

ment. But, sir, the members of the Treasury Benches are not listening and they are talking among themselves.

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K.V. THANGKA BALU) : Sir, I am listening.

SHRIMATI GEETA MUKHERJEE : I am sorry; I did not notice him.

MR. DEPUTY-SPEAKER : He is very much alert also.

SHRIMATI GEETA MUKHERJEE : Yes; he is alert, I did not notice him.

SHRI K.V. THANGKA BALU : You did not notice me, because I am a back bencher.

SHRIMATI GEETA MUKHERJEE : No; you are not a back bencher in any case.

SHRI R. ANBARASU (MADRAS CENTRAL) : He is alert and active also.

SHRIMATI GEETA MUKHERJEE : Sir, as far as the question of reservation of jobs for the Scheduled Castes, the Scheduled Tribes and the other Backward Classes is concerned, I want to make a demand that 50 per cent of all these jobs have to be reserved for women in each of these categories. That is very much necessary, because we are 50 per cent of the population. This is my demand. I hope that the House would support this demand and would help in carrying forward our Indian women to a much better position than they are today.

With these words, I support this Bill.

MR. DEPUTY-SPEAKER : Now, the Minister of Textiles will introduce two Bills and after that, we will resume our discussion.

14:10 hrs.

#### SICK TEXTILE UNDERTAKING (NATIONALISATION) AMENDMENT BILL

THE MINISTER OF TEXTILES (SHRI G. VENKAT SWAMY) : Sir, I beg to move for leave to introduce a Bill to amend the Sick Textile Undertakings (Nationalisation) Act, 1974 and the Swadeshi Cotton Mills Company Limited (Acquisition and Transfer of Undertakings) Act, 1986.

MR. DEPUTY-SPEAKER: The question is :

"That leave be granted to introduce a Bill to amend the sick textile Undertakings (Nationalisation) Act, 1974 and the swadeshi Cotton Mills Company Limited (Acquisition and Transfer of Undertakings) Act, 1986."

*The motion was adopted.*

SHRI G. VENKAT SWAMY: Sir, I introduce the Bill.

14.12 hrs

[English]

#### TEXTILE UNDERTAKINGS (NATIONALISATION) BILL

THE MINISTER OF TEXTILES (SHRI G. VENKAT SWAMY): Sir, I beg to move for leave to introduce a Bill to provide for the acquisition and transfer of the textile undertakings, and the right, title and interests of the owners in respect of the textile undertakings, specified in the First Schedule with a view to augmenting the production and distribution of different varieties of cloth and yarn so as to subserve the interests of the general public and for matters connected therewith or incidental thereto.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the acquisition and transfer of the textile undertakings, and the right, title and interests of the owners in respect of the textile undertakings, specified in the First Schedule with a view to augmenting the production and distribution of different varieties of cloth and yarn so as to subserve the interests of the general public and for matters connected therewith or incidental thereto."

*The motion was adopted.*

SHRI G. VENKAT SWAMY: Sir, I introduce the Bill.

MR. DEPUTY-SPEAKER: Both these Bills will be taken up together for discussion.

14.13/2 hrs

[English]

#### CONSTITUTION (EIGHTY-SIXTH AMENDMENT) BILL

##### *(Amendment of article 16)*

MR. DEPUTY-SPEAKER: Now, we resume the discussion on the Constitution (Eighty-sixth Amendment) Bill. Dr.

Mumtaz Ansari will speak now.

DR. MUMTAZ ANSARI (KODARMA): Mr. Deputy-Speaker, Sir, I rise to support this Constitution (Eighty-sixth Amendment) Bill on my behalf and on behalf of my party, Janata Dal.

14.14 hrs.

[SHRIMATI GEETA MUKHERJEE *in the Chair*]

Madam, this is a matter of great concern and deep consternation for the Scheduled Castes and the Scheduled Tribes, because reservation in promotion for them was in force since 1955. But as a result of the judgement pronounced by the hon. Supreme Court, some confusion was created in the minds of the official machinery which is implementing the reservation policy in this country and this was to be operative and effective till the year 1997. But some confusion was created by the implementing machinery in every nook and corners of the country.

Sir, the policy of reservation in promotion for the Scheduled Castes and the Scheduled Tribes was implemented just after the achievement of Independence and this was the policy which was pursued by all the freedom fighters and those who had laid down their lives for the Independence of the country.

But in spite of all this, there are certain confusions. In many parts of the country this is not being implemented because of high-handedness on the part of the officials. Why is there backlog in respect of recruitment as well as promotions? Why are these things taking place in the country. This is a matter of concern for all sections of society and the House as well? For, there is lack of intention, lack of determination, lack of sincerity and lack of honesty on the part of the Government whatever form of Government may be there and whoever might have represented that Government, I just do not differ. But there is a lack of all these things. That is why, these policies are not being implemented with all sincerity.

Madam, the Congress Government is behaving just like a blind man and an elephant-whatever I read in my school age a blind man and an elephant. Similarly, sometimes the Congress Government is catching its tail, sometimes it is catching its legs and sometimes it is catching its ears. So, there is a lot of confusion all over the country. They should have brought forward some sort of a comprehensive reservation Bill. But they are just bringing forward these reservation legislations in piecemeal and on pick and choose basis. So far I remember, as per the provisions of the Constitution

the backward classes include Scheduled Castes, Scheduled Tribes and other backward classes also. Then why do you not club these two Bills together? You are separately putting forward one Bill for reservation in promotion for Scheduled Castes and Scheduled Tribes. But why do you not club the reservation in promotion for the Other Backward Classes too? So, this sort of discriminatory attitude and this sort of slackness on the part of the Government is creating lot of confusion in the minds of people who are suffering all over the country. That is why there is a lot of hue and cry on the part of the Dalit classes. They are afraid because whatever policies you are formulating, are not being implemented sincerely and honestly. Whatever pieces of legislation you are bringing, we are ready to extend all support to you. There is no confusion at all. But sometimes you point out that confusion and which section of the House is raising an objection to that? No section of the House is raising an objection to the inclusion of OBCs also. It means that you are raising the objection. There is some objection from the rank and file of the Congress Party itself. For, the BJP has also said that they are in support of this Amendment Bill and we are also in support of the Amendment Bill for OBCs. But these two have been separated from each other. These have not been clubbed and put together. So, there is some confusion. There may be some sort of objection also from your rank and file. I am telling you this decidedly with all the conviction. Shri Sita Ram is a very senior man that is why I am not alleging him. But he too might be in the core of his heart having some sort of confusion and objection to OBC. That is why, he is not putting these two Bills together. Hon. Minister, Sir, you were given a free hand by all the sections of this august House and by the Members of the different parties but in spite of these assurances and in spite of all the support, you are not bringing together these two Bills. rather the Constitution Amendment Bill for Other Backward Classes should have been include within the purview of the 86th Constitution Amendment Bill for Scheduled Castes and Scheduled Tribes. So, why are you making any sort of distinction and why are you discriminating against OBCs?

Madam, in my opinion since the pronouncement of the Supreme Court judgment on the 16th November, 1992, this confusion has been created.

And we are ready to dispel all sorts of doubts and confusion from the minds of the authorities and the machinery, who are implementing these reservation policies in the country. I would like to suggest that there must be a provision for stringent punishment. Why there is backlog all over the country? When V.P. Singh Government came to power, he was making all the review to see as to why his backlog should be cleared. That was our stand. But we could not stay in

power for a long time, otherwise we would have cleared everything and nothing would have been left to you to do anything. You are just trying to catch the eyes of the people for the sake of petty politics, for getting the votes only. And that is why, you are rushing through this Bill at the fog end of this Session.

So far as other Backward classes are concerned, you should try to bring forward such a Bill and we are ready to support that Bill also because we do not think that afterwards such an opportunity will be provided to all the Members of the House. That is why, I am making this earnest and humble appeal to you. With all humility, I am making this request to you that that Bill also should be clubbed together with this Bill and all sections of this august House are ready to support it.

Similarly, whatever statistical information has been provided to you, I am not going to repeat them like a parrot. According to the statistical information, so far as 27 per cent reservation to Backward classes is concerned, only 12 per cent has been made available to the Backward classes; 5 per cent of reservation has been made available to the Scheduled Tribes and 14 or 15 per cent reservation has been made available to the Scheduled Castes. This is the scenario so far as the reservation policy is concerned. That is why, if you want to bring them at par with other communities living in this country, you will have to pass this Constitution (Amendment) Bill rather you should have got it passed much earlier. Merely passing this piece of legislation is not enough; if your machinery and your bureaucrats are dishonest and insincere, they may not be in a position to implement this reservation policy in respect of promotion. So, there must be a provision for punishment also. Stringent and deterrent punishment should be given to all those officers so that in the future course of time there should not be any backlog, there should not be any lack of honesty on the part of the machinery in the course of implementing this reservation policy in respect of promotions. Otherwise, the officers, on flimsy grounds, on the grounds of suitability, on the grounds of so many other qualities, this and that, are not implementing this reservation policy.

Sometimes, you are raising the upper limit from 50 per cent to 69 per cent. Why do you not bring in a comprehensive Bill and why do you not club all these things together once and for all? This is my appeal to you.

So far as the dalits are concerned, these dalit people are also living in the Muslim and Christian societies too. That is why, my humble appeal to you is that these dalits, whenever they may be—they may be from the Muslim society, they may

be from the Christian society, they may be from the Buddhist society—if they come within that purview, if they come within that category, if they belong to dalit categories, then these facilities should be made available to them. There are so many Muslim halal khours, there are so many Muslim dhobis, there are so many Muslim nurses, there are so many Muslim fakirs, there are so many Muslim hajjams; there are so many categories in the Muslim community also. So, no justice is being done to these people. If you are making discrimination on the grounds of faith and religion and on the grounds of creed and colour, then there is no equality; they are getting these reservation benefits. This is an injustice done to them. That is why, my appeal to you is that, whether they are Muslims, Christians or Buddhists, if they belong to the dalit categories, if they belong to the Scheduled Castes and the Scheduled Tribes, in that case, they also should be brought within the purview of this reservation policy in respect of recruitment, in respect of employment and in respect of promotion. All these facilities should be made available to them and then only there will be equality before the law, in the eyes of the Constitutional provisions.

Similarly, time and again, you flash this viewpoint in the country that there will be ten per cent reservation for the Muslims. If you just analyse in the right perspective, if you see the economic, political and socio-economic condition of the Muslim society, you will come to the conclusion that the condition of the Muslims is worse than that of these dalits, even these Backward classes. So, why do you not bring in a Bill for providing reservations for the Muslim community?

There must be separate reservation. You have promised this time and again. There cannot be objection to this because a part of the society, of the entire nation and the entire people are suffering and are crying for that. That is why, there cannot be any objection. In Kerala also, some sort of reservation for the Muslim society has been made. Elderly people are sitting here. They also point out that such line of philosophy should be adopted here. Reservation for Muslim society should also be declared here and now. You are elderly figures and you are going a lot of good things for the Party, for the Government, for the society and for all people who are living in this country. They also constitute a major portion of the society. Justice should not be denied. They should also be accommodated so far as reservation policy is concerned.

This is a danger signal because privatisation, liberalisation, tigersation and globalisation, everything is going on in the just regime of the Congress Party. But once there is dissemination of all the public undertakings, will there be job opportunities? What is the meaning and sense of reservation? That

[Sh. Mumtaz Ansari Kodarma]

is why, I just ask you to pass this law and to make some legal provision, some constitutional arrangement so that there will be some reservation policy which should be pursued by all these private undertakings also.

With these words, I conclude my speech.

I support this Bill wholeheartedly, from all corners of my heart and on behalf of my Party. This is our policy and our principle that we must support such Bills, whenever you are rushing them through and whenever you are coming up with such Bills. But you have come very hurriedly, in such a hurry that we cannot appreciate it. In spite of all these flaws, lacuna and all these defects, I do support this Bill wholeheartedly.

SHRI KRISHAN DUTT SULTANPURI (Shimla): Mr. Chairman, Sir, I wholeheartedly support this Bill. The Supreme Court delivered a judgement on 16th November, 1992 and consequent upon that judgement, our Prime Minister has brought this bill after much consideration. It has been discussed in the forum of Scheduled Castes and Scheduled Tribes Members of all the parties. I congratulate all Members because all of them are passing it with great pleasure. The employees of Scheduled Castes and Scheduled Tribes has started thinking that the backlog for the last 50 years has not been cleared and in view of this, this Bill has been introduced. It has been appreciated by one and all.

There is commission for Scheduled Castes and Scheduled Tribes also but its work is incomplete. We have not got a single report of this Commission for discussion. There used to be quota of reservation in all public sector undertakings but it may discontinue now. I want to say that quota of reservation should continue in the public sector undertakings as it was earlier. There should be the participation of our people also in the industries to be established by the people coming from abroad. The quota is 15 percent in them also but vacancies of sweepers and scavengers are filled by other categories of people also. We have observed that in certain States norms about reservation quota are not being adhered to. Persons belonging to reserve quota are appointed but their number is insignificant. I would like to tell the hon. Minister that if it is to be enforced in the whole of the country then he should issue instructions to all the States. There should a monitoring system in order to know that how many people of reserve quota have been appointed. The Government should fix penalty if the norms of reservation are not adhered to.

Shri Rajiv Gandhi had taken a decision that if reserve

quota is not filled, we shall punish the concerned officials only then an action was initiated in this respect. He had written letters to all the Members of Parliament, to which I am referring to. I understand that confidential report is also spoiled. When it is revealed that a particular person belongs to Scheduled Caste, Scheduled Tribe or backward class his CR is spoiled because the concerned officers do not want to implement these rules. This is why it has not been implemented so far.

When the Government was apprised of this situation, they took drastic steps to get the reservation implemented, but some hon. Members have criticised it but tell them that the person on whom black spot is set, it does not affect him. The mother also set a black spot on the face of the child to protect him/her from an evil eye. It is not proper to say that Congress party has done nothing. The Congress party achieved independence. It is because of Congress that we have been able to reach Parliament House from a village. The credit goes to the Congress party. But, there is some discrimination also. Because quota has been reserved for Lok Sabha seats but there is no quota in Rajya Sabha. The quota should be reserved in Rajya Sabha also so that people may not think that Scheduled Castes and Scheduled Tribes have their share in Lok Sabha but they have no place in Rajya Sabha. So this discrimination should also be removed.

I may point out that number of judges belonging to Scheduled Castes and Scheduled Tribes is quite negligible. There is no judge belonging to these castes in the High Court as well as Supreme Court. The Government should do something in this regard because there are many Law Graduates and Advocates among Scheduled Castes and Scheduled Tribes now. It is said that people who continue practice for 15 years become eligible for the post of Judge, and a person who continues practice for 7 years in the District Court, becomes eligible for the post of Sessions Judge. The Government should see that the people belonging to Scheduled Castes and Scheduled Tribes should reach these positions. It has also been reported that if a person belongs to Scheduled Caste or Scheduled Tribe, he is transferred to remote area, these the people hate him. There is no housing facility available in the villages in remote areas. They are transferred to take revenge. They do not realise that how a Scheduled Cast person gets his ward educated and what difficulties he has to face to get a good position. They are not allowed to be posted in the city. The Government should look into this matter also.

The Government should ensure that they are not treated in arbitrary manner in the service. If there is any case against



them then they should be allowed to represent fearlessly. There is a Parliamentary Committee of Scheduled Castes and Scheduled Tribes which tours the entire country. They are all elected Members of the House. They see what is happening in banks, public sector undertakings etc. They observe that there is backlog everywhere. In case they form some association, they do not get TA, DA etc. There is another Union which keeps them at bay. I think there should be no highhandedness like this. There are Scheduled Castes and Scheduled Tribe Forums who should be allowed to express their feeling without any fear.

It has been observed that people belonging to Scheduled Castes and Scheduled Tribes find great difficulty in getting loan for construction of a house. If you collect the figures that how much and how many people belonging to these castes could get loan, departmentwise, then you will know the actual position. Their applications for house building loans are rejected forthwith. The intention of the Government might be very good but the intention of officials implementing the schemes is malafide. It causes receive among them.

Indira Gandhi had given land on lease to the people of Scheduled Castes and Scheduled Tribes. She wanted to give land to the poor. In certain States people got the land but some States could not make any headway in this regard. They are also human beings and want to live as a human being. If certain people belong to some lower caste, separate arrangements are made for their drinking water. If these people protest against such system then atrocities are inflicted on them.

There are two types of people viz. Rich or Poor. The poor continues to suffer and the rich is prospering day by day. The Government should pay its attention towards the poor. In spite of positive aspects of this Bill, some people have raised objections.

An hon. Member was referring to the promotion his services for Scheduled Castes and Scheduled Tribes people. I would like to narrate an instance to you girl appeared in the examination for appointment in our Airlines in Bombay. When she told her caste, she was not appointed. When in some other examination, she did not disclose her caste, she was appointed. She was educated in a good school. The Government should remove such handedness and attitude towards the Scheduled Caste and Scheduled Tribe candidates.

Once we told Rajiv Gandhi in a meeting that stringent action should be taken against the officials who are found responsible for not making appointment on the posts reserved for Scheduled Castes and Scheduled Tribes. Even today reserved vacancies are not being filled up. The figures placed before us are not genuine and its reason is that officials do not comply with the orders.

