

[Translation]

MR. CHAIRMAN : The questions is
"That the Bill, as amended, be passed."

The motion was adopted

17.56 hrs

CONSTITUTION (EIGHTY-SIXTH AMENDMENT) BILL*

(Amendment of article 16)

MR. CHAIRMAN : Now there is Supplementary List of Business - Bill to be introduced by Shri Sitaram Kesri

[Translation]

THE MINISTER OF WELFARE (SHRI SITA RAM KESRI): Sir, I beg to ove for leave to introduce a Bill further to amend the Constitution of India.

[English]

MR. CHAIRMAN : Motion moved :
"That leave be granted to introduce a Bill further to amend the Constitution of India."

[Translation]

PROF. RASA SINGH RAWAT : Sir, I am a point of order.

[English]

MR. CHAIRMAN : Shri Rawat, is it a point of order or do you want to oppose it ? You have given notice for opposing the Bill, The first notice is given by Shri Chandrajeet Yadav. Let him speak.

[Translation]

SHRI CHANDRAJEET YADAV : I am very sorry to say that the Welfare Muinister has not intrduced the Constitution Amendment Bill in the manner in which it should have been introduced. He has by passed all rules and regulations. He has violated the rules of this House. He has also by passed the Directions of the Speaker, issued fro time to time. I will discuss the object of the Bill later on. He is making amendments in the Constitution and not in an ordinary statute. The amendment of the Constitution is a very important matter. That cannot be introduced in a casual manner. This Bill has been circulated to us only 5 minutes ago. Why has it been introduced hurriedly? What is the urgency for it? Why did the Hon. Minister not introduced it earlier? He ought to know that there are Speakers direction for introducing a Bill.

[English]

The Clause 1 of Direction 19-A of Chapter V of the

* Published in Gazette of India exteraordinary, Part II, Section 2 dated 31.5.95

Directions by the Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha says as follows :

"A Minister desiring to move for leave to introduce a Bill shall give notice in writing of his intention to so"

Clause 2 says :

"The period of notice of a motion for leave to introduce a Bill under this direction shall be seven days unless the Speaker allows the motion to be made at shorter notice."

It will be seven days under this Direction of the Speaker, Shorter notice does not mean five minutes' notice. It does not mean that

18.00 hrs.

[Translation]

We have Rules and Procedures which govern our proceedings in this House Rule 64 says :

[English]

"The Speaker may, on request being made to him, order the publication of any Bill (together with the Statement of Objects and Reasons, the memorandum regarding delegation of legislative power and the financial memorandum accompany it in the Gazette,...

[Translation]

For this also, prior permission of his speaker is required leave is needed for publishing it in the Gazette before the Bill is introduced it further says :

[English]

"...although no motion has been made for leave to introduce the Bill. In that case, it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again."

MR. CHAIRMAN . For you information, the leave has been granted by the Speaker.

[Translation]

SHRI CHANDRAJEET YADAV : The present Speaker had on the floor of this House during this session itself had given a direction about Constitution amendent Bills that at least 3 days' notice should be given for introducing the Constitution Amendment Bill. This Bill cannot be discussed till this period is over.

[English]

MR. CHAIRMAN : The Minister had requested that the requirements under 194 of the Directions by the Speaker may be relaxed in respect of this Bill in order to permit the Bill to be introduced in the current Session and this has been approved by the Speaker. Therefore, that question does not arise.

[Translation]

SHRI CHANDRAJEET YADAV : I am making the request because it is a constitution in Amendment Bill.

[English]

It does arise. I have every right to request the Chair to reconsider it, because this is a Constitution (Amendment) Bill and it is not an ordinary amendment. It is being brought under article 16(4) of the Constitution of India

[Translation]

I want to say to the Minister that the need for introducing this Bill arise because of the judgment given by the Supreme Court on 16th November, 1992 in the case of Indra Sahari and others v/s Union of India and others in which the court has said.

[English]

"that reservation of appointments or posts under article 16(4) of the Constitution is confined to initial appointment and cannot extend to reservation in the matter of promotion "

MR. CHAIRMAN : I take it that the House agrees to extend the time of the sitting beyond 6 00 p m

SEVERAL HON. MEMBERS : Yes.

[Translation]

SHRI CHANDRAJEET YADAV : The provision of reservation for scheduled castes and scheduled tribes and for other socially and educationally backward classes is provided in this very Article of the Constitution. The clause is the same. Clause 16(4) of the Constitution has only one section and the Supreme Court has raised a basic objection to it. You are bringing this amendment which relates to providing reservation in promotion to scheduled castes and scheduled tribes and I support it.

