

MR. DEPUTY-SPEAKER : The question is:

"That leave be granted to introduce a Bill to provide for special benefits to the physically handicapped persons".

The motion was adopted

SHRI RAMESH CHENNITHALA : I introduce the Bill.

15.48 hrs

CONSUMER PROTECTION (AMENDMENT) BILL
(Amendment of section 13)

[English]

SHRI RAMESH CHENNITHALA (Kottayam): I beg to move for leave to introduce a Bill further to amend the Consumer Protection Act, 1986.

MR. DEPUTY-SPEAKER : The question is:

"That leave be granted to introduce a Bill further to amend the Consumer Protection Act, 1986."

The motion was adopted

SHRI RAMESH CHENNITHALA : I introduce the Bill.

15.49 hrs

THE MAHARSHI VALMIKI NATIONAL UNIVERSITY
BILL*

[Translation]

Shri Mangal Ram Premi (Bijnor) : I beg to move for leave to introduce a Bill to establish and incorporate a University at the National Level for the promotion of creativity and for matters connected therewith or incidental thereto.

[English]

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill to establish and incorporate a University at the National Level for the promotion of creativity and for matters connected therewith or incidental thereto.

The motion was adopted

[Translation]

Shri Mangal Ram Premi: I introduce the Bill.

15.50 hrs

CONSTITUTION (AMENDMENT) BILL*
(Amendment of article 39, etc.)

[English]

M.KRISHNASWAMY (VANDAVASI): 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 M.KRISHNASWAMY : I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL*
(Amendment of article 269, etc.)

[English]

SHRI CHITTA BASU (BARASAT): 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 CHITTA BASU : I introduce the Bill.

15.52 hrs

ACQUISITION OF CERTAIN AREA AT AYODHYA
(AMENDMENT) BILL*
(Amendment of section)

[English]

SHRI SYED SHAHABUDDIN (KISHANGANJ): I beg to move for leave to introduce a Bill to amend the Acquisition of Certain Area at Ayodhya Act, 1993.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Acquisition of Certain Area at Ayodhya Act, 1993".

The motion was adopted.

SHRI SYED SHAHABUDDIN (KISHANGANJ): I introduce the Bill.

15.53 hrs

RESERVATION OF POSTS FOR SCHEDULED
CASTES AND SCHEDULED TRIBES
(IN GOVERNMENT SERVICES) BILL - Contd.

[English]

MR. DEPUTY-SPEAKER: Now we shall take up item no.27-further consideration of the Reservation of Posts for Scheduled Castes and Scheduled Tribes (in Government Services) Bill.

Shri Kalka Das was on his legs. Shri Kalka Das, you have already taken 19 minutes. Now you may continue your speech.

[Translation]

SHRI KALKA DAS (Karol Bagh) : Mr. Deputy Speaker, Sir, I had expressed my opinion on the Private Members bill regarding reservation for SC and ST, moved on 9 December, 1994. I was through half of my speech when the House was adjourned. You have given me some time again so that I could complete my speech.

Hon. Deputy Speaker, Sir, this reservation benefit which has been given to this downtrodden and depressed class is a result of prolonged and protracted struggle. I

had said in this connection that after a prolonged struggle, Pune Pact was signed between Gandhiji and Baba Saheb Ambedkar. Our country got independence in 1947 and then our Constitution was framed. Then the Government provided Constitutional rights to this class that 17 percent and 7.5 percent of reservation benefits will be given to SC and ST people respectively, but it is a matter of regret that even after 45 years of our independence, the reservation facility has not been given to these people completely. Political parties used this issue as a tool and they kept promising them that sooner you would be given your due only to be delayed for longer and longer time.

Mr. Deputy Speaker, Sir, I will prove from the figures given by the Government that these people have not been given justice. The Constitution has envisaged a solution to this national problem yet the Government has been ignoring it.

22.5% reserved seats should have been filled up in Group-A but only 9.31 percent of seats for S.C. were filled up, and 3.06 percent of seats for ST were filled up. Whereas the Government has repeatedly assured that very soon they will fill up these posts through special drive. Similarly, in Group B 12.17 percent seats for SC and 2.35 percent seats for ST were filled up. In Group C 15.91 percent seats for SC and 5.43 percent seats for ST were filled up.

Mr. Deputy Speaker, Sir, in the public undertaking 6.40 percent seats for SC were filled up in Group A but rest of the seats are vacant. It is said that suitable persons are not available for these posts and these posts are filled up by General category candidates. From the year 1989 a ban has been imposed on such recruitments and these posts are lying vacant. During the last 45 years the Government has filled up 1.54 percent seats in Group A and 0.05 percent seats in Group B for SC and 2.53 percent seats for ST.

Mr. Deputy Speaker, Sir, Aligarh Muslim University has got 0.02 percent teacher from SC whereas the Government provides 100 percent grant to it. The same is the position in Jamia Milia Islamia, Delhi, where the strength of SC teachers is 1.3 percent whereas the Government provides entire grant.

Now these data reflect as to how this class was befooled in the name of reservation, and how they could not get justice. 22.5 percent seats should have been filled up in group 'A' category of Banking sector whereas only 10.24 percent seats have been filled up. Seventeen percent of seats for SC and 7.5 percent seat for ST should have been filled up. Despite the constitutional promise for 45 years, only 3.34 percent seats have been filled up. You must be feeling amazed after knowing that in category 'B' of Banking Sector where only matric and graduates can be recruited the position is also pitiable. Whereas the educated unemployed in large number can be found in every field in our country. There are long queues of unemployed SC people in Employment Exchanges. There are about 3 crore unemployed people in our country out of which a large number is of SC

candidates. In 'B' category seventeen percent of posts should have been filled up whereas only 4.45 percent of posts have been filled up and 4.56 percent of posts for ST have been filled up. Thus these youths are being misled in the name of reservation and the Government may see what kind of game is being played with them.

In this context I had told in this august House earlier also that the provision of reservation was based on the basis of population and according to the 1991 census their population has been increased. Previously, which was 22.5 percent and 17 percent has now increased by 16.14 percent and 8.08 percent. Hence reservation should be increased from 22.5 percent to about 25 percent. This class is being subjected to injustice in all parts of the country not only in regard to reservation but in other fields as well. The issue of backward class was raised in the Supreme Court. The Scheduled Castes has nothing to do with it. The Supreme Court had passed an order that reservation in promotion would be withdrawn after five years. The Minister of Welfare has said several times in this House that the Government is going to introduce a bill to amend the constitution but no effective step has been taken by the Government in that direction. I think that there are some political parties and some people in our society, who want to keep them as their 'Vote Bank' or make them slaves forever. They are hatching up such a conspiracy so that these people may become more and more weak. I would like to urge that such a step would prove a suicidal step. If 25 percent citizens of the country will remain crushed the country will not become powerful. If we wish to make our country powerful, then rising above petty interests we will have to make efforts to strengthen those people who are socially, politically and economically backward. It has been declared in our constitution that untouchability is unconstitutional and illegal and there is stringent punishment for it. But even today in villages, untouchability is rampant and nobody is punished. Today a man hates a man. One class considers it self superior to others on the basis of untouchability and believes that those born in Scheduled Caste are meant to serve them. Such mentality is evident in the country even after independence. Even today according to official data more than half of our country's population live below poverty line and out of them 80 percent are dalits and SC but nobody is paying attention towards them. Earlier, our country was treated as spiritual guide whole over the world. People used to come here for learning and culture. Now more than half of the total population in that country are illiterate and among SCs the percentage of illiterate people is 90. Neither their economic problems nor their educational and social problems have been solved so far. Even today if they ask for their wages their tenements are set ablaze in any part of the country. Atrocities are being committed on them.

Scholars have said that injustice is root of violence. If any society does injustice to anybody, he follows the path of violence. The Government is unable to assess the number of hurdles falling the way of our social development. Even after 47 years of independence the

way which injustice is being met out to this class and the way favouritism is being shown and this class is being deprived from their rights, it is causing discontent among these people. They are discussing this injustice among their people and they are being united. If their discontent explodes it would be detrimental forces. We are patriots and we want the development of this country. They are not at fault. If they will not get justice then they will take some other course. Terrorism arose from it. Whether it is Punjab, Andhra Pradesh or Jammu and Kashmir, everywhere injustice is the root of terrorism. Such situation should not arise that 25 percent people of the country may not deter from mainstream. So justice must be given to them. Reservation is not necessary but to work for it is necessary. Half century has been passed but we could not even make them educated. If we say that no suitable candidate was found the post it would be an excuse. It is not a political game but a national problem. We all should think over it unanimously. The Parliament is the biggest Panchayat of our country. Here we have discussed this issue several times and so many social issues have been raised. In order to provide justice to them, all the posts reserved for them should be filled and reservation quota should be increased in proportion to their increased population. Education and equality should be provided to them.

