should be kept above politics.

SHRI T.R. BAALU : Hon'ble Deputy Speaker, Sir, the House is discussing the most sensitive issue, which

is of everybody's concern. The Office Memorandum issued by the Telecommunications Department is causing concern. Probably, the ruling party is handicapped because of the Court order. It is high time that cutting across party lines, all of us, whether on this side or on the other side, put our heads together and see that somehow or other the issue is circumvented and our brothers and sisters belonging to Scheduled Castes and Scheduled Tribes are rendered social justice without any further loss of time. Thank you, Sir.

[Translation]

KUMARI MAYAWATI (Akbarpur) : Hon'ble Deputy Speaker, Sir, the hon'ble members belonging to Scheduled Castes and Scheduled Tribes are distressed to note that the efforts have been made to defeat the benefit of the reservation which has been provided to Scheduled Castes and Scheduled Tribes under the Indian Constitution; while this arrangement had been made by the efforts of Dr. Babasaheb Ambedkar. In 1997, the Government of National Front was in power and Congress Party was supporting it from outside. The five orders have been issued in 1997 to make ineffective the reservation. I think the Government of National Front did not take the right step. I would like to say to the people of the Congress Party that they should have been more attentive at that time in regard to the matter of Dalits and the exploited.

Sir, I feel that when these five orders have been issued to make ineffective the reservation, then why they were sleeping like 'Kumbhakaran', they realised it very late. But even then I thank them for this that at least they have realised it today. These five orders have defeated the cause of the people belonging to Scheduled Castes and Scheduled Tribes. I urge upon the present Government to withdraw these five orders.

Sir, I would like to request to the Government through you that the matter of reservation is very serious and attached to the interests of Scheduled Caste and Scheduled Tribe. Today B.J.P. is in power, before that National Front was in power and in future other party may form the Government. I think Scheduled Caste and Scheduled Tribe Communities will be very grateful, if this matter should be enlisted in the ninth schedule of the Constitution so that nobody could dilute the provision of reservation in regard to the matters pertaining to the reservation. Alongwith this, when the matter of reservation is being discussed, here I have one more submission, that I had a chance to visit every corner of the country, and I felt that the castes which fall under Scheduled Caste and Scheduled Tribe in a particular state, are

[Kumari Mayawati]

[English]

included in the Backward Classes in other state. The people belonging to Scheduled Caste and Scheduled Tribe are getting benefit of reservation in a State, but when they are included in the Backward Classes, they are deprived of benefit of reservation. Our sister Mamata ji will also have an experience of these things. When the people of West Bengal belonging to Scheduled Caste and Scheduled Tribes came to settle down in Tarraai areas of U.P. to earn their livelihood, they did not get any benefit of reservation. When our Government was in power, then I referred this matter to the Union Government recommending this that they should be enlisted in the list of Scheduled Castes and Scheduled Tribes. They are enlisted in the list of Scheduled Caste, and Scheduled Tribes, in one state, but not in other state. Therefore, when they go to another state, they do not get the whole benefit of reservation. I urge upon the Government through you that a commission should be set up in this regard and an enquiry should be made. If these castes are getting benefit of reservation in a particular state they should also be given benefit in another state too ...*(Interruptions)*

KUMARI MAMATA BANERJEE : I support you.

KUMARI MAYAWATI : I thank you. My request is that the present Government should conduct a survey again in this regard, because when list of SC/ST was being prepared, at that time castism was prevailing at large scale in the country. Due to castism most of the castes concealed their castes and those people who disclosed their castes, they had been included in the schedule, but a number of castes could not be included in the scheduled. You should conduct a survey once again in the whole country in this regard to find out that the castes which is backward in the field of economic social and education like the SC/ST they should also be given benefit of reservation. For example, there is a Rajbhar caste residing in Uttar Pradesh, Maharashtra, Delhi and Madhya Pradesh and its condition is bad in the field of economic, social and education like the SC/ST. Therefore my submission is that Rajbhar and other backward castes alike which have not been enlisted in the schedule, should be provided benefit of the reservation by including them in the scheduled list. Lastly my submission is that the order which had been issued by the Government of National Front, should be withdrawn. Today both the former Prime Minister were sitting here, during whose period these orders had been issued. One has gone out and other one is present in the House. I would like to know from them that under which conditions these orders had been issued. Mr. Deputy Speaker, Sir, with these words I conclude my speech and I thank you for giving me an opportunity to speak.

SHRI I.K. GUJRAL (Jalandhar) : Mr. Deputy-Speaker, Sir, I am thankful to you for giving me this opportunity. I have heard with great deal of respect all the hon'ble Members from various parts of the House. I thank, on one issue where the nation stands unanimous is the issue of the reservations for the Scheduled Castes and Scheduled Tribes. As my hon'ble friend, Shri Somnath Chatterjee, pointed out, some difficulty arose out of the Supreme Court judgment. I will not take your time by dwelling on that point because it will not be fair on my part to go only by my memory to give the details of that. At that time, during my Prime Ministership, we set up a Committee under the Chairmanship of Shri Paswan and that Committee came with a recommendation to issue an Ordinance to get over this difficulty which was coming in our way because of the Supreme Court judgment. The Ordinance, as Shri Buta Singh pointed, was drafted, and the Cabinet had approved it. Well, I am not going into the details of how the Government fell. But I wish that it did not fall before the Ordinance was issued. It did fall at that time. Therefore, that Ordinance drafted fully is there to cover the point. I think, steps should be urgently taken to meet the need and the demands of the entire House at the moment and safeguard the interests of the Scheduled Castes and Scheduled Tribes. I strongly support it.

SHRI PURNO A. SANGMA (Tura) : Mr. Deputy-Speaker, Sir, thank you very much for giving me this opportunity. The issue of Office Memorandum notified by the Department of Personnel, Government of India, has been agitating the minds of the Scheduled Castes and Scheduled Tribes of this country, particularly by the educated section because they are the people who are directly affected by these Office Memoranda.

I would like to briefly inform the House as to what are those Office Memoranda. Though hon'ble Member, Shri Buta Singh, did point out, hearing from hon'ble Members, Shrimati Geeta Mukherjee and Somnath Chatterjee himself, I have a feeling that the House is not fully aware of what those Memoranda are and what are their implications.

The first office memorandum which was issued on 30th January, 1997, speaks about the promotion of the Scheduled Caste and Scheduled Tribe candidates before they are due for promotion, and their seniority. It says:

"If a candidate belonging to SC/ST is promoted to an immediate higher post or grade against a reserved

vacancy earlier than his senior General or OBC candidate who is promoted later to the said immediately higher post or grade, the General or OBC candidate will regain his seniority over such earlier promoted candidate of the SC/ST in the immediate higher post."

