

Madam Chairman, according to the statistics, 60,000 people were killed in the road accidents in the country in 1993. Thousands of cases are pending in the courts. The problems relating to vehicles and traffic are increasing day by day. Urbanization is the main reason for this. Because of the facilities available in the cities, villagers are coming towards cities. The facilities of education, health, employment and transport are available in the cities and due to these facilities people are coming towards cities resulting in their being crowded—be it a Town, Tehsil, District or a Metropolitan city. All this has led to traffic problems in the urban areas. It has, therefore, become very necessary to control this traffic chaos. Due to increase in the population also, the congestion and traffic has been on the increase. The population is increasing in every city. Therefore, we will have to think seriously about this.

As I have said, 60,000 people have been killed and loss of property worth Rs. 2000 crore has been incurred. The time has come when it has become necessary to save life and property for which rules should be framed and action should be taken accordingly.

There are several reasons of loss of life and property in road accidents but the main reason is lack of training among drivers. I urge upon the hon'ble Minister that one chapter of traffic sense should necessarily be included in civics so that people can get education regarding traffic rules etc. in their childhood itself. Until we do this, the violation of traffic rules will continue to take place.

[English]

MR. CHAIRMAN: Shri Chauhan, now it is 3.30 p.m. It is the time for private business. So, you will continue later.

15. 28 hrs.

COMMITTEE ON PRIVATE MEMBERS'
BILLS AND RESOLUTIONS

Thirty-Fifth Report

[English]

SHRI K. PRADHANI (Nowrangpur):
beg to move:

"That this House do agree with the Thirty-Fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 17th August, 1994."

MR. CHAIRMAN: The question is:

"That this House do agree with the Thirty-fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 17th August, 1994."

The motion was adopted.

15. 29 hrs.

RESOLUTION RE: ENLARGEMENT OF
FUNCTIONS OF NATIONAL
COMMISSION FOR BACKWARD
CLASSES— *Contd.*

[English]

MR. CHAIRMAN: Now we take up further discussion on the Resolution moved by Shri R. Anbarasu.

Shri P.C.Chacko — Not present

Dr. S.P. Yadav — Not present

Shri Ram Vilas Paswan

[Translation]

SHRI RAM VILAS PASWAN (Rosera):
Mr. Chairman, Sir, I rise to support the resolution presented by Shri Anbarasu. I am pained to notice that the Government is not serious about the problems of the backward classes despite the fact that these have been discussed in this House time and again. At the time of independence, the first and foremost issue before the country was whether the reins of administration would be assumed by a few people or it would be controlled by the common people and it was after prolonged deliberations that the principle of *one man one vote* was established. Not only the one man-one vote principle was adopted but everybody's vote had the same value also and it was agreed that democracy means democracy for all sections of society and their lot would be improved. I have many times said that there is no dearth of Acts in this country but there is a lot of differences between Act and fact; there are many leaders but we are lacking the will. This holds good even today. Yesterday, backward classes students had come here. They blocked the road and courted arrest. I also went there and courted arrest. We have also raised this question in the Parliament many a times and the mover of the resolution has rightly said that we should discuss this issue raising above party politics. It will not be good for future if party politics is involved in discussing this issue because the direction in which the country is going today will, ultimately lead to a majority rule. The exploited class cannot be exploited for too long. Therefore, there are two ways to end this practice. One is the way of Parliamentary democracy and the other way starts where Parliamentary democracy ends. Some people dub Parliament as a Debating society. No problem is solved here. Sometimes, we also feel the futility of what we are doing here.

I have been a Member of this Parliament since 1977. I have won elections with a record highest margin not only in India but in the world.

At that time Chaudhary Charan Singh ji was the Home Minister. That time, the Congress had not won elections in Northern India. Our Parliamentary delegation had visited Belachhi. As Janata Party was in power here, responsibility lied on us to see that justice was done. We had brought the ashes of the people killed in that incident and raised the issue in the Parliament vehemently. Today's situation is no different from the one prevailing at that time. Today also women are raped and stripped. The downtrodden are being murdered even today.

Madam Chairman, the reservation quota of Class-I officers for Scheduled Castes and Scheduled Tribes has been raised from 7-8 percent to 9 or 9.5 percent after 47 years of independence. According to the Mandal Commission report, there are 52 percent backward class people but only 4 percent of them are in Government service. Members from Delhi are sitting here. Gujjars and Yadavs are the original people of Delhi but today they are downtrodden and backward class people and are working here as bonded labourers and to the migrants whom Government gave relief and subsequently granted reservation are today, in power in Delhi whereas the original people of Delhi are begging for their livelihood. They constitute 70-80 per cent of the population.

You are aware that the Mandal Commission report was submitted in 1980 but was consigned to the dust-bin. When in 1989, Janata Dal Government took over, it worked towards implementing that report.

Four years have passed since 1990 but the list of backward class people has not been formulated in Delhi till date. Such people have not been identified. Madam Chairman, there are three types of states—one where the list of backward class people has been formulated, then, those states where such people have been identified but not notified. The Central Government has not issued any notification with regard to West Bengal and Orissa. Same is the case of Rajasthan. But in Delhi, identification has taken place. There is a conspiracy of eliminating the backward class people who are ready to fight for their cause over here. I can level a direct charge against the Delhi Government that Gujjars, Yadavs and Sainis are being kept out of the purview of such list being formulated for Delhi. As a result, only 12 percent people qualified UPSC exams. You are making such laws as would pave way for their elimination. Most of the leaders who took part in freedom struggle had studied abroad. Pt. Jawahar Lal Nehru was one of them. Mahatma Gandhi, Dr. Lohia and Jai Prakash Narain had also studied abroad. Subhash Chandra Bose had torn apart the ICS degree. Those who visit abroad are able to differentiate between slavery and independence. Similarly, the educated and advanced backward and Scheduled Caste people can appreciate how they were made slaves for thousands of years. They start fighting for this cause and you sideline them in the name of creamy layer. The people kept in the backward list can neither fight nor have any awareness. Consequently, there is a conspiracy of propagating the rule of those handful of people who have been ruling this country for long.

During our Government, we had issued a notification enumerating four things. There was the Ministry of Welfare which is headed by Shri Sita Ram Kesri today. Probably, he is not feeling well and has not been able to

come here. We provided in our notification that besides the Scheduled Castes and Scheduled Tribes, 27 per cent reservation should be given to backward people also. Secondly, we asked not to enforce the decision of the court about creamy layer for at least next 10 years and extend reservation facility to all the rich and the poor belonging to backward classes, whosoever qualified because enforcement of creamy layer will hinder the success rate which is only 12 per cent at present. There should be no creamy layer provision until 27 per cent quota is filled up completely. Thirdly, we stated that if a candidate belonging to reserved categories qualified under the General list or merit list, he should be kept out of the purview of reservation. Fourthly, we said that it was our first phase and reservation is not everything Mandal Commission is about. Who are the people that control the lands, the factories, licence, quota and permits? Housing Policy was being discussed here. Can anybody show me in Delhi a tribal who has constructed a two-three storey house with his own resources. Leave Delhi aside, show me such an example in Ranchi, Bokaro or Jamshedpur even.

Our friend, Shri Bhurijaji comes from a tribal belt in Madhya Pradesh and is aware how lands of tribals were grabbed in his area and multistorey buildings constructed on their lands. No house for any tribal has been constructed so far. You get flared up if he makes some demand today. What option is he left with?

Our friend, Shri Rajesh Pilot is dealing with the Bodo problem. We, too, dealt with that but first we should understand what their real problem is. I have said here many times that we want to kill mosquitoes but are unwilling to clean the dirty drains and unless

the drains are cleaned, we cannot get rid of mosquitoes even if we spray DDT or do anything else.

With regard to today's resolution before us, I think that the intention of the Government seems to be malafide. Were it having a bonafide intention, the list could have been formulated within 2-5 hours in a joint meeting of Delhi Administration and the Ministry of Welfare because we were not to select any foreigners but some castes, some people from amongst the residents of Delhi as recommended and specified by the Mandal Commission for their social and educational development. The Registrar General of India has got full details of it. Gujjars and Paswans were considered to be the criminal castes and even on the occasion of a new arrival in their family, the family head was called upon to report to the police station. But, today, even their identification process is delayed, what should we construe from it? Take the case of the Backward Commission. I was looking at the powers and functions of this Commission. It is written there that:-

[English]

"The Commission shall examine the request for inclusion of any class of citizens as a backward class in the list and hear complaints of over-inclusion or under-inclusion of any backward classes in such list and tender such advice to the Central Government as it deems appropriate."

[Translation]

It means that this commission does not have any power. Its only power is to include and exclude the names of castes in the list. When it has been given this sort of work only, why it has been named Backward

Commission. Rather, it should have been called Inclusion-Exclusion Committee.

Madam Chairman, the Chairman of Scheduled Castes Commission and the Chairman of Commission for Women have been given membership of Human Rights Commission, but the Chairman of Backward Commission has not been given that membership. Why is it so? 52 per cent of total population belongs to backward castes. For how long this injustice could be tolerated?

Madam, a few days back, when opposition boycotted the proceedings of the House, hon. Home Minister had made a statement in this House that he was ready to bring a Constitutional amendment on Tamil Nadu issue if opposition gives assurance to sit in the House and cooperate. I, at once contacted my all colleagues and took a decision in the meetings that all the M.Ps belonging to National Front and Left Front would vote in favour of that Constitutional amendment. We would not discuss it. We would only vote and come out. I do not know what happened to the said proposal of the Constitutional amendment after this announcement. Now this amendment is not being brought and it is being said that it is not possible to bring the Constitutional amendment in current session. I would like to know from hon. Rajesh Pilot that by when it is going to be brought?

THE MINISTER OF STATE OF THE
MINISTRY OF HOME AFFAIRS (SHRI
RAJESH PILOT): Only he can tell about it.

SHRI RAM VILAS PASWAN: If this is the position, why does he speak?

Madam, the issue pertains to Tamil Nadu. When Judgement on Mandal Commission was delivered on the basis of the Constitution, one person moved the

High Court on this issue in October 1993, and later in November 1993 another person moved the Supreme Court. Supreme Court has delivered its judgement on it that more than 50 per cent reservation should be restricted. Although, this matter is related to judiciary and I know and have seen on the record that during debate when one friend of mine was referring judiciary he was interrupted by Shri Bhatia by saying that that matter pertains to judiciary and judiciary should not be dragged out in between. I also agree to it. But who are heading the judiciary. People like you and me form judiciary. Why judiciary has given decision of 69% reservation in Tamil Nadu and 73% reservation in Karnataka and told that it should not exceed 50%. One person has moved the court and it asked to maintain the limit of 50%.