I would like to urge that they should be provided reservation not only in Government services but they should be appointed to the posts of Governors, Lt. Governors, Chancellors, Vice-Chancellors, Ambassadors etc., otherwise neither they will be benefited nor they will get justice. Therefore as I have said earlier that the people belonging these categories should be appointed on higher posts by chalking out a plan in this regard. Our aim for the upliftment of these people can only be achieved if they are appointed on higher posts. When the people from these castes will be appointed on higher posts the morale of society would be boosted and injustice would not be meted out to these people because people posted on higher posts would be able to protect their interests in a better way. With these words I conclude and thank you.

[English]

MR. DEPUTY SPEAKER: There are seven Hon. Members to participate in the debate and the debate shall have to come to an end at 4.30 p.m. So, this should be kept in mind while making the speeches.

[Translation]

SHRI MOHAN SINGH II (Deorio) : Mr. Deputy Speaker, Sir, first of all I wish to thank the Hon. Member, who with very noble intentions, has presented this bill regarding social transformation in this House. The objective of this Bill is that the provision of the reservation in Government services for SCs and STs made in the constitution of India should be implemented fully because even after so many years of Independence, the reservation quota in various department has not yet been filled up completely. The report of the Commissioner for SC and ST was regularly laid on the table of this House

till recently. It is evident from the reports that in class I posts of Government services not more than 50 percent posts the reservation quota are filled up and always a backlog remains there. In class II posts, 55 percent quota is filled up and a backlog of 45 percent remains there. The same position prevails in class III posts. The quota in class IV is filled up totally.

Being irked to see such position, a commission for Scheduled Castes was set up separately by giving them a special constitutional status. It is the bitter experience of the Commission that despite all efforts, the required quota in class I and Class II posts is not filled up. This situation is prevalent not only in the Government service but the irony is that the institution of judiciary. Where it is presumed that they will deliver justice, do also injustice to them when in Higher and junior judiciary reservation is not being provided to them. There are so many representatives in this House who belong to SC and ST category. This Lok Sabha has completed its four years tenure however even today such an unfortunate situation prevails in the country that the provision of reservation granted in the constitution is not being implemented even in Judiciary, from where we get justice. The reservation quota is not being followed in recruitment in Central and State Government judicial services. Hence I would like to make an appeal to Hon. Minister at first instance that the provision of reservation should be implemented in the judicial services because the Constitution of India has given them right of reservation.

The Constitution of India was prepared by special efforts of Mahatama Gandhi and his resolutions were included in it, he had also decided even to sacrifice his life on the question of reservation. In order to save his life, the leaders of this country on the basis of national consensus had made such a constitutional provision. The Government has issued a notification regarding reservation in Government jobs, however, despite that the quota is not being filled up and this is our main objection, I demand that a notification for providing reservation in judicial services should immediately be issued, these people are greatly concerned about it. Hence, taking this opportunity, I would like to make an appeal that Government of India should make efforts to implement the provision of reservation in the judicial services without any further delay.

My second demand is that there are so many educational institutions functioning in this country, however in the matters of appointing Vice-chancellors and teachers and professors, there is not provision of reservation in Educational Institution in our country which are imparting higher education and get aid from Government of India, and function with the 50% assistance from State Government and rest aid from University Grant Commission.

I regret to mention it that often such complaints are being received in most educational institutions, and Universities that there is no inter-dining system in hostels there. It is not a simple matter of regret that even after so many years of independence in the country of

Mahatma Gandhi we could not set up such hostels where all students without any discrimination of caste and creed can take their meals together. There is nothing more disgraceful than this act. It is a slur of our Indian way of life and a blot on our intelligentsia.

Mr. Deputy Speaker, Sir, I would also like to state that the State of which I belong, after our utmost efforts, the Government of U.P. for the first time in history, a Chancellor has been given that post. We would like to thank the State Government through this House for having done so but just one appointment would not suffice. What I mean to say is that special attention should be paid to the percentage of their population while appointing the Chancellor. So far as the teachers are concerned, nowhere have the vacancies been filled. Even in the universities fully aided by the Central Government, the stipulations are not being fulfilled and there are not even one percent of such teachers. I want to make this allegation.

Mr. Deputy Speaker, Sir, meanwhile I would like to state that the Constitution of India has a provision that the legislation relating to reservation would be taken into account the proportion of the SC and ST population. The referendum of 1991 and the census of the same year prove the fact that their population has increased by 4% and despite this increase, the Government of India is not considering introducing any constitutional amendment to the effect that their number in this House and the Legislative Assemblies should be in proportion to their population, even though this is the last year before the Parliament dissolves. I would like to take this opportunity to request that the right which has been granted to us by this House and the Constitution of this country that the amendment should be made in the Constitution of India in order to fix the number of members in the Legislative Assemblies of the States and in the Lok Sabha in proportion to the population. Similarly in the State Legislative Assemblies, wherever they exist and in the Rajya Sabha the number of members should be proportionate. We should make such a provision by making amendments in the Constitution.

Mr. Deputy Speaker, Sir, I strongly support the bill with these words and urge the Government to make at least a declaration to such an effect that along with filling the required percentage in the Government job, we would make provision to fill the posts in Judicial services also.

Mr. Deputy Speaker, besides I also submit that under the changed circumstances when the new economic policy has been accepted in this country, the Private Sector is expanding however, in the PSUs the quota of jobs under Class-I and Class-II has not been filled. Now that the Private Sector is taking over, the multinational companies are coming, the chances of entry in the Government services, granted by the constitution are shrinking. The outreach of Private Sector is increasing. Hence we must try to get this legislation implemented in the Private Sector both in the national and the international companies because it is the biggest medium for bringing social change and for transformation of the

society. We will try to get the reservation policy implemented in the Private Sector of this country and in the multinational companies with the help of this medium. It is essential.

With these words, I conclude my speech and thank the Deputy Speaker for having given me the time.

SHRI MANGAL RAM PREMI (Bijnor) : Hon'ble Mr. Deputy Speaker, Sir, I am grateful to you for having given me the opportunity to speak on this bill. Two Hon'ble Members have spoken and have also given the date but none of them has said a word about this community and that these people infact constitute a community may out to put on end to the atrocities being committed on them or for the sufferings they are facing. I would like to put up before the Hon'ble Minister, the position a Safai Karamcharie has even after 45 years of Independence. At times, he does not get any salary for ten months at a stretch and their funds and provident funds are also unaccounted for at times. The Government says that it is doing a lot of work for the SCs and the Safai Karamacharies. I would like to make just one submission that they should not be put to trouble. I am not speaking about the employees of the Central Administration. I am stating the conditions prevalent in Municipal Corporations, Notified Area, what is their condition in India. The Minister would say that a commission has been constituted for them. I will tell you about the working of that commission also. They have formed a policy no doubt but their intentions are not noble. The commission for scheduled tribe was constituted and it has got full-fledged power. The Commission for Backward classes was constituted and was granted full-fledged power. The Minorities commission has full-fledged power but the Safai Karamcharie does not have even this much of power that he could question the officers as to what have they done for their employees. They can't lodge a complaint against any officer. This is the condition of that commission. They have been given a vehicle, that too a taxi. In the evening, they are asked to sign a plain paper. I too, am a member of that commission and that's why I am telling you. The commission was constituted on 12 August, 1994 and on that every day, the date of its death was fixed that the term of this commission would come to an end in 1997. Through that commission, many a middlemen made a lot of money through vehicles. There is no restriction on those vehicles. The Safai Karamcharies of India are facing a great danger. Would the said commission be able to set their condition right in a period of three years? If the intentions of the Government are noble, I would like to urge the Hon'ble Minister first of all to increase the time limit of that Commission just as has been done in the case of the Commission for SC and others. The term of this Commission should be for life time, only then their problems would be solved. You should give full powers to the commission could function on its own mettle. It could ask any official as to why they didn't give the money to the Safai Karamcharies. The grants are given by the Central Administration, the Central Government which is utilised in the States. If so much money is

released, how much of it would reach the states is not known. When the money is released by the State Government, it comes under the control of D.M. in the district and thus the flow being released towards one direction gets diverted in the other direction. In other word, it is not flowing towards the needy; the help is going towards one direction and on the other hand, the needy are suffering and nobody is there to look to this problem.