This means, if an SC/ST candidate has been promoted earlier and a General candidate has been promoted later, by the time the General candidate is promoted, he gets his earlier seniority and the SC/ST candidate immediately loses his seniority. This is the first memorandum which is agitating the minds of people.

By the second memorandum, vacancy based reservation was changed to post-based roster whereby all recruitment of SC/ST candidates in Group C and D categories have almost stopped. This is the effect of the second memorandum.

The third memorandum has done away with the five per cent relaxation in the qualified marks for SC/ST candidates as compared in the General candidates. This relaxation which has been removed has affected a large number of SC/ST candidates who have no access to quality education. Because they have no access to quality education and because they have not yet reached a level where they can compete with the rest of the country this provision of relaxation was deliberately incorporated. Unfortunately by this office memorandum this has been removed.

By the fourth memorandum, reservation in promotion was restricted to lower rung in Group A posts. In the Seventy-Seventh Amendment to the Constitution of India, the House approved that the reservations shall not only apply at the entry point but will also apply to promotions. That is what the Seventy-Seventh Amendment to the Constitution is. Now, after the Supreme Court ruling, the so-called Sabharwal ruling, the administrative Ministry has interpreted it in such a manner that this promotion is not applicable to Group A posts. ...*(Interruptions)* This is the question now.

When Shri Rajiv Gandhi was the Prime Minister of the country, he had ordered that there should be special drive to recruit SC/ST candidates so that the backlog can be filled. This has been discontinued by these office memoranda.

Mr. Deputy-Speaker, Sir, all these things have happened because the issue of reservation has all along been regulated by executive orders. We do not have a specific legislation passed in this Parliament on reservation

for SCs and STs. The Supreme Court ruling is subject to interpretation and, naturally, interpretation is not always correct. Therefore, my only submission is that if we have to solve this problem on a permanent basis, we will have to enact a legislation.

The Scheduled Castes Scheduled Tribes Reservation Act has to be enacted by this Parliament. If we continue with a tactics of regulation it with the executive orders, we are bound to face such problems in future also. Therefore, the immediate task before the Government at the moment is search for an immediate solution. All these OMs have to be withdrawn and *status quo ante* should be restored.

Secondly, the Government should come out with a legislation. I am not able to fully understand the former Prime Minister's point that in order to overcome this problem, there has been an ordinance drafted. But I do not think, it was required to solve the immediate problem of overcoming it. It was the question of only interpreting the Supreme Court ruling and issuing another OM. But if the former Prime Minister is talking about a legislation, I welcome that. And, after having this legislation passed, it should be put in the Ninth Schedule of the Constitution. That is the only solution for this problem, and on behalf of the Congress Party, I can assure this House that when we come to power, we shall bring a legislation to overcome this problem.

SHRI R.S. GAVAI (Amravati) : Hon'ble Deputy-Speaker, Sir, at the outset, I sincerely commit myself that I do not want to make this issue as a political one. This is above politics, and I do feel that this is an issue of national importance.

Sir, I do not feel shy in saying that these OMs issued by the DOPT are not the babies of the present Government. I do admit this. Facts remain the facts, how can we deny. These products are not the babies of the present Government. I do admit that these are the babies of the earlier Governments ...*(Interruptions)* I have stated it frankly. But it does not mean that the earlier Governments had committed some blunders and the present Government, those who claim to be a combination of the wisdom and political power, should justify it by saying that whatever the irregularities are there, they have been committed by the earlier Government.

So, Sir, I urge upon the Government that this is an issue of the national importance. The Chief Architect of the Constitution, Dr. Baba Saheb Ambedkar once said that "the safeguard provided in the Indian Constitution is

[Shri R.S. Gavai]

nothing but a compensation of the law to bring them on par. It is none of their fault that the society was kept aloof from the mainstream of the society.'

Now, Sir, it is our duty to bring them on par. I am very happy to say that yesterday, the hon'ble Prime Minister was quite ready to respond to it. I am very happy that today we are here discussing it. Sir, whatever OMs in this regard have been issued by the various Governments, they have been narrated by hon'ble Shri P.A. Sangma. I do not want to repeat them. But I would state that the spirit of these OMs is derogatory to the Constitution, derogatory to the judgements of the various courts, derogatory to the decision of the Parliament.

So, decisions are to be taken on merit if these OMs are derogatory to the spirit of the Constitution, derogatory to the spirit of the decisions of the House and derogatory to the spirit of the decision given by the Supreme Court. I do not want to take much time of the House. Sir, by giving an illustration of just one O.M. which has violated the spirit of the Constitution, spirit of the judgment and spirit of the decision taken by this august House, I will sum up my speech.

Sir, take this O.M. which is dated 1.11.1990. It has rejected the spirit of the judgement of the Supreme Court dated 10th August, 1990 relating to the matter of the Syndicate Bank, SC/ST Employees' Association Vs. Union of India. The judgement states that 'the reservation is very much available to SC/ST officers in promotions upto the highest level of Group (A) or Class (A).

Now another Memorandum dated 13th August stated that the existing promotion policy to Class-I violated the two judgements.

The third is the 77th amendment which was unanimously passed by this august House concerning Article 16(4) of the Constitution which is as follows:—

"Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the States."

This Office Memorandum is derogatory to the spirit of the judgement, to the spirit of the House and of the Administrative Orders. All these OMs are against the spirit of the Constitution.

Now it is a question of political will which may be lacking. The Prime Minister is there with political will. I urge upon the Prime Minister to see that the interest of the Scheduled Castes and the Scheduled Tribes is safeguarded.

I support the opinion of Shri Buta Singh that this Administrative Order does not serve the purpose. There should be a comprehensive enactment passed by Parliament dealing with recruitment, promotion, reservation, de-reservation, carry forward and retirement and that should be put up in the Ninth Schedule of the Constitution.

I thank you very much for giving me the time to speak.

SHRI PRAMOTHES MUKHERJEE (Berhampore) (WB) : Mr. Deputy-Speaker, Sir, I thank you for giving me this opportunity and I shall be very brief in expressing my views on this important matter.

It is my considered opinion that the rights once enjoyed by the Scheduled Castes and Scheduled Tribes under the Constitution cannot be taken away by any means.

I also consider that Parliament is the highest and supreme authority and sovereign power to take up this matter and to pass this legislation in favour of the Scheduled Castes and Scheduled Tribes.

I share the views of Shri Buta Singh and of Shri Purno A. Sangma.

The hon'ble Prime Minister is present here. He will be kind enough to assure the House of the best that the Government can do in the matter.

