

nected therewith".

The motion was adopted

SHRI S.B. SIDNAL: I introduce the Bill.

15.34 hrs.

CONSTITUTION (AMENDMENT) BILL

(Amendment of articles 74 and 163)

[English]

SHRI SYED SHAHABUDDIN (Kishanganj): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. CHAIRMAN: The question is:

That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted

SHRI SYED SHAHABUDDIN: I introduce the Bill.

— MR. CHAIRMAN: Shri V.S. Krishna Iyer
— Not present,

Prof. Madhu Dandavate— Not present.

PROMOTION OF SECULARISM BILL

[English]

SHRI HAROOBHAI MEHTA (Ahmedabad): I beg to move for leave to introduce a Bill to provide for measures to strengthen secularism in India.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for measures to strengthen secularism in India".

The motion was adopted

SHRI HAROOBHAI MEHTA: I introduce the Bill.

MR. CHAIRMAN: Shri V.S. Krishna Iyer — Not present.

RIGHT TO REPLY IN THE PRESS BILL

[English]

SHRI V.N. GADGIL (Pune): I beg to move for leave to introduce a Bill to give members of the public the right to reply to allegations made against them or mis-reporting or mis-representation concerning them in the press.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to give members of the public the right to reply to allegations made against them or mis-reporting or mis-representation concerning them in the press."

The motion was adopted

SHRI V.N. GADGIL: I introduce the Bill.

RESERVATION OF POSTS IN GOVERNMENT SERVICES AND SEATS IN EDUCATIONAL INSTITUTIONS (FOR ECONOMICALLY WEAKER SECTION OF PEOPLE) BILL - CONTD.

[English]

MR. CHAIRMAN: We will take up the following motion moved by Shri Ram Nagina Mishra on the 6th May, 1988, namely:

"That the Bill to provide for reservation of posts in Government services and seats in educational institutions for persons belonging to economi-

[Mr. Chairman]
cally weaker section of people, be
taken into consideration”

SHRI A.J.V.B. Maheshwara Rao.

[Translation]

*SHRI A.J.V.B. MAHESHWARA RAO, (Amalapuram): Mr. Chairman, Sir, The Bill introduced by Shri Ram Nagina Mishra to provide for reservation of posts in government services and seats in educational institutions for persons belonging to economically weaker sections of people is really laudable. Its intention is good but to realise this noble objective is indeed very difficult. It is possible only in socialistic countries. The gap between the haves and have nots can be bridged only when we adopt socialistic economy. In a country like ours which is based on mixed economy, it is not possible to wipe out the difference between haves and have nots. Our constitution has provided for reservation to the SC and ST persons keeping their alround backwardness in view. But though reservation was guaranteed under the constitution, it was not implemented properly for the past 40 years. In such circumstances it is nothing but day dreaming to provide reservation for the economically weaker sections and implement it faithfully. A new section is being sought to be created through this Bill. Once again, I repeat, that I am not against such a facility to the economically weaker sections. What I stress is that when we could not implement the reservation policy in the case of SCs and STs as guaranteed under the constitution, how can we think of doing justice to the economically weaker sections by creating reservation facility now. It is practically impossible. I want every one to think about this practical difficulty. In real terms, though we provide reservation for the economically backward, we will not be able to achieve much. As I said earlier, hunger is hunger wherever it may exist. The parags of hunger tease and torment everyone equally, be it a brahmin or a Harijan. But the differ-

ence between the two is that in Harijans in addition to a hungry stomach which craves for food, the social humiliation craves for better justice and honourable place in the society. Hence there is a significant difference in the poverty of a Brahmin and that of a Harijan. It is the humiliation which is more prominent than the poverty among Harijan, Sir, everybody we read about the atrocities that are being perpetrated on Harijans in every part of the country. Only a few months ago, the House was discussing the atrocities on Harijans and Adivasis. The situation is so worse that Harijans are being denied entry into the temples even today. Ours is a caste ridden society. Politics and caste politics have complicated our society very much. In such a society as ours it is very difficult to do justice to those who are denied of it. Unless the government takes steps to implement the reservation policy strictly, the SC and ST people cannot expect any change in their present condition.

Sir, many brilliant personalities had emerged from the economically weaker sections in the past. A shining example is that of Ramanujam, the famous mathematician. They fought against many odds and achieved distinction. Poverty did not hinder their progress. Late Ramanujam was born in a poor family. He worked hard. He was a genius. He carved a niche for himself in the field of mathematics. Now the entire world regards him as the best mathematician born in this century. His life and achievements should serve as an example for everyone. There are many more such persons who have come from the economically weaker sections. The economically weaker sections have a rich talent which can be unearthed without much effort. The government should provide all possible help to this section of the people.