I would request the Hon. Minister, to pay attention to this problem. I say this with full confidence that the time has come when the community has got fed up with the State of hunger and non-payment of salaries for one year. If they shed their broom and questions as to why they are supposed to carry the night soil, you will have to face not just one but several plights. How will you be able to save India? If you have a look, at several places they are on strike. The cities are full of heaps of garbage. They are not picking up garbage, they are not doing any work. We visited all the States and saw the conditions prevalent. While coming back from Bengal, I got down at Patna station and when I was traveling by a vehicle. I had to cover my face while traveling from the Station to the Guest House. This is the condition in Bihar. In Bengal when they carry drums of night soil, one feels ashamed by the sight. But this government does not feel ashamed and does not have any knowledge about this. I have made suggestions to the Government several times not to make them dependent on someone. The Municipal Corporation states that as they have no income, they do not earn any money, how could they pay salaries, they are helpless and in this case these people should be taken under the control of Central Government and as for their salary, the hon. Minister who is present here is requested that they should be paid their salaries through the Department of Health or through post offices, only then they can get their monthly salary and their funds can be traced. Otherwise their fate is not known.

The Commission should be given full power and all the work relating to the commission should be taken up. The Chairman of the Commission, who has full power has not got a house in Delhi even after six months. No Member of the Commission has been given a house. Mr. deputy Speaker, I could get a House only because I am an M.P. Deputy Speaker, I could get a House only because I am an M.P. otherwise the rest one are literally on the roads. The State Government Guest Houses have also asked them to vacate the place and have told them they cannot put them up for long that is why they have left those Houses. Except me, the rest of five members have been denied this facility everywhere. (Interruptions)

PROF. RASA SINGH RAWAT(Ajmer): It is a very sorry state of affairs.

SHRI MANGAL RAM PREMI: You have simply stated that it is a grievous matter, but they are aggrieved over the way they are suffering these indignities. You should be answerable as to what kind of Commission has been constituted by you. Why have you constituted the

Commission in such a way that we cannot seek any explanation from anyone, we cannot ask any D.M. about anything. We have visited and inspected the states and we have made a survey of all the states of India. When we went to Ranchi, we saw a book published on behalf of the Department of Social Welfare which had details regarding the minority community and the surveys done regarding them what does our survey show, what is the survey of the Government. When we asked about the survey done about whole of India they stated that there are 5 lakhs Safai Karamcharies. I told them that this figure is totally wrong.

He began to quote it seven lakhs, 9 lakhs at which I said that it is totally wrong. There are 10 crore Safai Karamcharies in India but they are not believing it. When we went to Bihar, I asked about their survey report they said it is 99. We asked about the number of Safai Karamcharies in the State and they put this figure at three thousand. We said whether the Brahmins or any other are doing this work. How did they figures in the survey? There are Safai Karamcharis in School, District Council and hospitals also.

There is no such place where the Safai Karamcharies is not working. All of them out to be included in the data. Under what rule has the National Commission for Safai Karamchari been constituted? Whether it would benefit these people?

Sir, it is a matter of making the poor poorer. These people are troubled. They should be given a place to live in. The Chairman and the five members of the Commission are homeless in Delhi. They don't have any home. They haven't got house even after seven months. They are on the roads. My point is that the report of the Commission should be presented in the Parliament. But who will prepare the report? They do not have any staff or office which leaves them with no basis to prepare the report. My submission is that the matter should be taken up by the Central Administration and they should be paid salaries and funds either through the Department of Health or the Department of Post and Telegraph. Their Provident Fund is not deposited anywhere. That is why I have moved the Maharishi Balmiki National University Bill so that they get all full facilities, they could move a little higher up the social ladder and improve their situation in society.

Sir, Mr. Mulayam Singh is an M.L.A. from Nidholikalan, U.P. and there too the Safai Karamcharis haven't got any pay for the past 24 months. How can such a community prosper? Such a community would be able to get the children educated, get them admitted to good colleges. However, so long as they are not helped to rise above their present position and this community won't be able to make a progress. These people are suffering. Due attention should be paid to them.

Sir, my submission is that they should not be troubled, attention should be paid to them. These people are ready to throw away their brooms but they should be given facilities you should something for them as well. If

you won't help them, what is the use of constituting the commission. If you have constituted the commission, You should give it power otherwise this commission should be disbanded. After having done so, you have been absolved of the blame because you have constituted the commission. However its Chairman and the members have been caught in this trap. They are finding it difficult to face the world. Either you should disband the commission or if you have constituted this commission, it should be given the status of a commission, which ever way you would prefer to go about it.

[English]

MR. DEPUTY SPEAKER: The time allotted for this subject is over by 4.35 PM. Is it the desire of the House that we shall extend the time by another one hour ?

SEVERAL HON.MEMBERS: Yes.

MR. DEPUTY SPEAKER: There are eight Members to participate in this debate. We shall extend the time by one hour.

SEVERAL HON.MEMBERS: Yes.

MR. DEPUTY SPEAKER: Time is extended for one hour and there are eight Hon. Members to participate in this debate. It is up to you to save time and to put forth the relevant points so that the Government can apply its mind and take your valuable points for implementation.

SHRI YAIMA SINGH YUMNAM (Inner Manipur): Sir, as you wish, I shall be only to the point. I rise to support the Bill.

I wish that with the passing of the Bill, we shall be able to promote the interests of the SC/ST in our society. We all agree that we have to provide more facilities to this section of the people in national interest.

The proposal for the reservation of seats in the higher category of posts is appreciated and if the Bill is passed, it will give more facilities to these people.

However, I would like to point out some difficulties that we have been facing. I am agreeable to the reservation of certain percentage of posts. But as regards promotion for higher posts, the matter may be re-examined because we have experienced some difficulties in running the administration, particularly in the State of Manipur because it is provided under the Act and it has to be implemented. According to the rules prevailing in my State, it so happens that a junior will supersede the senior. A very junior lecturer or teacher can become senior to the Principal or the Headmaster. Likewise, in the higher categories of posts also, according to the Roster, a junior supersedes more than a dozen officers and comes to that senior post by virtue of that reservation. Sometimes, it becomes a problem in running the administration because it demoralises those who are superseded.

So, I think it requires to be looked into very seriously. In Manipur, 33 percent of posts is reserved for Scheduled

Tribes and about 2 percent of the Scheduled Castes because the population there in Manipur in respect of Scheduled Castes is very less. So, the Scheduled Tribe people have the privilege of superseding so many senior officers belonging to the general community. When we were in the Administration, we experienced this problem. Sometimes, it demoralises those officers who have been superseded by the juniors. Therefore, I would like to draw the attention of the Mover and the Government also to the fact that when it is considered it should be considered in depth and this problem also should be looked into. But reservation in respect of direct recruitment is agreeable. It is almost for the purpose of promotion of the Scheduled Tribes. I appreciate it. I also support this in the light of the above position.

Sir, I am participating in this debate in order to make only one or two points which are very relevant. There are certain sections of people who have been left out from being listed as Scheduled Castes and Scheduled Tribes in Manipur. If the procedure for listing the Scheduled Castes and Scheduled Tribes had been adopted correctly and regularly, they would have been deemed scheduled Castes and Scheduled Tribes. There has been some misunderstanding or misarrangement or somewhere it was missed with the result that some deserving sections of people have been left out. So, it creates problems. So many persons belonging to these sections are being denied of this privilege, the facilities of the Scheduled Castes and Scheduled Tribes in the State of Manipur.

As regards the people who have been left out in Manipur, to cite an example, there is one section of Scheduled Tribe people called *Paomai*. I have been putting up a proposal and through a Bill also in this House so that it can be rectified and those people can be listed as Scheduled Tribes. Moreover, the *Kukis* have also been left out. So, I draw the attention of the Hon. Minister who is looking after the welfare of Scheduled Castes and Scheduled Tribes to look into the matter and dispose it of as early as possible so that they can also enjoy the privileges and facilities provided for them. This is most important. I would like to raise this in this House.

1642 hrs.