There are so many cases pending against the people

belonging to Scheduled Castes and Scheduled Tribes in the High Court and District court. Those are not being speeded of. It takes years in fighting a case. No lawyer comes forward to fight their case.

We should know the details of money given for various schemes meant for Scheduled Castes and Scheduled Tribes. The Members of Parliament, even if they belong to opposition parties should know the figures that how much has been given to a particular States. In this manner, they will know that how much money has been spent on their welfare and where they have been victim of high handedness.

If a person belonging to Scheduled Caste or Scheduled Tribe goes to a police station to lodge a report, his report is not registered. If somehow he gets his report registered then action is delayed. Therefore Government should pay special attention towards this aspect.

Housing Boards exists in various States. A quota for Scheduled Caste and Scheduled Tribes should be fixed for them. There should be a reservation of 15 percent and 7.5 percent for Scheduled Castes and Scheduled Tribes people in the allotment of houses built by the Government in Delhi, Bombay and Shimla. They should not be deprived of this facility. If you want to help them, let them build a house so that they may be saved from under harassment. They have to face a lot of difficulties in the villages. I may tell you an incidence of Gujarat. I saw in Mehsana district of Gujarat that many people of Mehsana have migrated to Ahmedabad. I had once there in the capacity of a convener of a committee. It was told that atrocities are being committed on them. I asked Shri Kalka Das also to address these people. I suggested that let us call the Chief Minister. In fact a person belonging to Scheduled Caste was killed and his dead body was thrown on the railway line to show that it was a railway accident. When the case proceeded further, because somebody had witnessed the whole thing, the case was registered and some people were arrested. I want to say that atrocities are committed on the people of Scheduled Castes and Scheduled Tribes throughout the country.

Sir, I do not want to take more time I am grateful to the Government for bringing this Bill in the House, Although it is being said that the Government has brought it in hurry but Members of all the political parties-BJP, Janata Dal, Samta Party, Jharkhand and Telugu Desam- have supported it. Shri Yadav and Shri Nitish Kumar have also expressed their views on it. The hon. Minister has stated that a Bill regarding OBC will also be brought. I want to say that all of us would support that Bill also. We do not have two opinions about it. I hope that the hon. Minister will take steps to clear the backlog in the jobs for Scheduled Castes and Scheduled Tribes.

Besides, Buddhists have also come in this category. Their quota should also be fixed. I am grateful to you for giving me time to express my views.

SHRI RATILAL VARMA (Dhanduka): Mr. Chairman, Sir representatives and leaders of all the parties have agreed to pass this Bill and therefore, I am grateful to all of them. There was no mention of Scheduled Castes and Scheduled Tribes in the Supreme Court judgement, even then their name has been linked with it. I am sorry to point out that there are some people in our country who are against Scheduled Castes and Scheduled Tribes. The laws are quite good but the people who have to enforce those are prejudiced, their intentions are mala fide. There is no place in the country where injustice is not being done to them. The law was to be enforced and those people were to get promotion but the judgement was delivered and promotions were stopped. Thereafter, promotions were stopped everywhere on the same basis. The persons belonging to Scheduled Castes and Scheduled Tribes, who were eligible for promotion had to suffer loss of lakhs of rupees. Besides, they have suffered mental torture. Wherever there is scope, injustice is done to them. Injustice is done to them in providing employment. As Shri Sultanpuri has told, the students who pass their examination with good marks and in first class, they are also covered under 15 percent and 7.5 percent reservation and thus injustice is done to them. It is wrong to count them in reservation quota who pass in first class. They should be covered under general category but who have low marks, they should be covered in the reserved quota. The promotion is stopped on one pretext or the other. C.Rs of Scheduled Castes and Scheduled Tribes people are spoiled for fault of their. Sometime their increment is also stopped. They have to fight for years to get the increment restored but often they remain unsuccessful. I myself fought the case of bank employees. You can imagine the extent of loss suffered by a bank clerk when his increment is stopped.

I had raised a question during the Question Hour yesterday that backlog has not been cleared upto now.

Backlog is increasing every year. Special recruitment is also made to clear the backlog but results are not good and therefore, backlog increases every year. The people of Scheduled Castes and Scheduled Tribes are angry. Therefore efforts should be made to clear the backlog expeditiously. The State Governments should also be directed to clear backlog. In so far as transfer of the people belonging to these castes is concerned, they should be transferred near the railway station of a village near some city. Generally they are transferred to remote areas where even housing facility is not available because of which they face lot of difficulties in performing their duty. When we approach concerned officials, they say that we should have told them at the time of appointment. The fact is that every one needs a job. They are transferred to such places just to put them in difficulty.

Madam, I may quote an instance. It pertains to banking

service. A person living in Ahmedabad was posted to Porbandar and concern person living in Porbandar was posted in Ahmedabad. Why so? They should have been posted at some nearer place. Besides, I may say that there is no reservation for Scheduled Castes and Scheduled Tribes. Reservation quota has not been completed in Government Undertaking also. How will it be completed after privatisation. Something should be done in this regard.

Madam, there is the biggest shipyard building yard of Asia in Gujarat. There used to be special reservation for Scheduled Castes and Scheduled Tribes. There used to be a fee of Rs. 250/- which has been increased to Rs. 5 lakh, from where they will bring so much money. Efforts have always been made to stop it. Injustice is being done to them. There is a special commission to look after their problems but it is not working efficiently. In spite of my writing again and again no useful purpose has been served. Their feeling are hurt and become very sad. They think that who will represent their cause. We raise the issue time and again in Lok Sabha, some time we succeed in securing justice for them but no satisfactory action has been taken so far. The women belonging to Scheduled Castes get jobs but they should not be posted far off placed in spite of these instructions the officers at some places do not adhere to the instructions and post them at far off places. If an employee belonging to Scheduled Castes dies, job is offered to a member of his family. My submission is that in such cases the job should be provided at his/her native place. I would like to quote an instance of Ahmedabad. A person died there and efforts are being made to offer a job to his wife in Baroda. Therefore, I want to say that promotion to the persons should be given immediately whose promotions were stopped as a result of Supreme Court decision. They should get their right. Injustice is being done to them in every field, be it job, land or housing. Where there is no reservation, it should be provided so that they are benefited and they may realise that their grievances are heard and redressed.

[English]

MR. CHAIRMAN : Now, hon. Shri Syed Shahabuddin to speak. After that, hon. Shri M.H. Gavit. I request all of you to be very brief because the Bill will have to be passed within the time allotted and quite a number of Members are also still there to speak.

SHRI P.G. NARAYANAN (Gobichettipalayam): What about me?

MR. CHAIRMAN: Yes, I call you to speak now. After you speak, Shri Syed Shahabuddin will speak. If I was mistaken, please excuse me.

...(Interruptions)

MR. CHAIRMAN: I cannot call all of you simultaneously. Let us be quick and brief please, so that more number of Members can be covered.

SHRI P.G. NARAYANAN: Madam, Chairperson, at the time of independence, this nation faced a peculiar situation where a small percentage of our Indian population was socially and educationally advanced and a vast majority of whom our Constitution appropriately described as backward classed were socially and educationally backward. The criteria for determining as to whether a community is backward or not has been two-fold, namely their relative backwardness social and educational front.

Among the backward classes, SCs and STs had a special disability owing to the cruel and inhuman system of untouchability, practiced against SCs for several centuries and the relative loss of touch with the mainstream of society forced on most of the STs due to their living in isolation.

In most of the States, all the backward classes, namely, SCs, STs and OBCs have been provided with necessary help and support by provision of facilities such as reservation in Government services and educational institutions to ensure that they will be on a par with the rest of the population, socially, educationally and economically.

While SCs and STs have been given reservation in Government services and educational institutions under the Government of India right from the 50s, OBCs who are also socially and educationally backward like the SCs and STs and who also constitute a part of the backward classes as described by our Constitution, had felt deprived for a very long time insofar as opportunities in jobs and admissions to educational institutions under the Centre are concerned. Therefore, when OBCs were given 27 per cent reservation in Central Government services, we all welcomed it as a right step in the right direction. We hoped that further concessions to them which are their legitimate right and which will make them at par with other forward sections would be announced and implemented by the Government at the earliest. It is in this spirit that the Government's move to provide age relaxation to OBC candidates appearing for UPSC examination was welcomed by all Members present here.

Article 16(4) which was the first ever amendment brought by this august House to ensure welfare and development of all backward classes permits the State "to make provision for reservation of appointments for 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

State".

Madam, it is thus obvious that all the backward classes whom the States find to be under-represented in services should be provided with reservation in services.

The situation for SCs and STs has also not reached the optimum levels. However, due to the fact the reservation has been provided to them for almost four decades, there has been improvement in the percentage of SCs and STs in Government Services. I reiterate that it is still not sufficient.

It is obvious that OBCs who constitute around 52 per cent population and who have been provided with 27 per cent of reservation have the minimum representation in Government services among all backward classes. It is, therefore, obvious that when constitutionally an attempt is made to protect reservation in promotion. Such an attempt should necessarily include OBCs also.

In this context, let me also remind this august House that the proposed constitutional amendment intends to overcome the practical difficulties that arose out of Supreme Court's judgment in Mandal Case. This difficulty has been created not only for the Central Government but also for the State Governments. Therefore, this constitutional amendment should resolve problems of the Centre as well as the States.

In States like Uttar Pradesh, Himachal Pradesh, Punjab, Haryana, Andhra Pradesh and Tamil Nadu, there is reservation in promotion for OBCs already in existence. If OBCs are not covered under this proposed amendment, OBCs in those States will lose the privileges that they already enjoy. Let this House not be responsible for causing loss of privileges already enjoyed by a section of weaker sections.

Madam, all backward classes need to be united in their struggle towards attaining social justice. If we bring a constitutional amendment wherein one group of backward class are not being taken care of, such a step is bound to create social tension of the worst kind among the backward classes themselves. I would, therefore, like to propose the following amendment in this Bill "In place of 'SCs and STs' we should have 'all backward classes, namely, SCs, STs and OBCs'. I appeal all the political parties to support this amendment.

SHRI SYED SHAHABUDDIN (Kishanganj): Madam, Chairperson, the backward classes have been engaged in a long and historical struggle for assertion of their right to social justice and to social equality. Today, we are at a very historical stage in that long struggle.

[Sh. Syed Shahabuddin]

I rise here not only to support that Bill but to plead with the hon. Minister not to play with the solidarity of the backward classes without which this long struggle can never reach the goal of success. Our Constitution provides for reservation. In fact, all reservations, whether by the States or by the Central Government today, proceeds from articles 15(4) and 16(4) of the Constitution. In fact, it is an established law that the term 'backward classes' of citizens used in article 16(4) has the same meaning as the longer term used in article 15(4). After the November 1992 decision of the Supreme Court, the backward classes other than the Scheduled Castes and the Scheduled Tribes who had therefor been called 'Other Backward Classes', have also been enjoying the benefit of reservation.

15.00 hrs

Now, I am really, amazed at this logic that when the Scheduled Castes, Scheduled Tribes and the other Backward Classes, who together compose the backward classes derive the benefits, the concessions and the privileges that they enjoy today in terms of reservation in public employment from the same article of the Constitution, why should now a discrimination be made between one group and the other when it comes to reservation in promotion? In fact, the trouble has arisen because the Supreme Court has ruled that the term 'appointment' should mean only the first or initial appointment and does not include appointment on promotion. Of course, they had made a concession as far as the Scheduled Castes and Scheduled Tribes are concerned, that because they are already receiving the concession, they should continue to do it for the next five years, that is till November 1997. I do not understand why the Government has taken three years to nullify this reversal by the Supreme Court and to bring the entire body of the backward classes within the purviews of reservation in promotion. This did not require such detailed thinking. It should not have taken three years. It should have taken less than three months for them to come up with the Bill. Now they have come here with a Bill which sows seeds of dissension among the backward classes. This Bill extinguished the expectations of the other backward classes who are now enjoying reservation that they may or many obtain the same privileges, i.e. reservation in promotion as the Schedule Castes and Scheduled Tribes are having. Now, this is totally illogical to me that those who are only facing a threat of extinction of a right are being protected and those who are being denied the same right are being left as they are. They are of no consideration for the hon. Minister. I do not understand this logic at all.

Therefore, I would like to draw your attention to a principle of legislation. The principle of legislation is that when you have a general law it applies to everybody. But when you have a particular law, it does not apply to anybody else. That means the moment you bring in this amendment, then immediately it follows that wherever other backward classes other than the Scheduled Castes and Scheduled Tribes have been enjoying the privilege of reservation, they will cease to enjoy it. It is not only a question of Central Government. The Constitution applies equally to reservation under the State Government. There are at least half a dozen States such as Tamil Nadu, Punjab, Haryana, Himachal Pradesh, Uttar Pradesh and Andhra Pradesh where the other backward classes are today enjoying reservation in promotion. I don't know which else. Maybe Bihar also is there.

SHRI SITARAM KESRI: That is not true. I will let you know that correct position.

SHRI DATTATRAYA BANDARU (Secunderabad): It is not there in Andhra Pradesh.

SHRI SYED SHAHABUDDIN: Well, this is the information I have. At least the case of Tamil Nadu has been put forth just now by Shri Narayanan. What will happen is that tomorrow it may stand nullified in the States where it is already there. Secondly, a little more consideration will show that perhaps this very amendment that you are working on today may be nullified by the Supreme Court on the ground of being discriminatory because under article 16(4), you are giving reservation to all the three elements of population and in article 16 (4A), you are limiting it to only two of them. So, anybody from the third group can stand up and say, why this discrimination? 'You can argue whether in principle reservation in promotion is right or wrong. But once you say it is right and once you say that it is constitutional and once you nullify the decree of the Supreme Court and establish by the majesty of this supreme Parliament that has to have full sway, then in that case, how can you distinguish between various class of persons who are enjoying reservation in public employment in matter of promotion.

Therefore, it is not only illogical, but it might also turn out to be unconstitutional. And it is certainly inimical to the interest of those groups who are today already enjoying reservation in promotion at the State level. These are the three considerations that I would like to place before the House and before the hon. Minister.

That is why I have suggested a very simple amendment that the same phrase "any backward class of citizens" which

is used in article 15(4) should be repeated in the amendment that you propose to bring in. In that case, it would automatically apply to all classes, which today or even in future might come to enjoy reservation in public employment would also automatically enjoy the provision of reservation in promotions. It would be automatic. Nobody would be left out. Everybody would be brought in. Those who are already 'in' would be in, and those who shall be 'in' tomorrow may also be brought in. Just as in article 16(4) it is automatic, article 16(4A) would also give automatic umbrella cover to everybody who comes under the purview of reservation. Therefore, I would appeal to the hon. Minister that in the name of solidarity of the backward classes in the name of social justice in the name of equality, in the name of Constitution, you should not make a distinction and a discrimination between one section of backward class and another section of the backward class.

[Translation]

I remember a story:

Mother India was, in search of her three children. She found two of them. They were in rags and deplorable condition. She was carrying them with her when she found her third child also. She took him in her arms. Now you say that she can take only two children with her and leave the third one. I do not think that it justified. Please allow her to take all the three children with her.

[English]

Mr. Minister, I have just one more small point to make. You have said, since there is no consensus yet on various other aspects of the reservation policy, therefore, you are not in a position to bring in a comprehensive Bill. I request you to redouble your efforts - as we always say in international Resolutions - redouble your endeavour, work very hard, call us everyday if you like in order to bring about a national consensus on the many other aspects of the reservation policy which are yet far from reaching a consensus. I would like to recite them just by name: (1) The question of extension of reservation to the minorities; (2) extension of reservation to the field of private employment; and (3) extension of reservation - which is absolutely essential to the field of education, because without education, you can never have a full utilisation of the right of reservation.

Madam, I would also like to have a consensus on the question of uniformity of the creamy layer. That should be defined in a very restrictive sense, as restrictively as possible

we should work for a national consensus to abolish this arbitrary limit, set by the Supreme Court in its wisdom, of 50 per cent. This situation varies from State to State. It varies for the country as a whole and for different States. Therefore, there should be some scientific method, a proper procedure where you add up the quotas which should be made available to every backward group according to its population and according to its level of backwardness and then you total for each State and for the country as a whole. No doubt it would always be more than 50 per cent.

Madam, I would also like to propose that there should be a national consensus on conducting a decennial survey which would enable us to bring down the totality of reservation so that something in future a day would dawn when all sections of our national community shall be on a equal pedestal. At that stage only, Madam Chairperson, we shall not need any reservation. But that may take time. In the mean time, there should be scientific principle for applying it on a State basis as well as on Central basis in order to have a proper total of reservation quota.

We have to legislate on this question of backlog and the carryover which are really agonising for those who are enjoying it in theory and at the same time being denied the benefit thereof in practice.

Lastly, the question has been raised and I do want to support the view that if a person from the Scheduled Caste community exercises his or her fundamental right of changing his/her religion, it does not change his/her social status immediately. Therefore, the benefit of reservation should be available to him/her, at least for his/her own life time and for the life time of their descendents, if not for ever. If you are not prepared to accept that general formula that a Scheduled Caste may mean everybody irrespective of his/her religion, at least, this facility should be available to him/her during his life time and for the life time of his/her immediate descendents. It should not be taken away only because he or she has exercised a fundamental right of changing his religion.