SHRI SITA RAM KESARI : You do not support.

SHRI CHANDRAJEET YADAV : You please listen. Don't say that I don't support. We extend our full support. We have struggled more than you. The reservation for backward classes have been provided under the same clause and you state that the reasons....

[English]

MR. CHAIRMAN : Mr. Minister, I will request you to reply at the end.

[Translation]

SHRI CHANDRAJEET YADAV : He is saying that he has to bring this amendment because the backlog of scheduled castes and scheduled tribes quota has not been completed. May I know from him whether the reservation quota of backward classes, who are 52 per cent and for whom less than 4 per cent reservation exists in Government jobs, has been completed ? He is not worried about it.

SHRI SITARAM KESARI : I am more concerned than you. We have implemented it. You did not

SHRI CHANDRAJEET YADAV : You did it under compulsion but we have fought for it. You did not have any concern for them during the last 40 years. Pandit Jawahar Lal Nehru made an amendment in the Constitution of India only on reservation issue and that was also done because the backward classes had a very low percentage in Government jobs. Country wide agitations were launched, public opinion was created and you were a mute spectator. You didn't care for that. The Janata Dal Government led by Shri V.P. Singh implemented it. You will have to admit this ground reality. The Supreme Court gave a judgement but you were sleeping.

[Translation]

MR. CHAIRMAN : There will not be a full debate at the introduction stage unless it is on the ground of Competency of the House. You have opposed(Interruptions)

SHRI CHANDRAJEET YADAV : I am not opposed(Interruptions)

[Translation]

This is a very important issue. You may not have a full debate on it, but I will request the Minister to withdraw this Bill and it should be amended to include promotional reservation for backward classes also. Otherwise, it will be considered as a discrimination. It will signal a message to the country that you have no concern about completing the quota of reservation for backward classes, you have no concern for their promotion. You have made a mistake earlier and I request you not to repeat that mistake. You have in the floor of this house and also outside this house said that reservation for minorities should also be provided. They should have full representation in Government jobs. You include them also.

Mr. Chairman, I want to make another point. He has no concern if the reservation for backward classes is abolished in the pretext of creamy layer. If you are bringing this amendment consequent to Supreme Court judgement, the honesty demands that you should amend it in such a way that the backward classes who have 52 percent population are given representation proportionate to their number and the creamy layer should be done away with

[English]

MR. CHAIRMAN : There will be a full debate on this.

[Translation]

SHRI CHANDRAJEET YADAV : I would finish in one minute. The object and reasons of the Bill say that it is necessary to make this reservation for Scheduled Castes and Scheduled Tribes because the Government has a commitment for safe guarding the interest of these castes. I am happy that you have a commitment for these people and you want to implement that commitment but you have no commitment for backward classes otherwise you would have made a provision for them also. Sir, sufficient notice has not been given, the Bill is incomplete, discrimina-

tory and against the interest of backward classes. Therefore, this Bill should be withdrawn and a special drive should be launched for recruitment of Scheduled Caste and Scheduled Tribe people: I want their backlog to be fully completed. Why has it not been completed during the last 45 years? Keeping all these points in view, I oppose this Bill and request that it should be withdrawn.

PROF. RASA SINGH RAWAT (Ajmer) : Sir, I support the spirit with which this amendment has been brought forward, but oppose the manner in which it has been introduced. We have received information just now that an amendment Bill is being brought forward after revising the list of Business. This is being introduced to meet the situation arising out of the Supreme Court Judgement. Why prior notice as per rules was not given? The way this Bill has been introduced in this House shows that the Government is not as serious as it should be in this matter. Just now, our hon. Member Shri Yadavji has put forth many points and I support all of them. I would like your ruling whether the procedure laid down for introducing such an important Bill as this Constitution Amendment Bill is, has been duly followed and if not what are the reasons therefor? What prevented the Government from notifying it to us within the stipulated time and why this Constitution Amendment Bill was not included in the list of Business earlier? I would like to have clarifications through you on these points.

SHRI DEVENDRA PRASAD YADAV (Jhanijharpur) : Sir, I support the basic intention of this Bill but I would like to make a reference of Article 16(4) of the Constitution. This Article says :

[English]

"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".

