

beg to lay on the table:-

- (1)(i) A copy of the proclamation (Hindi and English versions) dated the 11th March, 1993 issued but the President under article 356 of the Constitution in relation to the State of Tripura published in Notification No. G.S.R 273(E) in Gazette of India dated the 11th March, 1993 under article 356(3) of the Constitution.
- (ii) A copy of the Order (Hindi and English versions) dated the 11th March, 1993 made by the President in pursuance of sub-clause (i) of clause (c) of the above Proclamation published in Notification No. 274(E) in Gazette of India dated the 11th March, 1993.
- (2) A copy of the Report dated the 10th March, 1993 of the Governor of Tripura to the President (Hindi and English versions).

[Placed in Library Sec No.LT-3568/1993]

[Translation]

SHRI RAJVEER SINGH (Aonla): Mr. Chairman, Sir, it is 5.30 p.m. and the House will adjourn at 6.00 p.m. What has happened to the statement the Home Minister was likely to make, as was decided in the morning.

[Interruptions]

[English]

MR. CHAIRMAN: Now we take up Half-an-Hour Discussion.

[Interruptions]

MR. CHAIRMAN: Please do not disturb. We are in the Half-an-Hour Discussions. Let us go according to the proceedings.

[Interruptions]

[Translation]

PROF RASA SINGH RAWAT (Ajmer): Mr. Chairman, Sir, the House is anxious to know about the latest situation in Bombay,, what is happening in Bombay.

[English]

SHRI RAM NAIK (Bombay North): Sir, being concerned with Bombay city and that now only half an hour has remained, it may be indicated by what time the statement will be made.

MR. CHAIRMAN: You must remember, if the statement is ready the Minister will come here. Most probably it is not ready yet, so please be patient.

[Translation]

HALF-AN-HOUR DISCUSSION

MANDAL COMMISSION REPORT

SHRI UPENDRA NATH VERMA (Chatra): Mr. Chairman, Sir, the decision of Supreme Court in Mandal Commission case was given on 16th November. No concrete result has come so far in this regard even after a period of 100 days. Of course, it has been said that direction in this regard have been given, a letter has been written and constitution of a committee is in offing. This sort of prevarication has been there since long. You can well see to it that when was the Mandal Commission set up, when was its report presented and for what period it was kept in abeyance. You may also find that this report has been discussed in the House on many occasions. You may also think whether the report of Mandal Commission was ever opposed by anybody. I want to submit that the prevaricating attitude cannot see the things right. The time has changed therefore, through you, I want to submit to the Government to implement it honestly. It may also State whether it is going to implement it within next 2,4 or 6 month's and how many persons will be provided with employment or have already been provided job? Till date they have been

[Sh. Upendra Nath Verma]

making assurances only. But I doubt the very intention of the Government now. I want to submit that the Government is underestimating the situation. The situation has changed. Now the poor, the backwards, the weak and SCs and STs are not ready to tolerate it further. Your false assurances and manipulation of papers are not going to serve the purpose. I would request the Government to pay its attention to the areas where from the sound of bomb explosions and bullets is being heard. Which are these areas? These are the areas where SCs and STs dominate, where people still do not enjoy their rights. These are the very people. Think about these people who are leaving their village and coming on the streets. Even the religious barriers cannot stop them. They will march forward by breaking and violating these barriers and will get their right.

Sir, I would like to submit that you must immediately implement the Mandal Commission report in toto. What has the Supreme Court held, it has held that there should not be any economic criterion, at the same time, it has mentioned about creamy layer- while creamy layer itself is an economic criterion. So, this is contradictory. Therefore, I would like to submit to you to leave all this and make an announcement immediately, rather implement this order. And secure the SCs and STs and weaker sections of society their due rights immediately. Failing which, they are not going to keep mum. Now, it is too much, not only this, ever since reservation is there, all the reserved posts for SCs and STs have not just have a look that been fulfilled. I know there are 1.5 lakh reserved posts in Bihar have been grabbed by the candidates of the general category and if it is calculated in terms of rupees, it comes to 450 crore rupees, the amount which should have gone to SCs and STs. They are deprived of it and others are enjoying it. If it is calculated at the national level then it comes to 2400 crore rupees. Does the Government have this much power to return this amounts to those for whom it is actually meant no, it cannot do so. Let bygones be

bygones but now their due rights should be given to them otherwise the situation will be out of control. You cannot entice them. You cannot pacify them by merely giving fake assurances. The way disparity and injustice are increasing in society is unbearable. When there is disparity in society, it creates disorder which further gives birth to chaos in society. As you know this disorder in society sometime gives birth to Phoolan Devi and another times Meera Thakurain, Munna Dhoabin, Mohan Bind and Ramashis Koiri. When any one of them fights for his rights, the situation worsens. I would like to suggest you not to do like this in future.