Sir, the negative policies adopted by the government during the past 40 years led us to a state where a person belonging to upper castes are made to seek reservation. Instead of taking people in the lower rung, to a

* Translation of the speech Originally delivered in Telugu.

higher level, the people who were at higher level were brought down a lower level seeking reservation facility. It is a tragedy. Instead of progress, what we achieved is retrogress. Instead of elevating the people at a lower level, people at higher level were made to fall down. In all respects it is negative achievement. Had the government been serious about establishing a socialistic pattern of society, it would have taken steps to lift the people belonging to lower rung to a higher rung. Had there been an allround development of the country, such kind of disparity would not have cropped up. Now it is being designed to provide for all those whose income is below Rs. 500/- per month. I support this move. More educational facilities and hostel facilities should be provided to the economically weaker sections. More help should be extended to the students by granting scholarships and making education free. The scholarship amount has to be doubled. New housing schemes etc. have to be taken up to help the economically weaker sections. Many facilities that are being given to Harijans should be extended to the economically weaker sections also. Various schemes and programmes should be taken up so as to improve the economic conditions of this section of the people. If we implement a programme to provide employment guarantee programme, it will serve to a large extent to achieve the real objective of this Bill. Such a programme would really help the economically weaker sections.

Sir, before I conclude I once again request the government to take steps to improve the conditions of economically weaker sections and also to implement the reservation policy in the case of SCs and STs. Then only everyone in our society will be happy.

I thank you very much for giving me this opportunity and conclude my speech.

SHRI VIRDHI CHANDER JAIN (Barmer): I would like to express my views on the Reservation of posts in Government Services and seats in educational institutions (for economically weaker sections of people) Bill, 1985 which has been brought

forward by Shri Ram Nagina Mishra.

Our constitution makers provided reservation to scheduled castes and scheduled tribes after deliberate thinking. The scheduled castes and the scheduled tribes are economically socially and politically backward. The Hindu Community has provided reservation for them in the services. Keeping in view that they are untouchables. The reservation policy which was provided by the constitution makers should continue further. The constitution makers had given 10 years time limit. We extended it three times by 10 years each time. I feel that we should extend the policy further till such time they become economically strong, make progress educationally and proceed ahead on the path of development. We should continue to provide them reservation upto that time. We should also provide reservation to M.L.As and M.Ps in addition to various privileges being extended to them. I would like to cite some instances of my state. Recently elections were held to Panchayats, Panchayat Samitis and Zilla Parishads. None of the Chairman of the 27 Zilla Parishads belongs to Scheduled castes. Of course, one of the Zilla Parishads is being headed by a scheduled tribe person because the district is predominantly inhabited by scheduled tribes. Apart from that, no chairman in the remaining Zilla Parishads belongs to scheduled castes. Similarly no chairman in the Panchayat Samiti belongs to Scheduled Castes. At the same time the Panchayats under various Panchayat, Samitis have not been headed by a scheduled castes person. What I mean to say is that even today the position is so alarming that once reservation is withdrawn at the most 15 MPs from these communities could enter the Parliament and that too from the areas which are mostly inhabited by scheduled tribes. But people belonging to scheduled castes and tribes are so scattered that it will be difficult for a person belonging to scheduled castes to come elected to Parliament without reservation. What I mean to say is that it is very essential to have reservation.

In the Bill moved by him, Shri Mishra

[Sh. Virahi Chander Jain] has pleaded for providing 50 per cent reservation in services to economically backward people and 40 per cent reservation to this category at the time of admission to various educational institutions. We can never agree to 50 per cent reservation for economically weaker section and 40 per cent seats in educational institutions for students above higher Sec. grade. This situation has not yet arisen. It is, however, suggested that the percentage of reservation as envisaged in our Constitution for Scheduled Castes and Scheduled Tribes should be maintained. I have deeply thought over the matter. We have undoubtedly formulated an Integrated Rural Development Programme specially for the weaker section of the people. Under this programme some provision for employment has been made in order to bring the people above the poverty line. In order to see that their financial position is good, we provide them with cows and buffaloes, so that they can earn their livelihood. We uplift them by imparting training to them in tailoring and by establishing carpet industry. But in spite of all this, they are unable to get the benefit of the facility of reservation of posts in services. I want that there should be a provision of 10 per cent reservation for those people, who are living below the poverty line both in rural and urban areas, whose annual family income is upto Rs. 5 thousand and who belong to the section other than Scheduled Castes. In addition, our programme known as I.R.D.P. can then also be fruitful. Otherwise we will not be able to implement the I.R.D.P. successfully. They have not been provided with such an employment and their economic condition has not improved. It has been said that we have brought 10 per cent people above the poverty line during the last ten years but the actual position is not so. Therefore, we will have to implement the I.R.D.P. very effectively. If we want to make this programme a success, we will have to make a provision for 10 per cent reservation in services for these people, no matter to which caste they belong, then only their economic condition can be improved and they can be brought above the poverty line. Otherwise we will not be able to bring them

above the poverty line. Whatever be our efforts in this direction, I.R.D.P. can never be successful in any way. Therefore, I am suggesting to the Central Government to get this matter examined and if it is found proper, a provision for 10 per cent reservation should be made. It will be an important step.

Secondly, I would like to point out that under the existing reservation policy, we find that if there is Scheduled Caste I.A.S. officer, his son also becomes an I.A.S. officer. A separate class of such people has come into existence. A class of Scheduled Castes and Scheduled Tribes has come into being. But the economic condition of other Scheduled Caste people has not improved; they have not got employment till now. There is a class of Scheduled Castes and Scheduled Tribes the people belonging to which mostly becomes I.A.S. and I.P.S. officers. They all become high officers. The members of their families, specially take advantage of this policy but the people of other classes are not getting any benefit. I have observed in Rajasthan that the Bhil people are very poor. But there is not a single I.P.S. or I.A.S. officer among them. Meena is a Scheduled Tribe. Majority of I.A.S. and I.P.S. officers belong to that tribe. The condition of Bhil Scheduled is very bad. None of the members of that tribe could attain a higher post. We have to see how their economic condition can be ameliorated and how the economic and social conditions of the Scheduled Tribes who are very backward can be improved.