[Translation]

The Bill introduced by the hon. Minister for making reservation in promotion for SC/ST should definitely have been brought and I support it, but I oppose the manner in which this has been brought and the discrimination that has been done in it. In this connection, I would like to say even the basic spirit of the Constitution is sought to be violated and bifurcated. There is 22.5 per cent reservation for Scheduled Caste and Scheduled Tribes and 27 per cent for O.B.Cs. The Government is deliberately trying to create a division among them, among our society but the society is not going to be divided at their instance. The Scheduled Castes and Scheduled Tribes and backward classes are one and will remain one. The Government is doing this deliberately. The Government has no popular base among backward classes and it has lost its base among SC/STs also. They are trying to penetrate into it fearing loss of their popular base. We want him to bring this Bill which is being added in the Constitution as Article 16(4-A) but if he has the courage,

he should bring another amendment adding 16(4-B). So the basic intent of the this Bill is defective. It is a manifestation of Minister's attitude. The Object and Reasons of this Bill state that the Members of Scheduled Castes and Scheduled Tribes have not ascended to the requisite level in the services under the State. The SC/ST people are not getting the layman's reservation in post and this is a fact. Announcements have been made any times in this regard. My submission is that the OBCs upto a particular layer should also be given reservation in promotion. Such a Bill should have come along with the Bill that has been introduced. If he wants to bring it separately, we have no objection. Giving reservation in promotion to Scheduled Castes/ Scheduled Tribes is basic issue, burning issue and a historical necessity. Therefore this Bill is necessary for creating an egalitarian society and an equitable society but he should bring another small amendment which we have highlighted. He should not try to create unequitable society.

[English]

MR. CHAIRMAN : There will not be full debate when you oppose at the introduction stage

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada) : Mr., Chairman, Sir, why I am opposing, I want to tell.

Mr. Chairman, Sir, though I do not oppose the spirit behind this Bill, I express serious concern over the manner in which it has been introduced in the House.

The hon. Minister for Welfare has consulted various political parties regarding several issues relating to SCs, STs and OBCs regarding promotion and age relaxation and seats in the colleges and all the other things.

Now this Bill falls short of the aspirations of the weaker sections of the society. In fact, there is no urgency to bring forward this Bill because up to 1997 November, as per the Supreme Court judgement the present arrangement continues. No harm will take place in respect of promotions to SCs and STs. That is already there. Only after November, 1997, as per the judgement, the situation will be different.

So, instead of bringing the small piece of legislation, the hon. Minister for Welfare should have brought forward a comprehensive Bill, where apart from these promotions to SCs and STs, promotions to OBCs also would have been provided.

According to the Supreme Court judgement, the reservation should not exceed 50 per cent. Almost all the political parties have unanimously given their opinion to allow more percentage, if necessary, depending upon the circumstances. Many communities like washermen community in Andhra Pradesh have been representing for a long time to include them in the STs. In some States, there are already STs. Similarly, fishermen community, who are the most backward people, also wanted to be treated as STs. St Christians have represented that they should be included in the List of STs.

The hon. Minister should withdraw this Bill and bring forward a comprehensive Bill providing for all these things. After all, for many years, people are eagerly waiting for certain

Constitutional amendments giving them the status of ST Christians ST status and similarly, other communities also want to be included in STs. Why don't you bring forward another Bill? That is why, I am opposing.

MR. CHAIRMAN : You have made you points.

SHRI CHITTA BASU (Barasat) : I want to make some comments.

MR. CHAIRMAN : There is no full debate. Those who have give notice. I have allowed them to oppose.

SHRI BASUDEB ACHARIA (Bankura) : I have a very vital point to make.

MR. CHAIRMAN : At this stage, there cannot be full debate. Those who gave written notice to oppose, I have allowed them.

SHRI CHITTA BASU : This is exactly my point. Has there been proper notice, I could have given notice for opposing the introduction

MR. CHAIRMAN : The item was circulated. But anyhow, I will given you one minute each.

[Translation]

DR. G.L. KANAUIA (Kheri) : Mr. Speaker, Sir the manner in which this Bill has been brought shows that the policy as well as intention of the Government is not bonafide. They are talking of reservation in promotion for SC/ST but if they had a bonafide policy and an honest intention, these people could not have been pushed to the present situation. They have brought this Bill only to create a vote bank, not to for a division. What was the hurry in bringing this Bill ? It should not have been brought before some decision on it has been taken or a consensus created. Now only two days are left for this session. Therefore, I oppose this Bill because it has been introduced at the eleventh hour. It will not be in public interest to bring it unless all the aspects are considered in a comprehensive manner. It will reflect the attitude of the Congress which it has been adopting so far. I have made a study of reservation.. It was introduced on 13th March 1925 and was implemented in 1955. How many posts reserved for SC/ST have been filled so far ? How many of them have become secretaries? I would like to remind him that the reservation for OBCs was not implemented earlier, inspite of our best efforts to convince the Government and it had to bring out a supplement.