SHRI E. AHAMED (Manjeri) : Sir, it is a highly sensitive issue which is under discussion, it affects one third of our population. I associate myself with the views expressed by Shri Buta Singh and by other hon'ble Members of this House.

The duty of the Governments in power is to protect all the legitimate rights of the weaker sections of population. The Dalits and Adivasis have been enjoying some benefit and they wish to get the benefit always. But whatever relief has been given by the right hand has been taken away by the left hand. I may avail this occasion to bring to the notice of the Government and of

the House the sad plight of the largest minority of the world that India has, 15 per cent of the population that is, the Muslims. There is adequate provision in the Constitution for the Muslims.

Article 15(4) of the Constitution provides for the reservation of the section of the people who are educationally and socially backward. May I say that this minority in the country which is around 15 per cent of the population, the Muslims of this country are, by and large, barring a microscopic section of the community, socially and educationally backward? They also have every right to reservation. Even after 50 years of independence, what is the position in the Government of this country for representation of minorities? I would say without fear of contradiction that it is dismally poor. It is high time that the country think about this backward section of people, the Muslims also.

I would urge the Government to consider this point and also request the Hon'ble Prime Minister to withdraw the office memorandum that has been issued and which has negated whatever benefit was given to our Dalits, Scheduled Castes and Adivasis.

DR. SUBRAMANIAN SWAMY (Madurai) : Sir, I must congratulate the vigilant members of Parliament, particularly belonging to Scheduled Caste communities, to have brought this to the notice of the nation. They had to, yesterday, stop the proceedings of the House because they have been waiting since January for action from the Government. The Government has not acted on the usual democratic process where they met the Prime Minister in a delegation and apprised him. No follow-up action was there. So, there was no other way for them to bring it to the notice of the House and they brought it very effectively yesterday.

I would like to say that this reservation is not an atonement or a concession by the upper castes to the Scheduled Castes. It is a part of a social contract signed by none less a person than Mahatma Gandhi in 1932 with Dr. Babasahed Ambedkar when he voluntarily, on behalf of the Scheduled Caste community, gave up separate electorate which the British had mischievously tried to bring and divide the country. That great act of sacrifice led to the Pune Pact and from there flows the reservation. Hence, reservation is not something that we are giving them. It is a part of a social contract and that contract must be honoured. It is because of honouring this contract that we are today such a united country.

The only other point that I would like to make is this. Shri Gujral has explained very clearly that the matter

was gone into, a sub-committee under Shri Ram Vilas Paswan was set up and an Ordinance was prepared, which was nearly issued. There is no more homework for the Government to do. All that the Prime Minister has to announce here is that the Ordinance which was prepared by the Gujral Government will be issued tomorrow, when the House is not in Session.
...(Interruptions)

SHRI R.S. GAVAI : Sir, we have to examine the Ordinance first. How can we say what the spirit of that Ordinance is without examining it? ...*(Interruptions)*

DR. SUBRAMANIAN SWAMY : Let the Ordinance be brought forward. If we leave it to the Members, maybe, they can be consulted during the inter-session period.
...*(Interruptions)*

SHRI VARKALA RADHAKRISHNAN (Chirayinkil) : Sir, no Ordinance should be issued.

MR. DEPUTY-SPEAKER : Shri Radhakrishnan, let him say what he wants to say.

SHRI VARKALA RADHAKRISHNAN : But he wants to say that an Ordinance should be issued.

MR. DEPUTY-SPEAKER : Your suggestion is not wanted now.

...*(Interruptions)*

SHRI VARKALA RADHAKRISHNAN : Sir, there is no question of an Ordinance. A Bill should come before the House. ...*(Interruptions)*

DR. SUBRAMANIAN SWAMY : Sir, people from Kerala are interrupting.

MR. DEPUTY-SPEAKER : Shri Radhakrishnan, please sit down.

Dr. Swamy, I have told you not to provoke him. You are inviting problems.

...*(Interruptions)*

SHRI VARKALA RADHAKRISHNAN : No Ordinance should be issued when the House is in Session. I have no grudge against all this because Dr. Swamy will speak almost anything.

MR. DEPUTY-SPEAKER : Swamis can speak anything! Please do not interrupt.

DR. SUBRAMANIAN SWAMY : At least, the Prime Minister can announce the immediate withdrawal of the O.M. and also say that by the time the House meets after the recess, we can have this matter rectified.

[Translation]

SHRI ABDUL GHAFOOR (Gopalganj) : Mr. Deputy Speaker, Sir, I did not want to speak on this topic, but there is some purpose for which I have to speak. I would not take much time of the House. I will complete just in one minute. Today, the Congress Leaders and our BJP Prime Minister Shri Atal Bihari Vajpayee is present in the House. Hence, I would like to express my views as I really feel them. Mayawati has expressed her views. Right from the beginning when I joined politics till today, many leaders have expressed their views on this topic that this is not a political agenda? Shri Buta Singh met me in the way. He caught hold my shoulder and advised me to stand for a while. I accepted his advise and so I want the attention of all of you.

14.00 hrs.

Mr. Deputy Speaker, Sir, I may be pardoned, if I commit any mistake. From the time I joined politics till now i.e. 1999, all the members have been repeatedly saying that amendment should be made in the Constitution. Shri Atal Bihari Vajpayee was present in the House yesterday but he was not given time to speak. I do not blame any party, but I want to express my views which I feel at heart. What would had been the condition of the Scheduled Castes and Scheduled Tribes if there had not been any reservation in Parliament and assemblies. I am absolutely against the policy of reservation. I am also against it that Supreme Court has done this or that or he has not been promoted. If we continue to follow the same path in 1999, where would we reach, where shall our thinking go?

I would like to ask you a question. Fortunately or unfortunately I belong to that community which is well-known and nobody has any grudge against it. Whatever I would speak, I would speak to the best of my heart. What is the idea behind the reservation for Scheduled Castes and Scheduled Tribes in Parliament and Assemblies? If this reservation had not been given, what would have happened? I think very few persons would have managed to reach here. In place of Constitution, why don't we find out fault with ourselves? My point is

that inspite of the passage of so many years, we do not admit the fact that any person belonging to Scheduled Castes has been elected from any general seat ...*(Interruptions)*

[English]

KUMARI MAMATA BANERJEE (Calcutta South) : Dr. Bikram Sarkar is here. I can show him ...*(Interruptions)*

[Translation]

SHRI R.S. GAVAI (Amravati) : I have been elected.

SHRI SUSHIL KUMAR SHINDE (Solapur) : Sir, In Maharashtra also it has happened.