Madam, Chairman, all parties such as Janata Dal, D.M.K., C.P.M., C.P.I. etc. convened a meeting on 30.12.93 in which unanimous decision was taken for implementing the decision of 69% reservation in Tamil Nadu. In January, the state Government sent its unanimous decision to the President for getting approval, but approval was accorded in July i.e. after seven months. I would like to know that why it was delayed by seven months while it was a matter to be decided within an hour. There is AIADMK Government in Tamil Nadu, not our, which supports your Congress-I Government. Tamil Nadu Government, immediately issued gazette notification on 19th July under public pressure when it received informations about President's approval for 69% reservation. Thereafter, some people moved the Supreme Court which issued stay orders on this issue and kept it pending.

Madam Chairman, it is a very serious

matter. The Supreme Court has done analysis of the Constitution. It's remedy lies in Constitutional amendment only. People will keep on moving the Supreme Court now and then, if amendment is not brought and court will give the same verdict. We are reminded of various clauses of the Constitution. I have read all the clauses of the Constitution whether it is Article 38 2, 49B, 49C or 46 or Article 16 or 15, the framers of the Constitution had tried their best to empower State Governments. It says that State Governments can provide the desired percentage of reservation for socially and educationally backwards. In Tamil Nadu, the law regarding 69% reservation is already in existence and in Karnataka the Congress Party is ruling where there is 73% reservation and it has been raised to 80%. Recently, Mr. Laloo Prasad Yadav, the Chief Minister of Bihar has made an announcement. If he provides 80% reservation, his friend Jagannath Mishra would say that such steps are being taken only to fetch votes and are for political mileage. We are here for politics and not for asceticism. People like Ram Vilas Paswan and Rajesh Pilot would not have become Ministers without politics. It is all politics and politics is not a very bad thing. I do not find anything wrong in playing politics in the interest of majority. I will play this type of politics and would like to say that poor has no say in the polity of this country and the task of upliftment of backward classes is not being taken seriously and properly. I would like to know as to whether the people belonging to backward classes are snatching the right of others through this reservation policy? If it is so, I would like to say that reservation should be given according to the population percentage of that caste in the country. They all can work well. Do you think that with more reservation, Tamil Nadu, Meghalaya, Manipur and Arunachal Pradesh are not functioning properly?

Today, if people from minorities and backward classes demand reservation they are labelled as communal. If this demand is raised by Sikhs, they will be called communal. In the opinion of these people, all are communal except them. This country cannot progress and become powerful till the so called patriotism remains in the hands of a small class. I demand to provide rights to the people in accordance with their number and percentage in the total population of the country.

What is there now-a-days in forests, where tribals live. They even cannot sell a DATUNE made of tree stems. The tribal people would bring these stems from Ranchi and sell DATUNE at Patna. They have no right over the wood of their forest, where they live. I would like to say that there are two options before us- first is non-violence and the second is of lack in Parliamentary Democracy. I would like to know as to where we are taking this country? Today, 50 years after the Independence, the majority class of the country is begging.

Yesterday the boys staged æChakka JamÆ for getting relaxation in age and later on the Government, the Prime Minister and the Welfare Minister gave assurance to this effect that they would consider the matter for providing five years age relaxation. We repeatedly told the Government to solve this issue before conducting UPSC examinations which were to be held on 26th June. Mr. Devendra Prasad Yadav raised this issue during the last session which was supported by all political parties, but 26th June passed and Preliminary examination was held. UNI report has been published which reveals that only 12 percent students could qualify this examination for which 27 per cent seats were reserved. Why this mockery then?

This matter relates to Scheduled Castes. Since 1991, when I came as an elected Member, I have been raising this issue time and again and everytime Kesariji has been giving assurance to this effect that a Bill on reservation would certainly be brought. What is in this Bill? Till now it follows Governments orders. Why the Government gets frightened from Tamil Nadu Government? It is so because the Tamil Nadu Government wants to convert this G.O in to an Act as the violation of an Act is punishable but the matter regarding reservation for Scheduled Castes is still confined to G.O. Today officials give argument that candidates belonging to Scheduled Castes are not available, they they will say that suitable candidates are not savailable and so on. That is why we have demanded enactment of the law. [Interruptions] There is nothing in carrying forward. You are aware of this fact that one lakh posts under Central Government have been carried forward. Now Government of India has adopted a new formula which says that it is not carry forward but shortfall. If a post has been lying vacant for the last three years, it is taken as carry forward category; rest are lapsed and become shortfall. The Government is not accountable for it. I would like to say that law should be enacted in this regard. This matter relates not only to Central Government but to the State Governments also. State Governments should be monitored properly then only you will know the correct position. Nothing can be achieved in this regard without enacting a Law by the Parliament. Appointments are not made against the reserve posts even when the authority gets a more qualified person than the requirement. The G.O. concerned has no clauses to punish such officials. We have enacted a law in Bihar that the officers, who deliberately dereserve the reserve posts will get imprisonment for three months. Here the Bill has already been prepared and it has

to be presented in this House but that has not been done.

Then the matter relating to reservation in promotion is there. The Supreme court has clearly stated that reservation will continue for the next five years and thereafter this facility will cease. The matter regarding Mandal Commission was before the Supreme Court which had no link with SC/ST but in the course of judgement, decision was given regarding SC/ST. As a result of this decision by the Supreme Court reservation in promotion was stopped. I thank Shri Manmohan Singhji for his immediate action regarding the matter of promotions in Syndicate bank. After lot of hue and cry by the opposition parties, orders were issued by the Welfare Ministry before the last session. The Supreme Court has given this judgement on 16th November 1992. What will happen after five years? The reservation in promotion will automatically be abolished in 1997. The Supreme Court has said that it was an annotation of the Constitution which says that reservation in promotion will not go on beyond five years. Its only remedy is constitutional Amendment. We all are unanimous on this matter, then why the Government is not bringing the amendment. This matter relates to Tamil Nadu. I request you to bring the amendment immediately. For the opposition side, I assure you that it will be passed without any debate. It might happen that some of our colleagues have objection about other states but states where such situation was prevailing before 16th November, I think, no member would have any objection whether they belong to ruling party or the opposition. In respect of Central Government, I would like to know that why this amendment is not being brought? In respect of State Governments, I would like to say that leave it to them, they will enact their own laws. If the matter relates to West

Bengal, Shri Chitta Basu would see to it as to how much per cent is to be fixed. There is Legislative Assembly also but the case of the State Government is pending. If some State Government wants to do any work, it is directed to bring the percentage down from 69 to 50 and Mr. Moily is asked to bring it down from 80 per cent to 50 per cent. This sort of action is being taken in this matter but have you ever thought of its consequences. Tamil Nadu has been the pioneer State in providing social justice. A movement had started in the times of Periyar Ramaswami Naikar and it resulted in making provision for reservation since 1927. Similar agitation is going on in Karnataka. Some days back we had attended a meeting of the followers called *æsharanÆ* of Baseswar ji, who had advocated social justice eight hundred years back, in Bidar. The reservation quota has gone up to 80 percent in Karnataka. The State Government wants to implement it but others will not let them do it. I would like to say only one thing that there is a basic difference between the present and the past generation. The people belonging to the earlier generation tolerated all kinds of atrocities committed on them but the new generation wants to live with honour. They are not ready to be bogged down.

16. 00 hrs.

Merit is nobodyÆs property. The merit of a person in the Union Cabinet belonging to whichever caste is second to none. When we demanded that a person belonging to our community should be made President, it was not accepted. Is the merit of the Vice-President second to anybody? You do not let one touch a cycle and, yet say that he does not know cycling. If you let him touch the cycle, he will learn through trial and error and one day he will be perfect in cycling. I would like to say that if we do not seriously consider the case of backward classes,

then it will have far-reaching consequences. At least we should pass those issues which are non-controversial and on which there is consensus between the ruling party and the opposition.

Madam, I feel that the resolution brought today is not controversial. The backward classes commission should be given the same rights as have been given to SCs/STs Commission, Minority Commission and Women Organisations. It should be ensured that whatever rights have been provided to it, from setting of up 08 educational Institutes to Government jobs, are enjoyed by it.

Madam, this is the new policy of the Government. Dr. Manmohan Singh ji is not present in the House; our colleague Murthy ji is present here. We are boasting of our policy but we view it from our own angle. What facilities have been provided to the people belonging to SCs/STs and backward classes under this new policy of the Government? When it is implemented the poor section of the society will not be able to stand the competition. Now, we can raise this matter in the Parliament as to why the backlog of the reservation quota in the Banks is not being fulfilled? What is the number of officers belonging to Scheduled Castes and backward classes there? But when it is controlled by the Private Sector then who will go and ask them? Now all the public sector undertakings are being transferred to the Private sector and the interests of the poor will not be protected. That is why we demand from the Central Government to ensure that there is provision for reservation for Dalits and people belonging to backward classes in private sector undertakings as well as public sector undertakings.

Madam, according to a judgement given by the Supreme Court, Shri Ram Vilas Paswan is included in the list of those

belonging to Scheduled Castes but on coming to Delhi he will not be considered as a Scheduled Caste. Bhurijaji belongs to a Scheduled Tribe in Madhya Pradesh but when he goes to Bihar he will not be considered such. I want to know how does caste changes as one changes a place? Nowadays, a person may go anywhere but he is known by his caste. I demand that a person belonging to Scheduled Caste, Schedule Tribe or backward class should be treated so wherever he goes in the country and he should be given all the facilities. For that an amendment should also be made in the Constitution.