Sir, similarly, the Chairman of SC/ST/ Commission has been given the Status of the Cabinet Minister but the same Status has not been given to the Chairman of OBCs Commission. It is a matter of conscience, attitude. Until your conscience is not clear, this sort of Bill will create differences in the society. You have brought this Bill to create a vote bank and have given evidence of you guilty conscience. Therefore., I strongly oppose the introduction of this Bill and request you to bring in a proper manner.

[English]

SHRI BASUDEB ACHARIA (Bankura) : This Bill has been brought hurriedly. When the Supreme court has stated

that the present system will continue up to November 1957, where is the hurry for bringing in this Bill? Why has the Government suddenly brought this Bill? It is because of the political reasons. Most of the leaders of the political parties have also suggested not to bring the Bill hurriedly. Let us have a discussion and then a Bill may be brought after having a consensus. My suggestion is that comprehensive Bill be brought forward and this Bill be withdrawn. After having discussion and after having the consensus with the political parties, a new and comprehensive Bill be brought forward and we will support this. We are not against this Bill in principle. But we are against the manner in which the Minister has introduced this Bill. Our point is that he should not bring this hour today.

SHRI CHITTA BASU : As you know, the necessity of this amendment has arisen because of the judgement of the Supreme Court. The Supreme Court has not only mentioned about the affair of continuation or non-continuance of the reservation of SCs and STs but the Supreme Court has also pointed out certain other problems as., for example, whether reservation should exceed fifty per cent. That is a point. There is also another point, whether ten per cent reservation for the economically weak of the forward classes is also to be granted. There may be suggestions that there should be some provisions for the minorities. There are other provisions also

It is very kind of him that he consulted us. We gave our views. There might be conflicting views. But in order to maintain the stability, the social stability, the need for a consensus is good. He agreed to our suggestion in part. He did not agree in full. I do not mention the names of some other Members of the other parties who were there. He told us that there would be an honest effort in consulting all the political parties and tried to evolve a consensus. This consensus is needed in order to consolidate the social stability. You cannot do anything which destabilises the social equilibrium. Now the attempt is to correct the situation. The attempt would have been supported and welcomed in order to correct the situation arising out of the Supreme Court judgement.

This is also not very urgent at this particular moment because the SC and ST promotions will continue till November, 1997.

Then, sir, is it very wrong for me to predict or portray? There are some other considerations also. This consideration is the electoral gain for you.. (Interruptions) It is not the question of electoral gain....(Interruptions) but what about others(Interruptions) Why you are bringing it together? (Interruptions) There are five points at dispute. There has been consensus on one point. We want to extend the consensus on the remaining four points also. You should give the opportunity and this opportunity is to be given for the stability of the society for providing social justice for all... (Interruptions). Therefore, it is unwise, imprudent, injurious, prejudicial and partisan to move for the introduction of the Bill. If he is honest, he should withdraw it and bring a comprehensive Bill without resorting to any dubious devices and designs. (Interruptions)

[Translation]

SHRI MOHAMMAD ALI ASHRAF FATMI (Darbhanga): Sir, this Amendment Bill that has been introduced by the Government is politically motivated. They have no desire of helping Scheduled Castes and Scheduled Tribes. They simply want to create a division in the society. This amendment is not comprehensive. If at all he wants to bring a Bill, it should include reservation for backward classes also which have greater percentage of reservation compared to 22 percent that of Scheduled Castes/Scheduled Tribes. Why did he not bring a comprehensive amendment Bill? Recently, while speaking from different forms in Aligarh, he had said that he will try to make reservation for Muslim Community also. The Supreme Court has talked of 8 percent reservation for upper classes. The condition of Muslims in India is very pitiable. Their position has been deteriorating politically and economically. He should have brought a comprehensive Bill providing for more than 50 percent reservation so as to include reservation for backward Muslim Community also. Therefore, I will appeal to the Government to withdraw this amendment and bring a comprehensive amendment Bill covering Scheduled Castes, Scheduled Tribes and backward classes, which should also provide for increasing 50 percent quota and thereby covering Muslim Community also.

