

[English]

SHRI AMAL DATTA : What are you wanting ? Do you want to have it passed right now? ..... (*Interruptions*)

SHRI P.C. CHACKO : There is no harm ..... (*Interruptions*)

MR. DEPUTY- SPEAKER: Let us now take up Private Member's legislative Business. Shri Amar pal Singh.

15.32 hrs.

[Translation]

### THE COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SHRI AMAR PAL SINGH (Meerut): I beg to move that the House do agree with the Forty Sixth Report of the Committee on Private Member's Bills and Resolution, Preserved to the House on the 29th November , 1995

[English]

MR. DEPUTY- SPEAKER : The question is :

" That the House do agree with the Forty-Sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 29th November, 1995."

The Motion was adopted

MR. DEPUTY- SPEAKER : Now Bills to be introduced.

Shri K. Ramamurthy - not present. Shri M.V.V.S. Murthy not present. Shri Sultan Salahuddin Owaisi.

15.33 1/2 hrs.

### Constitution (Amendment) Bill\*

(*Insertion of new article 31*)

SHRI SULTAN SALAHUDDIN OWAISI (Hyderabad): I beg to move for leave to Introduce a Bill further to amend the Constitution of India.

MR. DEPUTY- SPEAKER : The question is :

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

The motion Was adopted.

SHRI SULTAN SALAHUDDIN OWAISI : I introduce the Bill.

[English]

MR. DEPUTY-SPEAKER : Shri George Fernandes - not present, Shri Basudeb Acharia.

15.34 hrs.

### Acquired Immuno Deficiency Syndrome (Preventive Measures) Bill\*

SHRI BASUDEB ACHARIA (BANKURA) : I beg to move for leave to introduce a Bill to provide for the prevention and Control of spread of Acquired Immuno Deficiency Syndrome.

MR. DEPUTY-SPEAKER : The question is:

" that leave be granted be in introduce a Bill to provide for the prevention and cannot of spread of acquired Immuno Defficiency syndrome."

The motion was adopted.

SHRI BASUDEB ACHARIA : I introduce the Bill.

15.35 hrs.

### Constitution (Amendment) Bill\*

(*Insertion of new article 345, etc*)

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

MR. DEPUTY- SPEAKER : 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.

15.36 hrs.

[English]

### CONSTITUTION (AMENDMENT) BILL

(*Insertion Of New Articles 330A And 330B, etc.*) - Contd.

MR DEPUTY-SPEAKER : The House shall now take up item no.11 of the Private Members' Legislative Business, Further discussion on the motion moved by Shri K.P. Reddiah Yadav.

Shri Yaima Singh Yumnam may speak now.

SHRI YAIMA SINGH YUMNAM (Inner Manipur) : Hon, Deputy Speaker, I rise to support the Private Members' Bill introduced by Shri Reddiah Yadav. The Amendment proposes insertion of certain articles under Article 330 which is part 16 - special provision relating to certain classes. Under this Article; there is a provision for the reservation of seats in favour of scheduled Castes and Scheduled Tribes in State Assemblies and Lok Sabha. Our Constitution - makers and our leaders who debated in the Constituent Assembly for the adoption of Constitution of India, very wisely and purposefully has this Article inserted in the Constitution and as a result of that, to a certain extent, people belonging to Scheduled Caste and Scheduled Tribes have come up on par with the forward classes of people. Convention given under this Article has enabled so many Scheduled Caste and Scheduled Tribe people to become Members of the Assemblies and Parliament. If this Article were not there and certain reservation were not made, many Members who are now Members of the Assemblies and Parliament could not have got this opportunity because they might not have got the strength and privilege of contesting against the forward classes of people. So, this Article provides concession. It gives opportunities to people belonging to Scheduled Castes and Scheduled Tribes. After the experience now we have this proposal for having reservation in favour of Backward Classes of people. It is a good proposal. So, I strongly support this, considering the prevailing situation in the country. In some parts of the country, there was no peace. Clashes were there between classes of people and there had been difficulties in maintaining law and order even. It is all because of the inequality in different aspects. To maintain social justice, we must put all the citizens, all the people on an equal plane, so, the demand for the amendment of Article 330 of the Constitution, is a right one. The House has agreed to this proposal in special consideration, for the promotion of interests of other backward classes of people. Mandalisation has awakened the country or at least the backward classes of people. At one time, people belonging to this class were suffering from many exploitations.

15.42 hrs.