SHRI ABDUL GHAFOOR : Mr. Deputy Speaker, Sir, I am glad that Mamta ji has said that this has happened in her state. But this is not true for the whole India. For many days, it was stated that not any particular community should be pleased just for getting its votes. I would not like to stand in that category. But in this House I would openly declare that whether it is Mamata Banerjee or Mayawati, Kashi Ram or Samta Paty, CPI or CPIM, they would not rise without it. Every political party could do anything to show its performance in the world. Every political party should select some reserved candidates and get it elected and that political party would be the best party. I would like to congratulate Mamata Banerjee for being in the front line in this respect.

Mr. Deputy Speaker, Sir, I remember an incident when some mishappening had occurred. At that time he stood up said something which changed my whole ideas about him. A BJP Member, who is leader of opposition, should stand up and tell that this is a very unfortunate incident. Sir, I feel very ashamed, erring persons should be punished. There are some unfortunate persons here. They are present in the House. Now, it is the present Prime-Minister of the country who when went to Pakistan, some people felt disturbed that Shri Atal Bihari Vajpayee and Shri Nawaj Sharif are holding negotiations. So, India and Pakistan are becoming Friendly. They felt uneasiness that where would they go. I claim to be a follower of secularism. Shri Atal Bihari Vajpayee is a great leader. He belongs to B.J.P. Since he is a member of B.J.P. so such things are taking place. ...*(Interruptions)* I do not say this only to please him. When he was making such statements there, some mishappening occurred in India. I thought they would stand up and admit that he is wrong but nobody stood up to say so ...*(Interruptions)* a man on whom you and I relied upon... All these ideas were

in my mind. ...*(Interruptions)* I am not going into the details of Constitution as Shri Sangma was doing. I do not want to go into those details. I would like to tell you that when you are would be able to take a decision in this regard, all the difficulties will be removed and a new India will emerge. Every member of Parliament and member of assembly should be given this message that time have changed now. Forget all about the Ramayan and Mahabharat period. We are taking India to a new social order. We want to build a new India. I would like to request that every political party should get elected five candidates belonging to dalit and tribal category from general category seats. Only then, no S.C. or a person belonging to dalit section would have to make a demand for anything. It would transform the whole of India. I do not want to waste time. Shri Vajpayee has got an opportunity to wash away all the bad thoughts of our mind. This would enshrine his name throughout the world like the great presentation of Mahabharat. All the persons belonging to dalit category, whether they are associated with Samta Party or Congress or BJP, would cease to make demands. Today, Kumari Mamta Banerjee has tried to complete this work. ...*(Interruptions)* it is better if you do not speak ...*(Interruptions)* I am giving an advice. You should pay attention to my advice. You have got an opportunity ...*(Interruptions)* This is the job of the leader. I do not want to express my views regarding Muslims. Leave these petty matters. ...*(Interruptions)* Even if a clerk or a PA belongs to Muslim Community, please keep them employed. Unless the thoughts change, nothing will take place. Similarly, people are demanding debate on the matter of conversion. What would be the topic of debate? If someone goes to Ajmer, the teachings of Khwaja Saheb lay stress on the need of love and not on conversion. ...*(Interruptions)*

MR. DEPUTY-SPEAKER : Uncle, Please pay attention to what P.M. says.

SHRI ABDUL GHAFUOR : One should do good to others. No one should either think or do bad for others. With these words I thank you for giving me an opportunity to speak and hope when Shri Atal Bihari Vajpayee answers this debate he would pay attention to these things.

[English]

SHRI P.C. THOMAS (Muvattupuzha) : Sir, on behalf of my Party, the Kerala Congress Party, I strongly associate myself with the views and the sentiments expressed here. It is a fact that the courts also, while interpreting the Constitution as also various laws, do not take into account the views expressed very many times

by the House. I am sorry to say that the courts are not in consonance with the views expressed by the people of this country through the Constitution and other laws enacted by the Parliament. So, I would submit that the Hon'ble Prime Minister may at the earliest take the opportunity to withdraw all the Office Memoranda which have been formulated against the interests of the Scheduled Castes and the Scheduled Tribes.

[Translation]

SHRI RATILAL KALIDAS VERMA : Mr. Deputy Speaker, Sir, I am sorry to state that it had been decided in SC and ST forum that the debate in the House should continue the whole day. Yesterday, hon'ble Prime Minister Shri Atal Bihari Vajpayee came in the House twice and wanted to express his views. If this debate had started yesterday, we could have expressed our sentiments. Yesterday the whole day got wasted and today there is hurry. Politics should not have been involved but it was done. The M.Ps of BJP and all other parties had taken a decision that the House has been adjourned once but it should be run properly again. We may not be able to complete what we want to say but we would begin it today. I hope that I would be given an opportunity to express my views.

Why was such occasion allowed to occur? Why members of all political parties have joined hands to withdraw this office Memorandum? When this concept was under consideration, hon'ble Prime Minister Shri Gujral, Shri Devegauda, the leader of dalits, Shri Ram Vilas Paswan and next to Prime Minister Shri Buta Singh were all present. But all of them kept quiet.

[Translation]

If that ugly thing which had happend at that time, would not have happend, this law could have been enacted. All these elderly people are responsible for the loss incurred by the Dalits in respect of promotions and reservation. They are responsible for sufferings and harassment faced by Dalits in jobs for four years ...*(Interruptions)* We are not supposed to be responsible for the mistakes committed by them. ...*(Interruptions)*

SHRI BUTA SINGH : Mr. Deputy Speaker, Sir, he is talking of a time when I was not even a member. ...*(Interruptions)* He should not mislead the House. ...*(Interruptions)*

SHRI RATILAL KALIDAS VERMA : It is a thing of fifty years. ...*(Interruptions)* Today, you want to include in

[Shri Ratilal Kalidas Verma]

Schedule. The Congress has been in power for fifty years, why it has not been included in the Schedule before. ...*(Interruptions)* Why it was not rectified? ...*(Interruptions)* You commit mistakes and we are made responsible for it ...*(Interruptions)* You commit murders of Dalits. ...*(Interruptions)* and we are to face insult. ...*(Interruptions)*

MR. DEPUTY-SPEAKER : Forget about yesterday and come to the point of today.

SHRI KANTILAL BHURIA : Why don't you clear the issue which is lying pending for so many days? ...*(Interruptions)*

MR. DEPUTY-SPEAKER : Shri Bhuria, please don't interrupt.