SHRI ATAL BIHARI VAJPAYEE (Lucknow): I regret that I was absent when this discussion started. If it had been notified to us in the morning that the Welfare Minister is going to bring forward such a Bill, I could have prepared myself accordingly and Member's presence in the House would have also been ensured accordingly because there is no difference of opinion about this Bill. Infact the Supreme Court should not have given such a judgment about reservation in promotion for Scheduled Castes and Scheduled Tribes because this subject was not before it for its consideration, but still the court gave a judgement on this issue. As has been said, there is no apprehension of any change in the present promotion system for the next two years. Kesari ji will remember that in the All party meeting I had counselled him not to hurry about this Bill and he should create a consensus. The new Lok Sabha can take a decision on it after elections. At that time I was perhaps singled out. (Interruptions)

SHRI SITA RAM KESARI: You are right. You were singled out.

SHRI ATAL BIHARI VAJPAYEE: Today you have been singled out....(Interruptions)

SHRI SITA RAM KESARI: I will show you the papers, what you spoke. Chandrajeet ji is sitting opposite me. (Interruptions)

SHRI CHANDRAJEET YADAV: It is correct and I stick to their...(Interruptions)

SHRI ATAL BIHARI VAJPAYEE: Mr. Chairman, at that time they could not understand my position and a confusion was created. On that day, I had said that I would not go in the merits but would say that there was no need of making any hurry in this regard. If an immediate crisis would have cropped up and any dead lock had been created, I could understand the urgency for bringing this Bill without any delay.

But there was no such crisis, As has been said, many other questions are connected with this reservation. It should have been brought a little later. Today we do not have the attendance here to discuss such a Bill. It is beyond 6.00 and the House should have adjourned at Kesari ji your work with all you compliments. (Interruptions)

SHRI SITA RAM KESARI: I am sitting here since 12.00 noon. (Interruptions)

SHRI ATAL BIHARI VAJPAYEE: I would like to ask one question. Whether it is a fact that this Bill is being brought hurriedly because some of the Members of ruling party have threatened that if this Bill is not passed immediately they would not support the Resolution on Kashmir? This should be clarified. (Interruptions)

SHRI SITA RAM KESARI: It is totally baseless. (Interruptions)

SHRI ATAL BIHARI VAJPAYEE: Then, why are you making this hurry (Interruptions)

MR. CHAIRMAN: Have you finished?

SHRI ATAL BIHARI VAJPAYEE: Sir, I want to conclude, I do not want to inter into controversy, but I shall again appeal that he can bring it tomorrow, bring it after having discussed it. You please make us understand the reasons for this.

[English]

SHRI SOBHANADREESWARA RAO VADDE: There was consensus and all have agreed to it. Why don't you bring the comprehensive Bill?

MR. CHAIRMAN: Let Shri Jena also speak and the Minister will reply at the end.

SHRI SRIKANTA JENA (Cuttack): So far as our Party's position is concerned, we support this Bill. We not only support this, but we want this Bill to be introduced urgently also. Not just that, we also want some amendments in this. Firstly, it should be before the OBCs also. After SCs STs and sets, OBCs should also be included. Secondly, the 50 per cent reservation question also should come along with it. My only point is that by introduction we are not going to pass this Bill today. We can also discuss this Bill tomorrow and the day after. There is no hurry to the introduction. Let the amendments also be pushed through. We can also put the amendments. But it would be better if the Government brings the amendments. But let the signal not go that we are opposed to this Bill. This kind of an impression should not go across the country that somebody is opposing this Bill. We are in support of this. We also support constitutional protection to the SCs, the STs and the OBCs. Whether urgency the Minister wants to show, I would like to say that we want to go faster than him. But let him bring the provisions along with this that others have suggested.

SHRI A. CHARLES (Trivandrum): At the stage of introduction...

MR. CHAIRMAN: At the stage of introduction there is no full debate. I have allowed only those who wanted to oppose it. Now the Minister may please clarify.

SHRI SRIKANTA JENA: We did not oppose it.

(Interruptions)

[Translation]

SHRI KRISHN DUTT SULTANPURI (Shimla) . I would request him to bring it urgently....*(Interruptions)*

[English]

MR. CHAIRMAN : At the stage of introduction only those who want to oppose, they can speak. How can you speak?

(Interruptions)

MR. CHAIRMAN : Please sit down Now the Parliamentary Affairs Minister will speak.

(Interruptions)

MR. CHAIRMAN : Mr. Sultanpuri, this is not the stage for you to speak.

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK) : A strange situation has arisen. At times, the opposition charge the Government for delay, and today, a senior opposition leader is saying that there is no hurry in bringing this Bill. I would like to say....

SHRI ANIL BASU : It should be made comprehensive...*(Interruptions)*

SHRI MUKUL WASNIK : This situation has arisen because of the judgement of the Supreme Court and because of this judgement. *(Interruptions)*

[English]

MR. CHAIRMAN : Listen, please, Please listen to him.