[SHRI P. C. CHACKO IN THE CHAIR]

They thought that they were ordained to suffer from such exploitations. Mandalisation has awakened the people of this class. Now, they got courage to demand for such a proposal. I hope the House will agree to this unanimously.

I will give you an example for this. In the State of Manipur, we have an Assembly of 60 Members. There are 19 seats reserved for Scheduled Tribes and one seat reserved for Scheduled Caste. So, one Scheduled Caste Member and 19 Scheduled Tribes Members are represented in that House. They can serve their class of people by becoming members. In this House also, we have two Constituencies, one is Inner Manipur and another is Outer Manipur. Outer Manipur seat is reserved for Scheduled Tribes; and a Scheduled Tribe member is represented here. He is even elevated to the Minister of State. This is a Facility available under reservation.

I belong to OBC category. Although I have come to this House as a representative of the people, fighting with the forward class people, in the general seat, it is very difficult to fight and contest with the upper class people if there is a seat reserved for OBC, we can contest and come here. These privileges are to be given for having equal social justice and for making the country, a country of all the people who are on equal plane.

I would not take much time of the House. I rose only to register my support to this Bill.

In the Government services and institutions. There are reservations for the OBCs as per the Report of the Mandal Commission. It provides opportunities to the Government servant and other labour classes. It has given them opportunities for promoting their livelihood and social standard. Thus it will help in the development of the country to a large extent.

With these few words, I support the Bill introduced by Shri K.P. Reddiah Yadav.

SHRI M.R.KADAMBUR JANARTHANAN (Tirunneveli) : Mr. Chairman, Sir, I rise to support the Private Member's Bills, brought forward by Mr. K.P. Reddiah Yadav for providing reservation of seats for the people belonging to other backward classes. It does not mean that it is a challenge to any other class of people. It should be taken in the right spirit since the people belonging to Scheduled Castes and Scheduled Tribes are already given such opportunities.

In certain matters, like elections to the Tamil Nadu Panchayati Raj institutions, we have earmarked backward areas, backward councils and backward villages for the backward class people but this matter is now in the court.

I would like to support this bill as an MP here. I remember my olden days when I was a boy of 12 years. I

went to a temple along with my parents and we were stopped from entering into that temple because I belonged to a particular caste. From that day, I was in the wing of Periyar-Anna. Now I am in the wing of AIADMK manned under the leadership of Puratchi Thalaivi Jayalalithaji.

Giving equal opportunity and social justice is one of the main aims of the Indian society. From Kanyakumari to Kashmir, we find that so many communal clashes are going on not only in some parts but also in several other parts of the country. Therefore, create good feeling and good brotherhood and provide equal opportunity. These were the main words used by Pandit Nehru in those days. The Central Government and this august House must realise that.

What will be the position by the year 2000? Will democracy remain in our country or not is the main question. Till date, there is no provision for the backward classes. Therefore, a necessity has been felt for bringing forward such an amendment to the Constitution. Then only, the harmonious feeling, which has now been disturbed, will be regained. Therefore, I support the Bill brought forward by Mr. K.P. Reddaiah Yadav for amendment of the Constitution for reservation of seats in the State Assemblies and in the Parliament for the people belonging to the backward classes. (ends)

[Translation]

**DR. SATYANARAYAN JATIYA (Ujjain) :** Hon. Chairman, Sir, the subject that is being discussed is indeed very important. But had this society been an egalitarian one, then our society would not have felt the need of this reservation policy. But, today, a class discrimination is very rampant there, and we have developed a tendency to see a person engaged right from his hereditary profession and believe that a person should take up his hereditary profession only. However, no work is frivolous or superior. A work is work, rather service of the society. Those who render service are never considered small but it is conventionally believed that those who render services they form lower strata of the society. In such circumstances, scheduled caste people including the craftsmen render their services to the society and are instrumental in the development of a society. This attitude became so much embedded in the attitude of the Society that while framing our constitution this factor was taken into consideration. The preamble of the Constitution envisaged that We, The people of India solemnly resolved to constitute India into a sovereign socialist Secular, Democratic Republic so as to secure to all its citizens, social, economic and political justice so that social economic and political equality ush-

ers in. It is with this objective that reservation facilities we provided to scheduled castes and scheduled tribes but one class was left out, which renders services to other sections of our society. This class is formed of the artisans, potter, blacksmith, carpenters etc. who play a vital role in the formation of our society. This Constitutional Amendment has been brought for the upheaval of this class whose interests and conditions were not deliberated upon properly. The sentiments behind this amendment has been that reservation is being provided to give representation to this section. Now, we should ensure their representation in the Parliament, and Legislative Assemblies as well and therefore, an amendment to this effect is needed.