(Shri Peter G. Marbaniang in the Chair)

Lastly, while taking advantage of this discussion on this issue, I am also raising the question of implementation of the OBC quota. If that is not implemented properly on time, people belonging to this section will not be getting any chance. So, I would like to request the Hon. Minister to look into it. In Manipur, the facilities are not given to the OBCs. They are not implemented in that State. Therefore, I would like to draw the attention of the Hon. Minister once again to this aspect so that the facilities meant for the OBCs can be implemented in the State of Manipur also.

With these words, I conclude.

SHRI SYED SHAHABUDDIN (Kishanganj) : Mr. Chairman, Sir, the principle of reservation in public services has now been accepted by the nation and is now the accepted policy of the country and the entire political system. Indeed, it is in tune with the call of the times because today any community, any sub-community, any group or social group wishes to enjoy a sense of participation in the administration, wishes to have a sense of association and the prestige and the status that go with it particularly in a developing country like ours. This is as it ought to be. The facts that have been presented here cannot be denied and add a sad commentary on the manner in which we have implemented this national policy, that in the case of the Scheduled Castes and the Scheduled Tribes, more than 45 years after they were introduced, the quota still remains to be fulfilled. And that applies to any category, any grade in any service. In fact, one statistical play that we often make is that even in Group D, they are bifurcated in two parts, including sweepers and excluding sweepers. We are very happy and we try to demonstrate to the wide world and say, 'look at the figure. We have over fulfilled the quota including sweepers in category D. But the fact remains that if we exclude the sweepers in category D, the quota has remained unfulfilled to a very large extent. These facts are well-known. Now reservation has been extended to OBCs. Are we going to play a similar political game?

SHRI SRIBALLAV PANIGRAHI (Deogarh) : Are there any Non-SC's among the sweepers ?

SHRI SYED SHAHABUDDIN: No.

[English]

I think, we are going to play the same sort of political game with OBCs. Nobody goes into the heart of the problem to find out what exactly has gone wrong.

Before I give my suggestions, I would like to point out that posts in higher categories with which the Bill deals, are filled largely by promotion and only sometimes by direct recruitment. If they are by direct recruitment, there is no problem, the same quota applies. When they are by promotion, there are two methods. One is promotion on the basis of seniority-cum-fitness and the other is promotion on the basis of merit. Merit is a very ambiguous word and a term which has often been misused. In the light of our social preferences, in the light of our own inbuilt prejudice and bias, we define merit in a manner that brings into the category or zone of consideration. Those who are like us in some way or the other whether it is the school tie or the culture or the language or what have you and keep out those who are not like us, who are unlike us, 'We' and 'They' syndrome applies in this definition of merit.

I had been in Government service. And I will be very frank with you. We have attempted many times to define a more effective, a more just system of selection, a better system of reporting of the confidential reports. Unfortunately, I do not think the Government have yet succeeded in having any foolproof system which would

take away the inherent vices of selection by merit or promotion by merit. And, therefore, I personally feel that if promotions should be guided more by the simple principle of seniority-cum-fitness, eliminate those who are palpably unfit and then give selection on the basis of seniority.

Perhaps that is far more just in the long run and far more effective in giving effect to the policy of reservation that we have applied. Sir, the Supreme Court has ruled out in the case of Indira Sahani that the reservation is not to be made in respect of promotion. Therefore, there is a feeling that perhaps it might also be taken away in the case of Scheduled Castes and Scheduled Tribes. I am sure that is one indication of the sort of social pressure that has been raised against reservation in promotion because the fact is and we must also take that into account that sometimes reservation in promotion has created social tension and distributed the bureaucratic hierarchies within the same office. That has perhaps been responsible for creating a lot of anti-reservation stance in the country. Then in doing what would have been desirable is that sometimes it becomes difficult to apply the principle of social justice and the principle of reservation in the spirit that we want.

Now, there are other aspects. We calculate the quotas on the basis of current vacancies. My personal feeling is that in any service or in any group or at any level you must calculate on the basis of the total cadre strength. If you apply the principle of reservation, it must apply to the cadre strength and not merely to the current vacancy. If you apply the principle of current vacancy then even if the candidates were available. It will take 30 or 35 years before you would be able to fulfil the quota.

Therefore, there is one other method of cheating the system, cheating the principle of reservation. We go on calculating the reservation quota on the basis of the current vacancies and not take into account the total cadre strength. Now, all these aspects are there. The Primary problem is, which is a fact, which you must face because there is no escape from the truth, that 45 years after Independence, many social groups in our country are not yet educationally developed to the point where they can throw up adequate number of qualified candidates. Why is this so ? Primarily because while we have laid emphasis with a political motive on the question of employment, we have ignored totally the question of education, which was one of the imperative under the Constitution. In fact, I have said it on the floor of the House that if I were to be asked to point out one single major failure of the Republic since Independence and since the Constitution came into force, it is the failure not to have introduced free and compulsory education up to the age of 14. If we were to do that would create a mass base which is bound to throw up sufficient number of candidates for the higher stages. But, that has not been so. The lower the community or lower the group in the social strata the higher is the fall out rate, the lower

is the enrolment rate. Therefore, left to itself, the system is never going to find never to allow you to have sufficient number of qualified candidates. That is the major lacuna. That is why I first plead with the Government that if they are really sincere about the system of reservation in public employment, one thing that must be done is whatever be the cost to the nation to devote sufficient resources to introduce immediately the free and compulsory education of good standard, not merely for namesake, not merely for just creating a set of statistics, but really or uniformly good schools for the lower strata of society and see to it that all our children receive education to whatever class they belong. I think then we shall have in ten years time sufficient number of candidates who would be able to fit the bill.

Sir, one thing more. So far we have always dealt with these matters in an *ad hoc* basis. Even the 50 percent limit that we have developed is an absolutely arbitrary limit. I think what we should have done is to have a proper census and that is again what we have not done since 1931. To have a census of each community so that you know exactly the population of each social group, you know its educational status, you know its economic status and work out, what I would call, the index of backwardness.

For the index of backwardness, I would take our Scheduled Caste and Scheduled Tribe status as the zero base, the index being 100. There may be other communities whose index will be 70 or 80. Then the quota for that backward community, for any backwardness is now determined with reference to a set of uniform parameters applicable universally across the social spectrum, you would be able to precisely determine the reservation quota that it should be entitled to, just by multiplying the population factor with the backwardness factor. This should be totalled up. If you have got ten groups which you consider to be backward, backward in relation to the average levels of society, you add it up the indices for all the ten and you will come to a total figure, for any district, you will come to a total figure, for the entire state, you will come to the total figure for the whole country. Thus scientifically determined, it should be possible not to leave any misgivings in anyone's mind that they are being left out or they are not being treated fairly or somebody is being treated generously or somebody is being ingored; all those subjective factors will be totally eliminated from the system if you apply a scientific method of determination of backwardness level of each and the total limit of backwardness in this manner and not have an *ad hoc* figure whether it should be 80, it should be 83 or 73 or 75 or 55 and then come to the House and say give it constitutional protection. That is an absurd method of dealing with the situation. I just cannot think of any worse sort of *ad hoc*ism. Therefore, we should start with this that we reject this idea that the total reservation must in all circumstances, in all states, in all districts and in the nation, for all communities should be limited in 50 percent. It may be limited to 50 percent,

it may be even less than 50 percent in some. I do hope as the time passes the index of backwardness will decrease and the level of reservation that you need will decrease and there may come in the fullness of time a day when no community will need to have a reservation and then you could completely eliminate reservation in the fullness of time. That may be a very distant future. But at least theoretically it opens a way every ten years according to the census, for reworking the reservation quota for each group and each sub-group for every jurisdiction and then working out a new total. That should be done every ten years.

Some friends here mentioned about the small participation by the Scheduled Castes and Scheduled Tribes in minority institutions and they named here the Aligarh Muslim University and Jamia Milia Islamia. We must be very clear in our mind. Are these minority institutions or are they not minority institutions? If they are minority institutions, then the benefit of those institutions. I do not say exclusively should go to the community concerned, at least the major part of it - should go to the community concerned. There is no point in benefiting one weak section at the cost of another weak section. There is no point in that. Of course, if there was a system that the Muslim of India were to get a reservation of ten percent or twelve percent in every university of the country, then by all means I would have been the first person to say that the reservation quota in its fullness should be applied even to Aligarh Muslim University and to Jamia Milia Islamia. But it is not so. Therefore, I would request my brothers, please do not grudge it if we have a slightly visible presence in these two universities.