Sir, four years ago on 2nd March 1988, the Scheduled Castes and Scheduled Tribes Judicial Officers Association submitted a memorandum to the High Court to the effect that not a single Judge representing SCs and STs had then been appointed as a Judge of Patna High Court. You should give them representation. On this, they were told that nobody from these communities is competent and capable enough to become a Judge. In fact, it is not so, they are quite competent but the intention of Government not clear. Those who are in power and dominate society are dishonest and do not want to give it to them. Therefore, I want you to draw the attention of the Government to this danger. Only assurances have been made so far but now mere assurances cannot work. Now, in forests and hills, where the poor live, a new school has opened which teaches that you cannot decide your future in this way, you will have to resort to bullets. Why? Therefore, I request you not to allow such situation to emerge. Otherwise it will be very unfortunate for the country. Now it would not be proper to postpone the matter anymore because the people of the area are raising slogan:-

"Uth jaag jawan -o-shoshit ke, kar inqalab ki tayyari,  
Barood bitcha chuka jagah jagah,  
bus jara lagade chingari."

I would like the Government to act upon the verdict given by the Supreme Court. The Government should adopt a practical and

not a theoretical approach.

**SHRI SANTOSH KUMAR GANGWAR** (Bareilly): Mr. Chairman, Sir, this question was very important and Shri Verma has dealt with the matter quite extensively. This discussion was to take place on 25th but could not take place due to particular circumstances. The hon. Minister in his reply had clearly written that no instructions were issued for the constitution of a permanent body to identify the backward classes in this form, in other works no new backward class was to be identified. The only directions issued were to write to the State Governments in case of any complaint or a suggestion after which the State Governments should take decision on them at the earliest and give their suggestions in that respect. But 100 days have already passed. The Government policy- in all the cases is so ineffective that normally 3-4 months pass without any concrete result. Though the State Governments have been asked, but none of the State Government has so far, given any useful information or suggestion. The hon. Minister has also told that no permanent body has been constituted in any State. It further says that the Government would think over the proposal for enacting an Act to this effect in the House soon. How much more time will be needed to complete this process? The Supreme Court has already issued clear direction on 16th November, even then the public sentiments are being ignored.

I do not want to deliver a long speech in this respect, but I would like to bring two three points to the notice of the hon. Minister.

First of all, a time schedule should be framed with regard to the Constitution of the National Commission and also regarding the submission of its report. It should not take three years in place of three months. Secondly, there is no need to seek the public opinion throughout the country with regard to the identification of backward classes. Why reservation facility is not being provided in jobs immediately? If at all there is confusion with regard to the inclu-

sion of any of the caste, the matter may be taken up by presenting a Bill in the House, if any of the castes remains excluded, it may be included afterwards. But why reservation facility is not being providing in jobs at present? The procedure of providing reservation facility to backward classes should be started with immediate effect in the present recruitment system. However, this is not being done and this makes the Government's intention doubtful.

Besides, the above points, I would like to state that the Government has agreed in the Lok Sabha to take the matter of including those sections of people who are leading their lives below the poverty line, in the category of backward classes. What initiatives the Government is taking with regard to it? These are the three points regarding which I would like the hon. Minister to give his clarifications. The commission should not only be constituted but its report should also be published at the earliest and the matter be given its final shape. The report must be submitted in the current session itself and not be delayed at any cost. At the same time, the reservation facility should be provided to the backward classes in jobs with immediate effect. The hon. Minister may kindly clarify the situation with regard to these three matters so that the people of the country may be apprised of the real situation.

**SHRI RAM VILAS PASWAN** (Rosera) : Mr. Chairman, Sir, today we are again talking about the Mandal Commission. I would like to thank the hon. Speaker who realised the gravity of the subject and permitted for half an hour discussion.

Mr. Chairman, Sir, I would not like to go into the details as to what happened in the past, Shri Verma has already discussed all about it in detail. Everything depends upon the political will. In the present democratic set up, rulers do not inherit power, rather they are elected through the voting system. Majority rules, however, despite the number of people belonging to backward and suppressed classes and the minorities being greater, 90 per cent of this section is forced

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to live on begging. Only a handful of people have been keeping their hold on power. Therefore, the question is that of intention. I would not hesitate to say that had the intentions of the Government been clear, the recommendations of Kaka Kalekar Commission would have been implemented 35 years ago and the present situation would not have arisen. Even if the intentions of our party had been clear when we came in power in 1977, we could have implemented the same in 1977. But we also set up a new commission under the name of Mandal Commission. Though this commission submitted its report in 1980 but its recommendations were not implemented for ten years. It was only in 1990. Ten years after the submission of the report—that we succeeded to implement its recommendations.

Mr. Chairman, Sir, you know that the recommendations of Mandal Commission were implemented, thereafter the matter was taken to supreme Court. But the Government's intentions were not clear. It tried its level best to add a clause of economic basis in the reservation for backward classes—which we opposed to our policy. The total number of Lok Sabha Members at present is 540 out of which 100 Members are present and these are also being forced to get out. 2 per cent of the total population constitutes backward classes and 4 percent seats are reserved for them in jobs. Even then the Government proposes to take creamy layer. Our Government was totally against it, however, the Congress Government reiterated to add the condition of economic basis. That is why the Supreme Court asked the Government to define what 'creamy layer' meant. The hon. Minister is present here. The Committee constituted with regard to the matter of 'creamy layer'—I was watching TV three days back—submitted its report to the Government before 15th. If the hon. Minister is not against the public welfare—and do feel that he is not against he would certainly try to clarify what the term 'creamy layer' stands for in the report and which classes are to be consid-