Mr. Chairman, Sir, when a member of Parliament gets elected, then it is expected from him that the person will take care of every class. But only such a person can express the grief, pain and hardship of this section of people who has lived through such experiences. That is why a provision has been made in the constitution that a person will contest his election to Parliament or Legislative Assembly on the basis of his education and ability. Therefore, whether a person is educated or not, that is a different thing, but he should be in a position to represent properly the region from where he has been elected and the persons among whom he lives. On the basis only, a demand is being raised for giving reservation facility to such persons in Parliament. If this demand is fulfilled, then we will have to follow our traditions. But the General impression is that there is no ground for understanding these matters. That is why these provisions are being made. We should make such a provision in the article 330 A and 330 B for OBC. In such a situation, we will have to make provision for their upliftment.

Manav Man Main Bhed Nahin,

Karma Dharma Pardhan Hai.

Samajik Samta Manusya Ka

Janam Sidha Adhikar Hai

Right to equality is birth right of every citizen of India. In the 'Preamble' we have resolved to ensure Justice, liberty, equality, fraternity to all and there can be no compromise without attaining these goals. If this is our commitment, and if we stand firm by these demands, then definitely, these all will find a place in the constitution. In view of the present social dispensation, it is indeed being expected and should be expected that such persons should get reservation and they could get representation in services. This should be expected in the sphere of education also. The general impression is that those who join engineering or medical colleges on

the basis of reservation, they will render services of poor quality but we should understand categorically that it is for entrance only. Reservation has been given for entrance only, and it will be compulsory for them to pass all other course exams and unless and until they pass these examinations they will not get a degree keeping in view the social milieu they have been living in, if this reservation facility is given at the entrance test, they will have some relief. The standards of education being imparted in rural areas is different from what is being imparted in urban areas and convent schools. As a matter of fact, there is no equality in the standard education. One gets education according to the social environment. I do remember that I used to read in the light of an lantern. At that time, also some people had the facility of electricity, whereas then other had the facility of a lantern only. This kind of inequality was there at that time also some have to cooperate in the household job, some others have to work for the livelihood of family. Therefore, such persons should be given an opportunity to go ahead. Keeping in view the adverse circumstances in which they live. We have witnessed that during race that is organized in schools and colleges, an orbit is formed, a placing is made in the race of 440 metre, the person in the inner orbit stands far behind. Such persons have to stand up in the inner orbit but since they have to make the same number of rounds, they manage to cover their distance. If others at the counter orbit are not placed ahead in the same proportion then they are bound to lag behind. Therefore, equality should be sought. Therefore, it is necessary that they should be given some incentives. Reservation should be provided for OBC also in the medical and engineering area also. I will like to say that the Government should pay attention towards this section which has so far been ignored. Laws have to be made in this way for reservation for OBC's. Reservation has been made in the election to the Panchayats also. Reservations has been provided to women also in the election to the Panchayats. Thus, if it is being considered for all, then definitely we should think on giving the same facility to them in the election to the Parliament and the Legislative Assemblies also. With these words, my request is that from the point of view of giving a right direction to the society, and in order to strengthen the structure of this society, an amendment is necessary in the Constitution and we should give incentives for implementing provisions made in this direction. With these words only I support this Bill.

[English]

DR. MUMTAZ ANSARI (Kodarma) : Mr. Chairman, Sir, I rise to support this Amendment Bill. It is because so far as reservation of the minority communities in the different State Assemblies, Councils, in the Parliament

- consisting of Lok Sabha and Rajya Sabha - is concerned, they are not getting their due representation in all these Bodies. That is why, this is my earnest request that let there be some reservation for the minority communities in the different State Assemblies, Councils and in the Parliament, etc.

Sir, When we were discussing, in this august House, the Constitution (Amendment) Bill for giving effect to the Panchayati Raj Bill we agreed to give sufficient reservation for women. Thirty three per cent reservation was given to women

16.00 hrs.

On the same pattern reservation was also given to backward communities and other weaker sections of the society. So, I support this proposal and proposition put forward by Shri Reddaiah Yadav in order to bring about some sort of Constitutional amendment and in order to incorporate all such amendments with all the mighty at my command. As far as the Assemblies are concerned, as far as the Councils are concerned, and as far as Lok Sabha and Rajya Sabha are concerned, our representation has been dwindling very fast. Earlier, in 1967 or 1968, we were elected to this august House in good numbers. Now we are only 27 or 28 in number in Lok Sabha. Similar is the case with Rajya Sabha. The representation that is due to this community is not being given.