But these are all questions on which there can be a debate. We are not debating it. I am only bringing it before the House and to the notice of the hon. Minister that we have a long way to go. You have a lot of homework to do. We all have to do a lot of homework and come to a national consensus.

Now with these words, Madam, I do not oppose the Bill. It is good as far as it goes but it does not go the whole hog, It does not cover the entire field. It is discriminatory and, I am afraid, tomorrow it might be struck down by the Supreme

[Sh. Syed Shahabuddin]

Court as being discriminatory and, therefore, unconstitutional, I plead again in the name of the solidarity of the backward classes that this amendment which many of us moved should be accepted. All the amendments that have been moved mean exactly the same thing that in the purview of reservation on promotion you should include the entire body of backward classes which are today divided into three groups namely the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes.

Last I forget, I also add my voice to the plea that sometime in future we might have to create a special regime for the Most-Backward Classes who are really at the bottom of the social scale whether politically, economically, educationally or socially.

With these words, Madam, I support the Bill and I appeal to the hon. Minister to honour the opinion of the House and to accept the amendments that we have moved.

[Translation]

SHRI MANIKRAO HODLYA GAVIT (Nandarbar): Mr. Chairman, Sir, I am grateful to you that you have given me a chance to express my views. I support this 86th Constitution Amendment Bill. (Interruptions)

SHRI SURAJ MANDAL (Godda): Mr. Chairman, we should be called first and then other side should be given a chance.

[English]

MR. CHAIRMAN: Hon. Members, you have a time schedule and it is upto you to be brief.

[Translation]

SHRI MANIKRAO HODLYA GAVIT: Mr. Chairman, I want to express my views in brief. I am grateful to the hon'ble Prime Minister, respected Rao Sahib and Welfare Minister Shri Kesri. We had decided in the All Party Forum of Members of Scheduled Castes and Scheduled Tribes that the problems of the people belonging to Scheduled Castes and Scheduled Tribes are quite different. I heard the views of everybody. When the constitution was written, respected Baba Sahib Dr. B.R. Ambedkar mentioned therein that the people of Scheduled Castes and Scheduled Tribes are very backward in this country. They do not have facilities for education and Adivasis are the aborigines of India. Even then

their plight is miserable. I am grateful to the leaders of all political parties for they have agreed to support this Bill unanimously in order to ameliorate the condition of these people. I think they have realised our problems. It has been stated therein that there used to be a provision of reservation in promotion but when Supreme Court announced its verdict on 16.11.1992, the reservation in promotion for Scheduled Castes and Scheduled Tribes employees was stopped. Even now reservation in the case of Scheduled Tribes is 7.5 percent. But it has been observed that even 15 percent and 7.5 percent of reservation quota for Scheduled Castes and Scheduled Tribes is not being filled. Sometimes 1 percent and sometimes 2 percent quota is filled and at some places not a single post is given to them. We have seen during tours of Scheduled Castes and Scheduled Tribes Committee. We are pained to know that obstacles are created in filling the posts reserved for Scheduled Castes and Scheduled Tribes in constitution. When we told all these things to the Prime Minister Shri P.V. Narasimha Rao and Welfare Minister Shri Sitaram Kesri, only then Government has brought this amendment Bill.

Now reservation in promotions will be given but when C.R. would be examined, and bad remarks given by the officers will be seen in the confidential reports of SC & ST employees, then their promotion may be stopped. Therefore, Government should see how to check this tendency.

A person who is born in Scheduled Castes or Scheduled Tribes family is totally ignored in the matter of difficulties of the family or in cases of atrocities and injustice done to them. Recently nearly 100 shops and houses of Scheduled Castes and Scheduled Tribes were burnt down. Atrocities are committed on women folk of these communities in other States also. They are burnt. Protection has been provided in the constitution but even then this is happening. These atrocities are not committed on backward classes. This much difference is there. Therefore, they should get the protection and the rights envisaged in the constitution for Scheduled Castes and Scheduled Tribes.

The Government have made great effort to clear the backlog but there are certain officers and heads of Departments who are not prepared to change their psychology. Sometimes they say that there is no reservation and sometimes they say that candidates of these categories are not available. All political leaders and hon'ble Members have expressed sympathy for Scheduled Castes and Scheduled Tribes and therefore, I am grateful to them.

I may submit that the difficulties of Scheduled Castes and Scheduled Tribes are quite different from those experienced



by backward classes. The Government has made an exclusive provision for their reservation but some hon. Members have tried to put obstacles in the way of passage of this amendment Bill. I am very sorry to see all this. However, leaders of all the political parties have expressed solidarity with SC and ST and decided to support this amendment Bill. I am grateful to them.

There is reservation for allotment of petrol pumps and gas agencies to the people belonging to Scheduled Castes and Scheduled Tribes but efforts are made to put obstacles in this work also. Sometime they get licence and sometime difficulties are created for them. The people belonging to other Castes think that they have got the maximum but the facts are different. A person knows problems of that community which he is born. One of our friends said that Gauri caste should be included in the list of Scheduled Castes and Scheduled Tribes but I do not agree with his views. They might be backward but they are not Adivasis. I submit that Government should pay attention towards suggestions given by me.

With these words I support this Bill and thank. Mr Chairman for giving me time to speak.

SHRI G.M.C. BALAYOGI (Amalapuram): Madam, Thank you for giving me an opportunity to speak. Since 1992 onwards the SC/ST forum of the Parliament has been requesting the hon. Welfare Minister, Shri Sitaram Kesriji to bring a Bill in view of the Supreme Court judgement which has created a lot of confusion in the minds of Scheduled Caste and Scheduled Tribe people, particularly in the appointment and promotions.

[Translation]

SHRI SURAJ MANDAL: Mr. Chairman, My name is also there?

MR. CHAIRMAN: I have already told that your name is there. Why do you waste time? Why don't you allow the work to be completed early.

[English]

SHRI G.M.C. BALAYOGI: Anyhow Madam, at least the Government has brought a Bill. I am also supporting this Eighty-Sixth Constitutional (Amendment) Bill. Even after 46 years of Independence atrocities are inflicted on Scheduled Castes and Scheduled Tribes. It is because their economic and social status has not improved. Still atrocities are com-

mitted against Scheduled Castes and Scheduled Tribes, particularly Scheduled Caste and Scheduled Tribe women in the society. But this is not the situation wanted by the forefathers, the Father of the Nation, Mahatma Gandhi and father of the Indian Constitution, Dr. B. R. Ambedkar. They wanted that ten years after Independence, the economic and social position of the Scheduled Castes and Scheduled Tribes should be improved. That is why they have given some reservations in the Indian Constitution. You can imagine still there are backlog even in the Class I, Class II, Class III and Class IV jobs. If you see the figures, in Class I the backlog is 2.1 percent, in class III it is 3.2 percent, in class III it is 6 percent, whereas in Class IV the percentage of reservation is completely filled. It shows the intention of the Government. It shows how the Government is implementing the reservation for the upliftment of the Scheduled Castes and Scheduled Tribes in this country. Just enacting law is not enough, but the commitment of the Government to implement that law is more important to uplift the Scheduled Caste and Scheduled Tribes people in this country. In this context I want to say that the educational facilities should be increased for the upliftment of the Scheduled Castes and Scheduled Tribes in this country. At the same time Land Reforms are also very important. If the excess land is distributed among the Scheduled Castes and Scheduled Tribes, their economic position will improve and they can also reach the mainstream of the society. Then only the society can be in a good position.

They can also be brought to the mainstream of the society. Then only the society can be in a good position because the integration and development of the country also depends upon the SCs and STs, backward Classes and other minorities. They are also more important.

My second submission is with regard to the private sector. Now the Government's policy is to privatise every industry.

MR. CHAIRMAN: May I appeal to the hon. Members, not to repeat what has already been said by many? If you have to say something, please point it out.

SHRI G.M.C. BALAYOGI: In this connection, I would like to say that reservation in promotion should be continued for SCs and STs in the private sector too.

I would like to draw the attention of the hon. Minister towards a few points. All these Central, State Governments, Public Undertakings, Private Sector Institutions/Agencies which are financed or aided by the Centre and or State Governments and who fail to implement the reservation quota shall be punishable under the Act. Recruiting and

[Sh.G.M.C. Balayogi]

Departmental Promotion Committees (DPCs) shall be made responsible for non-implementation and shall be tried under the provisions of the Act or under the Indian Penal Code.

Reservations at the level of Secretaries, Additional Secretaries, Joint secretaries to the Government of India and State Governments, Chairman and Managing Directors and Directors of Public Sector Undertakings shall be strictly implemented.

All those recruiting agencies and DPCs which fail to implement reservation quota shall be held responsible and remarks made in their Annual Confidential Reports (ACRs).

Reservation quota in the fields such as Scientific and Technical Departments, Public Sector Undertakings is not properly implemented so detailed guidelines shall be given to such agencies for strict compliance with the provisions of this Act.

Provision of this Act shall be applied to judicial institutions in the appointments and promotions of the judges and also the non-judicial posts of lower courts, high courts and the Supreme Court.

In all those cases of harassment of Scheduled Caste and Scheduled Tribe employees which are brought to the notice shall be strictly taken a note of the persons responsible for such behaviour shall be booked under the Prevention of Atrocities on SCs and STs and they may be tried.

The Secretary of a Department, Chairman & Managing Director or Managing Director of a Corporation or transferring authority in all other cases shall be held responsible for not posting SC/ST officials in key posts in proportion to their strength. Detailed guidelines must be given to all the Heads of Departments or Secretaries to the Government for strict compliance of the provisions and they be held responsible for non-compliance, if any.

A thorough review of ACRs of SC/ST official shall be invariably handled only by the senior SC/ST officials before the inclusion in the respective meeting of all the DPCs. Incidents, such as exclusion of SC/ST officials in the DPCs have been on the rise and hence this provision is necessary.

The Constitution also guarantees, as per Article 16, Clause (4), reservation to the SC/ST and other backward classes. I request the hon. Minister to bring a comprehensive legislation for the other backward classes people who are

facing a lot of problems with regard to recruitment and promotions.

There is a long pending demand of the Scheduled Caste Christians. They are not in a position to enjoy the Constitutional guarantees simply because they have changed their religion. Therefore, those Scheduled Caste people who have taken Christianity as their religion should also be made eligible for these facilities.

I would also like to draw to attention of the hon. Minister towards the poor conditions of Dhobis and fishermen, particularly in my State. In some States they have been given SC and ST status, respectively and in other States they have not been given this Status. These people live in very poor conditions in my State. They both belong to backward classes. The Government of Andhra Pradesh after passing a unanimous resolution requested the Central Government for inclusion of Dhobis in the Scheduled Caste Community and Fishermen in the Scheduled Tribes Community.

Lastly, political reservation is a must for the Scheduled Castes and the Scheduled Tribes. Madam, in the Rajya Sabha and in the Legislative Councils, the Scheduled Castes and the Scheduled Tribes are not getting any political reservation, whereas in my State, my leader, Shri N.T. Rama Rao, without any Central legislation, has given political reservation beyond the constitutional reservation to all other communities also in the local bodies. I request the Central Minister to give some political reservation for the above caste also and then only the society can function smoothly.

MR. CHAIRMAN: Now I call Shri Chhedi Paswan to speak. After that, I call Shri Suraj Mandal. I once again request all the hon. Members to be brief because you know about the time limit.

[Translation]

SHRI CHHEDI PASWAN (Sasaram): Mr. Chairman, I shall express my views in brief. I support the constitutional Amendment Bill moved by hon'ble Minister Shri Sitaram Kesri. Although it is late but it is alright and therefore I congratulate him. The entire country was disturbed because of decision of the Supreme Court which was announced on 16.11.1992. A doubt was created in the minds of Scheduled Castes and Scheduled Tribes because of the decision. The main reason of the doubt was that the officers who are followers of Manu, started propagating that reservation in promotion to Scheduled Castes and Scheduled Tribes has been discontinued. As a result of this there was great hue and cry in the entire country.

I would like to make a charge against the hon'ble Minister that he has brought this Bill to convey a message to the Harijans and Adivasis that Congress is the only party which is Championing their cause. This is wrong. From the Bill which you have brought, we understand that reservation has been given under one Article of the Constitution, whether it is for Scheduled Castes and Scheduled Tribes or for backward classes also. You should have included OBCs also. You have committed a mistake by not including OBCs in the Bill. You want to divide us. You want to tell Harijans of the country that you are only saviours of Harijans. They will not be carried away by your gimmicks. Scheduled Castes, Scheduled Tribes and OBCs are united, we shall not allow any rift between them. That will not be allowed by your tactics. If you think that you have given them something new, then it is wrong. I want to tell all the people of this country through this House that this right was given in 1955, that has been restored, there is nothing new in it.

Mr. Chairman, had the intention of the Government been clear, they should have brought the Bill much earlier. Why have you been sitting over it? Why have you kept pending this sensitive issue? You should have included OBCs in the Bill. About backlog, I may state that the officers who follow Manu's philosophy do not want this right to be given to Scheduled Castes and Scheduled Tribes who have been ignored by the society for the last 2½-3 years. They oppose when the issue of providing rights to them comes up. I want to say that stringent legal action should be taken against those officers who are against reservation in promotions. You have to introduce a Bill for that purpose also.

Mr. Chairman, I would like to inform you that the Department of Human Resources have fixed 55 percent marks for appointment to the posts of lecturers through University Grants Commission. The candidates may be belonging to general category, Scheduled Castes, Scheduled Tribes or to any other category. Unless they obtain 55 percent marks, they will not be appointed. In other words reservation policy is not being adhered to. You will be amazed to learn that there are 16 thousand lecturers, only 3 belong to Scheduled Castes and Scheduled Tribes. You may be astonishing but this is 100 percent true. I would submit to the hon'ble Minister to meet the Minister of Human Resource Development to streamline the working of UGC. Yesterday a Member of BJP was telling that person belonging to Scheduled Castes and Scheduled Tribes have become IAS and IPS officers and their reservation should be discontinued. We just pity the thinking of BJP. Shri Jagjivan Ram was member of the House. He remained Minister throughout his life. He was a distinguished person in economic, social the political field but

when foundation stone for Sampooranand Temple was laid by Shri Jagjivan Ram then that temple was washed with water from the Ganges. You should consider the social order and psychology of the country as well. BJP wants to divide the Harijans of the country and you should be careful of their designs, lest you should become victim of their propaganda...(Interruptions) one of your colleagues was telling yesterday that the people who have reached higher positions, they should be deprived of reservation. The hon'ble Minister need not take a note of it. The framers of the Constitution had accepted the policy of reservation for Scheduled Castes and Scheduled Tribes on the plea that protection should be given to a large part of our population. This was done because they were exploited socially, economically, politically and culturally. Reservation for SCs & STs should continue till they become at par with those of general category.

With these words I support the Bill...(Interruptions)

[English]

MR. CHAIRMEN: Now, Shri Suraj Mandal will be speaking. Hundred names are there. I cannot call all the hundred names.

[Translation]

SHRI SURAJ MANDAL (Godda): Mr. Chairman, I support the Bill moved by hon'ble Minister for reservation in promotion...(Interruptions)

[English]

MR. CHAIRMAN: Excepting myself who spoke only for four minutes, who else here has spoken for that much time? Shri Chhedi Paswan was very brief, I must say. I think him specially.

[Translation]

SHRI SURAJ MANDAL: The hon'ble Minister has been very enthusiastic. He has made up his mind to do some good work before renunciation. It is said before leaving this world some good work should be done...(Interruptions) The question of promotion is related to one's intention and policy. Your policy is good but intention of members of your own party is not good. (interruptions)

MR. CHAIRMAN: This is your House. You have to speak and you have to hear, even then you behave like this. If you

indulge in these things, more time will be wasted.

SHRI SURAJ MANDAL: You do not want to give anything but you want publicity. Shri Chhedi Paswan has briefly said that if somebody does not implement the policy of reservation, stringent action should be taken against him. When I was Chairman of Scheduled Castes and Scheduled Tribes in Bihar then I recommended that it should be treated as cognisable offence. Now it has been decided that if some official does not follow the policy of reservation, he will be prosecuted for committing cognisable offence. It is already in vogue in Kerala and we have recommended it for Bihar on the same analogy. The Bihar Government adopted it in 1991. I demand that Central Government should bring a Bill in this House for declaring it a cognisable offence. A criminal case should be filed and person concerned who does not adhere to reservation policy should be put behind the bars, only then the rules will be effective. I may give an instance to tell you that how a person is deprived of promotion. This incident occurred in Indian Airlines. There were six persons and four persons were to become Chief General Managers, please listen, carefully. There was one Mr. Jain at No.1 there was one Mr. Dinesh Gupta at No. 2 and Indian Airlines were to appoint 4 persons out of six. There were names of six persons in the panel, Mr. Jain is No. 1 and Mr. Dinesh Gupta is No.2. The interview Board comprised of three persons having different psychology when Chairman was appointed, he did not call No.1 and No.2 and he promoted 4 persons whose names were from 3 to 6. I received a letter, I wrote to the Secretary of Civil Aviation also. It was told that they got less marks in the interview. But who was there in the Board to award marks? Their intention was not good and therefore, they could not get promotion.