(Interruptions)

SHRI SYED SHAHABUDDIN : Sir, I am on a point of order. In what capacity is the Minister speaking? Is he opposing the Bill ? Or, is he replying for the Minister ?

SHRI MUKUL WASNIK : Partly.

MR. CHAIRMAN : He is intervening as the Parliamentary Affairs Minister.

SHRI SYED SAHABUDDIN (KishanGa) : He cannot intervene at this stage.

[Translation]

SHRI MUKUL WASNIK . This has cropped up because of the judgement of the Supreme Court which says that reservation in promotion for Scheduled Castes and Scheduled Tribes will end after 5 years. They have the information of the judgement and they do not know how this has affected the morale of employees and officers belonging to Scheduled Castes and Scheduled Tribes, if they had realised it they should not have opposed this Bill at introduction stage.

Keeping in view the way in which it has demoralised these people, it becomes necessary not only to introduce it urgently but also it should be passed by the House as early as possible.

(Interruptions)

PROF. RASA SINGH RAWAT : The House is going to adjourn. The Bill is being introduced at that point of time. *(Interruptions)*

SHRI, MOHAMMAD ALI ASHRAF FATMI : This is a politically motivated speech.

SHRI VASUDEV ACTUARY (Bankura) . What have you been doing during the past three years ? *(Interruptions)*

[English]

SHRI MUKUL NASHIK : Sir, no hon. Member is opposing this Bill on the question of competence of the House... *(Interruptions)* That is what I am saying.

SHRI BASUDEB ACHARIA : Sir, the judgement was delivered in 1992 and the whole Government is behind the Bill today, in 1995, after three years.

MR. CHAIRMAN : Hear him, please.

SHRI MUKUL WASNIK : Sir, so far as the introduction is concerned, the hon Speaker has allowed the concerned Minister to introduce the Bill Therefore, I would like to urge upon the Members that they should not oppose the Bill because in the spirit of the Bill, I think that largely the Members do support the spirit behind the Bill. Therefore, it will not be proper to insist that this Bill should not be introduced. The House may kindly cooperate and allow the Minister to reply.

SHRI BASUDEB ACHARIA : Sir, the judgement was delivered in 1992. For the last three years, what was the Government doing? Was the Government sleeping? ...*(Interruptions)* It should not be brought in hurriedly. Heavens will not fall if it is introduced tomorrow.

[Translation]

SHRI SITA RAM KESARI . Sir, first meeting was held on 14th January...*(Interruptions)* Please listen to me. In that meeting a decision was taken about relaxation of age. Then the meeting was again held on 28th April instead of 24th April. I commend the second meeting on 5th. Shri Chandrajeet ji is saying what is the hurry, he himself has said. *(Interruptions)*

SHRI CHADRAJEET YADAV : What have I said ?

SHRI SITA RAM KESARI : Please listen to me. I am telling. He said that the administrative set up is going to change and we are of the opinion that this would be done in his very session.

SHRI CHANDRA JEET YADAV : Do not say half things. I have said that the limit of 50 percent should be removed and OBCs should also be included. Central Universities should also be covered. *(Interruptions)*

SHRI SITA RAM KESARI : Let me speak. I am telling. *(Interruptions)* Listen,....

It is true that Atal ji had said that there was no hurry but now Atal ji has also said that..... *(Interruptions)* He said that the Supreme Court has discussed the question of reservation

for OBCs, Scheduled Castes and Scheduled Tribes and we have to honor its judgement. This issue pertains to Scheduled Castes and Scheduled Tribes, and they have a sizeable population and therefore, it is essential to amend the Constitution.

A meeting was convened on 4th and 5th May and I have the full record of what all these opposition leaders have said there in.....(Interruptions) You please listen to me. I am prepared to say that this constitution Amendment Bill pertaining to Scheduled Castes and Scheduled Tribes has not been brought in a hurry. We have brought it after holding talks with the opposition, not once but thrice. This charge of the opposition is baseless that this has been brought keeping an eye on the impending elections. You can trust and believe my bonafide intention. You have full liberty to express your views on this Bill. I will not oppose this. Atal ji has said that why such a hurry as been shown in bringing this bill. The CP supported it and said that it should be introduced and they will discuss it later on. All these records are with me. I will place everything on the Table of the House and you will come to know which parties supported it and at what point of time they did so I am not opposed to what Janata Dal is saying. They are right in their own way Devendra ji and the Members of Janata Dal have expressed their views about Scheduled Castes and Scheduled Tribes I myself am of the opinion that there was need for total consensus and it was there Atal ji only said there should be no hurry but he supported it I have brought this bill keeping in view all these things. It has not been brought in a hurry.