Madam, in the end I would like to say that these days people move the courts of law for their rights. The governing body of the All India Institute of Medical Sciences provided a reservation of 50 per cent. People are moving courts against the implementation of reservation given under Mandal Commission. But there is no one in the Bench of Judges who belongs to our caste. The recommendation of the Mandal Commission should be implemented in courts also. The Judges, at times, give judgements against SCs/STs as no Judge belonging to Scheduled Castes has been appointed there under Mandal Commission. Why was judge K. Ramamurthy, who belongs to Scheduled Caste not appointed? Judgements are given against them without hearing them. The appointment of Judges should be such as would reflect the representation of every caste, every community. If it is not done then the only way-out is Parliament. A judgement was given by Allahabad High Court against the people belonging to Scheduled Castes by denegrating them. Similarly a judgement was given by Gujarat High Court against the Dalits. We have seen such cases under Mandal Commission. The same thing is happening with the list of SCs/STs. I urge upon the Government to introduce a

Constitution amendment bill for including all its reservation enactments in the 9th Schedule of the Constitution. This way nobody would be able to move the court. The people belonging to SCs/STs will be deprived of justice till the people continue to move the courts. Earlier, it was being said that the purpose of setting up of Mandal Commission would be defeated if a reservation was not provided in educational institutions. Reservation was finally provided in educational institutions but now efforts are being made to do away with it. Our first demand is to include all the clauses regarding reservation in 9th Schedule of the Constitution. Secondly, a constitution amendment should be brought to scrap the ceiling of 50 percent reservation. You may leave this matter to the State Government. You may have reservation of 27 percent and 22.5 percent for SCs/STs in the Central Government. Bhurijaji may be aware that the population of SCs/STs constitutes 25 percent of the total population as per 1991 census. Now, the reserved quota should also be increased commensurate with the increase in their population.

[English]

MR. CHAIRMAN: The time allotted has passed. But in view of the importance of the topic, I think, the House would agree to extend the time for discussion of this subject for two more hours.

SEVERAL HON. MEMBERS: Yes.

[Translation]

SHRI RAM VILAS PASWAN: As I was saying that the rights provided by Mandal Commission should be included in the 9th Schedule of the constitution and the work to fulfil the backlog should be undertaken. An act should be passed in parliament to fulfil

the backlog. The directions should be issued to those states which have yet to issue a list of SCs/STs and OBCs. For example, the same condition is prevailing in Delhi and Haryana. I do not know whether gujars and yadavs have been included in this list. An hon. member is saying that it has not been included since the government fears that if they are included in the list then they will have hold everywhere therefore, it is deliberate attempt.

The ceiling of 50 percent in case of reservation should be abolished and this matter should be left to the State Governments. Likewise, reservation should be made in private sector also. Similarly, if a person is covered in the list of Scs and Sts in a State, he should be given this right even if he moves to any other part of the country.

The SCs and STs Commission has been set up but its officials are not working. This Commission had been given sufficient powers but these powers have not been adequately used. In spite of grave incidents of Chuder and Kumher, the Commission has not paid a visit there. We do not blame the Government for it but we urge upon the Government that the National Commission for the Backward Classes should be brought at par with the Scs and Sts Commission, Women Commission and Minorities Commission. The Government claims that it also enjoys the power under the Commission of Enquiry. This Commission has the right to include a caste and to summon an officer but it does not have the power to deal with the cases of atrocities or the Constitutional issues. Please grant this power to it so that it may function properly. Unless this is done, the problem will not be solved nor will an eyewash serve the purpose.

Earlier the people belonging to SCs used to be abused and it was said of them

that those who are enjoying the benefits of reservation are incompetent. An attempt was also made to prove that we were worthless. Although we may not be among the superiors yet we are second to none. Had the reins of power been in our hands we would not have let the country be ruined. Therefore, my submission is that such things should be pondered over seriously and due share in the reservation for SCs, STs and OBCs should be ensured. We are sorry to say that the Prime Minister of our country said a lot about Kashmir on 15th August, the Independence Day, since he cannot say anything about USA. Alright, speak on Kashmir, but not a single word was uttered about the 52 per cent Backward and 25 per cent downtrodden people of the country. Babri Masjid was demolished and he did not utter a single word about it from ramparts of the Red Fort. Nothing was said about corruption. This is an indicator of the guilty conscious. 52 per cent of the population of this country constitutes of Backwards, 25 per cent of the Dalits and 14 per cent of the Muslims. They thus constitute 91 per cent of the total population. The ruling party cannot run the Government for long if it ignores and neglects 91 per cent of the population. The rule of one person, *sia*. Now there is no Soviet Union. That is why these things are now happening.

The entire House is unanimous in expressing deep concern over the actions our neighbouring country is indulging in. This should be stopped immediately. Therefore, effective steps should be taken by the Government of India and, Sir, if necessary, a statement also, after ascertaining all these things, can be made in the House by the Minister concerned.

SHRI SUDHIR SAWANT (Rajapur): Sir, the reported incident of smuggling of plutone vote has proved that today changes have

come in the country. Earlier their used to be the Chief Minister of a particular Caste in the State but today one can see Chief Ministers of each caste. Pilotji, the edifice of the Central Government will also crumble down, if remedial steps are not taken immediately. Therefore make amends before it is too late and give the Dalits, Backward Class and the people belonging to the Minority Communities their due rights.

With these words, I support this resolution whole heartedly. I urge upon the Government that an amendment should be brought at the earliest to remove the evils of the society and give justice to the exploited people.

SHRI GANGA RAM KOLI (Bayana): Madam Chairman, besides the Scheduled Castes and Scheduled Tribes, the condition of the Backward Classes is miserable. There was a proposal of setting up of Parliamentary Committee for their upliftment. The main objective should be to make efforts for the maximum development of the Backward Classes. Like the Scheduled Castes and the Scheduled Tribes they should be provided the facility of reservation in promotion in Government jobs. The economic condition of the Backward Classes is very poor. They do not have clothes even to wear on. They earn their bread and butter as daily wagers. They do not have houses even to live in. The Backward Class Commission should be set up in each State for their betterment and the States should make arrangement for reservation for their development.

Madam, the benefits of reservation are not reaching the actual beneficiaries among the Backward Classes and the Scheduled Tribes. Therefore, they cannot have any relief from it today. Only a few among them take advantage of it. They are only bonded labourers and this area is reserved for them

only. There is no limit to their exploitation. The situation of this section of society in Madhya Pradesh is miserable. A woman has only one saree to wear which she washes and after drying it, wears again. There is no arrangement of clothes and employment for them. Same is the condition in regard to houses. Madam, Chairman, their condition in Bihar and Uttar Pradesh is also miserable. As far as Rajasthan is concerned, since the BJP Government has come to power, the Chief Minister, Shri Bhairon Singh Shekhawat, has done a lot for the Backward Classes. You might be aware that today the condition of the Backward Class people who are being exploited is turning from bad to worse. They perish in winter, summer, rainy season and in every weather.

Madam Chairman, I would like to conclude with one suggestion that for the all round development and progress of the Backward Class people, a parliamentary committee should be set up. It should submit a report to the Government so that timely action is taken on their problems and their lot is improved.

[English]

SHRI CHITTA BASU (Barasat): Madam, I rise to support this Resolution. This Resolution is very simple. Broadly speaking, it has two objectives. One aspect is that the powers and functions of the National Commission for Backward Classes be further expanded. According to the mover of the Resolution, the function of the Commission is to recommend to the Government ways and means for the all-out development of the OBCs. He also suggests that the Government should consider such recommendations periodically. The second objective of the Resolution is that there should be a Committee of the Parliament to oversee the performance of the Commission

as well as the implementation of the Central projects meant for the development of the OBCs. These two objectives are very clear. I don't think anybody who wants to have all round development of the OBCs can find any reason to oppose these simple, clear and very specific recommendations. So far as Parliament is concerned, Parliament should naturally have the right to oversee the implementation of the progress of the projects meant for the development of the OBCs.

Why this demand for the expansion of the powers of the Commission? Well, I would like to quote Clause 9 of the National Commission for Backward Classes Bill, 1993:

"9 (1) The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion of any backward class in such lists and tender such advice to the Central Government as it deems appropriate."

That means the Commission can decide on both inclusion and exclusion of backward classes as OBCs as it deems fit. If it decides that a particular community deserves to be included in the lists, it can advise accordingly. Similarly, if the Commission comes to the conclusion that the inclusion of a particular community is unjust, it has the power to advise the Government to exclude the community from the lists. The Commission can decide upon both exit and entry of the backward classes into the lists. Naturally, the function of the Commission is to allow some caste or community to be recognised as an OBC or exclude some community from the OBC's lists as it deems appropriate.

Therefore, the purpose is not to bring about the total development of the socially and educationally backward communities of our country, who constitute, as they say, 52 per cent of our population. Therefore, it is highly commendable to have a fresh look in this matter.

Madam, in this connection, Mandal Commission becomes very much relevant. We, on behalf of our Party, are committed for the speedy and full implementation of the Mandal Commissions report. I underline full and speedy because it is a landmark event in the history of the struggle of the under-privileged, the downtrodden, the educationally deprived and the socially orchestrated. This is a very potent weapon to give effect to the concept of social justice. It is also a manifestation of the perception of affirmative discrimination. Willingly, knowingly, we have to discriminate in favour of the weak, in favour of the under-privileged against those who have been enjoying the privileges for ages and ages together. Somebody might feel it is discrimination. Yes, it is discrimination. This is affirmative discrimination. This discrimination is purposefully done in order to see that the downtrodden, the under-privileged and those who lag behind are brought forward so that they may be put at par with other advanced sections of the society. Mandal Commission is for this.

Madam, Mandal Commission, as a matter of fact, is the real reflection of this conception of affirmative discrimination. As I said, we want speedy and full implementation of this Mandal Commission recommendations.

What does the Mandal Commission say? What are its major recommendations? There are three aspects of the Mandal Commission's recommendations. It is very

unfortunate that some of our friends and colleagues in this House and outside simply highlight the reservation part of the Mandal Commission recommendations, as if Mandal Commission did nothing, except to point out the urgency and necessity for reservation. I want to point out and highlight that Mandal Commission's report has broadly, three different and very important aspects. One is reservation, another is educational concessions and lastly and the most important aspect of it, is the social restructuring, or structural changes as they call it.

If you allow me, I will just go through these aspects. So far as the reservation part is concerned, 27 per cent reservation is sought to be given to OBCs and others. In case of educational concessions, an intensive time bound programme for adult education, special schools with free boarding and lodging and financial assistance to foster business enterprises for OBCs setting up of small scale industries. As regards structural changes, radical land reforms and transformation in existing production system, specially in agriculture should be made.

A part of the surplus land available due to ceiling laws be given to OBC. Madam, so far as reservation is concerned, it has been implemented to some extent but not fully. Therefore, I say that there should be full implementation of the reservation, as recommended by the Mandal Commission. I do not minimise the importance of reservation. I do not say that there is no necessity of reservation because there may be some heart burning. Therefore, I have been all along saying that it is the affirmative discrimination, viz. we are discriminating, knowing fully well, in order to see that those who are lagging behind also come forward. That aspect is also there. But, complaints are also there that it is not being implemented

fully. It is for the Government to explain as why a decision of the Government is not being implemented fully and speedily. I join my voice with Shri Ram Vilas Paswan and others that it is not being implemented fully. There are lapses and there are many shortfalls which should be corrected so that the genuine grievances of the people are removed.