Similarly, Harijans and Adivasis are ruling under mental torture throughout the country. They are not given promotions. I want to know whether Adivasis are not intelligent. If P.A. Sangma stands in the House, may I know who is more talented than him? But your intention is not good.

After how many years of independence one Adivasi has been made a Cabinet Minister, that too with great pains. Whether two Adivasis cannot be appointed as Minister, but only one has been appointed.

The condition of Scheduled Castes is still better but the condition of Scheduled Tribes, is deplorable. He bears all the torture silently. He does not make hue and cry.

DR. ASIM BALA (Nabadwip): Please appoint Shri Suraj

Mandal as Minister and then see his deeds.

SHRI SURAJ MANDAL: You have framed laws for OBC throughout the country that there should be 27 percent reservation for them but in their states five percent reservation has been provided to the backward classes. There is a Government of the poor. You have given 5 percent reservation to 14 castes of OBCs.

I would like to ask the hon'ble Minister as to whether Adivasi and Harijan are something universal. If I am Harijan here and crosses the border and go to Bengal then my name would appear in Annexure II of the Backward. The Government should frame such a law that if somebody belongs to one caste in one state, he should retain the same caste throughout the country. 45 lakh people of Jharkhand work in Tea Gardens of Assam, When they were in Bihar, they were Adivasis and if they have gone to Assam, they did not remain Adivasis there. We have requested repeatedly that you should bring a legislation but since no body speaks on behalf of Adivasis therefore, nothing is done for them. Something should be done for them and then the situation should be monitored. You talk of reservation\*.... This Bill has been introduced...(Interruptions) Now Shri Santosh Mohan Dev has left. I wanted to say something with regard to a steel plant, a public undertaking.

MR. CHAIRMAN: Do not bring in new points.

[English]

Lot of speakers are there.

[Translation]

SHRI SURAJ MANDAL: My point is specific.

MR. CHAIRMAN: You can give in writing the point regarding Steel Plant.

SHRI SURAJ MANDAL: I want to speak specifically on public undertaking, steel plant. Leave aside Adivasis, I want to speak on steel plant. In Bokaro Steel Plant...(Interruptions) Please listen.

Please listen This is good point.

MR. CHAIRMAN: How can we listen. There are other speakers as well.

\*Expunged as ordered by the Chair.

SHRI SURAJ MANDAL: It does not look nice. Let me express my view. An ad-hoc person is reinstated there, a person belonging to general category is reinstated in Class III. He becomes Manager in a period of five years. Please let me know how many Adivasis are working in the Steel Plant, who have been promoted to the post of Manager or General Manager. Steel Plant should tell Coal India as to where and how many vacancies are there. There are no vacancies in Class III and Class IV categories also. Tribals and Harijans are laborers and one who occupies the Chair...*(Interruptions)*

*(English)*

MR. CHAIRMAN: Please do not go into any new point. Otherwise I shall have to stop you. Please do not do like this.

*(Translation)*

SHRI SURAJ MANDAL: Reservation policy is different in every State at present. It is now 70 percent in Tamil Nadu and 50 percent in some areas of Bihar. The backward classes and Muslims of Jharkhand areas have no reservation because population of tribals is more in that area. There is 45 percent reservation for Tribals and 5 percent for Scheduled Castes in that area. There is no reservation for any one else. Reservation policy should be uniform throughout the country.

Now I would like to say something about judiciary.

MR. CHAIRMAN: This point has already been dealt with.

SHRI SURAJ MANDAL: I am not mentioning any point which has already been dealt with. I am discussing new points.

There is Poorvi Caste in some areas. It is in Annexure-I in Chhota Nagpur and in Annexure-II in Santhal Pargana. Who will look into all these things and how will it be implemented?

When you had convened meeting of leaders of opposition parties, I was also present there. You had not proposed that there should be reservation in promotion for backward classes also. You said that it is election time, one may do anything temporarily. Who are you doing injustice to backward classes? You could have added a provision to that effect in this Bill itself. Therefore, I say that your policy is alright but your intention is malafide. *(Interruptions)*

MR. CHAIRMAN: It is sufficient. Please sit down now.

SHRI SURAJ MANDAL: I am just concluding. Jawahar

Lal Nehru was called Chacha Nehru you are becoming popular as Chacha Kesri. Kindly agree to this point. Your Government may not be formed next time and then you may not get a chance to do it. Therefore, please include backward classes in this Bill so that you may become famous as Chacha Kesri. With these words I support this Bill.

*(English)*

MR. CHAIRMAN: There are very many speakers and very little time left. I have enlisted four names. No more name is possible to be included. Otherwise you come to my place, take the Chair and conduct the House. You have to see the time also.

SHRI SRIKANTA JENA: This is a very important Bill, Madam.

MR. CHAIRMAN: I cannot help it. You all agreed to finish it by four o'clock.

SHRI SRIKANTA JENA: We are prepared to sit late.

MR. CHAIRMAN: If you want that it should not be finished by four o'clock, only then more Members can be accommodated, otherwise not.

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): Madam, we have to finish it by four o'clock. Otherwise it will not be possible to get it passed in the other House, and the other House is adjourning today.

SHRI SRIKANTA JENA: You had said that the other House can sit late also.

SHRI VIDYACHARAN SHUKLA: Four o'clock was agreed upon.

*...(Interruptions)*

MR. CHAIRMAN: Yes, It was agreed upon.

SHRI SRIKANTA JENA: It was not agreed upon.

MR. CHAIRMAN: No, it was agreed upon. I was there when it was agreed upon.

SHRI SRIKANTA JENA: It was not agreed upon that just on the dot of four p.m. it will be completed.

MR CHAIRMAN: It was agreed upon. When the hon. Speaker said, you all agreed.

Now Shri A.C. Das to speak.

15.51 hrs.

[Translation]

SHRI ANADI CHARAN DAS (Jajpur): I support this amendment Bill, I would like to mention 2-3 points. The way the Bill has been introduced is alright. Our struggle for reservation is still continuing even after so many years of achievement of independence. We are facing the same situation as it was thousands years ago. Since we took birth in this country and therefore we are blamed. We are suffering since the period of Mughal empire. If you assess the position today 97 percent among the Scheduled Castes are landless. Some of them, who are educated, get jobs. Their conditions has somewhat improved. Therefore I say that the extent to which a son of a mother gets share of the property, we should also be given that much property. Atrocities are Committed on Scheduled Castes and Scheduled Tribes. In view of this reservation is very necessary. Where a person gets employment in the family, their condition is improved but others are leading a miserable life. Similarly 50 percent OBCs are landless and 70 percent tribals are landless. The land that is taken for allotment to them is occupied by others.

This Bill is a first step of the temple and if they do not proceed further, there will be stagnation. How a person sitting in lower rung would be promoted further. The promotions were being done according to the orders but Supreme Court gave a decision for reasons best known to them. There are certain deficiencies in the present Bill also. It has been stated therein:

[English]

"Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State".

[Translation]

Article 16(4) deals with backward classes and all the people are covered in it. The provision for reservation has been made in Section 335. It should also be included otherwise Supreme Court might be approached that situation has not been changed. Similar provision has been made in Article 341-342, whether a list will be prepared for this

purpose. Who will prepare it. The provisions made in this Bill are not applicable to OBCs. As many other Members have demanded, I am also of the view that a comprehensive Bill should be brought so that no trouble arises later on. Scheduled Castes and Scheduled Tribes should get their rights but there is no mention of list of OBCs so far. OBCs should be included in it. Please refer to Article 341-342. This should be added in the present Bill. Who will prepare a list of OBCs? If House does not agree then can be improved at any time. Therefore a Comprehensive Bill should be brought. I would also like to point out that the words "adequately represented" should be deleted. These words should be substituted by Scheduled Castes and Scheduled Tribes otherwise any body will go to the court and plead that it is adequately done and now there is no need.

I wanted to say many things but I shall not do it now. I want to say this much that OBCs should also be included. You should bring 16(4B) for OBCs immediately because backward class was written therein, SC and ST was not written there. It is good that you have defined SC and ST. Therefore backward class was written therein. All of us are covered by it. We feel happy that you have brought this Bill. Now these people will also support us. It is duty of the nation to give us our due. You have to do it. Therefore this amendment in which it has been written:-

[English]

"which, in the opinion of the State, are not adequately represented in the services under the State."

[Translation]

In case these words are removed, the Supreme Court or any other court will not get a chance.

With these words I support this Bill and conclude.

[English]

SHRI DATTATRAYA BANDARU: Madam, I want to have a clarification. From the Bharatiya Janata Party only two Members have spoken and from the Janata Dal also two Members have spoken. What is the strength of the BJP and what is the strength of the Janata Dal?

MR. CHAIRMAN: The previous list was prepared by my predecessor, not by me and I have to go by what he wrote. After that, I am preparing the list. Now, I am saying that I will be calling your name.



SHRI CHITTA BASU (Barasat): Madam Chairman, at the outset, I welcome the Bill from the bottom of my heart. But this is not enough, because, I think, the hon. Minister is going back on his own commitment, the commitment which he had made in the all party meeting with reference to four cases or instances of implications in relation to the Supreme Court's judgment earlier.

16.00 hrs.

These four aspects were: the reservation for appointment of posts under Article 16(4) is confined to the initial appointment only and cannot be extended to providing reservation in the matter of promotion. The second thing was, the reassertion contemplated in Article 16(4) shall not exceed 50 per cent. The third aspect was, it is advisable to exclude from the purview of the reservation certain services and posts where on account of the nature of duties attached to the level of which they obtain merit alone counts. And the fourth was, the reservation for economically backward sections of upper castes has been Constitutionally held invalid by the Supreme Court.

16.01 hrs.

[MR. SPEAKER *in the Chair*]

Sir, my complaint against the Government is that they have chosen only one aspect out of these four aspects, i.e., promotion in relation to Scheduled Castes and Scheduled Tribes. That part is welcome and we all express our support to that particular provision in the Amendment Bill. May I know from the hon. Minister the fate of the remaining three aspects? I suggest that a consensus should be built on these remaining three issues and at the earliest opportunity the Government should come to this House to make appropriate amendments in the Constitution of the country. Could he give us an assurance in this regard? If he can give us this assurance, I think, the House will be agreeable to pass this Bill unanimously.

My second point is that apart from these remaining three aspects, there has been certain other important issues which are pointed out during the course of the debate. I do not like to mention those. But I will only mention two aspects of this problem. One is to amend paragraph 3 of the Constitution Scheduled Castes Order of 1950. Sir, because that amendment is not being made Scheduled Castes who have been converted into Christianity or other religions are being deprived of the benefits which the Scheduled Castes and members of other communities enjoy. This can be achieved

only by amending paragraph 3 of the Constitution — Scheduled Castes Order, 1950. This is also very urgent. A large number of scheduled castes who have taken to the faith of Christianity and other religions are being deprived of this right, which they are normally entitled to enjoy. Sir, without explaining or elaborating the case, I think, the Minister understands the problem. And along with this aspect, the remaining three aspects should also be dealt with properly.

Sir, another aspect which is very important is that he himself publicly announced that the a large section of Muslim community and other minority communities are also economically, culturally and socially backward. It is my firm opinion that they should also be brought under Article 16(4) not on the basis of religion. That I must make clear so that other secular forces may not oppose it on the ground of communalism and might not think that this Government or we are supporting the communal issues and not strengthening the forces of genuine secularism. It is not on the question of religion. But it is on the question of backwardness. A large section of the Muslim Community is economically, socially, culturally and educationally backward. That must be taken into consideration. Therefore, this question should also be finally decided and brought with an amendment for that purpose. I hope that the Government will give assurance and I think that it will receive the unanimous support of this House. For, by that way we can fulfil our commitment to the most downtrodden segment of our society.

MR. SPEAKER: Well, one position I have to explain to you. I am told that this Bill needs to be sent to the other House before 5 p.m. Now, we can do it only if the hon. Members cooperate or we shall have to take the risk of not getting this Bill passed in the other House. Which one would you like to prefer?

SEVERAL HON. MEMBERS: Sir, the Bill should be passed.

SHRI CHANDRA JEET YADAV (Azamgarh): Sir, the House has unanimously decided that this Bill should be passed. Therefore, we will limit the time and let it go to the other House.

MR. SPEAKER: There are certain formalities in between to be done after the Bill is passed. Some papers have to be prepared, they are to be signed and they are to be sent. So, I think the sense of the House is that it should be passed. It means, the sense of the House is that the hon. Members who want to speak may forego their right to speak.

SHRI SRIKANTA JENA: Please give me two minutes.

MR. SPEAKER: If I give two minutes to each one of you, I think I would be spending not less than 40 minutes.

SHRI INDRAJIT GUPTA (Midnapore): You give them just two minutes provided they do not repeat the same old point. The same thing is being said over and over again.

MR. SPEAKER: That is true; you are right. But on every point the Presiding Officer would be required to say that this is not a new point.

SHRI SRIKANTA JENA: Please give me two minutes. I want to make one new point.

SEVERAL HON. MEMBERS: Sir, this Bill should be passed...*(Interruptions)*

MR. SPEAKER: I will allow three Members to speak strictly for two minutes. Shri Yaima Singh Yumnam.

SHRI YAIMA SINGH YUMNAM (Inner Manipur): Mr. Speaker, Sir, I rise to support the Bill with a heavy heart because the amendment has not proposed anything to serve the interests of the OBC people. My point would be that if it is passed, it will enable the State Governments to make provision for the Scheduled Castes and the Scheduled Tribes people for reservation in respect of promotion. There also, I would like to point out that when the State Governments make the rules for that, it should be managed in such a way that it may not victimise those junior people belonging to OBC. While filling up the promotion quota, it is our experience that so many junior officers of the OBC category are superseded and are victimised, on account of which, so many officers belonging to OBC are frustrated. And it affects the administration also; the efficiency of the administration suffers on account of this. So, this is a new point.

Sir, in the State of Manipur, Other Backward Class people's interest is not looked after although it is looked after in the Central Services. In the State services it has not yet been introduced yet. It has not been taken up there meant to serve the interests of the OBCs. So, Sir, I would request the hon. Minister to look after those people who belong to Other Backward Classes. They are not getting any facilities.

MR. SPEAKER: Please do not talk about it. Please talk about the implementation. Please talk about the Bill.

SHRI YAIMA SINGH YUMNAM: Sir, I request the hon. Minister to look after them and not to victimise the Other

backward Class officers only to accommodate the Scheduled Castes and Scheduled Tribe officers.

*[Translation]*

SHRI KAMLA MISHRA MADHUKAR (Motihari): I support this Bill. But I want to lay stress on a point that the hon. Minister has not included OBCs in the amendment relating to the reservation. It is consensus of the House. That OBCs should have been included in this Bill. This shows that your policy is divisive. You want to divide the backward classes. I remember the story from 'Mahabharat'....

MR. SPEAKER: This is not the time to narrate story.

SHRI KAMLA MISHRA MADHUKAR: When battle of Mahabharat was being fought.....*(Interruptions)*\*

*[English]*

MR. SPEAKER: It is not going on record.

SHRI DATTATRAYA BANDARU: I am on a point of order.

MR. SPEAKER: What rule are you referring to? Without rule there is no point of order. Please sit down.

*[Translation:]*

SHRI DATTATRAYA BANDARU: I wanted to say....

MR. SPEAKER: I shall give you time.

SHRI DATTATRAYA BANDARU: Two Members of Janata Dal have spoken. No Member of BJP has spoken so far.

MR. SPEAKER: I give you more time on other subjects. Please sit down.

*[English]*

SHRI SRIKANTA JENA (Cuttack): Mr. Speaker, Sir, I rise to support the Bill.

This issue has already been brought to the notice of the hon. Minister and of the House also.

I just want to read the provision of Article 16(4):-

"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 State."

You are adding another Article 4(a) for these Scheduled Castes and Scheduled Tribes and you are leaving OBC. But the point is "adequately not represented in the Services."

So far as OBCs are concerned, their position is — you have circulated this figure — 27 per cent reservation, 52 per cent population and representation in the Administration is only 12.26 per cent.

Scheduled Castes reservation is 15 per cent and the present position, as you have said, is 16.90 per cent. The percentage of reservation for Scheduled Tribes is 7.5 per cent and the percentage of representation is 5 per cent.

Anybody can go to the Supreme Court against this Bill and challenge this particular provision on the ground that adequate representation is not there. Therefore, we are providing this provision in the Constitution for reservation in promotion to Scheduled Castes and Scheduled Tribes to which all of us, the entire House, lends supports. If you delink OBC and if anybody goes to the Supreme Court, then you are not protecting the interests of Scheduled Castes and Scheduled Tribes and this discrimination issue itself is diluted. Therefore, to protect the interest of Scheduled Castes and Scheduled Tribes, you have to bring OBC or else the Scheduled Castes and Scheduled Tribes, you have to bring OBC or else the Scheduled Castes and Scheduled Tribes provision is vulnerable. It may be struck down in the Supreme Court itself. Therefore, to safeguard the interests of Scheduled Castes and Scheduled Tribes, I only plead before you that already the amendments are there and Government should suo motu bring forward the amendment to protect the interests of the Scheduled Castes and the Scheduled Tribes and OBCs. Otherwise, my apprehension is there may be serious problems if somebody opposes this Bill in the Supreme Court.