I therefore sum up. First, all promotions as far as possible should be on the basis of seniority-cum-fitness; that the computation of the reservation quota should be done in a scientific manner by defining a set of parameters which should uniformly apply to all communities and all groups and then for a region it should be totalled up according to its population, or what I can call, the social demography of that particular region, because the social demography varies from district to district and from State to State. Thirdly, the jobs must be classified and related to a jurisdiction.

1700 hrs.

For example, for Class IV jobs, recruitment should take place locally; for Class III jobs, recruitment should take place within the district; for Class II jobs, recruitment should be on the basis of the whole State; and surely, for Class I jobs, recruitment should be on the basis of the nation, as a whole. In that case, you would be able to facilitate administration in many ways. This may cause a certain problem with the Constitution. That is a question of domicile. You cannot discriminate on the basis of domicile. That could be looked into. If in a particular district, there is a tribal population of 50 percent, what is the purpose of having 7.5 percent reservation for then in class III job? They are entitled to have 50 percent.

So, since the social demography varies from place to place, as the level of Government employment comes down, you should have a broader base, make it more and more conform to what I would call 'catchment area'. Every category of Government service—whether State or Centre—should be related to the 'catchment area'. That 'catchment area' should be well defined. The reservation in that 'catchment area' should depend upon the social demography of that particular 'catchment area'. Then, it will be far more just. There are districts in Bihar where you have got a Muslim majority. But when the policemen are recruited - it is the lowest job- you get one percent. Teachers are recruited; primary school teachers are recruited the figure has nothing to do with the caste complexion of that particular district. At least, at the primary school teacher level, you must take into account the local population. That is not being done. This is the second reform I suggest for system.

The third point is this. With the liberalisation of the economy private employment is now coming into focus more and more. I have been wondering about this; 'Can reservation in private employment be introduced by amending Article 16 or Article 15 of the Constitution?' I am afraid, my limited wisdom says, 'No'. But this could be done by a separate and parallel enactment.

In Britain, there is an organisation called 'CORE', which has the Statutory authority to go into the pattern of employment of private industry; every private establishment to see to it that they deal with every application fairly. In the case of America, it is far more strict under the Fair Trader Practises Act, under which there is a Commission - Commission for Fair Trade Practises - which enables the Government authorities to go into the records of private companies to find out that every single application that was made for a job in that company was treated fairly; and that in the overall pattern of recruitment in that factory or in that establishment, some regard is kept to the population complexion of that town or district in which that unit is located. For example, if it is a district with a Negro majority, it is an obvious inference that the majority of the workers should be Negroes. But if they are not, then the authority goes into the question whether all Negro applicants have been treated fairly. The sort of an enactment should be considered by the Government to bring about- through the back door-a-certain amount of reservation, a certain degree of social justice for those who are largely the targets of discrimination as people at the lower end of the social spectrum, the weaker sections, the minorities, in private enterprises.

Finally, there is one thing that Government can do very easily. They have a lot of patronage in their hands - so many Commissions, so many Boards and so many Corporation. At every level, are you sure that you are practising the principle of equality of opportunity in making the nominations to these Boards, Commissions and Corporations? I am afraid, you are not. For, the entire structure at the top today is weighted in favour of

the higher castes. Therefore, the names that are put up to the Hon. Ministers relate to those people who are well connected. I am sure that unless the Minister is very cautious, he does not go into the question of whether the particular list he is signing does have appropriate representation from various classes of people. I would suggest that if you give nominations to the posts which are under your direct control, for which no examination has to be passed for which I am sure any community in this country can throw up sufficient number of qualified people, in adequate quantities for you to make a selection, You see to it that at least in making the nominations to these Corporations, Justice is done with great care.

Sir, I agree with the spirit of the Bill that reservation quota has not been fulfilled and has not been backed up in a fair manner; it has not been applied in a fair manner. I think, what the situation requires is examination in greater depth of these questions. I would once again emphasize that the only key to the fulfillment of any reservation quota is uniform educational standards and educational achievements for any community which desires to be adequately represented in the power structure.

SHRI HARCHAND SINGH (Ropar) : Mr. Chairman, Sir, a lot of thanks for giving me time. I would like to submit that our country got independence in 1947 and before 1947, I lived in Patiala, then the capital of the erstwhile princely State. In 1923 I went to school for the first time. I remember at that time I was asked as to which caste did I belong to. As I belong to the lower caste, I was made to sit on the floor. Further was asked as to why I wanted to get education. They warned me that they would not let me study there and I would not get admission in the school what I mean to say is that time children belonging to Scheduled Castes and Scheduled Tribes could not get admission in schools for getting education. In the meantime, a Muslim Inspector came there. He enquired about the matter and was told that this boy had come for getting admission in the school but they were denying him admission. A hawildar was sent with me. He asked for the admission register and I got admission in the school and started studying.

We were treated very badly even in the class. As drinking water was not easily available, I had to go far away for drinking water. There were a lot of difficulties in every field. Such difficulties were faced by all the Harijans.

Once a towel of a Brahmin boy fell down. On my way back home, I found that towel on the way and I picked it up. The boy came to me in search of his towel and asked me about it. I told him that I had found that towel and if it belonged to him, he can take it. On that, the boy told me that the towel belonged to him, but as I had touched it he would not take it back. You can understand how much caste discrimination was being done with us at that time. The children belonging to

Schedule Castes and Schedule Tribes were neither given any scholarship, nor facilities and were treated badly.

There has been a lot of change since we got our independence. Now-a-days children of Harijans are getting education in all schools. Harijans are getting all types of jobs and the important thing is untouchability has been totally removed from the country. Now a Harijan can go to any hotel for taking food. They can attend any party and no discrimination is being done with them. In the country where in earlier times nobody liked to see even the face of a Harijan, now there is no such discrimination. For this, I am grateful to the Government, the countrymen and the upper caste people like Brahmins and Baniyas and would like to congratulate them for giving up the bad practices. Now untouchability is not practiced by the Government as well as the people of the country.

So far as the work is concerned. Gandhiji had said that when the country would become independent we would nationalise the land. He meant to say that those persons who are cultivating the land, should be the owner of that land. Most of the land were being cultivated by Harijans and they did all the work, but the yield was taken away by the owner of the land. In 1950, when for the first time in the country an interim Government of the Congress Party was formed in PEPSU, Col. Reghubir Singh had distributed 50 thousand acres of Government land, Nazul land to Harijans. Thereafter, Shri Pratap Singhji Kairon came to power and he also distributed one lakh acres of Government land among the Harijans in Punjab. Some land is still there. The Government should at least provide that land to the landless on contract basis. The available land should be distributed among the Harijans.

So far as, services are concerned, I accept that reservation quota has been fixed and it is also being provided. But it is being provided in recruitment in the services of lower categories. As my colleague has said that there is 101 percent reservation in sweeper category. Even after 47 years of independence, except the Harijans, and even amongst them the Balmikis, no other community could take up the work of sweepers. There are 65 Scheduled Castes in Punjab, but except for the Balmikis, none has taken up the job of sweeper. Earlier their salary was only Rs. 27 per month. When Shri Pratap Singh Kairon was the Chief Minister, he called a meeting with the Harijan MLAs and was told that their salary was nominal. Then and there, he increased their salary from Rs. 27 to Rs. 100 per month and they got some relief. Low grade jobs like sweepers should be made pensionable, but the Government denies to provide that the sweeper works till he is able to work and after that either he leaves the job or gets his son or daughter engaged in his place. This is also the reason why no person of other community wants to work as a sweeper. They do not get enough food to eat. Neither they get any land nor proper education.

Mr. Deputy Speaker, Sir, in 1950 scholarship is for

education was being given to these people at the rate of Rs. 5 per month. I was then the Deputy Minister. When a counting was done, it was found that only 1800 children were studying then and they were given scholarship. Next year, the number of children grew to 23 thousand. It means that within two years, 21 thousand children started studying. But it is 1995 and the scholarship is still Rs. 5 per month. That was 1950 and this is 1995, but the scholarship is still rupees five per month. The Congress Party do not want them to get educated, because the Congressmen know that if these people get educated, they would have to be given employment. They will start working somewhere else. The Government has no intention of educating them. If it really wanted to educate them, it would have increased the rate of scholarship. The girls get six rupees per month as scholarship. If they want to go to the school by rickshaw it does not even cover their rickshaw fare. Therefore, I would like to request the Government that the amount of their scholarship should be increased.