It has to be specially seen that how those communities among Scheduled Castes and Scheduled Tribes which have lagged behind those who have attained social and economic prosperity can be brought at par with the latter. There are some classes which are lagging behind both educationally and socially. Such classes should be provided with some special facilities in the field of education and training so that the people belonging to them are also able to become I.P.S. and I.A.S. officers. They may get higher education and attain higher posts. We have to create such a condition.

We have taken many steps for the welfare of Scheduled Castes and Scheduled Tribes. I just talked about I.R.D.P. Similarly we have launched the Desert Development Programme, R.L.E.G.P. and Hill Areas Development Programme to improve their economic condition. Along with bringing about improvement in their economic condition, we should also try to remove untouchability from our society. Such a type of education should be imparted in the educational Institutions which can remove the conservative ideas from the minds of children of conservative people. The feeling of discrimination in the mind of a man against a man should be ended. We will have to create such an atmosphere by bringing about changes in our educational system, so that untouchability is removed. No one should be considered low from social and economic point of view. The people belonging to the weaker section may be able to hold higher posts, may advance and feel that they enjoy equal position in the society and are inferior to none.

We have to create such an atmosphere in the society and in order to do so we should implement some time-bound programme through which we should eradicate poverty from the country during the next few years. We will have to solve the problem of unemployment in our country.

With these words on the Bill presented by Ram Nagina Mishra ji, I conclude.

[English]

MR. CHAIRMAN: The time allotted to this Bill is about to expire. How long do you want to continue?

SEVERAL HON. MEMBERS: One hour.

MR. CHAIRMAN: With the leave of the House time is extended by one hour.

SHRI N. TOMBI SINGH (Inner Manipur): Mr. Chairman, I am grateful to you for this opportunity given to me to take part in his

debate. I am also thankful to Shri Ram Nagina Mishra for having brought this Bill to provide for reservation of posts in Government services and seats in educational institutions for persons belonging to economically weaker persons and sections of people.

The main purpose of my participation in this debate is to bring to the notice of this august House and also to the notice of the Government, a particular community, a total community which has been handicapped by economic backwardness; but they have been for some reasons listed as the general caste. The Manipuri community with its cultural background and attainments which is considered the most powerful, the most majority community in the Manipur State is in the general caste. It is neither a scheduled caste nor a scheduled tribe and in the context of that State, it is a very justified position. But in the context of the national scene, the Manipuri community stands as a small community, backward educationally and economically. But they have to compete with the rest of India, with the rest of the general castes in matters of public service commission competitions, say IAS, IPS or any All-India Service and also in the matter of State Service and appointments in the State Government, where the State Government is the only employment agency. There are no railways there, there are no big industries or even medium scale industries worth the name, only the Government offices and educational institutions run by the Government, they are the only employment agency. Here the competition is between the general caste and the other backward classes, which are though small, well protected by the Scheduled Castes and Scheduled Tribes protection facilities. The result is that in the Government offices, Public undertakings, in the Secretariat, in all the departments there, the scene is very unbalanced. The upper strata of jobs like those of Commissioners and Secretaries in the Secretariat is dominated by, up to 90 per cent, the Scheduled Castes and Tribes with the so called majority community just manning the low grade posts and the lower state of the posts.

[Sh. N. Tombi Singh]

In this context, I would like to request the Government of India, particularly the Home Ministry to take note of this situation and to provide statutory protection to such a community. I have no idea of other communities in the other parts of the country, because our country is a vast country and there may be other such communities badly handicapped. Manipuris are in Assam, Manipuris are in Tripura and in some pockets of Bengal also they are also there, and here in Mathura also there are some pockets of Manipuris. The Manipuri community as a whole knows this protection.

I remember once when I came here as a member of the Fifty Lok Sabha, our late lamented Prime Minister, Shrimati Indira Gandhi once asked me, "Are you from a Scheduled Caste or Scheduled Tribe?" and I replied "I do not belong to either of them". Then she said, that in many ways, I had to wait, jokingly, and also truthfully.

In some respect we do not differ much from the rest of the tribes there. The only historic background is that in that small State in the past we were the dominant community and our merger with the rest of the country took place only in 1949, on October 15th. Before that we were considered a ruling community, a very powerful community. In that context we did not also ask for inclusion in any of the protected classes. Now it is already too late because 38 years have passed and the Constitution has been functioning for 38 years.

16.00 hrs.

Then the Constitution was framed, we were yet to be merged with the mainstream of India because our merger with the Indian union took place only on 15th October 1949. So, naturally neither the Constitution framers take it seriously nor did we take it seriously. We wanted Manipuri language to be included in the Eighth Schedule and our demand is hanging fire even now. Sir, our language is as rich as other languages which are there in the Eighth Scheduled now. That

is a different story. What I would like to say is that some statutory provision should be brought forward to protect such communities, otherwise the whole community will be suffering because of this lamentable and pitiable disparity. There is no way out to solve this disparity in the absence of adequate statutory provisions.