[Translation]

SHRI DATTATRAYA BANDARU: I support the Constitution Amendment Bill for Scheduled Castes and Scheduled Tribes. But hon. Minister Shri Sita Ram Kesri has delayed the Bill and that to with lacunae. As stated by my other friends that Scheduled Castes and Scheduled Tribes got reservation of 22.5 percent and historical verdict of Supreme Court on Mandal Commission Report was received....

MR. SPEAKER: All these things are before us. You need not repeat them. If you want to say something new, you may mention it.

(Interruptions)

[English]

MR. SPEAKER: The rule is that you are not expected to bring the material before the House which is already known. You need not repeat it also.

SHRI DATTATRAYA BANDARU: Sir, I will say what my Party's view is. Can I not say my Party's view before the House?

MR. SPEAKER: Please tell the same.

SHRI DATTATRAYA BANDARU: That is what I am telling now.

MR. SPEAKER: You need not repeat those points which have already been made.

SHRI DATTATRAYA BANDARU: The other Parties have said it. My Party has not said it.

MR. SPEAKER: You do not have to say the same thing again and again. Please come to the point directly.

SHRI DATTATRAYA BANDARU: If you do not want me to speak, then I will have to sit down.

MR. SPEAKER: I do not want you to repeat it.

SHRI DATTATRAYA BANDARU: I have not yet started my speech. You have yourself said that you would give me time.

[Translation]

Had you brought a comprehensive Bill, all of us would have given it our full support. Had you included OBCs alongwith Scheduled Castes and Scheduled Tribes, the people of our country would have got obvious signals. All the political parties have supported this issue irrespective of their party affiliations but I think that intention of the Government is not good in this respect. It has been observed that reservation for SC and ST is not being enforced in the public sector. I have written to the hon. Minister also in this regard. The Managing Director of CMC has said that their policy is different. Therefore I will not....

[English]

MR. SPEAKER: No, I am not going to allow you to discuss individual Public Sector Undertakings.

SHRI DATTATRAYA BANDARU: The point is that implementation is not taking place properly.

MR. SPEAKER: No, I am not allowing it. You can sit down now.

SHRI DATTATRAYA BANDARU: Please give me a chance.

MR. SPEAKER: This is misusing time which is given to you.

SHRI DATTATRAYA BANDARU: You were not here. You do not know what were the speeches made. Such points were made. But you are telling me that I am misusing the time. Even stories have been told. But I have not made my points.

MR. SPEAKER: I think the stories might have been told. But you also do not do the same thing now.

SHRI DATTATRAYA BANDARU: I am not telling any story. Please give me a chance. I will take only a few minutes. I will conclude within two minutes.

MR. SPEAKER: Shri Bandaru, I cannot go on arguing with you in an ugly manner. Please understand the spirit with which I am speaking to you.

SHRI DATTATRAYA BANDARU: I am speaking on the promotions in respects of Scheduled Caste and Scheduled Tribe employees. In promotions, a lot of discrimination is going on... (Interruptions)

MR. SPEAKER: We are not on the implementation aspect. We are on the law. Please understand it. You are not speaking on CMC. You are not speaking on the Public Sector Undertakings.

[Translation]

SHRI DATTATRAYA BANDARU: I am not concluding immediately Mr. Speaker, Sir manipulation is taking place in checking the Roster. I demand that while preparing roster of Liaison Officers, liaison officers of Scheduled Caste and Scheduled Tribe category should be appointed. As stated by

Shri Srikanta Jena, a similar amendment for OBCs has been sent by Bhartiya Janata Party. One hon. Member had said just now that BJP is against reservation but our party is not against it. Our working committee has taken a policy decision in Agra and I can definitely say that we have given an amendment for OBCs also. Therefore, you should not discriminate against OBCs. Therefore I would request that in order to enforce it effectively the hon. Minister should get the Bill passed after amending it, then it will be better.

16.20 hrs.

SHRI MOHAN RAWALE (Bombay-South Central): Mr. Speaker, Sir, we agree that many atrocities have been committed on people belonging to backward classes uptill now. But if we want to do justice to any body then it should not be at the cost of others. The House should keep this thing in view. Dr. Baba Sahib Ambedkar had also said that we would give facilities to the backward classes but there should be some limit, it should be upto 15-20 years and thereafter these facilities need not be extended. You take the name of Baba Sahib Ambedkar but he had said that these people should not be hapless. The complex they are suffering from should be removed. They should have quality. But if somebody is not promoted on the basis of his merit and quality, there will be frustration in his mind consequent upon passing this Bill. If one person gets promotion after serving 10 or 15 years and some other person gets promotion after serving 2 or 3 years, his capacity will be reduced because he will be sure of getting promotion. It has happened in Delhi. There was prolong agitation because of this reason and people resorted to self-immolation. As a result of these things clashes take place which leads to enmity. This should not happen. This is what I want to tell you. As stated by Shri Chitta basu, we should provide this facility to economically backward class. If some person belonging to backward class is a rich man, Minister or a political leader, then this facility should not be given to his children. We should think of those who are economically backward and they should also be covered by this Bill. The people belonging to Scheduled Castes, Scheduled Tribes and backward classes, who are actually poor, they should be included in it.

Mr. Speaker, Sir, special appointment of lecturers, professors or teachers are to made in our colleges, but they remain vacant for want of qualified personnel. Therefore the appointee must possess requisite qualifications. Therefore I oppose this move of reservation in promotion. How can a person work in Banks, Indian Airlines, LIC and other public sector undertakings, if promoted officer does not possess

quality, if he does not know any thing. He will always consult junior clerks. In this manner other people will be frustrated. Therefore I oppose this Bill and make it clear that we are not against backward classes, Scheduled Castes and Scheduled Tribes but because of the policy of the Government, the Government is getting this Bill passed because of political reasons. I on behalf of Shiv Sena oppose this Bill.

SHRI SITA RAM KESRI: Respected Sir, I do not want to take much time of the House but I would like to tell my hon. Members that although they have every right to doubt our intentions but I may say my intention is not bad. Therefore I wanted to say that we have brought this Bill after consensus arrived in a meeting of various opposition parties.

SHRI VISHWANATH SHASTRI (Gazipur): Please tell us whether there was no consensus on the issue of OBCs, whether there was consensus on the Bill that you have moved? *(Interruptions)*

SHRI SITA RAM KESRI: Shastriji, please listen to me. Insofar as the question of reservation for OBCs is concerned, Shri Jena has also expressed apprehension, I assure him that there is no need of any apprehension. The Supreme Court included Scheduled Castes and Scheduled Tribes. There were terms of reference of Mandal Commission regarding OBCs because of this thing we have to face this situation and there was a great burden on the minds of Scheduled Castes and Scheduled Tribes and therefore whenever this issue was raised I gave an assurance, Shri Ram Vilas Paswan raised the issue many times and I assured him that we are determined to help Scheduled Castes and Scheduled Tribes and after great deal of discussion we have placed this Bill before you.

In so far as question of backward classes is concerned, I assure you that as we have done this on the basis of consensus, we shall consult everybody and on the basis of consensus definitely. *(Interruptions)*

SHRI NITISH KUMAR: Mr. Minister, there is no use of talking like that, Members of all parties are cooperating. You can go through the proceedings of the House. We know all this. Even the Prime Minister has no objection. I do not know why you have objection. I cannot follow this. All parties are ready to cooperate. He is just misleading.

MR. SPEAKER: Look, other speakers have not been given time because you said that this Bill has to be passed and now you are behaving like this.

*(Interruptions)*

SHRI NITISH KUMAR: I mean to say that it can be done today itself. *(Interruptions)*

SHRI DEVENDRA PRASAD YADAV (Jhanjarpur): No one has any objection in the entire House. *(Interruptions)*

SHRI RAJNATH SONKAR SHASTRI (Saidpur): This issue relates to Scheduled Castes and not to backward classes. You are saying this by treating it an issue of backward classes. *(Interruptions)*

MR. SPEAKER: All of you will go on speaking. Mr. Minister, please sit down. Your party does not perhaps, want to pass it by 5 o'clock. Let them speak.

*(English)*

Either you control your party Members or you stop them from making such statements.

*(Translation)*

SHRI SITA RAM KESRI: I make an assurance in this House today that keeping in view the interest of backward classes in mind and with consensus, definitely, as we have said earlier also and I am telling you today also. This amendment has been made. *(Interruptions)*

*(English)*

MR. SPEAKER: Shri Nitish Kumarji, I request you not to interrupt, please.

*(Translation)*

SHRI SITA RAM KESRI: There is a ceiling of reservation upto 50 percent. Keeping in view that thing or as a result of some agitation as and when a consensus would reach I assure you that I shall bring the Bill. I cannot do more than this...*(Interruptions)*

*(English)*

SHRI SRIKANTA JENA: I am on a point of order. The Minister is again trying to mislead the House. *(Interruptions)* What is the stand of the Congress Party? *(Interruptions)* what is your stand? *(Interruptions)* What is the Congress Party's stand? *(Interruptions)*

*(Translation)*

What is meant by consensus?

SHRI RAJNATH SONKAR SHASHTRI: You have directed to control us but who will control them? *(Interruptions)*

SHRI DEVENDRA PRASAD YADAV: What is meant by consensus? *(Interruptions)*

SHRI RAJNATH SONKAR SHASHTRI: You introduce the Bill concerning O.B.C., we shall welcome it. *(Interruptions)*

MR. SPEAKER: Whosoever is speaking, the people would think about them that they are not interested in passing this Bill. *(Interruptions)*

SHRI SRIKANTA JENA: I am asking, what is meant by consensus? *(Interruptions)*

SHRI NITISH KUMAR: Mr. Speaker, the hon. Minister is using consensus as a rider to postpone the issue. *(Interruptions)*

*[English]*

MR. SPEAKER: Mr. Minister, you please continue.

*[Translation]*

SHRI SITA RAM KESRI: Consensus is our stand. As we have consulted all political parties in this case. Similarly we shall consult leaders of all political parties by convening a meeting and thereafter we shall bring a Bill definitely in this regard.

*[English]*

MR. SPEAKER: Is this your assurance. *(Interruptions)*

*[Translation]*

SHRI SITA RAM KESRI: This is assurance. *(Interruptions)*

MR. SPEAKER: Please understand parliamentary niceties. He has said that is his assurance.

SHRI NITISH KUMAR : You may read the name, of hon. Members who have given notices of amendments. Names of all the parties are there. There are names of Members of Ruling party as well opposition parties. It is not the question of Parliamentary niceties nor assurance by the Minister has to do anything with it because he is putting rider of consensus. Therefore we are demanding that let it be done once and for

all. The hon. Minister may move an amendment on his own behalf, we can withdraw all our amendments. Otherwise this matter will be postponed for ever. None else has any objection over it. Only hon. Minister is raising objection.

MR. SPEAKER: Look, there are hon. Members of many parties sitting here but such views are being expressed by only one party. No other party has expressed similar views.

SHRI NITISH KUMAR: This is what we say. Our request is that you may go through the names, who have sent notices of amendments. All the parties have given notices of amendments.

MR. SPEAKER: When other parties will also send such amendments then it will be done provided there will be consensus among all the parties.

SHRI NITISH KUMAR: What is the use of dividing the House on this issue. They are talking about consensus.

MR. SPEAKER: You are saying this as if you have any exclusive right to speak.

SHRI NITISH KUMAR: I am not saying this thing.

MR. SPEAKER: Then let them speak.

SHRI NITISH KUMAR: They have already spoken.

MR. SPEAKER: No, not yet.

*[English]*

Have you completed your speech, Mr. Minister? If you have completed your speech, I can take up the voting.

*[Translation]*

SHRI SITA RAM KESRI: Sir, I have completed.

*[English]*

MR. SPEAKER: Before I put the motion for consideration of the Bill to vote, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

Let the Lobbies be cleared,—

MR. SPEAKER: Now, the lobbies have been cleared. The question is:



"That the Bill further to amend the Constitution of India be taken into consideration."

*The Lok Sabha divided*

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**Division No. 7**

**AYES**

**16.40 hrs**

Abdul Ghafoor, Shri

Acharia, Shri Basudeb

Advani, Shri Lal K.

Agnitotri, Shri Rajendra

Ahamed, Shri E.

Ahmed, Shri Kamaluddin

Ajit Singh, Shri

Akber Pasha, Shri B.

Anbarasu, Shri R.

Ansari, Dr. Mumtaz

Arunachalam, Shri M.

Asokaraj, Shri A.

Ayub Khan, Shri

Baitha, Shri Mahendra

Bala, Dr. Asim

Balayogi, Shri G.M.C.

Baliyan, Shri N.K.

Bansal, Shri Pawan kumar

Barman, Shri Palas

Basu, Shri Chitta

Bhadana, Shri Avtar Singh

Bhakta, Shri Manoranjan

Bhardwaj, Shri Paras Ram

Bhargava, Shri Girdhari Lal

Bhatia, Shri Raghunandan Lal

Bhattacharya, Shrimati Malini

Bhoi, Dr. Krupasindhu

Bhuria, Shri Dileep Singh

Birbal, Shri

Brohmo Chaudhury, Shri Satyendra Nath

Buta Singh, Shri

Chacko, Shri P.C.

Chandrasekhar, Srimati Maragatham

Chatterjee, Shri Nirmal Kanti

Chaudhary, Sqn. Ldr. Kamal

Chaudhary, Shri Rudrasen

Chaudhri, Shri Narain Singh

Chauhan, Shri Chetan P.S.

Chennithala, Shri Ramesh

Chidambaram, Shri P.

Chhotey Lal, Shri

Choudhury, Shri Lokanath

Chowdhary, Shri Pankaj

Chowdhary, Shrimati Santosh

D

Dadahoor, Shri Gurcharan Singh

Dalbair Singh, Shri

Damor, Shri Somjibhai

Das, Shri Anadi Charan

Das, Shri Dwarka Nath

Das, Shri Ram Sunder

Delkar, Shri Mohan S.

Dennis, Shri N.

Deshmukh, Shri Anantrao

Dev, Shri Sontosh Mohan

Dharmabhiksham, Shri

Dighe, Shri Sharad

Dikshit, Shri Shreesh Chandra

Dome, Dr. Ram Chandra

Drona, Shri Jagat Vir Singh

Farook, Shri M.O.H.

Fernandes, Shri Oscar

Fundkar, Shri Pandurang Pundlik

Gaikwad, Shri Udaysingrao

Gajapathi, Shri Gopi Nath

Gamang, Shri Giridhar

Gangwar, Dr. P.R.

Gangwar, Shri Santosh Kumar

Gavit, Shri Manikrao Hodlya

Ghangare, Shri Ramchandra Marotrao

Gogoi, Shri Tarun

Gudadinni, Shri B.K.

Gupta, Shri Indrajit

H

Handique, Shri Bijoy Krishna

Hooda, Shri Bhupinder Singh

Imchalemba, Shri

Inder Jit, Shri

Islam, Shri Nurul

Jakhar, Shri Balram

Jangbir Singh, Shri

Jangde, Shri Khelan Ram

Jaswant Singh, Shri

Jatav, Shri Bare Lal

Jawali, Dr. B.G.

Jena, Shri Srikanta

Kaliaperumal, Shri P.P.

Kalka Das, Shri

Kamat, Shri Gurudas

Kanaujia, Dr.G.L.

Kanithi, Dr. Viswanatham

Karreddula, Shrimati Kamala Kumari

Kaul, Shrimati Sheila

Kesri Lal, Shri

Kewal Singh, Shri

Khan, Shri Aslam Sher

Khan, Shri Sukhendu

Khanduri, Maj. Gen. (Retd.) Bhuwan Chandra

Khanna, Shri Rajesh

Konathala, Shri Rama Krishna

Krishna Kumar, Shri S.

Krishnaswamy, Shri M

Kshirsagar, Shrimati Kesarbai Sonaji

Kuli, Shri Balin

Kumar, Shri Nitish

Kumar, Shri V. Dhananjaya

Kumarasamy, Shri P.

Lakshmanan, Prof. Savithri

Laljan Basha, Shri S.M.

M

Madhukar, Shri Kamla Mishra

Mahajan, Shrimati Sumitra

Mahato, Shri Bir Singh

Mahendra Kumari, Shrimati

Malik, Shri Dharampal Singh

Malik, Shri Purna Chandra

Mallikarjun, Shri S.

Mallikarjunaiah, Shri S.

Mallu, Dr. R.

Mandal, Shri Brahmanand

Mandal, Shri Sanat Kumar

Manjay Lal, Shri

Manphool Singh, Shri

Marbaniang, Shri Peter G.

Mathur, Shri Shiv Charan

Meena, Shri Bheru Lal

Mujahid, Shri B.M.

Mukherjee, Shrimati Geeta

Mukherjee, Shri Pramothas

Mukhopadhyay, Shri Ajoy

Munda, Shri Govinda Chandra

Muniyappa, Shri K.H.

Muralee Dharan, Shri K.