So far as the educational concessions are concerned, just now he quoted some figures. We want an IAS Officers coming from OBC or Scheduled Caste and Scheduled Tribe community. That is a social prestige. It is not that a particular young man belonging to OBC is getting some monetary benefits but it is the recognition of a person from OBC or Scheduled Caste or Scheduled Tribe community who is also a partner in the Government of the country. Naturally the people belonging to these communities have more faith in him and they look to him as their man in the administration. A Scheduled Caste or a Scheduled Tribe Police Officer creates confidence in the minds of the Scheduled Castes or Scheduled Tribes that it is their man in the administration who will protect their interests. This is a great psychological question. I think the House should understand that it is not merely the question of Scheduled Caste or Scheduled Tribe getting a very very good source of income but it is the social prestige not only of that individual but of the community he belongs to. This is the psyche and unless we understand this psyche we should not be able to transform the society, or to understand the social realities as are prevailing now.

Just now it was pointed out that the OBC candidates are entitled for 27 per cent reservation. But the percentage of the successful candidates did not exceed more than 12.5 per cent. It is because they were

not properly qualified and so they could not compete properly. For that, what is the arrangement to be made so that their qualification is upgraded? Special concessions are to be given. Special scholarships are to be provided for so that they can also compete, if not with others but among themselves. They should be helped properly so that they can acquire the capability and skill for that purpose.

Some Corporation has been there in this regard. It was established some three or four years ago. I have forgotten the date of inception of OBC Corporation for rendering economic assistance. Up-till now only Rs.34 Crore have been spent. The amount was granted by way of economic assistance for OBCs.

Mr. Anbarasu, I am speaking with agony. The statistics speak for themselves. 52 per cent of the 90 crores of people are getting, over a period of four to five years, only Rs.34 crores. Even if it is taken as 35 or 40 crores; is it sufficient? Is it the way of uplifting economically and socially backward communities in our country who comprise a major chunk of our population? Therefore, the Government should also think in a different way so that the genuine grievances of these people are redressed.

Lastly, Madam, I want to say something about this 50 per cent limit on reservation. This is a judicial verdict, therefore, a responsible person like me cannot challenge it here, and I won't. But, let me quote the opinion of the fellow judges. I am just quoting what the other judges of the same Bench said about the 50 per cent limit. If I myself say so, then certainly some of the hon. Members will say, why Chitta Basu, you are challenging the judicial verdict! , but Judges of a Bench may give conflicting judgements. Madam, in the Mandal case,

Justice B.P. Jeevan, speaking for himself and for Chief Justice Kania, Justice Venkatchaliah and Justice Ahmadi, said:

"The reservation contemplated in Clause 4 of Article 16 should not exceed 50 per cent. While 50 per cent shall be the rule, it is necessary not to put out of consideration certain extraordinary situations inherent in the great diversity of the country and the people."

Even if they ruled for 50 per cent limit, they also felt the necessity of a special consideration in extraordinary situations. He was of the view that in certain extraordinary situations, some relaxation in this rule may become imperative. Justice Ratnavelpandian said: "The decision fixing the percentage of reservation only up to a maximum of 50 per cent are unsustainable." Justice P.B. Sawant, while accepting the 50 per cent limit, suggests that "this percentage may be exceeded for extraordinary circumstances." Therefore, there are other views also. I also appreciate these views. Social realities are different from State to State. There are historical reasons for it. We just cannot compare West Bengal society with the society of Tamil Nadu, nor can we just compare the Tamil Nadu society with the society of Haryana. This social stratification is developed out of historical reasons. These differences arose out of historical and social development. There are differences in the development of Scheduled Castes, Scheduled Tribes and OBCs and for that the social realities should be taken into consideration by the legislators while fixing up the percentage of reservation, not simply because certain judgement has been delivered from Delhi.

Therefore, I appeal to the Government that some mechanism has to be devised; I

cannot just say that this should be the mechanism. As far as Tamil Nadu and Karnataka are concerned, that is a different case in the sense that these reservations have been in existence for many years.

But after getting a clue from that, if some Chief Ministers say that, now, it is 100 per cent reservation for some State and 95 per cent reservation for another State, then I would say that that would be giving too much of flexibility.

In Tamil Nadu, this 69 per cent reservation has been in vogue, if I am not mistaken, for the last about twenty years or so. In Karnataka, this 73 per cent reservation has been in vogue for the last several decades. They had acquired certain rights naturally. So, their rights cannot be just snatched away. If you try to take them away or snatch them away, naturally, there will be resistance. Therefore, this 50 per cent limit, as judicially pronounced by the Supreme Court, should not be enforced in letter and spirit on all these States. To begin with, at least, the existing rights should be protected. In order to protect those existing rights, a Constitutional Amendment is necessary. The Tamil Nadu Government have satisfied themselves by asking the Centre to include it in the Ninth Schedule. I am told by very senior Constitutional experts that by simply including it in the Ninth Schedule it will not protect the Act completely and fully. Therefore, the Law Minister should take into account various aspects.

My suggestion would be that there should be an all-Party meeting at the earliest to devise a mechanism, firstly, to protect the existing rights and secondly, to what extent the State Legislatures are to be given the power in order to determine the percentage of reservation in their respective States. But the States must be consulted; the States

must have their rights; and the States must not be denied the opportunity of explaining their position, particularly, in relation to these matters which concern the society and which concerns the grass-root realities.

With these few words, I again support the Resolution. I also thank the hon. Member for taking the trouble of bringing forward this Resolution. I hope that there will be a general consensus in support of this Resolution.

[*Translation*]

DR. S.P.YADAV (Sambhal): Madam Chairman, I rise to support the resolution moved by our friend from Congress, Sh. Anbarasu.

This resolution relates to the extension of scope of the National Backward Class Commission. The contents of this resolution should speak for the extension of rights and functions of the commission but I think that there are some other concealed motives behind it. Even after 43 years of India's independence 52 per cent people have been denied their constitutional right of 27 per cent reservation. No consideration was given to it.

In 1977, during the first regime of the Janata Party Government, the Mandal Commission was constituted. This Commission after studying in detail the social, topographical, political, economic and other aspects of the whole of India, submitted a detailed report in the House in 1980. Till 1990, this report was kept in cold storage and no action was taken thereon. When Janata Dal came into power in 1990, hon. Eble V.P. Singh gulped down such a bitter cup of poison, opened a Pandora's box which nobody was able to shut and implemented the Mandal Commission's report with effect from 7 August, 1990 for

which he had to sacrifice even his Government. There was a person who dared to give 52 per cent people of backward classes of the country their rights without caring for the consequences. He tried to accomplish it by ignoring the political repercussions.

Madam, Delhi was shaken by strong agitation and the tremors were felt in far and near corners of the world but we are happy that the law and rule enumerated by hon. V.P. Singh for the backward people are followed and propagated by all political parties, States etc. according to their own circumstances.

Madam, Shri Ram Vilas Paswan said just now that the Chief Minister of Bihar, Shri Laloo Prasad Yadav has declared to grant 80 per cent reservation. I have also read about it in the newspaper and the former Chief Minister of Bihar, Shri Jagannath Mishra has opposed it and termed it as a political move. I would like to say that it is clearly provided in Article 164 of the Constitution by the fathers of the Constitution that in Bihar, Madhya Pradesh and Orissa, there will be a Minister in charge of the portfolio of the welfare of the Tribals. At the time of framing the Constitution, it was specifically mentioned therein that in these three states, there would be a separate Minister for them. This provision was made because the population of backward classes, SCs and STs was dominating the areas but the Government never paid any attention to this Article of the Constitution. We have got an opportunity to speak on this subject in the context of resolution moved by Shri R. Anbarasu. There are 38 per cent SC, ST people and 52 per cent OBCs in Orissa. In Bihar, there are 22.5 per cent SCs, STs and 52 per cent OBCs. This is the percentage of people living in these States but no attention has been paid to them and they have been

ignore for so long. But now, people have become aware of their rights. Their representatives have entered the Parliament now and they know how to champion their cause. They are conversant with all laws. The working and functions of the Commission are not known to us and we do not know as to what the Commission is doing. We came to know through newspapers that the Government has from time to time provided some funds for that but there is a great responsibility on the Commission.

The greatest onus lies on the Chairmen, Secretary and Members of the Commission to study the position of OBCs in the country. They are stated to be 52 per cent but the Commission should see whether their percentage has increased over the years and should give reservation accordingly. Shri Paswan said just now that the percentage of SCs, STs has increased from 22 to 25 per cent. Similarly, the percentage of OBCs must also have increased.

Likewise, this Commission will have to look into the Cases of the Backward Castes, which have not been included in the list. I know about a caste, Kharagwanshi in Uttar Pradesh, which is the most Backward Caste culturally, educationally, and socially and economically but it has not been included in the list. Only Khagar Caste has been included in the list while the same caste is known as Kharag, Khagar, Karagwanshi and Khagi. It is possible that later on some people might have changed the name of this caste from Khagar to Khagi. Now the Tehsildar or the SDM is not issuing Certificate of OBC to the people belonging to Khagi Caste. Therefore, my submission is that the castes which have not been covered in this list should be included in it.

Madam Chairman, the fate of the OBCs

is not going to change merely by getting jobs in which they have to face obstacles. I am related to education. Therefore, I know about the discrimination being done to them in schools and colleges. None other than the son or the relative of the Head of the Department can be a topper and can get first class. That student will be given 48-49 marks out of 50 while the other intelligent student will get only 18-20 marks. Often it happens and the Government is unaware of it but we know that such sort of partiality is being done. The similar issue was raised during zero hour that only 12 per cent Backward Caste candidates could qualify the examination conducted by UPSC. The reason behind it may be that they do not let these students qualify so that the vacancies be kept unfilled. We have before us the experience of Scs and Sts. The reservation for them is 22 per cent but only 8 per cent vacancies have been filled so far. When such type of irregularities are done in the examinations and favouritism is also shown then how the Backward Class people will get justice since the examiners are also like us. The Commission will have to keep an eye on it. It has to keep a check on partiality. There is the system of revaluation in universities. If a student feels that in a particular paper he secured less marks then he can apply for revaluation by depositing fee. This system should also be adopted in the case of the examinations held by the Union Public Service Commission and other states. If a candidate feels that he has secured less marks or he has been given less marks deliberately then he can go for revaluation.