SHRI SRI KANT JENA : You have rightly said that except SC, STs there is no unanimity about OBCs. All the parties are agreeable, have the same opinion about OBCs. (Interruptions) Who is opposing ?

SHRI SITA RAM KASARI : I want that OBCs are also covered but there should be a consensus about it.

SHRI CHANDRAJEET YADAV : You should frame some policy about OBCs also.

[English]

MR. CHAIRMAN : You are merely asking questions. You are now allowing the hon. Minister to speak at all. Just allow him to speak.

(Interruptions)

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDHYACHARAN SHUKLA) : Sir, let the hon. Minister make his submission. Then you give the opportunity to the to speak so that whatever they want to say, they can say

[Translation]

SHRI SITA RAM KESARI : Let me speak. Atal ji had said that I have been singled out. But we have united I want to assure you that with the consent of all of you, we will do the same thing for backward classes and OBCs, and your views will be sought in the way they have been sought in respect of Scheduled Castes and Scheduled Tribes.....(Interruptions)

SHRI HARI KISHORE SINGH (Sheohar) : The entire opposition is agreeable but whether the Government is also agreeable because their opinion is important in achieving a consensus. If Government agrees, then the entire House is agreeable. If the Government is not agreeable they should say so.

[English]

SHRI SOBHANADREESWARA RAO VADDE : Sir, this is not an ordinary Bill. This is a Constitution (Amendment) Bill and it requires a large number of Members to be present in the House. Even for voting also, it requires a special procedure. My submission to the Government is that none of the Members who has spoken on this Bill has opposed the spirit of the Bill. But there are several other aspects on which there is a consensus. You may not give effect to such points where there is no consensus. But there is consensus with regard to certain aspect such as enhancement of 50 per cent limit, extension of reservation and promotion facilities to OBCs, etc. Our submission is that you may bring forward a comprehensive Bill incorporating those points on which there is a consensus. That precisely is our point. We are not against the priority of the Bill or its introduction. But the Amendment Bill that you now intend to introduce, incorporates only one aspect That is why we are opposing its introduction.

SHRI SYED SHAHABUDDIN : Mr. Chairman Sir, I am on a very brief and very pointed aspect, Sir, it is absolutely correct to say that there is no differences of opinion in the House on the spirit of the Bill. No one here is against reservation in promotion for Scheduled Castes and Scheduled Tribes. Now, the Supreme Court has set a time limit for it in its wisdom. I am surprised at this moment that while Government has brought a Bill to protect them against the exigency that might arise two years later, something on which the whole House has consensus and something which is not available today to the other Backward Classes has been ignored by the Government particularly because this amendment arises out of Art 16(4) the Working of which can be repeated here in 16(4A) too The only difficulty was whether appointment includes promotion. That is the only point. Now article 16(4) says .

"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.

In the new Clause that he wants to introduce he may duplicate the original wording, viz. 'backward class of citizens' instead of limiting it to 'in Scheduled Castes and Scheduled Tribes' I say this because the phrase 'backward class of citizens' includes everybody. In fact, Scheduled Castes and Scheduled Tribes are also backward class citizens. Therefore, I do not understand why the Government cannot accept our plea that a slightly revised Bill be introduced tomorrow, with only change one suggestion that instead of the phrase 'in favour of the Scheduled Castes and Scheduled Tribes', the very same words that exist in article 16(4), viz, 'in favour

of any backward class of citizens' be incorporated in the new article 16(4A).

I am saying this for only one reason. I am not insisting that the hon. Minister should right away bring a very comprehensive Bill. For that, we shall need more time for discussion. But at least on the question of reservation in promotion which is an indivisible subject, why should he try to divide the beneficiaries into two classes? We shall have no objection to the introduction of this Bill if he agrees to amend the clause, by simply adopting the wording, 'in favour of backward class of citizens' or if he agrees to accept an amendment on those lines from us.

SHRI VIDYACHARAN SHUKLA : The hon. Minister has made it clear while introducing the Bill that in his record, when the leaders of various parties discussed the whole thing, there was complete consensus on providing reservation to the Scheduled Castes and Scheduled Tribes in promotion, whereas for such reservation for the Backward Classes, there was some division...

SHRI CHANDRAJEET YADAV : I am sorry to hear this. There was no division.