SHRI RATILAL KALIDAS VERMA : When O.Ms were issued, the Congress and all others were remained silent. Dalit members of the B.J.P. are very happy that this good work will happen during the time of their Government. Dalits have been dejected for fifty years. They were hoping that the Government of B.J.P. would take place and if hon'ble Shri Atal Bihari Vajpayee, who has been a poet, becomes the Prime Minister then their demand would be met. That is why the Bharatiya Janta Party consists of more SC and ST Members than any other side. Had the BJP not been sympathetic towards Dalits rather it would have been hostile to Dalits and had it been 'Manuvadi' then so many members of Parliament of the Bhartiya Janta Party would not have won. They have won and it is an evidence that this party is the protector of the interests of Dalits. ...*(Interruptions)*

Due to the O.M. issued the facility of promotion and reservation has been withdrawn with this, the Dalits staff are very frustrated. The judgement of the hon'ble Supreme Court was came on 16.11.1992 and according to the old rule it was applicable upto 16.11.1997 i.e. upto five years, it means the facility for promotion was available. But this facility has been withdrawn from July 1997 and due to these O.Ms. carry forward posts and backlog posts have been affected today. So, we too are saying that O.Ms. should be issued. The Congress didn't review the judgement of the Supreme Court regarding recommendations of the Mandal Commission. The Mandal Commission has given a wrong direction, there was no issue of SC, ST there. Injustice happened at that time. We were sitting in the opposition at that time, we were the members of BJP and we have given our cooperation and later Congress has made an amendment. BJP then did not oppose, BJP has never been against Dalits and BJP has always been with Dalits and wants to uplift them. Consequently, all are aware of the new schemes which are repeatedly coming. The O.Ms have been issued

surpassing the judgement given by the Supreme Court. That judgement was consisting of completion of reservation quota of twenty two and half per cent and carrying the 40 points roster to the 200 points, but because of the D.O.P.T. 200 point roster was issued. 200 point roster was issued while the old roster was yet to be completed. You were supposed to fill up the backlog, but nobody filled it up. Did BJP not fill it up? Because of these people this backlog remained vacant. If the backlog would have been completed in 50 years then these 25 thousand posts and the other two lakh vacant posts have not been remained vacant. They are responsible for this. It is right that there is B.J.P. Government, so all their mistakes would be rectified. A number of members have said that mistakes were committed by the previous Governments, but we will correct them for we have a poet like Prime Minister. The wearer best knows, where the shoe pinches ("Ghayal ki gati ghayal jane, our na jane ko"). The poet possess compassion and only such a person becomes a poet as holds sympathy and mercy in his heart. Rest of all cannot become poets, they can become leaders.

I also support what hon'ble Sangmaji has said that an order was issued by the D.O.P.T. to dilute the point of reservation mentioned indirectly in the 70th Constitution Amendment. Due to this reason, this dilution affected the posts from grade A to the bottom level.

All of us were met the hon'ble Prime Minister all the S.C., S.T. members of Parliament were met and when we requested him in this regard on the very same day he had said that whenever such occasion arises he would support us and would remove our sufferings. He was already prepared for this, it is not so that he is getting ready on their request. It should be strengthened by giving it a place in the ninth schedule of the Constitution. Same is the belief of the members of Parliament of BJP too that frequent interference of the court should be stopped and Dalits and Adivasis be protected forever. The anti Dalit rules should be withdrawn. There is only one rule which is in favour of Dalits and when we requested the hon'ble Prime Minister he told us that he was in our favour. We just want that the favourable rule should be kept and the anti Dalit rule should be deleted.

In the end with four lines of poetry I shall finish my speech:

"Pradhanmantri the Gujral, Reservation ke mamle men,

*.....

*Expunged as ordered by the Chair.

Aaj S.C., S.T. bane hain behal, BJP kar degi, S.C., S.T. ko nihai.

Pradhanmantri the Devegaua, jinhone reservation ko bhi nahi chhoda,

Aur daal diya reservation men bada roda,

Lekin Ataiji ka dil hai bahut bada, ve jaroor hatayenge,

Beech men pada roda."

[English]

SHRI I.K. GUJRAL (Jalandhar) : Sir, I take a strong exception to this. I think this is derogatory and contrary to facts. It is also a deliberate effort to denigrate us. So, I appeal to you that this should be removed from the record of the House.

SHRI BUTA SINGH : Sir, I strongly recommend you to kindly delete this from the record. These are personal derogatory remarks and hence, these cannot be allowed to remain on record. ...*(Interruptions)*

[Translation]

SHRI LALU PRASAD (Madhepura) : It should be deleted from the proceedings, it is not proper.

SHRI MOHAMMAD ALI ASHRAF FATMI (Darbhanga): What is the need of personal attack in it? ...*(Interruptions)*

SHRI RATILAL KALIDAS VERMA : Mr. Deputy Speaker, Sir, *Jahan na pahunche Ravi, vahan pahunche Kavi*. I have not said this to insult somebody, so it should not be taken otherwise ...*(Interruptions)*

[English]

MR. DEPUTY-SPEAKER : It is in Hindi and moreover, it is a poem. And you know my vocabulary in Hindi. I will look into it. If there is anything objectionable or derogatory, I shall try to remove it.

SHRI AMAR ROY PRADHAN (Coochbehar) : Mr. Deputy-Speaker, Sir, I fully support the views expressed by Shri Buta Singh and our former Speaker, Shri Sangma except that he said 'when the Congress will come to

power'. It is because I do not know when the Congress will come to power.

You may kindly remember that we were discussing the 30th Report of the National Commission for Scheduled Castes and Scheduled Tribes in the last Session and this point came up at that time also. But that discussion is not complete as yet because issues relating to SCs and STs are so unimportant in this august House.

I think, we will admit it, whether it is this party or that party, that whenever the issue of Scheduled Castes and Scheduled Tribes comes up, only a few Members are present in the House. This shows that we are not serious about it; we do not give any importance to it. And this issue is lingering on and on. This is the position.

According to our Constitution, under articles 16, 16(a), 335 and 338, the Scheduled Castes and Scheduled Tribes people enjoy certain privileges. By these five orders, it has been curtailed. Shri P.A. Sangma has correctly said that this should be brought under the Ninth Schedule of the Constitution. This matter has already been delayed. We should not delay it further.

Hence, I request that the hon. Prime Minister should take a decision immediately by revoking the five orders issued in 1997 and that this should be brought under the Ninth Schedule of the Constitution.