The Commission has so many responsibilities on its shoulder. It should conduct a survey about the irregularities and Central and all the State Governments should be informed. That issue should be discussed here in this House so that the condition can be improved. In addition to

that, I would like to say that making reservation in jobs will not serve the purpose. The Commission should prepare a team of the people belonging to Backward Classes so that they can manage to overcome their economic and social hurdles and provide for their development. They should not depend only on agriculture but must come forward in industrial sector also. They must also have their share in it. For that they should be imparted industrial training to set up their own industries based on agriculture or other industries for which the raw material available in that area can be utilised. There are much potentials of raw material in rural areas and keeping that in view, arrangements should be made for their education as well as training.

There are many other small jobs for them as we were discussing the Motor vehicle Act in the House. They can take up driving. If they are given training in it, they can be good drivers. Both the government and the Commission will have to search the talent. If they are not searched out then a number of persons will remain idle in the rural areas. If the people of Scheduled Castes, Scheduled Tribes, Muslims and the Backward Classes do not get opportunities for development, their future will be dark. If they are provided opportunities, they can come forward. In National and International games held in our country, there is swimming also. If you go to villages, you will find small boys of Scheduled Castes and Scheduled Tribes who can swim across not only the tanks but the fast currents of the Ganges also, even if you tie their hands and legs. But they are not getting opportunities. This Commission is not there to sit idle but it seems to me that it is fast asleep. Its programmes and activities are not visible anywhere. Yes, at times just one or two lines appear in the newspapers. I would like that the resolution moved by our colleague on

which we have got an opportunity for discussion, should direct the Commission, to do some constructive work and the Government should also direct it for this purpose.

The issue of reservation, the implementation of the Mandal Commission on which there was much hue and cry is nothing and it should be implemented in toto. Nothing has been said against anyone in the Mandal Commission. If the Yadavs of Uttar Pradesh have been covered, then the Yadavas of Haryana do not find place in it, if the Thakurs of Uttar Pradesh do not fall in this category, the Thakurs of Gujarat are covered under it. The Mandal Commission has conducted an indepth study and its findings are based on facts keeping in view the economic and social circumstances of the State, the categories of castes have been determined impartially. Therefore, I urge upon the Government the implementation of the report of the Mandal Commission, which has not been implemented fully should be implemented in toto. Education has been given priority in the Mandal Commission. If education is not imparted on the lines of the recommendations of the Mandal Commission, the people of the Backward Classes will not get education even upto primary level. They will not be able to study properly. If primary schools, junior schools or intermediate schools are not there then they will face difficulties in getting education. The Government does not have enough funds to help them all. They will not be able to get scholarships. Therefore my suggestion is that at each Panchayat level a primary school, at Nyay Panchayat a junior school, at Block level an Intermediate College and at Tehsil level a Degree College should be set up. If such a structure of education is created the backward people of the rural areas will be able to avail of opportunity to

read and write.

Madam Chairman, we are aware that there are talents in the country, which are to be searched out. These talents can be found in the Backward Classes also. It is possible only if they are encouraged to come forward.

In this context, the Government must see whether the powers given to the Commission constituted in this regard are adequate or not and whether these are being utilised or not. The Government should encourage it; then I think this Backward Classes Commission will function properly and the 52 per cent Backward people of the country will get all the opportunities.

With these words, I support the resolution moved by the hon. Member Shri Anbarasu and hope that the Government will take some action in this regard.

SHRI DILEEP SINGH BHURIA (Jhabua): Mr. Chairman, Sir, I am thankful to you for giving me an opportunity to speak on this resolution. I am thankful to the hon. Member Shri Anbarasu for moving this resolution here.

Mr. Chairman, Sir, it is an opportune occasion for setting up a Commission for the upliftment of the people of the Backward Classes of the country. At the time of our freedom struggle everyone belonging to any religion, caste or language fought for attaining such a social set up in which we could get social justice and everyone could get the opportunity of making progress. But even after 47 years of independence, we find that the poor has become poorer and the rich has become more rich. Taking all

these things into consideration Mandal Commission was set up and then the problems in regard to the identification of the Backwards, the tribals and the Harijans surged up.

17. 00 hrs.

Mr. Chairman, Sir, under the leadership of Gandhiji, people of all religions castes, languages and the poorest of the poor were brought together but some lacunae in our social structure have remained till date. This is the result of those lacunae only that in this democratic set up, only a few people are taking advantage in every field like education, housing and even in the field of sports, as is evident from the data given by an hon. Member just now regarding services. Now, when they came to know about it they had to stand against it and fight for their rights and today conflicts in the name of castes, religion, separation and terrorism is the outcome of that only. The people's resentment is the root cause of all these conflicts. Had we done justice to the people in the society, the condition of our country would not have been such as it is today.

The motive behind this resolution moved in this House is bonafide. I would like to submit that at the time our Constitution was framed, the makers of our Constitution had deeply pondered over and discussed all the things and the Constitution was prepared after having involved the representatives of all the segments of society in the process. Today everyone thinks about Constitutional amendments and we apprehend that in future we will have to review our Constitution. The question before us is that which society is to be uplifted. No society can be uplifted by enacting the laws, it merely requires a change in ideology.

During our freedom struggle, under

leadership of Mahatma Gandhi, it was never tried to find out as to what caste or class one belongs to but the whole society was asked to stand against the foreign rule. But today we see that another type of social set up evolved which is not in conformity with the type of society preached by Mahatma Gandhi and it is because some have made progress and others are still lagging behind. It means that our set up is defective somewhere. Let us ponder over seriously on the fact whether we can do justice to all through law. We often talk about the Tribals and we find that merely 15-18 per cent of them are educated. Even 80 per cent of their allotted quota in services has not been filled. If only 4-5 per cent tribal women are educated, how then can a tribal child or a child belonging to the backward class or a child living in a hill area who does not have the basic facilities, not even playground in the schools, be compared with a child studying in a convent school. It is not possible at all. He can compete only if there is uniformity in education in the cities and villages. If a child having got education under a tree is asked to compete for IAS or IPS, how can he succeed? Can there be any competition between a horse and donkey? It can never be possible.

Therefore, in these circumstances, how can we make them believe that we want to give them equal opportunities, this is their Parliament, it is their country and it for one and all, everyone has got equal rights in the field of education and services? So long it is not done, this disparity in the society will continue. Today everyone aspires to come to power and one knows that unless one comes to power one is not likely to get anything. Today everyone is involved in this competition. Therefore, all these political things are involved in it.

Madam Chairman, it is time to ponder over all these things and over the fact that in

these days of competition, the deserving persons, whether they belong to Tribal, Schedule Caste or Backward Class society, are not able to attain what they should have attained. Therefore, there is a need to bring them to the centre of power and to give them their due.

Madam Chairman, today the issues of Bodoland, of tribal areas under the 6th schedule of the Constitution, the liquor mafia, the land mafia and the forest mafia are coming up but the poor and the tribals have not progressed to the desired extent and the funds allocated for them are going into others pocket. Therefore, this problem has come up before us.

Madam Chairman, today we want to give houses and employment to the poor, the tribal and the Harijans to make them self reliant but even after 47 years of our independence, their condition is miserable. They have not become self reliant. We should do research on it and the Commission, set up for the Adivasis should be strengthened. This is the reason that today the issue of setting up a Parliamentary Committee for the upliftment of the poor has been raised which can comprehensively think for their development.

Madam Chairman, initially reservation was provided for 10 years only and it was envisaged that they will make enough progress within those 10 years but our hopes could not be fulfilled and the period of reservation was further extended. Today if we go and see the villages of the country and compare these with Delhi, there is a huge difference between the two. How much more time will we take to bring the villages at par with Delhi and to ameliorate the lot of the tribals? How much more time this process of bringing equality will take? We do not want reservation. We want equality only. In

case of general fever, only common medicines are administered but if one has high fever, a heavy dose of quinine is administered. Likewise, the Adivasi society needs a heavy dose. As long as we do not do so, the secessionist activities will go on.

Madam Chairman, the hon. Members of all the parties take pity on the plight of the poor and the tribals living in huts. We have not been able to make arrangements for their bathrooms even. Even the basic amenities of life, like the lavatories could not be provided to them. Likewise, the employment and health facilities could not be arranged for them. We have not solved these problems till date. Had all these problems been solved, these things could have been finished and there could have been no question of casteism.

Madam Chairman, my submission is that for their upliftment, we will have to rise above politics and think about the nation. The population of the country is increasing. If we keep our-selves above the politics and think as to how they can be uplifted in the wake of the growing population and how they can be brought in the fold of development, this problem of our country can be solved ; other-wise poverty and backwardness will increase. Today the trade and industry are going into private hands and they do not accept reservation. We are to see as to how the poor, the adirasis and the Harijans can be uplifted and to brought in the fold of development, so that we can have their contribution in the development of our country and they may also feel that this country belongs to them as well. There should be the feeling among the Harijans, the Adivasis or the Muslim of the country that this is their own country. Only then this country will make progress with full vigour

Madam Chairman, we had conceived a vision of the country under the leadership

of Mahatama Gandhi. If we follow that, only then we can progress. Madam Chairman, with these words I conclude and thank you for giving me an opportunity to speak.

SHRI RAMESHWAR PATIDAR (Khargone): Madam Chairman, I support the Resolution brought forward by Shri R. Anbarasu.

The Backward Classes Commission was first set up in 1953. It submitted its report in 1955. 2233 castes were included in the list of Backward Classes. Prior to that several other Backward Classes Commissions were also set up but their reports were never implemented. The Janata Party Government formed in 1977 set up the Mandal Commission in 1978, the report of which was submitted in 1980. The report could not be implemented till 1990.

7. 11 hrs.

[SHRI P.C.CHACKO - *in the Chair*]

My hon. friend desired to know as to the regime under which the report was not implemented. Everybody knows the reasons why did the Government make an announcement in 1993 to implement the recommendations of the Mandal Commission. The Backward Classes now have awakened politically and they cannot be suppressed for long. Certain political parties while in power are very shrewd and opportunist. They reap the political harvest sown by other parties.