As you know Sir, there has been of late upsurge and insurgency in Manipur, Mizoram, Nagaland and in the hill areas of Manipur. Even the security forces themselves found it difficult to subdue a kind of insurgency, which is known as urban insurgency and which is prevailing in Manipur community area, namely the Manipur valley.

The educated young boys and girls do not get any facility to compete with the rest of India and with their counterparts of the Scheduled Castes and Schedule Tribes. There might be many reasons for this. But the main reason for the educated unemployed in the urban areas in Manipur resorting to extremism and terrorism is the lack of employment facilities in the absence of statutory protection. They have put forward a number of slogans to justify their demands. This kind of upsurge could be subdued and controlled if we could provide statutory protection to these educated unemployed persons, who in many ways do not differ from their counterparts of scheduled Castes and Scheduled Tribes. I would like to bring this to the notice of the Home Ministry and request that necessary protection measures should be brought forward early.

Sir, suggestions have been made that executive orders could be issued from time to time that some preference may be given to such communities. I feel this kind of protection measures would not be sufficient. Only a suitable amendment to the Constitution to this effect or a Bill to just categorize this kind of communities will meet the requirement. There may be other communities also in this country which require this kind of statutory protection. Statutory protection is necessary to protect this community from the present handicap.

Although it is a private member's Bill, it has got tremendous impact and relevance in the present day society because all our development measures have not been able to reach the weaker sections, particularly in the backward areas. Even in the advanced society, say in a brahmin family, so called advanced community, there are economically poor people. When it is applicable to the total community, this measures should be very special.

Sir, this problem is tremendous and I hope the Government will take necessary measures to remove this handicap.

I thank Shri Ram Nagina Mishra for having brought forward this Bill and I support this Bill.

With these words, I conclude my speech.

SHRI CHINTAMANI JENA (Balasore): I am grateful to you for permitting me to say a few words on the Bill brought forward by my hon. colleague, Shri Ram Nagina Mishra. I am grateful to Shri Mishra that he has provided us an opportunity to debate whether we should continue with the present policy of reservation of SCs & STs or we should make some changes in it so that poorer sections in higher castes may also have the scope of reservation.

Mr. Mishra and other colleagues of mine have already pointed out that the poorer sections of the people are not confined in SC & ST community only, but they are there in higher class society also and, therefore, some reservation or some facility should be provided to the poorer sections of the people whether they are in the SC & ST community or in higher class society. But this is a matter of debate. Of course, I agree with Mr. Mishra that our Government's policy is to uplift the down-trodden masses in the society in whichever class they are. Here I would like to point out one thing. Even after 41 years of independence and reservations both in educational institutions and in services, what is the percentage of SC & ST

people who have been provided with employment or imparted education? It is hardly 2 per cent. In such circumstances, should we go beyond this policy of reservations for SC & ST by withdrawing it and giving it to the poorer sections of people, it is a matter of debate. In engineering, medical and other colleges we make some reservations for SC & ST people. But how many SC & ST people avail of this facility? Our experience is that because of their poverty, they are not able to avail the of this facility. If we lift this reservation policy, do you think that these poor people be able to get their children educated? I think, they will not. In employment also we find that even the reservation quota is not filled because of the fact that not many educated persons are available in these communities. So by lifting the reservation policy we will not be able to implement our motto or policy to uplift the down-trodden people among the lowest classes. On the other hand, if we make reservations for poorer people in whichever class he is, then for limited number of posts, there will be a heavy rush. Now what we find is that for one post, thousands, even lakhs of people are anxious to get it. So, unless we mobilise our resources and create more employment potential, if we go on making reservations for more and more people, it will be of no use. Very humbly I would submit before this august House that it will be nothing but distribution of poverty.

[*Translation*]

What I mean is, these steps have now been taken to disperse poverty.

[*English*]

Because if we go on making reservations for more and more people to be educated, without creating more educational institutions, then it will bear no fruit.

16.11 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Very small percentage of people can get

[Sh. Chintamani Jena]
education from the existing institutions. So, the whole thing should be thought about. Unless we mobilise our resources, we should not think of withdrawing the reservation from SCs/STs and extending it to the poorer sections of the society.

In this connection, it is really heartening that our present Prime Minister, Shri Rajiv Gandhi, with his foresight and realising the problem that our country is going to face, has introduced the New Education Policy which can provide vocational training in many ways so that self-employment can be provided to the students who will get education under the new system. Similarly, for giving good education to the poorer sections of the people in the rural areas, *Navodaya Vidhyalayas* are going to be set up. The children of SCs/STs can be educated in *Navodaya Vidhyalayas* which will provide them self-employment, in future. Besides, we know that the present government, under the leadership of our dynamic Prime Minister Shri Rajiv Gandhi, has created so many employment potentials. My other hon. friends have already spoken about this, so, I will not consume much time on this issue. Through RLEGP, NREP, IRDP and similar other schemes, more and more employment potential is being created. So, I would request my friend Mr. Mishra not to insist on passing this Bill because this is not the proper time for this. We know that in 1980, when the period of reservation was going to be over, the Janata Government did not take any action to extend the period. It is only after the late Prime Minister Shrimati Indira Gandhi came to power that she had extended the time by ten years. So, this is the attitude of our Government and our Party. Therefore, I would say that none else than the Congress (I) Government is thinking seriously about the upliftment of the poorer sections of the society. This I can say with courage and boldness. So, I would say that this is not the proper time for this Bill to be passed. Just now this House was debating about the atrocities on Harijans and Tribals. What tran-

spired from the speeches of the hon. Members from various parts of the country is that the atrocities are still going on.