Mr. Deputy Speaker, Sir, Shri Kesari has been appointed as the Welfare Minister. He had provided reservation to the backward classes, but it appears that he has no concern about the Scheduled Castes and Scheduled Tribes, because I have never seen him saying or doing anything in their favour. He will neither look towards their welfare nor say anything in that regard. It is never clear where does he sit. The Congress Government is only for getting votes from these people. It only knows how to catch votes. Once they get the votes, they are no more concerned about them. So, I would like to submit that first of all, they should be given education and after that, they should be given employment according to their reserved quota.

Mr. Deputy Speaker, Sir, It has been long since this provision of reservation was made, but reserved quotas are not being filled up. They are not given the posts of peon etc. because the employer thinks how he will drink or eat the water or food touched by them. So, these people do not want to employ harijans even as peons. In the given situation who will employ them on the higher post. Reservations should be given according to their population, but the vacant reserved posts should be filled up within two-three years. They have not become equals even after 50 years. At least 25 out of 100 persons of Scheduled Castes and Scheduled Tribes should come at par with others. Reservation has been given in higher jobs also. There are 12 districts in Punjab. But there are only 2 D.Cs and 2 S.S.Ps. It is also a matter of gratefulness that harijans have also started becoming D.Cs. There should have been 6 or 7 D.Cs., but with 2 it can at least be said that a sweeper has become a D.C. The Congress Government does some work but there is no such person in Congress now, who has been there since 1947 and all are the brothers of B.J.P. Fifty years is a major part of the life and in such a long period, they should have become our equals and the reservation system should have ended. Once they reach

to the same level, there will be no need for reservation.

I would like to appeal to the Narsimha Rao Government that it should bring a strong Minister. Who can get reserved posts filled up. I find none of the Ministers here to be strong. (Interruptions)

PROF. RASA SINGH RAWAT (Ajmer) : Please suggest one name.

SHRI HARCHAND SINGH : You people do not come to this side and there is none there. You only keep shouting from there.

The Britishers ruled over with three persons. I mean to say that the Hon. Prime Minister should himself pay attention to this problem. Only then everything will be set right. As Shri Kesari is not paying any attention towards them because of bad health, he should give full attention to them.

SHRI REMDEW RAM (Palamau) : Mr. Chariman, Sir, I am happy that this Bill has been brought here. Mahatma Gandhi had given the name 'Harijan' to them because he considered them pure and important for society. But it is regretful that whenever upper caste people hear the name harijan, they look upon him with abhorrence. Nathu Ram had killed Mahatma Gandhi for once, but the people with such mentality kill him for thousand times every day.

I come from Palamau district of Bihar. It is a terrorist infested area. Today the Scheduled Caste and Scheduled Tribe people are influenced with terrorism and becoming terrorists. They live in forests and work on the pretext of upper castes. The Government does not pay attention towards them. If their poverty is removed, there will be an end to terrorism also. Today Laloo Prasad Yadav, we and you all get elected with backing of harijans, but no attention is paid towards their welfare. I think that if the Government pays attention in this regard, it will facilitate their reaching here and people belonging to lowest class can attain the heights. Even the present reservation percentage is not given for the higher posts. I think of this percentage is followed, good workers will be available for good services, but people are just wandering for jobs. Why people are killed everyday ? When a person goes back to his home town, it appears that he might have got some high post job, but it is not so. He is a Scheduled Caste and is subjected to terrorism. It is all the doing of the big people. They trap him, send him to jail and then taking benefit of the situation, they try to rope him in their service.

While getting elected to State Assembly and Lok Sabha, we think that we are serving the Scheduled Castes, but we serve them only till we gain our ends through them and thereafter, we just forget them.

Just now, my friend said that no attention is paid towards the people of the lowest class. Who carry night soil on their heads ? In our area, people are converting to Christianity and Missionaries are active there. What is the reason behind it ? The reason behind it is that upper

class people show discrimination against them. What is the reason for the division in the society ? We never pay attention towards the fact that we should treat them as equals, eat with them and drink the water touched by them. A lot of discrimination is still there in our areas, as a result of which, they are treated very badly. I would like to request the Government through you that it should pay attention towards them, so that they are saved from becoming terrorists.

Due to the unemployment even well educated people are living in forests today. They eat 'gethi' and 'kena' in the forests and in the night break into the houses and commit thefts. The Government do not pay attention towards the reason behind it. It is the wish of every lower class person to serve the country, but neither they have the power nor the capability to do so. If the Government wants, it can make them capable and let them serve the country by bringing them at par with others. In view of all these things, I have requested the Government through you, otherwise as Tulsidasji put in:

"Tulsi Hai Garib Ki, Harsu Saha Naa Jaaye,

Mui Khal Ki Shwas Se, Loh Basm Ho Jaaye".

Even a solid metal like iron gets reduced to ash with the grief stricken sigh of the poor people like you and me, who are sitting in the Government chambers will be destroyed in no time. Therefore, I would request the Government to pay attention towards them. In Agni-Puran it is mention that :

"Naa deva dandmayad rakshantu pashu palwant,

Kounter ray shanti ichhanti shaktya vibhushitam "

God gives power to one whom he intends to save. Today the Government is capable and it can serve them, but it does not have the intention of serving them. If they are truly served, I think there will be no problem in their upliftment.

With these words, I thank you for giving me the opportunity to speak.

SHRI MANJAY LAL (Samastipur) : Mr. Deputy Speaker, Sir, I rise to support the Bill giving reservation to the Scheduled Castes and Scheduled Tribes in higher posts brought here by Dr. P. Vallal Peruman.

Only two secretaries belonging to Scheduled Castes and Scheduled Tribes are there in 38 Government departments. Where there should have been atleast 5 percent reservation, even that has not been given. Similarly in the 245 Government undertakings also their number is almost negligible.

A person is considered rich in two ways. One criterion is to be rich by money and the other way is to be mentally rich. The Scheduled Castes And Scheduled Tribes people who are rich by money, are poor in other way. Therefore, it is necessary to give reservation. I want to say that reservation should be given on the basis of population. According to the census of 1991 their population was 26 percent of the total population but

they are still being given only 22 percent reservation. We are not being able to make arrangements to provide them reservation on the basis of their population. When we talk of reservation, we should keep in mind that they should be given reservation in promotion also. I would like to say that during the British Period, Confidential Reports were used to be written to see whether the person was loyal to them or not but now-a-days cast factor also affects CRs and attempt is made to see that even those Scheduled Castes and Scheduled Tribes persons, who discharge their duties rightly, should not get promotions. Therefore, adverse entries are made in their CRs. Through in the reports, certain entries are made in their favour, such as, very efficient and good worker, but one line is added in the end i.e. , He is tackless. The result is that they are not promoted. I would like to submit that it is 45 years since our country got independence and the Britishers have also, left our country. Therefore, the system of CR should be done away with and a new system should be evolved.

We have been fighting for reservation for quite a long time. The subject related to Safai Karmacharis has also come up. The Government brought a new economic policy and the railway budget presented in 1991 also mentioned about the Safai Karmacharis. Seventy thousand Safai Karmacharis were working in the Railways, their services have been privatised now. When the system was privatised, the question arose as to whether they should be kept in service or not. The Hon. Minister said that they will continue. But it so happened due to unemployment. People started offering their services for lesser amount than being paid earlier to other persons. But they do not realise that this will ultimately lead to retrenchment. Therefore, privatisation is going to put an end to reservation system. We have to solve this problem by making some amendments to the law be it applicable to multi-nationals or indigenous companies. We should have a glance over the data of the Industries Department of the last 5 years and the undertakings, when all ovr undertakings are privatised, we will have to amend the Constitution to give reservation to save these poor people.