The reason of backwardness of the backward class people is that they suffer from a number of handicaps. Most of the persons belonging to backward classes live in villages. Their children are not provided the latest advanced educational facilities which are provided in public schools of the cities. These poor children have mat and

slate as their only study equipment which they take with themselves to their schools. They sit on the floor and remain backward throughout their life. They do not have any scope to rise. On the other hand, children studying in modern schools in cities make good progress and therefore, son of a collector becomes a collector and son of a Secretary is capable of becoming a collector, a secretary and so on.

The Government should review the education and evaluation system. It should be examined whether people holding high offices evaluate the test papers and do favour to their children. Today knowledge, education and talent cannot be the monopoly of a particular caste, class or society. Even then why some people claim monopoly over them? It should be probed as to why the children of collectors alone should become collectors. Now the setting up of a separate commission has been necessitated to see as to why the backward classes have not been given their due rights for 46 years since independence.

Let us discuss the situation prevailing in the villages. There is no dispensary in rural areas. Even if there is one, it lacks many facilities like buildings, doctors, mid-wives and medicines. The same is the position in regard to schools. The schools also lack buildings, teachers and blackboard. The Government had launched operation Blackboard at the national level two years back. If teachers are there, students have no buildings to sit in. It seems that benefits of developmental programmes have not reached the deserving cases in last 40 or 50 years. Where are the funds allocated in the Budget spent? Who is responsible for the plight of the backward classe people who have continued to remain backward for last 47 years? Why have they not been given even their basic rights, moral rights, social

rights, educational rights and financial rights. The people responsible for their present plight should come forward and accept their guilt. They should remove the shortcomings and help the backward classes come forward. Then only the backward classes could be benefited.

The Supreme Court has delivered different judgements on different occasions. In the year 1971, the Supreme Court had issued orders that promotions to candidates belonging to SC and ST as per their reservation quota is justified. But the recent judgement of the Supreme Court has not provided reservation to SC and ST candidates in promotion. Various complaints are made to Supreme Court in this regard and sometimes it is criticised for its judgement. Here I would like to point out that the criticism of the Supreme Court and the High Courts can be avoided by amending the Constitution or the concerned laws, so that the courts may pronounce their judgement accordingly. It all depends on the political awareness and the political understanding of the Government.

The Supreme Court laid down the principle of creamy layer for the backward classes. The backward classes are already backward and if the principle of creamy layer is added to it, they will be deprived of the benefits of reservation. In this connection, I would like to suggest that the term creamy Layer should not be made applicable in case of women. Only socially and educationally backward persons should be included in backward classes and economic condition should not be a criterion. The income from agriculture should not be taken into account for creamy layer. People earning upto 20 lakh per annum should be allowed to avail the reservation facility. Then only the backward classes can be benefited. Otherwise, the hard earned political benefit

after 46 years of independence will be denied to them.

Sir, now another question arises here. Different States will define creamy layer differently. Recently the State of Bihar defined creamy layer and prescribed the norms in its own way. The Union Government should intervene and after reaching a consensus in consultation with the States, norms should be fixed centrally so that further dispute over its definition is avoided.

In Madhya Pradesh the backward classes have been given 14 per cent reservation whereas they constitute 52 per cent of the population. I, therefore, request the Government to provide 27 per cent reservation for the backward classes in Madhya Pradesh, as prescribed by the Central Government.

So far as the list of the backward classes is concerned, the Mandal Commission had also prepared such a list. Every State has prepared its own list of backward classes and set up individual Backward Classes Commissions. I suggest that the Central Government should accept the castes prepared by different States as backward castes. My hon. friends have made a suggestion to prepare the list of backward classes afresh so that those castes which are missing in this list could be included now. Therefore, I suggest that it should be reviewed and some new castes should be included. In this connection, I would like to give an illustration in respect of Madhya Pradesh. There is a caste called Kunbi in Madhya Pradesh which has been included in the list. But the people belonging to the same caste in my home district Khargone call themselves as "Mathas". The people belonging to the same caste in Khandwa district and who are also the relatives of

Mathas in Khargone have been provided reservation whereas the same caste in Khargone does not enjoy the reservation facility only because they call themselves as "Mathas". Thus, surnames and names that have been changed due to distance and language, should also be included so that they may enjoy this facility in time. It is easier said than done. Charity begins at home. Therefore, the Central Government should take the lead to include such surnames and names in its OBC list. In the Municipality and Panchayat elections, the OBCs have been provided 27 per cent reservation in place of 14 per cent. I would like to know whether the political parties would similarly like to provide 52 per cent reservation to backward classes in Assembly and Parliamentary elections? The political parties must come forward and take an initiative to bring the backward class people to the forefront. They cannot be given social recognition or social pride unless they enjoy political rights. Therefore, they must avail reservation in distribution of tickets for the Assembly and Parliamentary elections. I would like to point out one more thing that the women constitute half of the population in the society. Therefore, political parties should provide 50 per cent reservation to women in Assembly and Parliamentary elections, because women are resenting the existing arrangement.

Sir, today we talk of backward classes. We politicians consider this issue from a pragmatic angle. I would like to suggest that casteism should not be allowed to spread in the name of backward classes. All political parties will have to work wholeheartedly and with an honest intention. Then only the country can be saved from the malady of casteism. Once this malady spreads, it will create a lot of trouble. Therefore, political wisdom demands that the country should be protected from the malady of casteism and this will be possible if backward classes

are provided reservation commensurate with their population in the society. If any conflict starts for getting this political rights forcibly, it will create an explosive situation. Therefore, this conflict can be averted by providing reservation according to population of the backward classes.

Sir, I would like to point out that in order to expand the powers and jurisdiction of the backward classes commission, reservation should not be confined to Government jobs alone. It should be provided in Public sector and Private Sectors as well.

Sir, the department of Petroleum and Chemicals has given the right of import of petroleum, LPG Gas and Kerosene to the Private Sector under parallel Marketing system. Its total benefit is being enjoyed by multi-millionaires and billionaires. The distribution of dealership is awarded to those who invest huge funds. We have committed a blunder by entrusting such a vast economic undertaking to some multi-millionaires. The backward classes should be provided reservation in it, otherwise they cannot avail the benefit.

An endeavour should be made to establish proper co-ordination and harmony in society. Our political and leadership dexterity lies in the fact that the downtrodden get their right and no bitterness or feeling of secession is created in society, people should live in peace and harmony. From this point of view, the jurisdiction of the Commission will have to be expanded and only then it will yield better results.

I express my thanks to you for giving me an opportunity to speak.

17. 26 hrs.

[English]

[MR. DEPUTY-SPEAKER *in the Chair*]

SHRI M. KRISHNASWAMY (Vandavasi): Mr. Deputy-Speaker, Sir, I rise to support the Resolution moved by my friend Shri Anbarasu. I thank him for bringing forward such an important Resolution on the floor of the House. The Resolution is very simple. The House is of the opinion that the National Commission for Backward Classes be empowered to suggest ways and means for the overall development and to monitor various welfare schemes of the Central Government for the backward classes. A Parliamentary Committee be constituted to consider the reports of the Commission. The Resolution gives more powers to the National Commission for Backward Classes.

The Commission for Backward Classes has been constituted. It has not yet picked up the momentum because of various teething problems. The required staff strength has not been adequately provided. The Commission should be empowered to look into all the cases of atrocities, complaints and grievances of the backward class people in the matter of reservations, admission in education institutions, appointments, promotions etc.

This Resolution deals with the National Backward Classes Finance and Development Corporation and the need to revamp it, make it function more effectively. While I welcome the Government's decision to establish the National Minority Finance and Development Corporation (NMFDC) with a capital of Rs.500 crore, as announced by the hon'ble Prime Minister

from the ramparts of Red Fort on this year's Independence Day, I urge upon the Government to increase the outlay for the National Backward Classes Finance and Development Corporation, since what has been given during the last two years is a fringe, as compared to the gigantic task lying before us.

Sir, the SC/ST Commission has got Rs.125 crore. The Backward Classes Corporation has got Rs.100 crore. The Minority Commission has got Rs.500 crore. So comparing with the population of the Backward Classes, it should at least be increased to Rs.2000 crore. An amount of Rs.125 crore has been reserved for the SC/ST Corporation. It should also be increased because the SC/ST population is about 22.5 per cent. The Minority people form 7 per cent of the population. Of course, Rs.500 crore has been reserved for the Minority Commission. There are 52 per cent backward class people. So, the amount reserved should be increased to Rs.2,000 crore. There are crores and crores of backward class people who are languishing in poverty, starvation, ill-health, shelterless, who require immediate help and attention.

Sir, one of the objectives of the National Backward Classes Finance and Development Corporation is to promote technical and entrepreneurial skills of the backward class people who are mostly working as agricultural labourers, handloom weavers, masons, construction workers, artisans, handicraftsmen and craftsmen. I do not know what has been done by the Corporation in this direction. There are crores and crores of handloom weavers who are not getting yarn at a reasonable price with the result, they are thrown out of employment. In the age of liberalisation, the handloom weavers should be given innovative training to produce various

handloom cloth items which cannot be artistically produced by the mills. In that way, value addition can be made to their handloom products. The Corporation can help to establish cooperatives at the district and State levels to supply yarn at a reasonable price by eliminating middlemen. Similarly, there are other such professions where the Corporation could do some work. The amount which has been allotted to the Corporation is not reaching the right people. Middlemen are taking a major share of the money allotted.

There must be some power to the Backward Classes Commission. Otherwise, whatever we spend will go waste.

Now I come to Statewise distribution of loans sanctioned by the Corporation in 1992-93. Tamil Nadu is one of the pioneering States where backward classes are already identified and well organised and the reservation system has been in practice even before the Mandal Commission Report came. Reservation started effectively during the Congress regime. The State has also got its own Backward Classes Finance and Development Corporation. But, unfortunately, the loan sanctioned for Tamil Nadu is Rs.154 lakh as against the total amount of Rs.3440 lakh. Whereas, Karnataka has been given Rs.458 lakh and Maharashtra has been given Rs.415 lakh, Tamil Nadu has been given only Rs.154 lakh. Similarly, when we come to the number of units helped by the Corporation, 1449 units in Tamil Nadu were helped as against the total of 25,821 units. I know, our hon. Minister Shri K.V.Thankga Balu is impartial, but at the same time he should take care of his own State.

Educational facilities should be given top priority to the backward class people. Only when they are educated, the question

of job reservation comes. In this Commission, educational facilities should be given more importance. I would also urge upon the Government to see that age relaxations as demanded by all the political parties are given to backward classes people in the matter of appearing recruitment tests in UPSC and Staff Selection Commission. Reservation should be made available to promotional quota at all levels. Special schools on the line of Navodaya Schools should be opened with free board and lodging to the children of backward class people.