Even if there are all sorts of protection of the Government to these people, because of their poverty, because of their lack of education, they would not be getting so much of protection as we thought earlier. So, this is not the time to bring this Bill and get it passed so that the percentage of reservations will be extended to the poorer sections of the society. It is necessary no doubt, but this is not the time. Rather, I must say that this type of reservations could be effected after 10 years so that some sizeable sections of the people in Scheduled Castes and Scheduled Tribes could be uplifted in the meanwhile and thereafter we will think of extending reservations to the poorer sections of the society belonging to upper classes. With these words, I thank you very much.

[*Translation*]

*SHRI LAKSHMAN MALLICK (Jagatsingh Pur): Mr. Deputy Speaker, the House is debating the Bill moved by Shri Ramnagina Mishra in the last part of the Budget Session. Many hon. Members have expressed their opinion on this Bill. I have read this Bill carefully and I have listened to all Hon. Members who have spoken on this Bill so far. Now we have to think as to what made hon. Members Shri Mishra to move this Bill. We have to correctly assess his intention. While moving his Bill Shri Mishra has said that the Scheduled Tribes and Scheduled Castes have achieved some benefit out of the reservation facilities provided to them. But there are some sections of the people who are not getting reservation facilities. The SC & ST, whether they are rich or poor are getting the benefit out of the reservation facilities. Some of them are able to improve their standard of living. The rich people belonging to SC & ST are getting richer. But there is another section of the people living in the same society. They are not SC & ST. Many of them are poor. As no

* Translation of the speech was Originally delivered in Oriva

facility is available for their economic upliftment they are getting poorer day by day. These two classes of people are being created in our society, the richer and the poorer. Shri Mishra has expressed his deep concern for the poorer people. In this Bill he has expressed his sympathy for the weaker section of the society. He wants that the reservation facility be provided for the weaker section of the society also.

Mr. Deputy Speaker, Sir, I would like to request to the hon. Member to think about the situation during the pre-independence days. Mahatma Gandhi, the father of the nation, felt very much when he came across the Harijans and Adivasis. He felt the need of the upliftment of these down trodden people. After the country achieved Independence he could not remain with us for a long time. But the constitution maker Dr. Ambedkar on consultation with Pandit Jawahar Lal Nehru and other prominent leaders made a provision on the constitution to provide reservation for SC & ST. Smt. Indira Gandhi laid much emphasis on the implementation of reservation policy. She took every possible step for the upliftment of these people. Therefore, we know why and how the Reservation facilities have been provided for SC & ST. As I said on the beginning, quite a good number of people belong to SC & ST have got the benefit of reservation facilities. Through different schemes and programmes a large chunk of allocation has gone to the states in order to provide benefit to the SC & ST. But it is regrettable that the benefit does not reached all the SC & ST. They have not come upto the desired level. Therefore it is necessary that the reservation facilities be continued. All sections of the people should see that SC & ST are able to make all round progress. If the SC & ST remain backward, the society cannot be called a fulfilled society. So, the Hon. Members belonging to different party and different school of ideology should see to it that the schemes meant for SC & ST are effectively implemented.

Sir, 40 years have passed since we achieved Independence. It was expected that by providing reservation facility we can

bring the SC & ST at par with the other section of the society. But it is unfortunate that the dream of the constitution makers have not become successful entirely. The SC & ST people living in the far flung areas are still passing the days in great misery. It is a matter of great concern for all of us. I thank our Hon'ble Prime Minister Shri Rajiv Gandhi who is very particular about all sections of the people in our country. He had convened a meeting of all the SC & ST Members on this 10th August. The Chief Ministers of all the States were invited to that meeting. In that meeting he invited suggestions from all the SC & ST Members and Chief Ministers as to how the interest of SC & ST can be protected on every respect. He asked how reservation of posts can be filled by SC & ST candidates only. He asked the Chief Ministers as to how reservation facility could be provided to them on the educational institutions. He under lined the need to educate all the SC & ST. He also said that the programmes pertaining of to SC & ST should be effectively implemented. Many Hon. Members expressed their opinion on the present condition of SC & ST. They gave some valuable suggestions. I donot want to discuss the present situation of the country. Everybody is aware that the country is passing through crisis. In such a situation it is our collective responsibility to think for the upliftment of SC & ST. Our Prime Minister is very much concerned for them.

Sir, I shall be failing in my duty if I do not say a word about the atrocities on Harijan & Adivasis. The House was discussing this issue only a few minutes ago. You know the Sentiments expressed by all sections of the House on the recent shameful incidents that took place in some parts of the country. Therefore it is very necessary to provide protection to SC & ST at all spheres. As I said, a meeting was convened by the Prime Minister on 10th August last. It was decided that programmes would be drawn up at the state level for the all round development of SC & ST. Due protection would be given to them at any cost. We will have to identify the lacunae of our reservation policy and steps should be taken to rectify them. Now a word

[Sh. Lakshman Mallick]

about the different centrally sponsored scheme. As you know Sir, the fund allocated for those schemes are being misutilised and misappropriated by the middle men. Due to the apathetic attitude of the bureaucrats the schemes are not being implemented effectively. Then how can the SC & ST people will get cent per cent benefit out of those schemes? It is also unfortunate that the fund is sometimes being diverted to other department. Therefore all these irregularities should be stopped forth with.