Murm, Shri Rup Chand

Murthy, Shri M.V. Chandrashekhara

Murugesan, Dr. N.

N

Naik, Shri A. Venkatesh

Naik, Shri G. Devaraya

Naik, Shri Ram

Naikar, Shri D.K.

Narayanan, Shri P.G.

Nayak, Shri Mrutyunjaya

Nayak, Shri Subash Chandra

Netam, Shri Arvind

O

Odeyar, Shri Channaiah

Oraon, Shri Lalit

P

Padma, Dr. (Shrimati) (Nagapattinam)

Pal, Dr. Debi Prosad

Pal, Shri Rupchand

Palacholla, Shri V.R. Naidu

Pandeya, Dr. Laxminarayan

Pandian, Shri D.

Panigrahi, Shri Sriballav

Passi, Shri Balraj

Paswan, Shri Chhedi

Paswan, Shri Ram Vilas

Paswan, Shri Sukdeo

Patel, Shri Brishin

Patel, Shri Ram Pujan

Patel, Shri Uttambhai Harjibhai

Patil, Shri Prakash V.

Patil, Shri Vijay Naval

Patnaik, Shri Sivaji

Patra, Dr. Kartikeswar

Pattanayak, Shri Sarat

Peruman, Dr. P. Vallal

Pilot, Shri Rajesh

Potdukhe, Shri Shantaram

Prabhu Zantye, Shri Harish Narayan

Prakash, Shri Shashi

Pramanik, Prof. R.R.

Prasad, Shri Hari Kewal

Prasad, Shri V. Sreenivasa

Prem, Shri B.L. Sharma

Purkayastha, Shri Kabindra

R

Rahi, Shri Ram Lal

Rai, Shri Nawal Kishore

Rai, Shri Ram Nihor

Rajaravivarma, Shri B.

Raje, Shrimati Vasundhara(Jhalawar)

Rajendra Kumar, Shri S.S.R.

Rajeswari, Shrimati Basava

Ram, Shri Prem Chand

Ram Babu, Shri A.G.S.

Ram Badan, Shri

Ram Singh, Shri

Ramasamy, Shri R. Naidu

Ramchandran, Shri Mullappally

Rana, Shri Kashiram

Rao, Shri D. Venkateswara

Rao, Shri P.V. Narasimha

Rao Ram Singh, Col.

Rao, Shri V. Krishna

Rath, Shri Rama Chandra

Rathva, Shri N.J.

Rawal, Dr. Lal Bahadur

Rawale, Shri Mohan

Reddaiah Yadav, Shri K.P.

Reddy, Shri A. Indrakaran

Reddy, Shri M. Baga

Reddy, Shri M.G.

Reddy, Shri Magunta Subbarama

Roshan Lal, Shri

Roy, Shri Haradhan

Roypradhan, Shri Amar

S

Sahi, Shrimati Krishna

Sai, Shri A. Prathap

Saikia, Shri Muhi Ram

Sanghani, Shri Dileep Bhai

Sangma, Shri Pumo A.

Saraswati, Shri Yoganand

Sawant, Shri Sudhir

Sayeed, Shri P.M.

Scindia, Shri Madhavrao

Selja, Kumari

Shah, Shri Manabendra

Shakya, Dr. Mahadeepak Singh

Shankaranand, Shri B.

Sharma, Shri Chiranji Lal

Sharma, Shri Jeewan

Sharma, Capt. Satish Kumar

Shastri, Acharya Vishwanath Das

Shastri, Shri Rajnath Sonkar

Shastri, Shri Vishwanath

Shelke, Shri Maruti Deoram

Shivappa, Shri K.G.

Shukla, Shri Astbhuja Prasad

Shukla, Shri Vidyacharan

Siddhartha, Shrimati D.K. Tharadevi

Sidnal, Shri S.B.

Singh, Shri Devi Bux

Singh, Shri Hari Kishore

Singh, Shri Khelsai

Singh, Shri Motilal

Singh, Kumari Pushpa Devi

Singh, Shri Rajveer

Singh, Shri Ram Prasad

Singh, Shri Rampal

Singh, Shri S.B.

Singh, Shri Satya Deo

Singh, Shri Surya Narayan

Singh Deo, Shri K.P.

Singh, Shri Sant Ram

Sivaraman, Shri S.

Sodi, Shri Manku Ram

Solanki, Shri Surajbhanu

Soundaram, Dr. (Shrimati) K.S.

Sridharan, Dr. Rajagopalan

Sukh Ram, Shri

Sukhbuns Kaur, Shrimati

Sultanpuri, Shri Krishan Dutt

Sur, Shri Monoranjana

Swami, Shri Sureshanand

Swamy, Shri G. Venkat

T

Thorat, Shri Sandipan Bhagwan

Tindivanam, Shri K. Ramamurthee

Tiriya, Kumari Sushila

Tirkey, Shri Pius

Tomar, Dr. Ramesh Chand

Tope, Shri Ankushrao Raosaheb

Topno, Kumari Frida

Tripathi, Shri Lakshmi Narain Mani

Tripathi, Shri Prakash Narain

Tytler, Shri Jagdish

U

Umbrey, Shri Laeta

Unnikrishnan, Shri K.P.

Upadhyay, Shri Swarup

Urs, Shrimati Chandra Prabha

V

Vadde, Shri Sobhanadreeswara Rao

Vajpayee, Shri Atal Bihari

Varma Shri Ratilal

Verma, Shri Phool Chand

Verma, Prof. Rita

Verma, Kumari Vimla

Virendra Singh, Shri

Vyas, Dr. Girija

W

Wasnik, Shri Mukul

Williams, Maj. Gen. R.G.

Y

Yadav, Shri Chandra Jeet

Yadav, Shri Chun Chun Prasad

Yadav, Shri Ram Kripal

Yadav, Shri Ram Lakhan Singh

Yadav, Shri Ram Saran

Yadav, Shri Sharad

Yadav, Shri Surya Narayan

Yadav, Shri Vijoy Kumar

Yumnam, Shri Yaima Singh

Z

Zainal Abedin Shri

NOES

Shri Mahendra Kumar Singh Thakur

Shri Mohan Rawale

MR. SPEAKER : Subject to correction\*, the result of the division is:

Ayes : 281

Noes : 001

The Motion is carried by a majority of the total Membership of the House and by a majority of not less than two-thirds

of the Members present and voting.

*The motion was adopted.*

AYES :

S/Shri K.V. Thangka Balu, D.B. Shingda, Yellaiah Nandi, J. Chokka Rao, Kodikkunnil Suresh, Sukh Ram, Prof. P.J. Kurien, S/Shri Ashok Gehlot, A Charles, V.S. Vijayraghvan, Vishweshwar Bhagat, Shrimati Sanatosh Chowdhary, S/Shri Mahendra Kumar Singh Thakur, Kripchaliha, Bhawani Lal Verma, Ebrahim Sulaiman Seit. Nathu Ram Mirdha, Prof. K.V. Thomas, Prof. M. Kamson, S/Shri Dharmanna Mondayya Sadul, K. Thulasiah Vandayar, Prof. Venkateswarlu Ummareddy, Shri Suraj Mandal, Prof. Sushanta Chakraborty, Shri Tej Narayan Singh, Subrata Mukherjee, Uddhab Barman Dr. R.K.G. Rajulu, S/Shri Rupchand Murmu, Saifuddin Choudhary, Syed Shahabuddin, Mohan Singh (Deoria) Hannan Mollah, Syed Masudal Hossain, Devendra Prasad Yadav, Dr. Satya Narayn Jatiya, S/Shri Zainal Abedin, Lal Babu Rai, Prof. Rasa Singh Rawat, Shrimati Saroj Dubey, S/Shri Pratap Singh, Raj Narain, Prof. Prem Dhumal, S/Shri Mangat Ram 'Premi', Bhagwan Shankar Rawat Rajendra Kumar Sharma, Shiv Lal Nagjibhai Vekaria, Vinay Katiyar, Bandaru Dattatraya, Chhattra Pal Singh, Asbhuja Prasad Shukla.

MR. SPEAKER : The House will now take up clause by clause consideration of the Bill.

*Clause 2 - Amendment of Article 6*

MR. SPEAKER : Shri Santosh Kumar Gangwar and Shri Shahbuddin. Are you moving?

SHRI SYED SHAHABUDDIN (Kishanganj) : Sir, in view of the assurance given by the hon. Minister on the floor of the House in the presence of the hon. Prime Minister and in view of the fact that you have particularly taken that assurance from the hon. Minister...(Interruptions)

MR. SPEAKER : And in the view of what is recorded ... (Interruptions)

SHRI SYED SHAHABUDDIN : I do not wish to move the amendment.

*[Translation]*

SHRI SANTOSH KUMAR GANGWAR (Bareilly) : Mr. Speaker, Sir, since the hon. Minister has given an assurance, I hope he will fulfil it. I am, therefore, not moving my

\*The following Members also recorded votes for Ayes.



amendment for consideration. I request the hon'ble Minister to set a time limit for doing the needful.

[English]

MR. SPEAKER : Mr. Narayanan, are you moving your amendment?

SHRI P.G. NARAYANAN (Gobichettipalayam) : I beg to move:

Page 2, line 5,-

*after* "Scheduled Castes and Scheduled Tribes"  
*insert* "and Other Backward Classes". (3)

MR. SPEAKER : Shri K.P. Reddaiah Yadav.

SHRI K.P. REDDAIAH YADAV (Machilipatnam) : Sir, I want to say something before withdrawing my amendment.

MR. SPEAKER : Are you moving?

SHRI K.P. REDDAIAH YADAV : Sir, the hon. Prime Minister is sitting here and we know what he has done in Andhra Pradesh regarding backward classes and Scheduled Castes. Therefore, on the anticipated assurance from hon. Prime Minister, I am withdrawing my amendment.

MR. SPEAKER : You have not moved your amendment. So, there is no question of any withdrawal.

SHRI K.P. REDDAIAH YADAV : Yes, Sir. I am not moving. The conditions put forth by the hon. Minister is 'Aam Sahmati'. These conditionalities will subject the backward classes to untold troubles and difficulties. So, I request the hon. Minister, Shri Sitaram Kesri Ji not to put such legal conditions.

MR. SPEAKER : Shri Dalbir Singh.

SHRI DALBIR SINGH (Shadol) : Sir, I want to say...

MR. SPEAKER : You need not make a long statement, please. You can just say 'not moving'. It is more than enough.

SHRI DALBIR SINGH : I am not moving, Sir,

MR. SPEAKER : Kumari Faraida Topno - Not moving  
Shri Khelsai Singh - Not moving  
Shri Anadi Charan Das - Not moving

Shri Laeta Umbrey - Not moving  
Shri D.B. Shingda - Not moving  
Shri Sudhir Sawant - Not moving  
Shri N.J. Rathava - Not moving  
Shri Ratilal Kalidas Varma - Not moving  
Shri Ram Vilas Paswan.

SHRI RAM VILAS PASWAN : I beg to move :

Page 2, line 6,-  
*after* "represented" insert—  
"in the respective Posts" (5)

MR. SPEAKER : Shri Anadi Charan Das.

SHRI ANADI CHARAN DAS : I beg to move :

Page 2, line 5 to 7,-  
*omit* "which, in the opinion of the State, are not adequately represented in the services under the State." (6)

MR. SPEAKER : Shri Dalbir Singh - Not moving  
Shri Motilal Singh - Not moving  
Kumari Frida Topno - Not moving  
Shri Khelsai Singh - Not moving  
Shri Anadi Charan Das - Not moving  
Shri Laeta Umbrey - Not moving  
Shri D.B. Shingda - Not moving  
Shri Sudhir Sawant - Not moving  
Shri N.J. Rathava - Not moving  
Shri Ratilal Kalidas Varma - Not moving  
Shri Ram Vilas Paswan.

SHRI RAM VILAS PASWAN : Ji, Sir.

MR. SPEAKER : 'Ji' does not mean 'yes' or 'no'

SHRI RAM VILAS PASWAN : Yes, Sir. I am moving it.

MR. SPEAKER : Okay.

SHRI RAM VILAS PASWAN : I beg to move :

Page 2, line 5,-  
*after* "State" insert -

"Public Undertakings and Private organisations aided and financed by the Government" (7)

MR. SPEAKER : Shri K.P. Reddaiah Yadav - Not moving  
Shri Nitish Kumar.

[Translation]

SHRI NITISH KUMAR : Mr. Speaker, in this case argument and sentiments both are involved. You just keep an eye on the watch.

MR. SPEAKER : It is not question of my watching the clock. It has been decided as desired by all of you.

[English]

Do not put me in the wrong box having decided yourself, what to do.

[Translation]

SHRI NITISH KUMAR : Mr. Speaker, first of all my views should be heard. As stated by Shri Syed Shahabuddin that in light of the assurance given by the hon. Minister we may not move our amendments then you said what has been recorded but you had asked something that assurance has been given but the Minister is using ambiguous terminology. He is using the rider of consensus where as there is consensus even now. Moreover he could have moved, after acceptance of our amendment, on behalf of the Government and the Bill could be corrected but inspite of all this he is trying to postpone it. So we would appreciate if the Prime Minister is also present here, an assurance can be given by him in this behalf. We do not want that the House should be divided on this issue. It is not our desire.

[English]

MR. SPEAKER : You please understand, If an assurance is given by a Minister, a Member of the Council of Ministers, it is an assurance on behalf of the Government.

[Translation]

SHRI NITISH KUMAR : It is alright, we are not moving.

[English]

MR. SPEAKER: Shri Ram Krishna Konathala - Not moving

Dr. Mumtaz Ansari - Not moving

Shri Vishveshwar Bhagat - Not moving

Shri V.S. Vijayaraghavan - Not moving

Shri Bandaru Dattatraya - Not moving

Shri P.C. Thomas - Not moving

Shri Ram Kripal Yadav - Not moving

Shri Chandrajeet Yadav - Not moving

MR. SPEAKER : Shri Srikant Jena

SHRI SRIKANTA JENA : Sir, I am not moving.

SHRI DEVENDRA PRASAD YADAV (Jhunjharpur) : I beg to move :

Page 2,-

after line 7, add

“(4B) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the other Backward classes which in the opinion of the State, are not adequately represented in the services under the State.”.(10)

[Translation]

I have to say one thing. There will be no objection if hon. Minister could withdraw the word 'consensus' because consensus is already there.

[English]

MR. SPEAKER : Has the hon. Member leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS : Yes.

*Amendment No. 10 was, by leave, withdrawn.*

MR. SPEAKER: I will again ask Shri P. G. Narayanan.

SHRI P. G. NARAYANAN (Gobichettipalayam): Sir, if the hon. Prime Minister gives an assurance, then I would not move the amendment. We are enjoying the facility of reservation in promotion in the State of Tamil Nadu and if this Bill comes into effect...

MR. SPEAKER: I think, you have not heard what I said in response to what Shri Nitish Kumar said on the floor of the House. It is the same case.

SHRI P. G. NARAYANAN: Sir, I am withdrawing the amendment.

MR. SPEAKER : Has the hon. Member leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

*Amendment No. 6 was, by leave, withdrawn.*

MR. SPEAKER : Shri Anadi Charan Das I would like to

give you an opportunity.

SHRI ANADI CHARAN DAS (Jajpur) : Sir, I am withdrawing my amendment.

MR. SPEAKER : Has the hon. Member leave of the House to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

Amendment No. 6 was, by leave, withdrawn.

MR. SPEAKER : Yes. Shri Ram Vilas Paswan.

[Translation]

SHRI RAM VILAS PASWAN : No assurance has been given on my amendment. I want to say this for their welfare because you have seen that when a case is filed in the Supreme Court, it is scrutinised very minutely. Therefore Constitution has to be amended. Had they discussed with us in the beginning, it would have been corrected right now. It should not be made a prestige issue...*(Interruptions)*

MR. SPEAKER : Please put your point of view in brief.

SHRI RAM VILAS PASWAN : He has written :

[English]

are not adequately represented in the services."

[Translation]

I have put it "respective post" because in class IV the percentage comes to 50 percent but in class I, it is not even 5 percent. When you will say "respective post" then it will be binding. That is the only difference. It is not a big thing, you can straight away accept it. *(Interruptions)*. Please get up and say something.

MR. SPEAKER : It will not take even one second in getting up.

SHRI SITA RAM KESRI : Alright.

MR. SPEAKER : O.K. It is given.

SHRI ATALBIHARI VAJPAYEE (Lucknow) : Mr. Speaker, Sir, one can follow reservation in services but I cannot follow reservation on post.

SHRI RAM VILAS PASWAN : Reservation is done on post, and no where else.

SHRI ATAL BIHARI VAJPAYEE : First of all the rule of reservation is enforced in services then it is materialised on the post. We are discussing the principle. We are not discussing each and every post.

SHRI RAM VILAS PASWAN : I want to say that there are four categories. They have given assurance and in view of this I withdraw my both the amendments.

[English]

MR. SPEAKER : Has the hon. Member leave of the House to withdraw his two amendments?

SEVERAL HON. MEMBER : Yes.

Amendments No.5 and 7 were, by leave, withdrawn.

MR. SPEAKER : Before I put clause 2 to the vote of the House, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

Let the Lobbies be cleared.