The NBCFDC should enlarge the scope of its activities in disbursing loans and financial assistance to the backward class and self-employed people, small entrepreneurs in fostering business enterprises. For the purpose of giving house-site to build their own houses and to set up some cottage or village industry, a part of the surplus land available due to land ceiling laws should be given to the backward class people.

The previous speakers have also spoken about the Mandal Commission Report. The Supreme Court has delivered a judgement that reservation should not exceed 50 per cent. I do not know who were all the judges who delivered this judgement. I cannot now say anything about it. But we do not know how many backward class judges were there on the Bench. Anyway, the Supreme Court has given its verdict. But the Parliament is supreme and we can take up this matter and amend it accordingly. Sometimes there are legislations for social justice. But, again this legislation, some people are going to High Courts and the Supreme Court challenging it. There must be some legislation preventing people from going to High Courts or the Supreme Court against such social justice legislations. If you bring a legislation for social justice, that

should not be challenged in the court. There should be a law on this point.

In order to obviate the lacunae as pointed out by the Supreme Court, I would urge upon the Government that all the legislations relating to the reservations for backward classes in educational institutions and Government Departments, public undertakings and nationalised banks should be brought under the Ninth Schedule of the Constitution to make those laws non-justiciable.

There are backward classes in Tamil Nadu also. There is one community among the backward classes in the State called Gypsy who are just like the Banjara people called æNavikuravasÆ. They eat whatever is left over and thrown on the streets. They come and collect it and eat it. Those people are not given any opportunity anywhere. They are called backward class people. They can be called anything. They are not even equivalent to ST people, they are even lower than that. Such peopleÆs interest should be protected. They have no script for their language. They speak mixed Hindi. Nobody takes care about those people. This is the state of affairs in Tamil Nadu. I request the hon. Minister, who is here to take up this matter also, to include these people also in some of these categories so that they can be safeguarded. This has been pending for a long time. They go here and there, from one village to another. There is no shelter for them. The Commission should be given the power to classify these people also and protect them.

The Supreme Court judgement has stated that if the caste of a person in one State is called SC or ST or backward class, it cannot be called so in another State. It is a very peculiar thing. This should also be considered.

Sir, of course, for the development of the backward class people, we are allotting so much of money. It does not reach those people. There should be some monitoring system. The reservation should be according to population among the backward class people.

This is an important piece of legislation for the development and upliftment of the backward classes. Therefore, this should be treated on a par with the Ceiling Laws. I would request the Government to bring forward a Constitutional Amendment in this Session itself so that this could be passed unanimously by all sections of the House.

Therefore, Sir, I extend my whole-hearted support to the Resolution moved.

[*Translation*]

SHRI KAMLA MISHRA MADHUKAR (Motihari): Mr. Deputy-Speaker, Sir, I myself and on behalf of my party thank the hon. Member who has moved this Resolution.

We fought for the freedom of our country but the downtrodden, backwards and the exploited lot have remained neglected for thousands of years. The pandits and priests of our country devided the people in the name of religion and language and deprived dalits from exercising their rights. These people constitute 80 per cent of the population of the country. However, today the time has changed. Now, they will not remain a neglected lot because they have woken up. They have become conscious of their rights and now they are on a war path to achieve them. When Mandal Commission Report was submitted, my party did not hesitate from accepting it. We had openly declared that we totally agree with the recommendations of the Mandal Commission. However, we do not accept

the view that more reservation would serve the purpose. We have already stated that economic, social and cultural aspects should also be considered in toto.

Mr. Deputy-Speaker, Sir, my party has been fighting for the establishment of a society free from exploitation, not only in India but in the whole world. There may be up and downs but our philosophy of life is that the rights of the exploited and the oppressed lot should be protected. That is why the Government has set up the Commission this year and has also allocated some funds for it. It has been our experience over the last fifty years that many commissions were set up and many schemes like Jawahar Rozgar Yojana and Indira Awas Yojana were launched but what is their fate now? I have seen in my constituency in what manner Indira Awas Yojana is being implemented. The recommendations of the Commissions and other schemes remain only on paper and are not implemented at all. In fact, the Government does not want to implement the schemes. The manner in which foreign companies are being invited to our country under the garb of new economic policy, is not acceptable to our party. We are of the view that whenever the need be, foreign technology should be invited but simultaneously, indigenous technology should also be developed.

What is happening today? We may continue to fight for providing reservation in private companies also yet the Government is not going to implement. Recently, an agreement in regard to setting up of power plants was signed with American companies. In this agreement, the Government has accepted the provision of double guarantee system. It means, the Government of India will have to provide crores of rupees to these companies from its exchequer. Further, it

will have to guarantee profit and follow their rules. In this way, how could reservation be implemented there? How will the people belonging to backward classes be benefited? We are apprehensive about these companies. Shri Ram Vilas ji has rightly said that the Government should remove our apprehensions by sticking to its stand and by giving more teeth to the laws.

It has been demanded in the Resolution that this Commission should be in a position to take some effective steps and should also be financially sound. It should see if the laws, the provisions for extending the facilities to the backward classes in educational institutions, the provisions of economic criteria and land reform laws are being implemented properly. Perhaps, the hon. Prime Minister has also stated that no changes will be made in the land reform laws. But, what will be its repercussions? In Bihar, crop sharers and agricultural labourers are fighting against the landlords. The landlords have occupied thousands of acres of land. I also took cudgels against them. If this aspect is not looked into, the landless, the illiterates and the down-trodden who are looked down upon cannot be brought in the mainstream of the society. One hon. Member has rightly said that if a physically handicapped person and a wrestler are asked to run together, the handicapped person will not be able to run. Therefore, I agreed with the views of Shri Ram Vilas Paswan that now the time has come when the Government should recognise the voice of the people.

The Government of Tamilnadu has sent a proposal regarding reservation to the Union Government for inclusion in the Ninth Schedule of the Constitution. However, I do not know the reasons for the delay. What is the harm in accepting it? Further, what are the reasons for the delay in accepting the

suggestion received from the Government of Karnataka? Shri Laloo Prasad has also stated that he would provide 80 per cent reservation in Bihar. What is the harm in it? Why is the Government feeling uneasy? Why do they nurture hatred in their mind? If it is a political slogan, then what is this Parliament for and why have we come here? If we have not come here for politics, then what for?

We have come here to do politics. Here, two kinds of politics is going on. One is politics of power and the other is the politics of the oppressed and the exploited lot. I support the second kind of politics. We should make efforts to check the assault on their rights. We should fight for their rights. The Janata Dal, the Leftists and other parties are unanimous on this issue. We are fighting for their cause and are trying to improve over the works done by the Government. Everybody knows about the recent scam. It has been stated in the Resolution that the Backward Classes Commission should be made more effective. Further, its various aspects should also be considered and wherever necessary, steps should be taken to improve them. Hence, I strongly support this Bill.

Mr. Deputy Speaker, Sir, I request the Government that a monitoring should be done to make this Commission more effective. I disagree with the way the Mandal Commission Report was implemented and further, the way Supreme Court gave a verdict that the reservation should not exceed the limit of 50 per cent. The verdict of the Supreme Court is not the last word. The Parliament is supreme. An amendment should be carried out in the Constitution which could provide full benefit of reservation to these people in proportion to the increase in their population.

Mr. Deputy-Speaker, Sir, today about 80 to 90 per cent people of the country are exploited and oppressed. They have been neglected for centuries. There are only two options left to fulfil their aspirations. I fully agree with the views of Shri Ram Vilas Paswan that these people are being compelled to indulge in terrorist activities to fight for their rights. We as well as the CPM understand very well that there is no such need. The society, particularly the exploited class is so conscious that we can carry out changes in it through law. I, therefore, urge the Government that it should make its stand clear as we too are in favour of this Resolution. For this purpose, necessary steps should be taken.

With these words, I thank you for giving me an opportunity to speak and while strongly supporting the Bill, I urge the Government to take effective steps for its implementation.

[English]

SHRI P.C.CHACKO (Trichur): Sir, I had already extended my support to this Resolution when I was the last speaker on Friday last when this was discussed. I am extremely sorry that I was not present here when you called my name. I am grateful to you for giving me this opportunity again.

I have already extended my full support to this Resolution. This Resolution is a very innocent one, a very non-controversial and an all-acceptable Resolution.

MR. DEPUTY-SPEAKER: Shri Chacko is on his legs. When his name was called, he was not present. As a special case, he has been given the opportunity to speak now. He happens to be one of the Presiding Officers.

SHRI P.C.CHACKO: This Resolution

has been moved from the ruling party's side. [Interruptions] In fact, I participated in the last debate.[Interruptions] I am not a very experienced parliamentarian. Still according to my information, normally, the Government persuades the Member to withdraw the Resolution.[Interruptions] The hon. Minister, Shri K.V.Thangka Balu, is also here. I have a special request to make to Shri Thangka Balu that the Government may not persuade the Member to withdraw the Resolution.

SHRI R. ANBARASU (Madras Central): Sir, I want to intervene. I am not going to withdraw on the last day.[Interruptions] Now I am cautioning the Minister that I am not going to withdraw it.

MR. DEPUTY-SPEAKER: You have got your own say.

SHRI P.C.CHACKO: I did not mean that.

Shri Anbarasu has to accept whatever the hon. Minister says. Still, I plead with the Minister to accept the Resolution. Very rarely do we see this kind of unanimity in this House. That is why, most of us congratulated Shri Anbarasu for bringing such a Resolution before this House. I think it is in only in the fitness of things that the Government accepts this Resolution.

We have formed a Commission for Backward Classes. But that Commission is without any power. By saying 'without any power', I mean without sufficient powers. Now we have got two other Commissions viz. the Commission for Scheduled Castes and Scheduled Tribes and the Minorities Commission. But constituting Commissions is no answer for the problems faced by these communities and it is especially true in the case of the backward classes.