SHRI SRIKANTA JENA : The minister is misleading the House. *(Interruptions)*

[Translation]

SHRI DEVENDRA PRASAD YADAV (Jhansi) : There is no division. It is the creation of your mind.

[English]

SHRI VIDHYA CHARAN SHUKLA : It is not my creation you have to listen to me first. Please allow me to complete. Hon-Kesriji has said it and we all have heard it. He has stated that he has to it in his record of the discussion of all-Party Leaders. He has also stated that he can lay it on the Table of the House.

As far as the Government is concerned, the Minister in Charge has already stated that we will bring forward a Bill of similar nature for the reservation in promotion for the OBCs also. This had been made clear. This is being brought only because at this point of time we have the consensus available for reservation in promotion for the Scheduled Castes and the Scheduled Tribes. As soon as we have the necessary consensus on the OBCs also...*(Interruptions)* First, let me complete. I will complete and then I will yield.

Sir, I was submitting that as soon as the consensus for reservation in promotion for the OBCs is available, the Government would bring forward a Bill immediately.

Sir, as far as the point raised by Shri Venkateswara Rao is concerned,*(Interruptions)*

SHRI SOBHANADREESWARA RAO VADDE : What about the status of the ST Christians ?

SHRI VIDHACHARAN SHUKLA : I would like to say that the introduction of a Constitution Amendment Bill does not require two-thirds majority or anything like that it can be introduced and passed by a simple majority. We do not want to divide the House on this point. We would like to have the

entire House behind this Bill. Everybody has accepted the spirit of the Bill. The only point is : Why the OBCs are not being brought in alongwith the Scheduled Castes and the Scheduled Tribes ?

An explanation has been given by the hon. Minister that he had held a meeting. All the Leaders of the various Parties were present; and according to his version which just be taken as an official version, he was the head of that meeting as far as this particular section was concerned, there was unanimity; there was no such unanimity available for reservation in promotions for the OBCs. Therefore, after this is done, he would try to get a unanimity on the other measures also for the OBCs. So, on that pretext this important Bill should not be blocked. Since the Bill has been moved for introduction, I would request the hon. Members present here to allow the introduction of the Bill so that it could be taken up. I can assure this House that the Bill providing for reservation in promotion for the OBCs would also be brought forward by the Government..... *(Interruptions)*

SHRI SRIKANTA JENA : Sir, let me put the records straight. Let there not be any confusion about the consensus on the question of OBCs and raising the level of reservation beyond 50 per cent All political parties are unanimous on this issue. The mind of the Government is divided on that.

SHRI VIDYACHARAN SHUKLA : No, we are not divided on that.

SHRI SRIKANTA JENA (Cuttack) . Then, why do you not say which Party is opposed to this ?

SHRI VIDHACHARAN SHUKLA : Please do not raise it ... *(Interruptions)* it is not the point.

Sir, I would like to request the hon. Member, Shri Srikanta Jena not to unnecessarily raise the point which is not in contention here. I have already stated that there would be no problem in introducing that Bill. According to the Minister concerned, the Minister in-charge of the subject, there is some difficulty about the consensus and that difficulty would be removed. As soon as that difficulty is removed, the other Bill would also come forward.

SHRI SRIKANTA JENA : We are not opposed to the introduction of this Bill.

SHRI VIDHYACHARAN SHUKLA : Then, why do you not allow the introduction of the Bill ? *(Interruptions)*

[Translation]

SHRI HARIKISHORE SINGH : Mr. Chairman, it is the will of the House that OBCs should also be covered in it....*(Interruptions)*. You can bring forward it tomorrow, if not today, it should provide reservation in promotion for OBCS.

[English]

MR. CHAIRMAN : Now, let the Minister explain please.

(Interruptions)

MR. CHAIRMAN : We have heard all your views. Let the Minister say now.

SHRI ANIL BASU : Sir, it is wrong to say that there was

no unanimity regarding other aspects of the judgement of the Supreme Court. Through this Bill, they are sending a very wrong signal to the people of the Backward Class, the Scheduled Castes and the Scheduled Tribe communities and are trying to divide the poorest of the poor of our society.

MR. CHAIRMAN : That is his record.

SHRI ANIL BASU (Arambagh) : He is sending a wrong signal to the country. *(Interruptions)*

SHRI SITARAM KESRI : I will produce it tomorrow.

(Interruptions)

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 SITARAM KESRI : I introduce the Bill.

MR. CHAIRMAN : The House stands adjourned to meet at 11 o'clock tomorrow the 1st of June, 1995.

18.56 hrs.

[The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 1st June, 1995/Jyaistha 11, 1917 (Saka)]

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