MR. SPEAKER : The Lobbies are cleared.

The question is :

"That Clause 2 stand part of the Bill."

The Lok Sabha Divided :

#### Division No. 8

#### AYES

A

Abdul Ghafoor, Shri

Acharia, Shri Basudeb

Advani, Shri Lal K.

Agnihotri, Shri Rajendra

Ahamed, Shri E.

Ahirwar, Shri Anand

Ahmed, Shri Kamaluddin

Ajit Singh, Shri

Akber Pasha, Shri B.

Anbarasu, Shri R.

Ansari, Dr. Mumtaz

Anwar, Shrimati K. Padmashree (Nellore)

Arunachalam, Shri M.

Asokaraj, Shri A.

Ayub Khan, Shri

B

Bala, Dr. Asim

Baliyan, Shri N.K.

Bandaru, Shri Dattatraya

Bansal, Shri Pawan Kumar

Barman, Shri Palas

Barman, Shri Uddhab

Basu, Shri Chitta

Bhadana, Shri Avtar Singh

Bhagat, Shri Visheshwar

Bhakta, Shri Manoranjan

Bhardwaj, Shri Paras Ram

Bhargava, Shri Girdhari Lal

Bhatia, Shri Raghunandan Lal

Bhattacharya, Shrimati Malini

Bhoi, Dr. Krupasindhu

Bhuria, Shri Dileep Singh

Birbal, Shri

Brar, Shri Jagmeet Singh

Buta Singh, Shri

C

Chacko, Shri P.C.

Chakraborty, Prof. Susanta

Chaliha, Shri Kirip

Chandrasekhar, Srimati Maragatham

Charles, Shri A.

Chatterjee, Shri Nirmal Kanti

Chatterjee, Shri Somnath

Chaudhary, Sqn. Ldr. Kamal

Chaudhary, Shri Rudrasen

Chaudhri, Shri Narain Singh

Chauhan, Shri Chetan P.S.

Chennithala, Shri Ramesh

Chidambaram, Shri P.

Chhotey Lal, Shri

Choudhury, Shri Lokanath

Choudhury, Shri Saifuddin

Chowdhary, Shri Pankaj

Chowdhary, Shrimati Santosh

D

Dalbir Singh, Shri

Damor, Shri Somjibhai

Das, Shri Anadi Charan

Das, Shri Dwaraka Nath

Das, Shri Ram Sunder

Delkar, Shri Mohan S.

Dennis, Shri N.

Deshmukh, Shri Anantrao

Deshmukh, Shri Ashok Anandrao

Dev, Shri Sontosh Mohan

Dharmabhiksham, Shri

Dhumal, Prof. Prem

Dighe, Shri Sharad

Dikshit, Shri Shreesh Chandra

Dome, Dr. Ram Chandra

Drona, Shri Jagat Vir Singh

F

Farook, Shri M.O.H.

Fernandes, Shri Oscar

Fundkar, Shri Pandurang Pundlik

G

Gaikwad, Shri Udaysingrao

Gajapathi, Shri Gopi Nath (Berhampur)

Gamang, Shri Giridhar

Gangwar, Dr. P.

Gangwar, Shri Santosh Kumar

Gavit, Shri Manikrao Hodlya

Gehlot, Shri Ashok

Ghangare, Shri Ramchandra Marotrao

Gogoi, Shri Tarun

Gudadinni, Shri B.K.

Gundewar, Shri Vilasrao Nagnathrao

Gupta, Shri Indrajit

H

Handique, Shri Bijoy Krishna

Harchand Singh, Shri

Hooda, Shri Bhupinder Singh

Hossain, Shri Syed Masudal

I

Imchalemba, Shri

inder Jit, Shri

Islam, Shri Nurul

J

Jakhar, Shri Balram

Jangbir Singh, Shri

Jangde, Shri Khelan Ram

Jaswant Singh, Shri

Jatav, Shri Bare Lal

Jatiya, Dr. Satynarayan (Ujjain)

Jawali, Dr. B.G.

Jha, Shri Bhogendra

K

Kairon, Shri Surinder Singh

Kaliaperumal, Shri P.P.

Kalka Das, Shri

Kamat, Shri Gurudas

Kamson, Prof. M.

Kanaujia, Dr. G.L.

Kanithi, Dr. Viswanatham

Karreddula, Shrimati Kamala Kumari

Katiyar, Shri Vinay

Kaul, Shrimati Sheila

Kewal Singh, Shri

Khan, Shri Aslam Sher

Khan, Shri Sukhendu

Khanduri, Maj. Gen. (Retd.) Bhuwan Chandra

Khanna, Shri Rajesh

Konathala, Shri Rama Krishna

Krishna Kumar, Shri S.

Krishnaswamy, Shri M

Kshirsagar, Shrimati Kesarbai Sonaji

Kuli, Shri Balin

Kumar, Shri Nitish

Kumar, Shri V. Dhananjaya

Kumaramangalam, Shri Rangarajan (Salem)

Kumarasamy, Shri P.

Kurien, Prof. P.J.

L

Lakshmanan, Prof. Savithri

Laljan Basha, Shri S.M.

M

Madhukar, Shri Kamla Mishra

Mahajan, Shrimati Sumitra

Mahato, Shri Bir Singh

Mahendra Kumari, Shrimati

Mahto, Shri Rajkishore

Malik, Shri Purna Chandra

Mallikarjun, Shri

Mallikarjunaiah, Shri S.

Mallu, Dr. R.

Mandal, Shri Brahmanand

Mandal, Shri Sanat Kumar

Manjay Lal, Shri

Marbaniang, Shri Peter G.

Mathur, Shri Shiv Charan

Meena, Shri Bheru Lal

Mirdha, Shri Nathu Ram

Mollah, Shri Hannan

Mujahid, Shri B.M.

Mukherjee, Shrimati Geeta

Mukherjee, Shri Paramothes

Mukherjee, Shri Subrata

Mukhopadhyay, Shri Ajoy

Muniyappa, Shri K.H.

Muralee Dharan, Shri K.

Murmu, Shri Rup Chand

Murthy, Shri M.V. Chandrashekhara

Murugesan, Dr. N.

N

Naik, Shri A. Venkatesh

Naik, Shri G. Devaraya

Naik, Shri Ram

Naikar, Shri D.K.

Nandi, Shri Yellaiah

Narayanan, Shri P.G.

Nayak, Shri Mrutyunjaya

Nayak, Shri Subash Chandra

Netam, Shri Arvind

O

Odeyar, Shri Channaiah

Oraon, Shri Lalit

P

Padma, Dr. (Shrimati)

Pal, Dr. Debi Prosad

Pal, Shri Rupchand

Palacholla, Shri V.R. Naidu

Pandeya, Dr Laxminarayan

Pandian, Shri D.

Panigrahi, Shri Sriballav



Passi, Shri Balraj  
 Paswan, Shri Chhedi  
 Paswan, Shri Ram Vilas  
 Paswan, Shri Sukdeo  
 Patel, Shri Brishin  
 Patel, Shri Harilal Nanji  
 Patel, Shri Ram Pujan  
 Patel, Shri Uttambhai Harjibhai  
 Patidar, Shri Rameshwar  
 Patil, Shri Prakash V.  
 Patil, Shri Vijay Naval  
 Patnaik, Shri Sivaji  
 Patra, Dr. Kartikeswar  
 Pattanayak, Shri Sarat  
 Peruman, Dr. P. Vallal  
 Pilot, Shri Rajesh  
 Potdukhe, Shri Shantaram  
 Prabhu Zantye, Shri Harish Narayan  
 Prakash, Shri Shashi  
 Pramanik, Prof. R.R.  
 Prasad, Shri Hari Kewal  
 Prasad, Shri V. Sreenivasa  
 Prem, Shri B.L. Sharma  
 Premi, Shri Mangal Ram  
 Purkayastha, Shri Kabindra

R

Rahi, Shri Ram Lal  
 Rai, Shri Lal Babu

Rai, Shri Nawal Kishore  
 Rai, Shri Ram Nihor  
 Raj Narain, Shri  
 Rajaravivarma, Shri B.  
 Raje, Shrimati Vasundhara  
 Rajendra Kumar, Shri S.S.R.  
 Rajesh Kumar, Shri  
 Rajulu, Dr. R.K.G.  
 Ram, Shri Prem Chand  
 Ram Babu, Shri A.G.S.  
 Ram Badan, Shri  
 Ram Singh, Shri  
 Ramasamy, Shri R. Naidu  
 Ramchandran, Shri Mullappally  
 Rana, Shri Kashiram  
 Rao, Shri D. Venkateswara  
 Rao, Shri J. Chokka  
 Rao, Shri P.V. Narasimha  
 Rao Ram Singh, Col.  
 Rao, Shri V. Krishna  
 Rath, Shri Rama Chandra  
 Rathva, Shri N.J.  
 Rawal, Dr. Lal Bahadur  
 Rawale, Shri Mohan  
 Rawat, Shri Bhagwan Shankar  
 Rawat, Prof. Rasa Singh  
 Raychaudhuri, Shri Sudarsan  
 Reddaiah Yadav, Shri K.P.  
 Reddy, Shri A. Indrakaran

Reddy, Shri B.N.

Reddy, Shri M. Baga

Reddy, Shri M.G.

Roshan Lal, Shri

Roy, Shri Haradhan

Roypradhan, Shri Amar

S

Sadul, Shri Dharmanna Mondayya

Sahi, Shrimati Krishna

Sai, Shri A. Prathap

Saikia, Shri Muhi Ram

Sait, Shri Ebrahim Sulaiman

Sajjan Kumar, Shri

Sanghani, Shri Dileep Bhai

Sangma, Shri Purno A.

Saraswati, Shri Yoganand

Sawant, Shri Sudhir

Sayeed, Shri P.M.

Scindia, Shri Madhavrao

Selja, Kumari

Shah, Shri Manabendra

Shakya, Dr. Mahadeepak Singh

Shankaranand, Shri B.

Sharma, Shri Chiranji Lal

Sharma, Shri Jeewan

Sharma, Capt. Satish Kumar

Shastri, Acharya Vishwanath Das

Shastri, Shri Rajnath Sonkar

Shastri, Shri Vishwanath

Shelke, Shri Maruti Deoram

Shingda, Shri D.B.

Shivappa, Shri K.G.

Shukla, Shri Astbhuja Prasad

Shukla, Shri Vidyacharan

Siddhartha, Shrimati D.K. Tharadevi

Singh, Dr. Chattrapal

Singh, Shri Devi Bux

Singh, Shri Hari Kishore

Singh, Shri Khelsai

Singh, Shri Motilal

Singh, Shri Pratap

Singh, Kumari Pushpa Devi

Singh, Shri Rajveer

Singh, Shri Ram Prasad

Singh, Shri Ramashray Prasad

Singh, Shri Ramnaresh

Singh, Shri S.B.

Singh, Shri Satya Deo

Singh, Shri Surya Narayan

Singh Deo, Shri K.P.

Singla, Shri Sant Ram

Sivaraman, Shri S.

Sodi, Shri Manku Ram

Solanki, Shri Surajbhanu

Soundaram, Dr. (Shrimati) K.S.

Sridharan, Dr. Rajagopalan

Sukh Ram, Shri

Sukhbuns Kaur, Shrimati

Sultanpuri, Shri Krishan Dutt

Sur, Shri Monoranjan

Swami, Shri Sureshanand

Swamy, Shri G. Venkat

T

Tej Narayan Singh, Shri

Thangka Balu, Shri K.V.

Thomas, Prof. K.V.

Thorat, Shri Sandipan Bhagwan

Thungon, Shri P.K.

Tindivanam, Shri K. Ramamurthee

Tiriya, Kumari Sushila

Tirkey, Shri Pius

Tope, Shri Ankushrao Raosaheb

Topno, Kumari Frida

Tripathi, Shri Lakshmi Narain Mani

Tripathi, Shri Prakash Narain

Tytler, Shri Jagdish

U

Umbrey, Shri Laeta

Ummareddy Venkateswarlu, Prof.

Unnikrishnan, Shri K.P.

Upadhyay, Shri Swarup

Urs, Shrimati Chandra Prabha

V

Vadde, Shri Sobhanadreeswara Rao

Vajpayee, Shri Atal Bihari

Vandayar, Shri K.T.

Varma Shri Ratilal

Vekaria, Shri Shivilal Nagjibhai

Verma, Shri Bhawani Lal

Verma, Shri Phoolchand

Verma, Prof. Rita

Verma, Kumari Vimla

Vijayaraghavan, Shri V.S.

Virendra Singh, Shri

Vyas, Dr. Girija

W

Wasnik, Shri Mukul

Williams, Maj. Gen. R.G.

Y

Yadav, Shri Chandra Jeet

Yadav, Shri Chun Chun Prasad

Yadav, Shri Devendra Prasad

Yadav, Shri Ram Kripal

Yadav, Shri Ram Lakhan Singh

Yadav, Dr. S.P.

Yadav, Shri Sharad

Yadav, Shri Surya Narayan

Yadav, Shri Vijoy Kumar

Yumnam, Shri Yaima Singh

Z

Zainal Abedin, Shri

NOES

Shri Mohan Rawale

MR. SPEAKER: Subject to correction\*, the result of the division is:

Ayes: 326  
Noes: 001

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted  
Clause 2 was added to the Bill.*

#### Clause I Short Title

*Amendment made:*

Page 1, line 3

for "Eighty-sixth" substitute-

"Seventy-Seventh" (1)

(Shri Sitaram Kesri)

MR. SPEAKER: The question is:

"That Clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

MR. SPEAKER: The question is:

"That Enacting formula and the long title stand part of the bill."

*The motion was adopted*

*Clause 1, as amended, was added, was added to the Bill*

*The Enacting Formula and the long title were added to the Bill*

SHRI SITARAM KESRI: I beg to move:

"That the Bill, as amended, be passed."

MR. SPEAKER: Before I put the motion that the Bill, as amended, be passed, to the vote of the House, this being a Constitution (Amendment) Bill, voting has to be by division.

17.00 hrs.

The Lobbies have already been cleared.

The question is:

"That the Bill, as amended, be passed."

*The Lok Sabha Divided:*

17.01 hrs.

#### Division No. 9

#### AYES

A

Abdul Ghafoor, Shri

Acharia Shri Basudeb

Advani, Shri Lal K.

Agnihotri, Shri Rajendra

Ahamed, Shri E.

Ahirwar, Shri Anand

Ahmed, Shri Kamaluddin

Ajit Singh, Shri

Akber Pasha, Shri B.

Anbarasu, Shri R.

Ansari, Dr. Mumtaz

\*The following members also recorded their votes for ayes:

#### AYES:

Shri R.L. Bhatia Shrimati Basva Rajeswari, S/Shri S.B. Sidnal, Manphool Singh, Mahendra Kumar Singh Thakur, Govinda Chandra Munda, Dharampal Singh Malik, Ram Saran Yadav, Magunta Subbarama Reddy, Suraj Mandal, G.M.C. Balayogi, Syed Shahabuddin, Mohan Singh (Deoria), Srikanta Jena, Shrimati Saroj Dubey, Dr. Ramesh Chand Tomar, S/Shri Mohammad Ali Ashraf Fatmi, Rajendra Kumar Sharma.

Arunanchalam, Shri M.

Asokaraj, Shri A.

Ayub Khan, Shri

## B

Baitha, Shri Mahendra

Bala, Dr. Asim

Balayogi, Shri G.M.C.

Bandaru, Shri Dattatraya

Bansal, Shri Pawan Kumar

Barman, Shri Palas

Barman, Shri Uddhab

Basu, Shri Chitta

Bhadana, Shri Avtar Singh

Bhagat, Shri Visheshwar

Bhakta, Shri Manoranjan

Bhardwaj, Shri Paras Ram

Bhatia, Shri Raghunandan Lal

Bhattacharya, Shrimati Malini

Bhoi, Dr. Krupasindhu

Bhuria, Shri Dilip Singh

Birbal, Shri

Brohmo Chaudhury, Shri Satyendra Nath

Buta Singh, Shri

## C

Chacko, Shri P.C.

Chakraborty, Prof. Susanta

Chaliha, Shri Kirip

Chandrasekhar, Shrimati Maragatham

Charles, Shri A.

Chatterjee, Shri Nirmal Kanti

Chaudhary, Sqn. Ldr. Kamal

Chaudhary, Shri Rudrasen

Chaudhri, Shri Narain Singh

Chauhan, Shri Chetan P.S.

Chennithala, Shri Ramesh

Chidambaram, Shri P.

Chhotey Lal, Shri

Choudhury, Shri Loknath

Choudhury, Shri Saifuddin

Chowdhary, Shri Pankaj

Chowdhary, Shrimati Santosh

## D

Dalbir Singh, Shri

Damor, Shri Somjibhai

Das, Shri Anadi Charan

Das, Shri Dwarka Nath

Das, Shri Ram Sunder

Delkar, Shri Mohan S.

Dennis, Shri N.