[Translation]

SHRI LALU PRASAD : Mr. Deputy Speaker, Sir, I don't want to make a speech, I just want to say one thing. Mr. Prime Minister is present here. I don't believe that the present Government and the Prime Minister have done such injustice regarding reservation in services for Dalits and tribal brothers. When I was Chief Minister I also had to face a similar situation in respect of Dalits and the tribal brothers. People went to the Courts, the judgment of the Punjab High Court came and the judgment of many other Courts also came and as a result of that the earlier system and privileges in respect of carry forward promotions in services for the scheduled castes and scheduled tribes have been withdrawn. Every state Government was informed. Every State Government has informed the each and every department. On this question law and order situation has been deteriorated at many places. The points laid by Shri Buta Singh in the House are mandate of the Constitution and we are to abide by these points. Now, due to this a peculiar situation has arisen. It has reached to every office. A lot of noisy scene were created for two days in the House. Today,

[Shri Lalu Prasad]

we are discussing it in this House. The law and order situation may become tough for the country as well as the State Governments. This situation may lead to the possibility of tension in the society. I believe that Dalits and tribal fellows who used to get promotion in service and who were promoted, have also been downgraded. Those who had become Chief Engineers, again reverted to the posts of Superintending Engineers. Thus, all these people were insulted. The question of judgment of the Court is there in the House and on the other hand the question of supremacy of the Parliament is there. I believe that the Parliament is supreme. If the Court gives a judgment then I would like to tell the hon'ble Prime Minister that this is not a question for one day; it will go on far long. I don't want to see it as singled out. Whether it is a matter of social justice for the people by backward class, be it a matter of reservation in services or a question of reservation for women. I believe that these people get heart by all these things. The demand for reservation in judiciary has become intensive in this country. I don't agree that this is a question of only S.C. and S.T. Whenever the privileges for these people as well as backward classes are declared then acid is thrown at the faces of the children, buses and trains are set on fire. I don't want that those people who are deprived, exploited, tormented, back benchers, should remain as they were. It is the duty of all the political parties to bring all such people into main stream. I expect from the hon'ble Prime Minister that when he starts speaking, he should withdraw the said orders immediately and bring a legislation accordingly. All political parties will extend their full support to you in bringing this legislation. This question should not be avoided, it should be replied to in the House.

PROF. RITA VERMA (Dhanbad) : Now, please state in brief about Smt. Champa Vishwas and her husband as to how that Dalit I.A.S. officer and his wife are being exploited. ...*(Interruptions)*

[English]

SHRI P. SHIV SHANKER (Tenali) : Mr. Deputy-Speaker, Sir, the concern of the framers of the Constitution to remove the undulations in the social system in this country is to be found in the Preamble of the Constitution. The framers of the Constitution made the nation to commit that we will bring in equality and equality of opportunity. It is precisely with this objective that various provisions for reservations have been made so that, in the ultimate analysis, the society may achieve equality. The difficulty is—and I say with a little bit of anguish—that as the days are passing, that sympathy, which the

Constitution makers had for the weaker sections of the society, has been receding. That sympathy is not there to these classes which used to be there in the yesteryears and it is lack of this sympathy, in my submission, to these classes which is creating the complications in the present-day society.

Having said this, the question arises as to why this issue has been raised now. Rightly some friends have said that the matter is lying here from 1997. Why has it been raised now? The fact remains that the Confederation of the Scheduled Castes and the Scheduled Tribes organisations brought to the notice of the Home Minister all these five Office Memoranda and wanted them either withdrawn or modified. When they did not find any sympathetic answer, they raised the issue in Parliament and let me bring to the notice of the Hon'ble Prime Minister may be, the Hon'ble Prime Minister must not have gone through it, though, of course, the Department of Personnel, perhaps, belongs to him—that it is as late as on the 25th February, 1999, that this Parliament was told that we shall not withdraw, we shall not modify any of these Office Memoranda. It is that which brought in a little bit of agitation amongst all the Members.

Sir, the question was specifically asked and the answer has come. It is possible that the Hon'ble Prime Minister might not have looked into it. It must have been prepared at the official level. I am trying to blame the Hon'ble Prime Minister.

But the preparation by the officials of such a reply only shows how much less sympathy they have to these classes. I may bring to your notice, Mr. Prime Minister, one point. I have particularly gone through the judgement of the Supreme Court. It is also not correct to throw blame on the Supreme Court for everything. But I agree that possibly the lack of sympathy in the society also percolates. I am not going beyond this. But if you kindly look into the very first O.M., it determines the seniority of a Scheduled Caste and Scheduled Tribe officer who is promoted to a higher rank and he is put down. Though he is promoted earlier, he is put down below the general category persons.

Now, Sir, this O.M. is in the teeth of the Constitution Seventy-seventh Amendment whereby article 16(4A) was added specifically so that Scheduled Caste and Scheduled Tribe persons, if they are promoted, their seniority should be maintained. Nothing is more than the Constitution. The Constitution is above everything. Now, what had happened? When this O.M. was issued, unfortunately, at that time, Sabharwal's Judgement was there. Based on

Sabharwal's Judgement, this O.M. was issued. Later on— it is a sorry state of affairs a different judgement came altogether and I am prepared to refer to that judgement also by a larger Bench which did not agree with the earlier judgement, that is on 5th May, 1997. This is O.M. of January, 1997. In 5th May, 1997 that judgement came and the Government does not want to review their earlier Order. This is the misfortune of the situation. What I am only saying is that if the judgement of Jagdish Lal is looked upto comes, I am prepared to quote it.

KUMARI MAMATA BANERJEE (Calcutta South) : Mr. Deputy-Speaker, Sir, today is the last day of the sitting. There are so many issues to be discussed. He is quoting from the paper. I am not objecting to it. I am just drawing the attention of the Hon'ble Deputy-Speaker.

MR. DEPUTY-SPEAKER : Shri Shiv Shanker, be brief.

SHRI P. SHIV SHANKER : Sir, I will be very brief. I will not take much time.

Having regard to the importance of the issue, having regard to the sensitivity of the issue, having regard to the fallout it has, if I am not given three or four minutes, it is unfortunate.

What I am submitting is that on 7th May, 1997, Jagdish Lal's case was decided. That is of a totally different approach from the other case. That should have been considered. That has not been considered. On the other question, namely the second O.M., dated 2nd July, 1997, that is a matter of quota, the percentage for Scheduled Castes and Scheduled Tribes.

Sir, the pre-1997 roster gave the Scheduled Caste Point No. 1 and Scheduled Tribe Point No. 3, in the roster, and Point No. 4 for the promotion of these classes. Now, what has happened is that the O.M. relegates these classes, Scheduled Castes from Point No. 1 to Point No. 7, Scheduled Tribes from Point No. 3 to Point No. 14; and promotion goes for beyond. Now that is what the objection is. What we are saying is that pre-1997 position must be maintained. What is being said is, if you see the other O.Ms, my submission is that the other O.M.s are of no consequence at all. In the Competitive Examination, five marks were given by way of weightage to them. The Sabharwal's judgement does not go to that extent. Why was this O.M. issued?

That only shows lack of sympathy to these classes. Equally 16(4) (a) is very clear.

"that in all promotions, when a Scheduled Caste man is promoted, his seniority should be maintained."