As far as recruitment is concerned, there is no reservation at all at any level in order to achieve all-round development and growth of this community, the Muslim community, all over the country. You see, Sir, that there is object negligence of this community at all levels. We are not getting our due share and representation at different levels. So, my request to this august House is, let there be reservation for the minorities in respect of recruitment as well as promotions. This was the proposal which was announced here by the hon. Minister that 10 per cent reservation will be given to the minority communities. Till now this has remained a slogan and an announcement. This commitment has not been fulfilled by the hon. Minister. At what level this is being discussed and pondered over, I do not know exactly. But once an announcement is made that 10 per cent reservation will be given to this minority community, it must be upheld and it must be fulfilled. The hon. Minister must stand by his commitment given on the floor of the House.

As far as recruitment is concerned, as far as the number of people who have been appointed at differ-

ent levels in this country is concerned, before partition this percentage was, I think, 37 or 35 but now, when we have a glance over the appointments of persons, whether skilled or unskilled or labour class or at other levels, we find that this has gone down to 1.5 per cent. This sort of anomaly and this sort of shortage of people at different levels is causing a lot of concern to this minority community.

As far as the position of Parliament, the Lok Sabha and Rajya Sabha, is concerned and as far as the position of Assemblies is concerned, at different levels and in different States we find that our number is dwindling very fast. So, my proposal is, let there be proportional representation. This proportional representation will satisfy the wishes of the people. If reservation is granted on the basis of population whatever the percentage of population may be, whatever the caste and the community may be and whatever the class of the people may be there will be no sort of grumbling and grudge from any quarter, from any corner of any community which is living in this country. There will be complete peace and tranquility in nook and corner of this country.

[Translation]

SHRI RAM TAHAL CHOUDHARY (Ranchi) : Mr. Chairman, Sir, I rise to support the Bill moved by Shri K.P. Reddaiah Yadav for providing reservation facility to other backward classes. The reservation to other backward classes as per the Mandal Commission's recommendation has considerably increased awakening among other backward classes. It has been provided in the Constitution that people of every class will get equal opportunities in matters of public employment. As per this provision, the backward classes have benefited to some extent but they have not yet got reservation in a large number of organisations. As the hon. Members who have spoken before me have pointed out, OBC's have not been given reservation in the Private Medical and engineering colleges. There is B.I.T., Mesra in my constituency in which there is no reservation facility for the children of backward classes. I would like that reservation facility should be given to the children of other backward classes in Engineering Colleges, Medical Colleges and all other higher educational institutes. Likewise, the backward classes people have not been appointed to higher portions whereby they could take up the issues of their interests at appropriate level and redress the problems of backward classes. As the tribals and Harijans have got reservation in Parliament and Legislatures, similarly, there should be reservation for backward classes in all educational institutes besides in Lok Sabha and Legislative Assemblies. Only then, they

could get opportunity to get progress in their life. Every possible measure should be taken for their upliftment because they have not come in the mainstream of the society so far. They are looked with hatred even today. They do not get admissions in good schools, colleges including engineering and medical colleges, so as to hold high offices. Therefore, I urge that reservation should be given to them at all levels so that they could get equal opportunities to progress. With these words, I support the Bill brought by Shri K.P. Reddaiah Yadav and conclude .....(Interruptions)

MR. CHAIRMAN : You had also participated earlier in the discussion in this Bill.

SHRI NAWAL KISHORE RAI (Sitamarhi) : I want to mention a new point.

MR. CHAIRMAN : You sit down there.

.....(Interruptions).....

[English]

MR. CHAIRMAN : You please understand.

...(Interruptions)....

MR. CHAIRMAN : No. That is not permitted. This discussion is going on for the third day. Many Members might have forgotten that.

...(Interruption)...

MR. CHAIRMAN : You have already participated. No, please. That is not allowed.

SHRI ANADI CHARAN DAS (Jaipur) : Mr. Chairman, Sir, I would like to move the Motion that the Bill be postponed because the mover Shri K.P. Reddaiah Yadav is not present here. I beg to move :

"That the debate on the Constitution (Amendment) Bill, 1992 (Insertion of new articles 330A and 330B etc.) by Shri K.P. Reddaiah Yadav be adjourned."

MR. CHAIRMAN : The question is :

"That the debate on the Constitution (Amendment) Bill, 1992 (Insertion of new articles 330A and 330B etc.) by Shri K.P. Reddaiah Yadav be adjusted."

The motion was adopted.