Sir, Shri Ram Nagina Mishra has brought this Bill with a noble intentions. But it may create doubt in the minds of the SC & ST people. They may think that the reservation facility may be withdrawn. Therefore by adopting Bill we should not unnecessarily create this impression that reservation facility may be withdrawn. Therefore by adopting Bill we should not unnecessarily create this impress among those people.

Lastly, Sir, I am equally concerned for the weaker section of the society. I too want that they make equal progress. The poor people belonging to all section of the society should get justice. They should make progress in every sphere. If we want that, we have to see that the programmes introduced for the weaker section of the society are properly implemented. Each five years plan leaves behind huge backlog of unemployment. Whether they are SC & ST or other weaker section of the society, all should be provided with employment. The employment generation schemes should be effectively implemented and it will benefit all section of the people in our society.

I would once again like to say that though the Bill has been moved by Shri Ram Nagina Mishra with noble intentions it will not create noble impression among all section of the people. Therefore, I request Shri Mishra to withdraw his Bill. With these words I thank you very much for giving me this opportunity to take part in the discussion and conclude my speech.

[English]

SHRI V. SOBHANADREESWARA RAO (Vijayawada): Mr. Deputy Speaker, Sir, first of all, I express my gratitude for giving me the opportunity to speak on this important Private Members Bill. I congratulate Mr. Ram Nagina Mishra for introducing this Bill thereby giving the opportunity for this House to discuss this important Bill.

You are aware that several thousands of students all over the country as well as the educated youth are very much engaged in this very discussion whether this reservation policy as it is implemented right at the moment should be continued for ever or should there be a change. That is the discussion that is going on throughout the country.

I broadly agree with the objects and reasons with which this Bill is introduced by the hon. Member.

Every sentence is true. I also agree with the criterion of Rs. 6000/- annual income that has been suggested by the hon. Member. In fact, our Government of India also is taking the limit of Rs. 6,000/- per annum income as the poverty line and under the IRDP and several other programmes, the beneficiaries should be within this Rs. 6,000/- income and in our State of Andhra Pradesh also, our Government is giving the benefit of Rs. 2/- per kg rice scheme or the permanent housing and subsidised cloth scheme only to those poorer sections with an annual income of Rs. 6,000/-. I also agree with this aspect. I feel that this is not the right time to do away with the present reservations. I feel this because even though the social and economic conditions of the Scheduled Caste and Scheduled Tribes have changed to some extent but we have to agree that they have not changed to the extent to which the change should take place and a very classic illustration is that, even after 40 years of independence, in spite of constitutional safeguards, the mere fact that some Harijans could not enter some Hindu temples in some parts of Rajasthan and Madhya Pradesh is an indication of the state of af-

fairs. Of course, after all, the entire country's attention is drawn towards that issue. A good thing has taken place at Nathdwara where, the Harijans are allowed into the temple. It is a good thing. But it took many days.

Even now unfortunately a great sage Puri Shankaracharya is supporting that Harijans should not be permitted into the temples.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Why do you use the adjective great?

SHRI V. SOBHANADREESWARA RAO: I do not know why the Government is not taking action against that man.

SHRI P. CHIDAMBARAM: Why do you use the adjective?

SHRI V. SOBHANADREESWARA RAO: It is causing lot of hear-burning to all Harijans in the country.

The conditions of the tribals is still worse. It is only after the Naxalite movement has started in parts of Andhra Pradesh and West Bengal that they have realised the seriousness of the problem. They were living in sub-human and inhuman conditions. They were exploited and afterwards Government has taken several measures. I do appreciate. But, even now, there is a lot more to be done for the betterment of Scheduled Tribes people. It is no wonder that all these schemes are only on paper. Practically much benefit is not reaching those tribal people in parts of Bihar, Madhya Pradesh because of which they are frequently meeting. Even the legislators and Members of Parliament are also expressing the view that a separate tribal State may be formed comprising these tribal areas so that ultimately they can better take care of themselves. The actual position is that they are not very sure that this Government will deliver the goods for their uplift.

Sir, this matter of introducing the reservation had a long background. You are aware that there were days when Harijans were not allowed to walk with chappals in the villages. There were days when they were not permitted to draw drinking-water from the well in the villages. They were not allowed to stay in the villages and were asked to stay in very far off places so that even the breeze should not reach these upper caste people. If anybody tried to learn education, then his tongue was cut. Such were the brutal days. Of course, they were by-gone days. There were such days. Even before Mahatma Gandhi took up the cause of Harijans uplift, when Shri Raja ji was the Chairman of Salem Municipality, in those days, he took the decision to make available the public water system to the Harijans. At that time, the upper caste people found fault even with Shri Rajaji. Keeping this long background, in those days even when the British were there, this reservation policy had come into being. In the year 1984, for the first time, the British Government had given an order giving preference to people belong to Scheduled Caste and Scheduled Tribe community in the matter of jobs. When the progress was reviewed in 1942, it was found that not much progress was made and that policy did not actually help a good number of people belong to Scheduled Caste and Scheduled Tribe community. In August, 1943, the British Government reserved 8 1/3 per cent to Scheduled Caste people. In 1946, it was enhanced to 12 1/2 per cent and after our Constitution came into being, now the Scheduled Caste people are given 15 per cent and the Scheduled Tribes, 7 1/2 per cent.