This is the Seventy-Seventh Amendment of the Constitution wherefrom the authorities bring that in Group-A we will not have it. That means in particular classes, you do not want them to come at all.

In Group-A, if they come and get their seniority, that means you are only doing real justice. In the ultimate analysis the concept of equal opportunity and equality will be affected. Equally, earlier to August 1997, there was a special drive for the recruitment of the Scheduled Castes and Scheduled Tribes and the posts were to be filled up by then. That has been discontinued. Therefore, if you kindly look into all these five OMs and if one were to objectively consider all these five, they do not stand the test of law at all. But still, they are being persisted.

As late as on 25th February, the authorities, I am sure, the Hon'ble Prime Minister or even the State Minister might not have gone so deeply into it, but there is a misleading, and they mislead the society and say, 'that we would not like to withdraw, nor even modify.' That is unfair.

Therefore, my submission is that it is high time that straightaway we should withdraw all these OMs and then whatever protection has to be given, that should be given at a later stage. But today, the withdrawal must be there, this is my submission and this is my appeal to the Hon'ble Prime Minister.

[Translation]

SHRI MOHAN RAWALE (Mumbai South-Central) : Mr. Deputy-Speaker Sir, with due regard to the whole House, I would like to submit the views of Shiv Sena before you in connection with the matter raised by the Hon'ble Buta Singh Ji. My submission is that promotion should be based on quality. If somehow I manage to know that I am going to get promotion, I will not carry out my duties honestly. Anyone who knows that he is going to get promotion, will not perform his work. So, all this should be done with administrative efficiency.

Sir, respecting what Dr. Baba Saheb Ambedkar had said, I would like to state that at the time of making provision for reservation he had observed that whatever facilities are being provided, should be availed of by the concerned persons for 15 years but afterwards, their rights should be based on merit. Thus, the rights of other persons are being ignored.

[Shri Mohan Rawale]

Sir, I submit that if anything is to be done, first of all you are required to introduce the bill. In spite of belonging to the alliance party, I would like to submit the views of Shiv Sena. ...*(Interruptions)*. It is a question of subsistence of the poor; poverty should not be seen beyond the caste and religion. ...*(Interruptions)* I am in support of what Ghafoor ji has expressed. Thank you for giving me an opportunity to speak. ...*(Interruptions)*

SHRI KANTILAL BHURIA : Sir, I would like to speak for two minutes.

[English]

MR. DEPUTY-SPEAKER : No please. Three speakers from your party have already spoken.

...*(Interruptions)*

MR. DEPUTY-SPEAKER : There are independent Members also who want to speak.

...*(Interruptions)*

[Translation]

SHRI KANTILAL BHURIA : Sir, you please give us an opportunity to speak for two minutes. ...*(Interruptions)*

[English]

MR. DEPUTY-SPEAKER : No. The Hon'ble Prime Minister, please.

...*(Interruptions)*

MR. DEPUTY-SPEAKER : I cannot do that. There are so many Independent Members.

...*(Interruptions)*

[Translation]

SHRI KANTILAL BHURIA : Sir, we should get an opportunity to make our point.

[English]

MR. DEPUTY-SPEAKER : Three speakers of your party have already spoken.

...*(Interruptions)*

MR. DEPUTY-SPEAKER : Why do you not understand, the Hon'ble Prime Minister is there to reply.

...*(Interruptions)*

MR. DEPUTY-SPEAKER : No. Please co-operate with the Chair.

...*(Interruptions)*

[Translation]

SHRI KANTILAL BHURIA : Sir, we should be given an opportunity to speak.

[English]

MR. DEPUTY-SPEAKER : It is not a discussion under Rule 193.

[Translation]

SHRI KANTILAL BHURIA : In this way, our emotions cannot be suppressed in this House. ...*(Interruptions)* That is why we are suffering today; nobody takes care of us. ...*(Interruptions)*

PROF. JOGENDRA KAWADE : Mr. Deputy-Speaker Sir, I would like to speak for two minutes.

[English]

MR. DEPUTY-SPEAKER : Shri Kawade, please take your seat.

...*(Interruptions)*

MR. DEPUTY-SPEAKER : Nothing will go on record.

...*(Interruptions)*

[Translation]

MR. DEPUTY-SPEAKER : Your two minutes, your five minutes, there is no end to speak like this.

...*(Interruptions)*

*Not recorded.

[English]

MR. DEPUTY-SPEAKER : There is a limit. You cannot do that. Now, the Hon'ble Prime Minister.

...(Interruptions)

MR. DEPUTY-SPEAKER : I seek the cooperation of the Members of the House. Now, it is two and a half hours nearly. There is a limit. Now, the Hon'ble Prime Minister.

...(Interruptions)

MR. DEPUTY-SPEAKER : I seek the cooperation of the Members of the House. Shri Bhuria, please sit down. Please maintain the dignity of the House. There is a limit.

...(Interruptions)

MR. DEPUTY-SPEAKER : Please hear the Hon'ble Prime Minister.

...(Interruptions)

MR. DEPUTY-SPEAKER : It is not a full-time discussion. Shri Bhuria, this is a Zero Hour mention. Every party has represented.

...(Interruptions)

MR. DEPUTY-SPEAKER : Nothing will go on record.

...(Interruptions)*

MR. DEPUTY-SPEAKER : Nothing is going on record.

...(Interruptions)

MR. DEPUTY-SPEAKER : It is now 2.45 p.m. We have not even adjourned for Lunch. Will you please hear the Hon'ble Prime Minister?

...(Interruptions)

KUMARI MAMATA BANERJEE : Sir, I have given a notice regarding the killing of a journalist, Mr. Irfan

Hussain. ...(Interruptions) Sir, you have said that you would allow me after this issue is over. ...(Interruptions)

MR. DEPUTY-SPEAKER : It is a Calling Attention notice.

...(Interruptions)

KUMARI MAMATA BANERJEE : Sir, a journalist has been killed. I have given a notice. ...(Interruptions)

SHRI A.C. JOS : Sir, Kumari Mamata Banerjee was insulted by a journalist. It is a very serious matter. ...(Interruptions)

MR. DEPUTY-SPEAKER : I do not know how the senior Members are speaking on their own. I just cannot understand how to conduct the House.

...(Interruptions)

[Translation]

SHRI PRABHUNATH SINGH (Maharajganj) : Mr. Deputy-Speaker Sir, we also approach you to give notice. ...(Interruptions) We do not get time to speak; we should be given justice in this regard.

[English]

MR. DEPUTY-SPEAKER : Is it such a matter that I stop this matter and take up your matter? What are you talking?