Deshmukh, Shri Anantrao

Deshmukh, Shri Ashok Anandrao

Dev, Shri Santosh Mohan

Dhumal, Prof. Prem

Dighe, Shri Sharad

Dikshit, Shri Shreesh Chandra

Dome, Dr. Ram Chandra

Drona, Shri Jagat Vir Singh

## F

Farook, Shri M.O.H.  
 Fatmi, Shri Mohammad Ali Ashraf  
 Fernandes, Shri Oscar  
 Gaikwad, Shri Udaysingrao  
 Gajapathi, Shri Gopi Nath  
 Gamang, Shri Giridhar  
 Gangwar, Dr. P.R.  
 Gangwar, Shri Santosh Kumar  
 Gavit, Shri Manikrao Hodlya  
 Gehlot, Shri Ashok  
 Ghangare, Shri Ramchandra Marotrao  
 Gogoi, Shri Tarun  
 Gudadinni, Shri B.K.  
 Gundewar, Shri Vilasrao Nagnathrao  
 Gupta, Shri Indrajit

## G

Hooda, Shri Bhupinder Singh  
 Hossain, Shri Syed Masudal

## I

Imchalemba, Shri  
 Inder Jit, Shri

## J

Islam, Shri Nurul  
 Jakhar, Shri Balram  
 Jangbir Singh, Shri  
 Jangde, Shri Khelan Ram  
 Jaswant Singh, Shri  
 Jatav, Shri Bare Lal

Jatiya, Dr. Satyanarayan

Jawali, Dr. B.G.

Jena, Shri Srikanta

Joshi, Shri Dau Dayal

## K

Kairon, Shri Surinder Singh

Kaliaperumal, Shri P.P.

Kalka Das, Shri

Kamat, Shri Gurudas

Kamson, Prof. M.

Kanithi, Dr. Viswanatham

Karreddula, Shrimati Kamla Kumari

Katiyar, Shri Vinay

Kaul, Shrimati Sheila

Kewal Singh, Shri

Khan, Shri Aslam Sher

Khan, Shri Sukhendu

Khanduri, Maj. Gen. (Retd.) Bhuwan Chandra

Khanna, Shri Rajesh

Konathala, Shri Rama Krishna

Krishna Kumar, Shri S.

Krishnaswamy, Shri M.

Kshirsagar, Shrimati Kesharbai Sonaji

Kuli, Shri Balin

Kumar, Shri Nitish

Kumar, Shri V. Dhananjaya

Kumaramangalam, Shri Rangarajan

Kumarasamy, Shri P.

Kurien, Prof. P.J.

Lakshmanan, Prof. Savithri

M

Madhukar, Shri Kamla Mishra

Mahajan, Shrimati Sumitra

Mahato, Shri Bir Singh

Mahendra Kumar, Shrimati

Mahto, Shri Rajkishore

Malik, Shri Dharampal Singh

Malik, Shri Purna Chandra

Mallikarjun, Shri

Mallikarjunaiah, Shri S.

Mallu, Dr. R.

Mandal, Shri Brahmanand

Mandal, Shri Sanat Kumar

Mandal, Shri Suraj

Manjay Lal, Shri

Manphool Singh, Shri

Marbaniang, Shri Peter G.

Mathur, Shri Shiv Charan

Meena, Shri Bheru Lal

Mirdha, Shri Nathu Ram

Mollah, Shri Hannan

Mujahid, Shri B.M.

Mukherjee, Shrimati Geeta

Mukherjee, Shri Pramothas

Mukherjee, Shri Subrata

Mukhopadhyay, Shri Ajoy

Munda, Shri Govinda Chandra

Muniyappa, Shri K.H.

Muralee Dharan, Shri K.

Murugesan, Dr. N.

N

Naik, Shri A. Venkatesh

Naik, Shri G. Devaraya

Naik, Shri Ram

Naikar, Shri D.K.

Nandi, Shri Yellaiah

Naryanan, Shri P.G.

Nayak, Shri Mrutyunjaya

Netam, Shri Arvind

O

Odeyar, Shri Channaiah

Oraon, Shri Lalit

P

Padma, Dr. (Shrimati)

Pal, Dr. Debi Prosad

Pal, Shri Rupchand

Palacholla, Shri V.R. Naidu

Pandeya, Dr. Laxminaryaan

Panigarhi, Shri Sriballav

Panwar, Shri Harpal

Passi, Shri Balraj

Paswan, Shri Chhedi

Paswan, Shri Ram Vilas

Paswan, Shri Sukdeo

Patel, Shri Brishin

Patel, Shri Ram Pujan

Patel, Shri Uttambhai Harjibhai



Patidar, Shri Rameshwar

Patil, Shri Prakash V.

Patil, Shri Vijay Naval

Patnaik, Shri Sivaji

Patra, Dr. Kartikeswar

Pattanayak, Shri Sarat

Peruman, Dr. P. Vallal

Pilot, Shri Rajesh

Potdukhe, Shri Shantaram

Prabhu Zantye, Shri Harish Naryan

Prakash, Shri Shashi

Pramanik, Prof. R.R.

Prasad, Shri Hari Kewal

Prasad, Shri V. Sreenivasa

Prem, Shri B.L. Sharma

Premi, Shri Mangal Ram

Purkayastha, Shri Kabindra

R

Rahi, Shri Ram Lal

Rai, Shri Lall Babu

Rai, Shri Nawal Kishore

Rai, Shri Ram Nihor

Raj Narain, Shri

Rajaravivarma, Shri B.

Raje, Shrimati Vasundhara

Rajendra Kumar, Shri S.S.R.

Rajesh Kumar, Shri

Rajulu, Dr. R.K.G.

Ram Babu, Shri A.G.S.

Ram Singh, Shri

Ramasamy, Shri R. Naidu

Ramchandran, Shri Mullappally

Rana, Shri Kashiram

Rao, Shri D. Venkateswara

Rao, Shri J. Chokka

Rao, Shri P.V. Narasimha

Rao Ram Singh, Col.

Rao, Shri V. Krishna

Rathva, Shri N.J.

Rawal, Dr. Lal Bahadur

Rawat, Shri Bhagwan Shankar

Rawat, Prof. Rasa Singh

Raychaudhury, Shri Sudarsan

Reddaiah Yadav, Shri K.P.

Reddy, Shri A. Indrakaran

Reddy, Shri B.N.

Reddy, Shri M.G.

Reddy, Shri Magunta Subbarama

Roshan Lal, Shri

Roy, Shri Haradhan

Roypradhan, Shri Amar

S

Sadul, Shri Dharamanna Mondayya

Sahi, Shrimati Krishna

Sai, Shri A. Prathap

Saikia, Shri Muhi Ram

Sait, Shri Ebrahim Sulaiman

Sajjan Kumar, Shri

Sanghani, Shri Dileep Bhai  
 Sangma, Shri Purno A.  
 Saraswati, Shri Yoganand  
 Sawant, Shri Sudhir  
 Sayeed, Shri P.M.  
 Scindia, Shri Madhavrao  
 Selja, Kumari  
 Shah, Shri Manabendra  
 Shakya, Dr. Mahadeepak Singh  
 Shankaranand, Shri B.  
 Sharma, Shri Chiranjil Lal  
 Sharma, Shri Jeewan  
 Sharma, Capt. Satish Kumar  
 Shastri, Acharya Viswanath Das  
 Shastri, Shri Rajnath Sonkar  
 Shastri, Shri Viswanath  
 Shelke, Shri Maruti Deoram  
 Shingda, Shri D.B.  
 Shivappa, Shri K.G.  
 Shukla, Shri Astbhuja Prasad  
 Shukla, Shri Vidyacharan  
 Siddhartha, Shrimati D.K. Tharadevi  
 Singh, Dr. Chattarapal  
 Singh, Shri Khelsai  
 Singh, Shri Mohan  
 Singh, Shri Motilal  
 Singh, Shri Pratap  
 Singh, Kumari Pushpa Devi  
 Singh, Shri Rajveer  
 Singh, Shri Ram Prasad  
 Singh, Shri Ramnaresh  
 Singh, Shri Rampal

Singh, Shri S.B.  
 Singh, Shri Satya Deo  
 Singh, Shri Surya Narayan  
 Singh, Deo, Shri K.P.  
 Singla, Shri Sant Ram  
 Sivaraman, Shri S.  
 Sodi, Shri Manku Ram  
 Solanki, Shri Surajbhanu  
 Soundaram, Dr. (Shrimati) K.S.  
 Sridharan, Dr. Rajagopalan  
 Sukh Ram, Shri  
 Sukhbuns Kaur, Shrimati  
 Sultanpuri, Shri Krishna Dutt  
 Suresh, Shri Kodikkunnill  
 Swami, Shri Sureshanand  
 Swamy, Shri G. Venkat  
 Syed Shahabuddin, Shri  
 T  
 Tej Narayan Singh, Shri  
 Thakur, Shri Mahendra Kumar Singh  
 Thangka Balu, Shri K.V.  
 Thomas, Prof. K.V.  
 Thorat, Shri Sandipan Bhagwan  
 Thungon, Shri P.K.  
 Tindivanam, Shri K. Ramamurthee  
 Tiriya, Kumari Sushila  
 Tirkey, Shri Pius  
 Tomar, Dr. Ramesh Chand  
 Tope, Shri Ankushrao Raosaheb  
 Topno, Kumari Frida  
 Tripathi, Shri Lakshmi Narain Mani  
 Tytler, Shri Jagdish

## U

Umbrey, Shri Laeta

Ummareddy Venkateswarlu, Prof.

Unnikrishnan, Shri K.P.

Upadhyay, Shri Swarup

Urs, Shrimati Chandra Prabha

## V

Vadde, Shri Sobhanadreeswara Rao

Vajpayee, Shri Atal Bihari

Vandayar, Shri K.T.

Varma, Shri Ratilal

Vekaria, Shri Shivalal Nagjibhai

Verma, Shri Bhawani Lal

Verma, Shri Phool Chand

Verma, Prof. Rita

Verma, Kumari Vimla

Vyas, Dr. Girija

## W

Wasnik, Shri Mukul

Williams, Maj. Gen. R.G.

## Y

Yadav, Shri Chandra Jeet

Yadav, Shri Chun Chun Prasad

Yadav, Shri Devendra Prasad

Yadav, Shri Ram Kripal

Yadav, Shri Ram Lakhan Singh

Yadav, Dr. S.P.

Yadav, Shri Sharad

Yadav, Shri Surya Narayan

Yadav, Shri Vijoy Kumar

Yumnam, Shri Yaima Singh

Zainal Abedin, Shri

## NOES

Shri Mohan Rawale

MR. SPEAKER: Subject to correction\*, the result of the division is:

Ayes : 319

Noes: 1

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The Bill, as amended, is passed by the requisite majority, in accordance with the provisions of Article 368 of the Constitution.

*The motion was adopted*

\*The following members also recorded their votes for ayes:

Shri M.V. Chandrashekhara Murthy,  
Shrimati Basava Rajeswari,  
S/Shri S.B. Sidnal, D. Pandian,  
Bijoy Krishna Handique, V. S. Vijayaraghavan,  
Ram Saran Yadav, Subash Chandra Nayak,  
Ram Badan, Bhogendra Jha, Manoranjan Sur,  
Dharamabhiksham, Prem Chand Ram,  
Rup Chand Marmu,  
Hari Kishore Singh, Shrimati Saroj Dubey,  
S/Shri N.K. Balian, Dr. G.L. Kanaujia,  
S/Shri Rajendra Kumar Sharma,  
Pandurang Pundlik Fundkar,

SHRI RAM NAIK: Sir, it is exactly 5 p.m.

MR. SPEAKER: We did it on dot.

[Translation]

THE MINISTER OF TEXTILES (SHRI G. VENKAT SWAMY): Mr. Speaker, Sir, all the Members are present, therefore Textile Bill be taken up now.

[English]

MR. SPEAKER: If the House agrees to pass the Bill, I have no objection.

(Interruptions)

MR. SPEAKER: The Minister wants the Bills which have been introduced in the House today to be passed.

[Translation]

SHRI RAM NAIK: Mr. Speaker, Sir, there are 120 sick mills. Workers, not in thousands but in lakhs have become unemployed. There is a provision of sale of land in it. We would like to have discussion on this very important Bill and we have to express our views on this Bill. The entire land will be sold tomorrow and we will be having nothing with us. Therefore we are not prepared to pass the Bill without discussion. If we do it today, everybody in the country would know tomorrow that such an important Bill was passed without any discussion.

SHRI G. VENKAT SWAMY: Sir, this is a question of Textile Workers. I know that every Member is aware of the fact that there are sick Mills in NTC, this question related to nearly one lakh seventy five thousand workers and money is being incurred for their idle wage continuously for the last 3 year. The Government has decided that new machines should be installed and the Mills may be modernised and run once again. This is our proposal. I feel all the hon. Members would be ready and you should not stand in the way but if you do so, another three years would pass. Now it is upto you.

SHRI RAM NAIK: This Government has not done any thing for years together and now it is levelling charges against us. I mean to say that we are prepared to pass this Bill but it cannot be done without discussion. We would do it tomorrow and as I have said, Section 37....(Interruptions)

[English]

MR. SPEAKER: I hope you will agree to it. What they are saying is that they will pass it tomorrow. Well, we are not responsible for everything. Now, I would not press the Members to pass it without even giving them an opportunity to discuss. Such a big Bill cannot be passed like that. At the last moment, you have introduced it and you want it to be passed. They want to give some amendments. I will agree to that. If all of them agree, then I have no objection.

[Translation]

SHRI CHANDRA JEET YADAV (Azamgarh): Mr. Speaker, Sir, let us know the views of hon. Members on this Bill, we shall pass it tomorrow. This is important Bill, let us hear the views of hon. Members.

MR. SPEAKER: This is what I say, this Bill will be passed by the House.

[English]

You organise in whatever fashion you want. But I would not ask the Members just at 5 o'clock to pass a Bill of this nature without discussion and that too when the Members are objecting to it.

SHRI SAIFUDDIN CHOUDHURY (Katwa): The other House may be extended by another day.

MR. SPEAKER: No, we have no jurisdiction to make that kind of an arrangement. We will pass it.

SHRI SAIFUDDIN CHOUDHURY: I am putting it in the ears of the Government.

MR. SPEAKER: This is not with the Government also. It is for the Members and others to decide.

SHRI SAIFUDDIN CHOUDHURY: This Bill is very welcome. But this is not being done due to certain technical problem. But we may try to help it by taking other methods.

MR. SPEAKER: You are very kind to give me jurisdiction for everything.

SHRI SAIFUDDIN CHOUDHURY: No. I am not giving you. I am telling the Government to make some arrangement like this.

MR. SPEAKER: I think, it can be passed tomorrow. If you

can make some arrangement, well you do it. But, then, we can take up the Statutory Resolution, discuss today and we can continue it tomorrow also.

know what is to be taken up. I am very sorry. I do not want to say anything. I should know what you want me to do.

*(Interruptions)*

17.04 hrs.

# INDIAN TELEGRAPH (AMENDMENT) BILL\*

*[English]*

THE MINISTER OF STATE OF THE MINISTRY OF COMMUNICATIONS (SHRI SUKH RAM): Mr. Speaker, Sir, I may be given permission to introduce a Bill further to amend the Telegraph Act.

MR. SPEAKER: I have no objection to doing anything, provide the Members do not object to it. But if every time, every Bill is brought forward like that ....*(Interruptions)*

SHRI SUKH RAM: It is a very simple Bill..

MR. SPEAKER: Let it be introduced. We will see what can be done.

SHRI SUKH RAM: I beg to move for leave to introduce a Bill further to amend the Indian Telegraph Act, 1885.

MR. SPEAKER: The question is:

"That the leave be granted to introduce the Bill further to amend the Indian Telegraph Act, 1885.

*The motion was adopted.*

*(Interruptions)*

MR. SPEAKER: We will have an occasion to discuss it. It will go to Standing Committee and all those things.

....*(Interruptions)*

SHRI SUKH RAM: Sir, I introduce the Bill.

THE MINISTER OF URBAN AFFAIRS AND EMPLOYMENT (SHRIMATI SHIELA KAUL): What about the Delhi Rent Bill?

MR. SPEAKER: This is exactly my difficulty. I do not know what to take up. I do not know what is to be taken up. I should

THE MINISTER OF STATE IN THE MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT (SHRI P.K. THUNGON): Yesterday, most of the Members had participated in the debate on Delhi Rent Bill. When it was about to be passed at that time Half-an-Hour discussion came up before the House and that is why it was postponed. *(Interruptions)*

*[Translation]*

SHRI RAM VILAS PASWAN: This is the work of Minister of Parliamentary Affairs.

*[English]*

MR. SPEAKER: It is not only for the Parliamentary Affairs Minister. But there are many other things. Not only the Government, we are also responsible for that.

....*(Interruptions)*

*[Translation]*

*[English]*

SHRI RAM VILAS PASWAN: If you say then we agree to *(interruptions)*

MR. SPEAKER: Let us not go on like this. We will taken up the Resolution and after the Resolution is over, we will take up the Bill tomorrow.

17.09 hrs.

# STATUTORY RESOLUTION RE: APPROVAL OF CONTINUANCE IN FORCE OF THE PROCLAMATION IN RESPECT OF JAMMU AND KASHMIR

*[English]*

THE MINISTER OF HOME AFFAIRS (SHRI S.B.CHAVAN): Sir, I beg to move the Resolution:

"That this House approves the continuance in force of