At the same time, the intention of the Government should be appreciated. I appreciate this Government for coming forward to take such a decision. But to reach its logical conclusion, I think it is necessary to accept this Resolution which is moved by Shri Anbarasu because the OBCs in this country have many grievance. But here, I am not going into the question of reservation. Many hon. Members have raised the question of reservations for the OBCs and the reservation policy as such of the Government. Many hon. Members have used the opportunity to raise this issue of reservations. I do not say that it is very much out of context. But still, that is not the subject matter of this Resolution. The intent of this Resolution is limited to expanding or enhancing the powers and functions of the Commission for Backward Classes. Whether it is necessary to do so or not is the pertinent issue before us. For that, we have to analyse the Resolution, go into the details and see what are the powers already given. I still remember, on the day when this Resolution was moved, the mover of this Resolution, Shri Anbarasu had made it very clear that according to the Act, the power given to this Commission is only to exclude from or to include certain communities in the lists of OBCs. Hon. Member, Shri Chitta Basu has aptly named it as 'Entry- Exit Commission'. Just for that limited purpose, constituting a Commission is not necessary. The Government has got sufficient experience to carry on such work. Just now, Shri Krishna Swamy has mentioned the name of a community which he wants to be included. For the last three years, when I became a Member of this House, I have been requesting repeatedly for the inclusion of one backward class called 'Kudumbi' in my State of Kerala in the OBC Lists. Considering all the parameters, the backwardness of this particular community is being accepted. But still the fact is that it

is not taken into consideration. But my point here is that the Government itself can take this kind of decisions. Constitution of a Commission with very eminent persons as its chairman and members is not necessary to decide this limited aspect.

Therefore, this Commission should be given more powers. The powers as also the functions of this Commission should be enhanced in such a way that it really works as a helping hand to the backward classes in this country. This Commission is constituted by an Act of this Parliament. And that Act mentions only one function which I have explained just now. I sincerely believe that that is not the intention of the Government. I am sure, the hon. Minister, while intervening in the debate, will definitely explain the intention of the Government.

In this country, for the last 47 years since Independence, reservation for the Scheduled Castes and Scheduled Tribes and backward classes has been and is the declared policy of the Congress Party. There are many other Messiahs who are now claiming that they alone are the protectors of the backward classes and the minorities. That is simply not true. If we go into the historical facts, it will be clearly proved that in this country, right from the beginning of the Freedom Struggle over one hundred years ago, right from the days when Congress was spearheading the National Movement for Independence, the upliftment of the Scheduled Castes, Scheduled Tribes, OBCs and minority communities was uppermost in the minds of our leaders. What was the type of consideration given to these communities?

What weightage was given in the policy and the decision making of the national movement, before and after freedom by the Congress Government in this country is

known to everybody. So, there is no denying this fact. So, the fact that the Commission is constituted for this, is laudable and the Government has done the right thing.

Sir, according to me, this Commission should have more responsibilities, and more powers. Without clearly providing for that, this will be only for namesake. I understand that one very senior and outstanding Judge is the Chairman of this Commission. One Member of this Commission is also from my State. He has got his own contributions in public life. He is also a very outstanding personality. What all these persons, as Chairman and Members of this Commission, can do with such limited powers? So, apart from deciding and advising the Government on a limited question, they should be given more powers to decide what are the new schemes which should be taken up by the Central Government and the State Governments for the benefit of the OBCs. This is mentioned in the Resolution also.

Sir, if the Commission is empowered, the recommendations or decisions should, in the normal course be, agreed to by the Government. Otherwise, there is no point. We have seen voluminous reports made by many Commissions, and those are all gathering dust. It is not doing any useful work. So, the Commission's recommendations should be binding. Whatever the legal term, the Minister can explain it. In ordinary course, it should be binding on the Government. Otherwise, there is no point in the Commission going into the issues and all these things.

Sir, a large number of issues are cropping up everyday about who is an OBC and who is not an OBC. This is definitely an issue before this Commission, and to this issue, I am sure, this Commission will be an answer. But, at the same time, more than

that, it should be empowered to see what are the areas where new schemes can be introduced, how the Central Government, the State Governments, the Union Territory Administrations and other Government Organisations should be advised regarding the policy to be pursued as far as the OBCs are concerned in this country. This should be the foremost function of this Backward Classes Commission. Otherwise, this cannot serve the purpose.

Sir, I shall finish my speech in a few minutes. The Members have shared the view that the existing programmes which are there for the OBCs, are quite inadequate. Shri Krishnaswamy was speaking about the Backward Classes Corporation. Corporation is different from Commission. The Commission's functions and the Corporation's functions are entirely different. The Corporation can raise capital and give more functions and more areas of operation etc. All these can, of course, be done by the Government. But this Commission is constituted by an Act of Parliament and Parliament has to decide on this. By accepting this Resolution, it will be helpful for the Government to give more powers to the Commission.

Sir, at least the Chairman of this Commission should have the rank of a Cabinet Minister. This is one of my suggestions. I place it before the Minister and the Government. Otherwise, these kind of Commissions will always become a very big disappointment. Now, the senior Judge, who is the Chairman of this Commission should be given the power of a Cabinet Minister and the Members of this Commission should be given the powers of the Ministers of State. Considering the large number of backward classes in this country and also the problems that they are facing, this Commission can do justice only if they

have powers.

I would also like to say about their budget provisions. It should be a part of the Budget, otherwise, this Commission will not have the kind of individuality that the Government wants to give it or the Government wants it to have. There should be a budget provision for this Commission which Parliament is voting for. If there is a budget provision for this Commission, it will become more effective. I say this because, this Government headed by Shri Narasimha Rao Ji, wants to give such powers to the OBCs.

MR. DEPUTY-SPEAKER: How much time do you need further?

SHRI P.C.CHACKO: Sir, I want to make two or three points more.

MR. DEPUTY-SPEAKER: So, the time is extended.

18. 00 hrs.

SHRI P.C.CHACKO: Sir, after I presented this point, if I do not elaborate, I may be misunderstood. I am from the Treasury Benches and the thing is that I am supporting and asking for more powers and saying that the Resolution should not be withdrawn. The Minister may get angry with me if I do not substantiate my point. So, I may please be allowed to

MR. DEPUTY-SPEAKER: No, No. He is always smiling. He never gets angry.

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K.V.THANGKA BALU): This is very unfair, Sir.

SHRI CHITTA BASU (Barasat): Sir, he

is pressing for voting.

SHRI P.C.CHACKO: No, Sir, voting may not be necessary. This will be passed unanimously.

Sir, for enhancement of the welfare of the OBCs on the whole in the country there has to be a body, there has to be a mechanism to advise the Central Government, the State Governments and the Administration of the Union Territories. Lack of this is being felt in the country today. Ad hoc decisions are being taken. Here, it should be pointed out that what has happened in some States is just different from other States. Sir, there is no uniform policy. Numerically or percentage-wise it cannot be uniform. But, at the same time, there should be a uniform policy as far as the advancement and welfare of the Other Backward Classes and communities is concerned. This is the read lacunae which we are facing for the time being.

Sir, different State Governments are working in various States, in various circumstances, and under various political compulsions. Sir, you know the present reservation policy, the present percentage of reservation and subsequent controversies in various States. Things are dragged to the courts and even up to the apex court of the country. Therefore, this Commission should have the powers to advise the Government on matters regarding welfare, enhancement of reservations and other matters related to the OBCs and such advice should be binding on the Central Government also.

Sir, most of the problems which are cropping up every day and are being brought before this House on which we enter into arguments, can be avoided by this. Nobody has got any objection to give them what is due to them. It should be given also. If it is

not given, the situation will explode one day. No sensible party will say that it cannot be given, and it should be reduced. This kind of argument will not stand to reason. If anybody wants to pose as the messiah of the minorities or the Scheduled Tribes and Scheduled Castes merely for electoral purposes, that will be a temporary phenomenon. Being a Member of the Ruling party I know this is the basic faith for us. Sir, this is not a temporary issue; not something coming up temporarily for today or for tomorrow. I honestly feel, Sir, that this Backward Class Commission should be the advisory mechanism for the policy regarding the OBCs to be pursued in this country, to be implemented in this country at national level, at the State level and at the Union Territory level, by the respective Government agencies. If the Commission is given those powers, then only the purpose of this Commission will be justified. That is the most important thing I want to place before you. Also, Sir, as I have said earlier, if the Commission recommends something, if it is only on the paper and not accepted by the Government, there is no point in that. So, the recommendations of the Commission should be binding on the Government; the Government shall be ordinarily accepting all the recommendations of this Commission.

Also, Sir, the Commission, at present, do not have any powers to create any posts to discharge the duties. Considering the large area of their activities and the volume of this problem, they do not have the infrastructure to work properly. So, to build up the infrastructure of this Commission, they should have the powers to create sufficient infrastructure for implementing the heavy responsibilities entrusted to them. The Government has to take a deliberate decision to give them powers to set up that kind of infrastructure. Otherwise, the very intention of forming this Backward Class

Commission will not be appreciated. In this background, for the enhancement of the duties, for the enhancement of the powers, and for the enhancement of the responsibilities of this Commission, if the Government takes a conscious decision, there should not be any disagreement with the hon. Minister and the Government and Shri R. Anbarasu. The entire House unanimously expressed its view that this Commission should have sufficient powers.

Sir, I have cited some of the points. Because you wanted me to conclude I am not going into some of the other aspects. I am sure the other Members will raise them during the discussion subsequently.

So, the Backward Classes Commission should be made a powerful instrument for the purpose of social transformation, especially, for the emancipation of the backward classes. The intention of the Government should be for making this Commission a reality. So, this Commission should be given more powers, including financial, more responsibilities and so on. There should not be any financial constraints.

As far as grants are concerned, these grants should be voted by the Parliament. If these financial powers and other powers are given to this Commission will be able to discharge its functions more effectively.

I would also like to underline one important aspect and that is regarding the status of its Chairman and Members. I have already made a suggestion in this regard for the consideration of the Government. I have made this suggestion only to strengthen this Commission. I am sure, the Government will consider my suggestions and also the suggestions given by the hon. Members while speaking on the Resolution. If the

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Government wants this Commission to be more effective, then it should accept this Resolution.

With these few words, I once again support this Resolution.

MR. DEPUTY-SPEAKER: The time allotted for this discussion is already over. There are many hon. Members who want to speak on this Resolution. Is it the pleasure of the House to extend the time for this Resolution by one hour?

SEVERAL HON. MEMBERS: Let us extend it by two hours.

MAJ. GEN. (RETD.) BHUWAN

CHANDRA KHANDURI (Garhwal): Sir, not today.

MR. DEPUTY-SPEAKER: All right. For the time being, we shall extend it by one hour, then we will see. There are many hon. Members who want to speak on this Resolution.

Now, the House stands adjourned to re-assemble on Monday, 22nd August, 1994 at 11 a.m.

18. 08 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, August 22, 1994/ Sravana 31, 1916 (Saka).