...(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS, MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION (SHRI RAM NAIK) : Sir, a wrong impression has gone that 'Zero Hour' will be over with the Prime Minister's reply. If you kindly tell them that 'Zero Hour' will continue after the Prime Minister's reply, then there would not be any problem. ...(Interruptions)

MR. DEPUTY-SPEAKER : Kumari Mamata Banerjee, please take your seat. Shri Jos, please take your seat. What is going on?

...(Interruptions)

[Translation]

14.47 hrs.

MR. DEPUTY-SPEAKER : Please keep quiet. The 'Zero Hour' is going to continue after this.

At this stage, Shrimati Usha Meena and some other hon'ble Members came and stood on the floor near the Table

...(Interruptions)

KUMARI MAMATA BANERJEE : I appeal to you to allow me after the Prime Minister's reply. May I remind you that I had given a notice to raise the issue of the murder of a journalist, Shri Irfan Hussain? We have been waiting since morning to raise that issue.

MR. DEPUTY-SPEAKER : Now Kumari Mamata Banerjee. I have given the floor to her.

...(Interruptions)

MR. DEPUTY-SPEAKER : Now the Prime Minister.

THE PRIME MINISTER (SHRI ATAL BIHARI VAJPAYEE) : Sir, I wish to inform the House that the Cabinet has already considered the matter arising from the five Office Memoranda on reservations for SCs, STs and the OBCs that is agitating the hon'ble members. The Cabinet noted that these five Office Memoranda had been issued by the Department of Personnel and Training in 1997 after obtaining the approval of the then Cabinet.

MR. DEPUTY-SPEAKER : Please go back to your seat. Shri Buta Singh, please go to your seat.

...(Interruptions)

In view of the various representations that have been received from several quarters and the debate in the House, the Government has already started the process of reviewing of these Memoranda. ...(Interruptions)

MR. DEPUTY-SPEAKER : The House stands adjourned till 3.30 p.m.

14.49 hrs.

The Lok Sabha then adjourned till thirty minutes past Fifteen of the Clock

MR. DEPUTY-SPEAKER : Let him complete. Let the Prime Minister complete.

15.33 hrs.

The Lok Sabha re-assembled at thirty-three minutes past Fifteen of the Clock

SHRI ATAL BIHARI VAJPAYEE : Two of these Memoranda are currently under adjudication of the Supreme Court. We would welcome the formation of a Committee of Members of Parliament who could go into the subject and assist the Government in this regard. The Government is committed to maintain the system of reservations that has been followed so far and is prepared to bring forward a legislation even to amend the Constitution, if required to do so. ...(Interruptions)

[Mr. DEPUTY-SPEAKER in the Chair]

...(Interruptions)

15.33 hrs.

At this stage, Shri Buta Singh and some other hon'ble Members came and stood on the floor near the Table

MR. DEPUTY-SPEAKER : Now Kumari Mamata Banerjee.

MR. DEPUTY-SPEAKER : Hon'ble Members, I have to make two announcements.

...(Interruptions)

...(Interruptions)

MR. DEPUTY-SPEAKER : Matters under Rule 377 listed in the today's List of Business may be treated as laid on the Table of the House.

...(Interruptions)

15.33¹/₂ hrs.

MATTERS UNDER RULE 377*

(i) Need to open Navodaya Vidyalaya in Pratapgarh district, U.P.

[Translation]

SHRI CHINMAYANAND SWAMY (Machhalishahar) : Sir, as per the policy of the Government, the Navodaya Vidyalayas are to be established in all the districts of the country. In almost all the districts of Uttar Pradesh, Navodaya Vidyalayas have been established. At present, the district of Pratapgarh is the most backward district from educational point of view which is deprived of this facility.

Keeping in view the backwardness of the rural area of the district of Pratapgarh, I request the Government of India to kindly take suitable action for establishment of Navodaya Vidyalaya there.

(ii) Need to declare Sant Kabirnagar-Ambedkar Nagar-Azamgarh-Jaunpur State highway in U.P. as National Highway

SHRI INDRAJEET MISHRA (Khalilabad) : Sir, the eastern part (Poorvanchal Zone) of Uttar Pradesh is a backward area where Siddharth Nagar, Sant Kabirnagar, Ambedkar Nagar, Azamgarh, Jaunpur are the main backward areas. The condition of roads is the worst in these areas. The Government of Uttar Pradesh is making efforts to ensure construction of roads with their limited resources. Despite this, the direct link road of Vansi (Siddharthnagar) Jaunpur is in neglected condition.

Therefore, we request the Government to declare the highway connecting Vansi (Siddharthnagar), Sant Kabirnagar, Ambedkar Nagar, Azamgarh, Jaunpur as National Highway and ensure direct road by constructing the bridge on Bid Har ghat of the Saryu river so that the development of these districts can take place.

(iii) Need to release the balance amount due to U.P. Government under Family Planning Programme

DR. MAHADEEPAK SINGH SHAKYA (Etah) : The Family Planning Programme is run with the help of the Government of India and the State Government. In this programme, 20 per cent amount of expenditure is given by the State Government and 80 per cent of the expenditure is incurred by the Central Government. The Government of Uttar Pradesh is facing difficulties in running this programme due to lack of funds as the Central Government has not yet released its share to the State Government. As per the fixed plan, there was a balance of amount of rupees 330, 84.32 lacs on the Central Government in the beginning of the current year 1998-99 out of which an amount of rupees 12500 lacs has been received by the State Government and an amount of rupees 20584.32 lacs is still due. As a result, the Family Planning Programme is facing obstructions.

I, therefore, request the Central Government to release the above balance amount to the U.P. Government at the earliest.

(iv) Need for construction of a railway overbridge on Shikohabad-Bateshwar highway.

SHRI PRABHU DAYAL KATHERIA (Ferozabad) : In the Legislative Assembly constituency of Shikohabad falling under my Parliamentary constituency (Ferozabad), the rail accidents often take place on the Shikohabad-Bateshwar highway. Consequently the vehicles come to a halt in large numbers for hours on the Bateshwar highway and many women who could not reach the hospitals for delivery on time, died accidentally due to road blocks. Therefore, I request the hon'ble Minister of Railways to accord his approval for construction of "Overbridge" on Shikohabad-Bateshwar highway so that the problem of that area can be solved and no accidents take place there.

(v) Need to provide adequate funds in 9th Plan for exploitation of oil and natural gas in Orissa

[English]

SHRIMATI JAYANTI PATNAIK (Berhampur) (Orissa): It is a matter of great concern that exploitation of oil started by Oil India Company in the offshore of Bay of Bengal in Orissa in 8th Plan has not been completed so far. A sum of Rs. 70 crore was earmarked in the 8th

*Treated as laid on the Table of the House.