It is said that a party functions properly with three factors in fact and these are, its leader, its policy and its intention. The Government has its leaders as well as right policies, but when its intentions is bad, the entire issue becomes a mess. Regarding reservation, if the intention becomes somewhat bad, everything gets wrong. Even the reservation quota for the smaller posts like peons, teachers and others, are not being filled up. I would like to submit that the entire backlog regarding these categories should be cleared. Reservation should be given on the basis of population. I would also like to submit that when reservation is given in the Lok Sabha, it should be given in the Judiciary Executive and Legislature Councils also. Reservation should be implemented there also. It should be given in the ratio of population increased during the last ten years. I would

also like to submit that if they are not brought into the mainstream, the country will disintegrate. No one will be there to save the country. Therefore, if we have to save the country and let it remain united, we have to keep the Scheduled Castes, Scheduled Tribes and Backward classes united. The situation in our country is peculiar. Those who work less are called upper castes and those who work more are called lower castes. Dr. Lohiya had said "Unnchi jaati ki kya pehchan, git-pit hole, kare na kaam aur pichhda varg ki yeh pehchan ki kaam kare aur sahe apman. "

Sir, this bill introduced by Shri Peruman should be passed. These people should be given reservation in higher posts in Government departements. With these words I would like to thank you.

SHRI SRIBALLAV PANIGRAHI (Deogarh) : Mr. Chairman, Sir, I thank you for giving me an opportunity to express my views on this Bill moved by Shri Kaliaperumal. I may bring it to the notice of the House that there are certain Bills, and Resolutions which appear to be very good or appear to be very simple but they are not so. Some or the other complication is always there. If they are accepted by the House, they have certain ramifications or they have far-reaching consequences. Also, there are certain Bills which can neither be opposed nor can be supported as such. To me it appears that this Bill comes under this category. No doubt it is a good bill. It provides an opportunity to the Members of the House to express their views but if you examine the provisions of the Bill, it is very difficult to say what percentage of promotion should be reserved for the Scheduled Castes and Scheduled Tribes in the Government service. Let me make my position clear in this regard. I am totally against the social injustice.

MR. CHAIRMAN : We have finished the time allotted for this Bill. We still have six more speakers. If it is the wish of the House, we may extend the time for this Bill by one hour.

SEVERAL HON. MEMBERS : Yes, Sir.

MR. CHAIRMAN : So, the time for this Bill is extended by one hour.

SHRI SRIBALLAV PANIGRAHI : I will not take much of your time, Sir. What I was trying to say was that all steps should be taken to remove the imbalances in the society to eradicate inequalities prevailing in the society? It should be our endeavour to establish a social order based on equality. For centuries, a large percentage of people in our society have remained backward we know the reasons for it and I need not elaborate. They are people belonging to depressed and weaker sections. Atrocities were committed on them. About 48 years after Independence, even today, atrocities are being committed on people belonging to Scheduled Castes and Scheduled Tribes.

Sir, this particular Bill provides for reservation for Scheduled Castes and Scheduled Tribes at the higher

levels of Government service. Sir, we have our Constitution which is our Gita and Bible. While running the Government we cannot go beyond our Constitution. Dr. Baba Saheb Ambedkar played a pivotal role in drafting the Constitution and that is how he came to be called as the Father of the Constitution. Very clear provisions are there in the Constitution for this reservation. Article 335 of the Constitution provides that :

"Claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State."

Again, Article 16(4) permits :

"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 service under the State."

Sir, in pursuance of these, reservation has been provided. Recently such a matter came up before the Supreme Court and the Supreme Court in its very significant judgement has provided some guidelines on this. The Supreme Court has ruled that :

"any post in the cadre falling vacant after reserved posts were filled is to be filled from the same category of persons whose retirement or resignation caused the vacancy".

Sir, they have further gone to observe that :

"the roster was permitted to operate till the total posts in the cadre were filled and there after the vacancies falling in the category were to be filled from the category of persons whose retirement etc., caused the vacancy"

So, about finding out the number and the percentage at different points of time they have provided the guidelines, formulae etc. At every point if some general people are retiring and for that also again if such a claim is made, then it will create aberrations in the cadre.

Sir, that is why I referred to Article 335 and other things. In India even in higher Services like IAS and IPS reservation has been provided. About these higher services they have also given their findings. We know that the examination held for IAS, IPS and State Civil Services are all for higher posts and not for lower posts. Indian Administrative Service is a higher service and for that also reservation has been provided. Therefore, it will not be correct to say that in higher service there is no reservation.

The point that I want to make is whether we should have reservation for promotion also. Here we should observe some discipline. In every walk of life we should observe discipline and more so in Services. Unless we observe discipline, it is very difficult to keep the

administration on the right track. For this we have a Minister not only at the Centre but also in the States. In all the Departments and Ministries, we have employees from almost every community. We have employees from Scheduled Castes, Scheduled Tribes, Backward Classes and other communities.

Many a time we become emotional. Emotions are there but at the same time, weightage should be given to reasons. What I mean to say is that in certain matters reason should be given more important than the emotion. I have discussed this matter with officers at different levels, Ministers and political parties. What happens is that, for example, in Police Department one DSP is there. He might be a higher caste man. One sub-Inspector comes and joins under him. He has been recruited from the reserved category. Since he comes under the reserved category. He is given two or three promotions. And before the retirement of the DSP under whom he started his career, he becomes the Superintendent of Police. It may happen. But it will lead to demoralisation. It will not be good for the society as a whole.

Like that there should be social justice. At the same time there should be standard, discipline, etc. It has to be harmonised.

As regards filling up of vacancies by special drives I also join with our friends who expressed their concern as to why Scheduled Castes and Scheduled Tribes quotas are not filled up. These quotas should be filled up. Serious efforts should be made in this regard. Of course, special drives are there. In spite of all these, in certain cases, there are many vacancies which remain for quite some time. More facility should be given in the field of education and special coaching should be given so that the candidates belonging to the weaker sections can qualify themselves. Like that there are certain other areas.

I would like to quote the Supreme Court judgement:

"It would mean that in such an eventually the vacant seats can be filled by general candidates. The Apex Court has thus done its best not only to remove the anomaly in the reservation formula but also balance and harmonise the claims of conflicting interests by its pragmatic interpretation of the relevant constitutional provisions. The Supreme Court's own concern for merit and efficiency of administration so far had been emphatic in disallowing reservation in promotion rule to certain categories of technical posts and services. It had also advised the Government not to apply the reservation rule to certain categories of technical posts and services."

There are certain technical posts in our Armed Forces, Medical Services, etc. Health is very precious for us. In fact, health is wealth. That is very correct. As regards promotion, if there is a policy decision taken by

the Government, it can give. Not only the seniority but also the efficiency that really counts. There is an urgent need to fight out the backwardness and also to see that social justice is ensured to all sections of the people, particularly backward classes, weaker sections, etc. and also the constitutional provisions are followed. We had come across many cases not only in the Government of India but also in many other places. We were also associated with the State Administration. Sir, as you know, in our system decisions are taken by the Government of India. Policy decisions are there at the National level. But they are really implemented by the State machinery. Those who are running the State Governments, I mean, the Chief Ministers, also feel aggrieved why they are not being consulted on all such matters. Therefore, it would be proper and appropriate to have a general debate on such matters and a consensus has to arrived at. As I said in the beginning, this is a very sensitive matter. We should do everything possible to see that there is balanced society on the basis of equality as far as possible. As I said already, Dr. Baba Saheb Ambedkar, who was regarded as the saviour of the weaker sections and the backward class people, had created this Constitution. This Constitution is his mini work, his handiwork. And there, what Article 335 has provided is also very important. Therefore, it should be harmonised. There should be national debate on this, if necessary.

Madam Minister, there should be a Conference of all the Chief Ministers and all the Leaders of the Opposition so that this sensitive matter is thrashed out in details from different angles. This is my suggestion, Mr. Chairman.

[Translation]

SHRI PRABHU DAYAL KATHERIA (Firozabad) : Mr. Chairman, Sir, I support this Bill introduced here. This Bill should have been brought much earlier, but better late than never. I would like to thank the Hon. Member Dr. P. Vallal Peruman for bringing this Bill.

Mr. Chairman, Sir, this Bill has been brought as the reservation system has not been fully implemented till now. The backlog in reservation from class I posts to class IV posts in any of the department in the country has not been filled in. I have been elected from Uttar Pradesh, where the women belonging to scheduled castes and scheduled tribes are still subjected to barbaric atrocities. They are openly raped. Even after 47 years of Independence, large scale atrocities are being committed on them. The laws enacted by the Government till now are not being followed properly. Just now, an Hon. Member of the Congress was saying that they are still made to sit separately in educational institution, and they still do not enjoy similar participation. In rural areas there is no arrangements for their education. I can say it with authority that we are being deprived of education. Had all the facilities been provided to them? This condition would not have been as it is at present. The Scheduled

Castes are lagging behind due to the discriminatory policy of the Government.