Sir, in the Constitution, under Article 340, actually people belonging to other weaker sections — backward class people — are also eligible to get this benefit of reservation along with the Scheduled Caste and Scheduled Tribe people. But, unfortunately, their case was neglected. In the year, 1935, Kaka Kalelkar Commission submitted its report. Similarly, the Mandal Commission, appointed by the Janata Government, also submitted its report after touring the

[Sh. V. Sobhanadreeswara Rao] entire length and breadth of this country. It has made indepth study into this problem of identifying the backward class and made some suggestion. It submitted its report in 1980. But, unfortunately, a decision has not yet been taken.

Sir, in some State Governments, there is reservation to backward class people, poor people in the matter of jobs and reservation of seats in the Educational Institutions. For example, in Andhra Pradesh, our Government is giving 25 per cent reservation. In Bihar, it is 26 per cent. In Karnataka, it is 40 per cent. In Kerala, it is 40 per cent. In Tamil Nadu, it is 31 per cent and in Maharashtra, 10 per cent reservation is there in the matter of jobs. But unfortunately in Orissa, Madhya Pradesh, West Bengal and Assam, this facility is not given to the backward class people. Our Andhra Pradesh Government, some time back, has taken a decision to reserve 33 per cent of the jobs which can be done by women alone in a better way than men, for women candidates. Therefore, the stage has come where we have to take a fresh look.

Unfortunately, what is happening is that this facility of reservation in jobs is going to the children of the officers, IAS and other big officers drawing salaries in some thousands of rupees per month and sometimes of MLAs and MPs, to the people belonging to the Scheduled Castes and Scheduled Tribes but whose parents are already socially, economically and educationally forward. This is causing a lot of heart-burning. While the poor people belonging to the same caste coming from rural areas, because their children could not get so many marks, are denied the opportunities, the children of the officers are getting the opportunities. So, a fresh look should be taken. I suggest to the Government to come with some amendment so that the 15 per cent reservation to the Scheduled Castes may continue, the 7 1/2 per cent reservation to the Scheduled Tribes may continue, for some more time. We have no objection to that. But let that facility go only to those children whose parents have

an annual income of less than Rs. 6,000 per family. This amendment should be brought. Otherwise, a lot of heart-burning is taking place and in the University campuses also there is a lot of dissatisfaction.

Even in the matter of scholarships, the Government is giving more amount to the ST boys whereas a lesser amount is given to the BC and EBC boys. Making such a discrimination at that tender age among the student community is causing a lot of anxiety and friction, many a time resulting in law and order problem and unrest in campuses. This type of discrimination should not be there. You calculate what is the minimum requirement of a student to pursue his or her education and you give that amount, whether the person belongs to the SC or ST or BC community.

Reservation in promotion in service is really harmful and is causing a lot of damage. Suppose two persons have joined the service at the same time and you promote the one belonging to the ST just because he belongs to the ST irrespective of merit or efficiency or seriously in service and he goes over the shoulder of his other colleague, that is killing the individual initiative of a large number of officials as well as employees. Can't you do away with this? If there are two persons having the same service and the same efficiency, you may give preference to the person belonging to the SC or the ST.

I would also suggest that Government should come forward with an amendment to the Constitution to provide a certain percentage of reservation to BC and EBC also, to some extent, depending upon the income — for those with an annual income less than Rs. 6,000. I suggest to the Government: during the coming 1991 census, kindly take into account all aspects, the social, economic and educational condition of the entire population, and based upon that census which will give a clear picture about their position, how far those people belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes, have made a progress, you decide. Of course, because of our

NREP, RLEGP, IRDP, and other programmes, definitely some changes are coming. Their conditions are improving. But let the census be the criteria to determine whether we can do away with the present Bill of reservation basing upon the caste along or we can make an amendment where the reservations should be confined to taking upon the economic status as the criteria irrespective of whichever caste one belongs to. I request the Government to certainly take the census operations in such a way so that it will really help in coming to a correct decision, a wiser decision. Even the Framers of our Constitution, fathers of our Constitution did not wish reservation to be a permanent phenomena. They did not wish it a permanent feature. So, I request the Government to make necessary amendments taking upon the census figures and statistics. With these words, I thank you very much.