Mr. Chairman, Sir, recently there have been incidents of atrocities on women in Muzaffarnagar, Aligarh and Allahabad. I have myself witnessed that the Scheduled Caste women working in kilns were being treated badly. Only because they belonged to the Scheduled Castes, 17 year old girls are being subjected to inhuman behaviour. In this way, Indian woman is being insulted openly. I had earlier raised in this House the issue of atrocities committed on them and had given the instance of women workers of Agra kilns who are being subjected to torture. It is spreading in society just like leprosy. We have to find out the places where such a disease is existing. Even after 47 years of independence, discrimination in caste is still continuing in our country. This party has been ruling the country for last 47 years, but it has not made adequate arrangements to remove this disease. We are concerned about this.

Mr. Chairman, Sir, I would like to submit that the present reservation system is also not proper. The situation is that if there is an SHO belonging to Scheduled Caste and if he beats up a Brahmin, he will show him what it means to be a scheduled caste. This mentality of the society should be corrected. The Government of India and concerned State Governments are responsible for this mentality. It is necessary to think over this problem. Reservation is good, but the feeling of castism in the society is a matter of great concern. The Government should also feel concerned about this. It should made adequate arrangements for providing education to the scheduled castes and the people living in backward areas. They are being deprived of education today. The Government should take this matter seriously. If such atrocities continue to be committed on these people. There might be a big explosion. So, the Government of India should pay particular attention towards the Scheduled Castes and Scheduled Tribes. Nothing will be achieved by making the laws only and getting them passed. With the enactment of laws, the Government should also implement them strictly. Then alone something can be gained.

Mr. Chairman, Sir, our brother Shri Mangal Ram Premi was saying that in Western Uttar Pradesh, 75 per cent Safai Karmacharis are still on strike. How can we say that our country is independent when Safai Karmacharis are still carrying night soil on their heads and are not getting their salaries. Fie on such a State Government which is not paying salaries to those scheduled castes who carry night soil on their heads. It is quite shameful that 20 thousand crores of rupees are outstanding against the Government. To feed his children, a labourer carries the night soil of others on his head. Speaking English inside the Parliament will not change India into America. Until the Government pays proper attention towards these poor, they are not going to be free from the present situation. Had this been possible

to achieve these targets merely by delivering speeches, the same could have been achieved long ago because our leaders have been giving speeches since 1947. Attention will have to be paid to their problems. The education which should have been given to them after independence was not given. In 1975, late Shrimati Indira Gandhi had distributed land to the landless, but that land has not yet been handed over to them physically. Therefore, I would like to request the Government that all such land in the tribal areas of our country should be levelled and distributed among the poor and the reservation quota for class I posts should be filled up.

With these words, I conclude.

1800 hrs.

[English]

DR. ASIM BALA (Nabadwip): Sir, you can imagine that the Bill had been introduced on 8 May, 1992. The reservations and upliftment and welfare measures for Scheduled Castes and Scheduled Tribes are dragging on this way.

This Bill is very good for the development of Scheduled Caste students who are in the service. After Independence, the Government have introduced a lot of welfare measures especially in the service sector. But not very many programmes have been implemented. According to 1991 census, Group A category of persons are of 6.4 percent and Group B are of 9.05 percent. Among these, Scheduled Castes and Scheduled Tribes constitute 1.5 percent in Group A and 2.53 percent in Group B. So, this is the scenario which is existing now. It is a shame for our country. After achieving freedom, our national leaders are committed to upgrade the Scheduled Caste and Scheduled Tribe people. But the reservation in vacancies is not sincerely implemented. But it could not be possible even if the Government would like to implement it sincerely as there is a basic lacuna in the education system. The average drop out of students is 70 percent and in Scheduled Castes it is 90 percent.

PROF. RASA SINGH RAWAT : You can continue your speech next time.

MR. CHAIRMAN :Dr. Asim Bala, please continue your speech. Please do not interrupt him.

DR. ASIM BALA : Now-a-days the unemployment among Scheduled Castes and Scheduled Tribes is also very high. Even in technical fields like engineering, medical, agriculture and allied sciences the percentage is so high that a large number of unemployed youth are still there. So, this Reservation Policy is not maintained properly.

I agree with what is said by Shri Sriballav Panigrahi. Sometimes it so happens that in some department some Scheduled Caste people are coming up and getting reservation benefits and sometimes the senior persons do not get that post. So, sometimes there is a resentment.

The Government should actually find out some way as to how to overcome the resentment in cases where people are working for longer period and suddenly some Scheduled Caste person jumps up and gets the post. The Government should very sincerely look into this matter so that Scheduled Caste people also may not be unhappy as well as those who are in a longer service do not get into unpleasant position.

There are reservations in banks, railways, schools, colleges and universities. Even in the Department of Posts and Telegraphs it is there. Actually, there were a large number of persons who get employed in these sectors. However, now-a-days in sectors like rail, postal and even in bank services no persons are taken from Scheduled Caste and Scheduled Tribe as well as general people also. So, the Government should give them this opportunity or open up this Reservation Policy to give them employment in other sectors also.

Another point I would like to mention is with regard to promotion of Scheduled Castes and Scheduled Tribes. In some offices, roster is being maintained but that roster is not being followed properly. Sometimes there are some good officers but sometimes some cunning officers are also there who are not following the roster system properly and are not filling up the vacancies reserved for Scheduled Castes/Scheduled Tribes. They are breaking up the number of vacancies and are thus manipulating the things. The Government should take care to see that this type of injustice and irregularities are not done.

The next point I would like to mention here is regarding the education of Scheduled Castes and Scheduled Tribes people. They are not fulfilling the standard that is required for filling up the vacancies. If the requirement for a post is, say, Matriculation or B.A. or M.A., there are not many candidates available who are having that much qualification. So, sometimes even though reservation is there, there is no candidate available with the requisite qualification. Particularly on the management side or on the metallurgical side or in some other sectors, these posts are advertised and kept reserved for Scheduled Castes/Scheduled Tribes, but the candidates are not available to fill up those posts. In this way, some cunning officers are misleading the people. They are manipulating the things in such a way that the Scheduled Castes/Scheduled Tribes candidates are not available. So, this should also be taken into account.

Another point I would like to mention is regarding backlog. Some time in 1992 or 1993, a large number of posts were advertised for filling up the backlog, but the backlog could not be cleared. They advertised nearly twelve thousand vacancies but recruited only twelve hundred. So, this type of things are also going on in our system. If we do not have the sincerity and honesty in recruiting the people against these reserved posts, these vacancies will remain unfilled year after year. Even centuries will pass but the posts reserved for Scheduled

Casts and Scheduled Tribes will not be filled up. I hope, the Government will do their best to see that the reservation quota is maintained and filled up.

With these words, I conclude my speech.

[*Translation*]

SHRI RAMASHRAY PRASAD SINGH (Jehanabad) : Mr. Chairman, Sir, I support the Bill presented here for discussion. First of all, I would like to submit that it has been 47 years since we got independence in 1947 and the issue of reservation is repeatedly raised here. In the constitution of our country, the provision of reservation for the Scheduled Casts and Scheduled Tribes was made only for some years, but it is still being extended year after year. I would like to tell the Government, through you, that if we cannot extend it further then the Government should have seen as to how the Scheduled Castes and Scheduled Tribes can be brought at par with others. The speed with which the things are going on at present, these people can never reach the same level.

Even if, some benefit of reservation is given, it only reaches to the children of those people, who have come up to equal level. But the Scheduled Castes and

Scheduled Tribes who are poor do not get its benefit. If you observe the condition of the Scheduled Castes in the entire country, you will know in what deplorable condition they are living. You may go to Patna or any other city, you will find small children selling forest produce at the stations. Until efforts are made to bring them at par, nothing can be done for their welfare.

Mr. Chairman, Sir, I have been requesting since long that until adequate arrangements are made for their education, their condition will remain the same, the poor will become poorer. Besides this, there is no other way out for them.

[*English*]

MR. CHAIRMAN : Shri Ramashray Prasad Singh may continue his speech next time. Now the House Stands adjourned to meet again on Monday, the 24 April, 1995.

18.10 hrs.

*The Lok Sabha then adjourned till Eleven of the
Clock on Monday, April 24, 1995/Vaisakha 4, 1917
(Saka)*