[Translation]

SHRI ANADI CHARAN DAS (Jaipur): Mr. Deputy Speaker, Sir, I rise to speak a few words on the Bill moved by Shri Ram Nagina Mishra. I have listened to the speeches made by some hon. Members on this Bill. Some of them have expressed the fear that the reservation facility provided to S.C. & S.T. will be withdrawn if this Bill is passed. But this is a wrong impression. As I understand, Shri Mishra has no such intention. This Bill seeks to provide reservation to the weaker section of the society on services and in the educational institutions. It is the duty of the government to improve the condition of the weaker section of the society. But the government is not able to remove the poverty of the people. Even if the Bill is passed it cannot provide reservation to the weaker section of the society in services. Because there are certain lacunae in this Bill. Firstly, the S.C. & S.T. people are also weaker section of the society. Many of them are poor. So the weaker section and the poor people are not clearly defined on the Bill. Secondly it is mentioned in the statement and objects of Reasons that 50% of seats should be reserved for the weaker section of

*Translation of the speech was Originally delivered in Oriya.

the society. As provision has been made in the constitution 50% of seats to the maximum can be reserved for S.C. & S.T. Then what percentage remains after giving 22% of 1/2 seats to S.C. & S.T. and 50% to the weaker section? Thirdly, 85% of the total population on the country are poor. Then how can he says that 40% of seats be reserved for the poor and weaker section on the educational institutions. The number of poor people in the society exceeds the S.C. & S.T. population. So, the government can not accept the suggestions of the hon. Member Shri Ram Nagina Mishra. It is a fact that Shri Mishra has high lighted the problems of the weaker section on the House through this Bill. Is the government sincerely thinking about the upliftment of the poor people? In this context, I would like to refer to the recommendations made by the Parliamentary Committee on the Welfare of S.C. & S.T. to this House on 1982. One of those recommendations was to identify the poor people in the country for that the Committee had suggested that of a family diary or family panjika be issued to every people on the country. The details of property earned, the sources of his income, his landed property etc. were to be found place on that Panjika. The name, number and the occupation of each family member were also to be mentioned therein. But it is regrettable that the government did not accept those recommendations. Then how can the government adopt the Bill of Shri Ram Nagina Mishra? Why the government did not accept the recommendations made by the Parliamentary Committee on the Welfare of S.C. & S.T.? What is the reason behind it? It is very simple. The government is in the favour of capitalisam. Now also, systematic attempt is being made to set up a capitalist government. If the government is really interested to set up a socialistic pattern of society, it should first of all fix ceiling on property. Only one member of a family should be provided a job, one family should have only one House. The people having more than one House should be surrender their surplus houses to the government. If the government really implements these suggestions, I will say that this government has an attitude

[Shri Anadi Charan Das]
to set up a socialistic pattern of society. But this government has really sympathy for the weaker section of the society.

Sir, the Bill of Shri Ram Nagina Mishra is a misleading one. It has created mixed reaction and controversy among the S.C. & S.T. as well as people on general including the weaker section of the society. Though it is said that Shri Mishra has moved his Bill with a noble intention, but the S.C. & S.T. Members feel that this is an indirect attempt to cut their throats.

Sir, it has been said that reservation facility was originally provided for 10 years. Subsequently it was extended by another 10 years and in this way it is extended. Is it a mercy on S.C. & S.T.? But what about government services? The constitution has made the reservation in government service. You cannot withdraw this facility. If it would have been mentioned in the Bill regarding withdrawal of reservation on government service it would have different repercussion. Therefore, I would like to say that this Bill will not help the weaker section too. Shri Mishra should have been brought a comprehensive Bill if he really wants the upliftment of weaker section. I request Shri Mishra to withdraw his Bill and with these words I conclude my speech.

16.45 hrs.

STATEMENT RE: MEMORANDUM OF
SETTLEMENT ON TRIPURA

[English]

THE MINISTER OF HOME AFFAIRS
(S. BUTA SINGH): Sir, Hon. Members of this august House would be very happy to know that a 'Memorandum of Settlement' has been signed today ... (*Interruptions*)

MR. DEPUTY SPEAKER: I am allowing only the Minister to go on record ... (*Interruptions*) ... Order, please. Except the

Minister's statement, nothing will go on record.

S. BUTA SINGH: Hon'ble Members of this august House would be very happy to know that a 'Memorandum of Settlement' has been signed today with the Tripura National Volunteer (TNV) which brings to an end the insurgency and violence in Tripura. This 'Memorandum of Settlement' has been signed by the Additional Secretary, Union Ministry of Home Affairs on behalf of the Government of India, Chief Secretary, Tripura on behalf of the Government of Tripura and Shri B.K. Hrangkhawl and five of his colleagues on behalf of TNV. This Agreement has been signed in Delhi in the presence of Governor of Tripura and the Chief Minister of Tripura. Copies of the Memorandum have been placed on the Table of the House.

To recapitulate the events leading to this settlement, Shri B.K. Hrangkhawl, President, TNV addressed a letter to the Governor of Tripura in May, 1988 intimating that keeping in view the Prime Minister, Shri Rajiv Gandhi's policy of solution of problems through negotiations, the TNV has decided to abjure violence as a means of resolution of Tripura's problems and to sit together with the representatives of the Government of India, for a peaceful solution of the problems. He also acknowledged Tripura as an integral part of India and his commitment to a solution of all the problems within the framework of the Constitution of India. The bye-laws of TNV were amended so as to conform to the laws in force. The Government of India have, therefore, cancelled today the notification declaring TNV as an 'Unlawful Association' under the Unlawful Activities (Prevention) Act, 1967.

As the House is aware, the policy of the Government of India in regard to holding talks with the extremist groups operating in the North-East is that they should fulfil two pre-conditions, namely, such talks should be held within the framework of the Constitution of India and that violent activities must cease. Since these two pre-conditions were