ered advance backward classes. Mr. Chairman, Sir, similarly, in the judgement delivered on the 16th November, the Supreme Court has stated clearly that the recommendations of Mandal Commission have been implemented. I would like to know from the Government about the specific places where these recommendations have been implemented. Perhaps the Supreme Court has referred to that matter in which our Government deputed 14 Joint Secretaries to get the list from the states and finalise it; after which no declaration was made though everything was finalised. We do feel even today that if the backward classes being provided reservation facility are the same which have been enlisted in the Mandal Commission report, the Supreme Court would not impose any restriction over it. However, if the matter concerns the 'creamy layer' it may remove them from the list on the day it succeeds in finalising the creamy layer.

I had pointed out the other day too, but the hon. Minister could not understand it, thereafter he admitted that I was right but also said that I failed to make him understand. I said that I tried my level best to make him understand. Recently the advertisement for IAS examination for 1993-94 has published, IAS and IPS examination will be conducted.. (*Interruptions*).. Mr. Chairman, Sir, just as under Rule 193, one hour discussion is allowed, but it goes on for about three hours. Similarly half-an hour discussion normally is extended to one hour and the Members have the facility to ask question and clarify their points of view. I would not take much of your time.

Mr. Chairman, Sir, I would like to state that the IAS and IPS examinations for the year 1993-94 are going to be held— I do not say that the Government's intentions are not clear, however perhaps the Government is unaware that it would take about a year when the result of the present examinations for 1993-94 will be declared. The Government has made no provision for reservation for backward classes. What will be its consequences? The consequences will be that the candidates of backward

classes would not appear in the examination. If the Government was interested, it could have added the column for the candidates of backward classes. The time by which the backward class candidate would qualify the preliminary test and would be placed in the final list, the Government's concept of economic criteria would have been clarified.....

The candidates from creamy layer should have been excluded so that candidates lower than creamy layer would have got seat. That is why I had said that we had launched an agitation. On the 22nd I courted arrest and along with Mr Shri V.P. Singh too courted arrest. So that importance of the issue could be highlighted. If the hon. Minister, can do anything in favour of it, he must do that. The States where list of backward classes are not prepared..

*(Interruptions)*

THE MINISTER OF WELFARE (SHRI SITARAM KESARI) : If something can be done and if there is some provision, the Government will think over it.. *(Interruptions)*

SHRI RAM VILAS PASWAN: The list of backward classes has not been prepared in some States, namely Rajasthan, Himachal Pradesh, Orissa and West Bengal. This matter cannot be left to the State Governments. The Supreme Court of India has given a verdict in Mandal Commission case. The Mandal Commission has recommended for alist of castes to be prepared by each State. The Central Government is accountable to it. A Commission should be set up at the earliest. If you life, you may send one Joint Secretary to each State where list of backward classes is not prepared. They will finalise the list after consulting the State Governments. No State Government has courage to exclude any person belonging to backward class as from the list. No State Government will implement the principle of creamy layer because this matter is directly concerned with votes. The sooner you finalise the list, the sonner the State Governments will start their work. Forthly, there

is a question of limit of 50 per cent reservation. The Supreme Court of India has fixed the limit of reservation of 50 per cent. The other day when Shri Ram Lakhn Singh Yadav asked a question, the Government replied that as per the orders of the Supreme Court, the reservation cannot exceed 50 per cent. The Supreme Court has not made it a hard and fast rule...*(Interruptions)*

*[English]*

SHRI A. CHARLES: Can you kindly tell me why your Government had issued the order without doing the preliminary work of preparing the lists etc.

*(Interruptions)*

SHRI RAM VILAS PASWAN: You do not know Mr. Charles. Our Government did not decide anything. Our Government decided common list. By common list I mean those castes which are already getting backward facility in their States and which are in the list of Mandal Commission also. Those who are in the common list will get the first rank. *(Interruptions)*

SHRI A. CHARLES: Your Government did not do anything. That is exactly what I wanted to know.

*(Interruptions)*

*[Translation]*

SHRI RAM VILAS PASWAN: On that day he had told that the reservation for scheduled caste and Scheduled Tribes is 22.5 per cent and 27 per cent for backward classes. If the recommendation for 27 per cent reservation made by the Mandal Commission is taken into account, it comes to 49.5 per cent. I would like to urge upon the Government to amend the Constitution if necessary. In Tamil Nadu, the reservation is 71 per cent and in Karnataka it is 68 per cent. These are many States where reservation is more than 60 per cent. Simi-

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larily, there is reservation for the handicapped and ex-servicemen. There was no hard and fact rule in the Constitution in this regard. Therefore, the Supreme Court has clarified the Constitutional provisions. I want that the States where there is more than 50 per cent reservation, it should continue there in the interest of backward classes and if there is a need to amend the Constitution, it should be amended suitably. In the end, there is the question of reservation in promotions. We raised this issue on 4th December. On 22nd December you had made an announcement in this House. I know what you have written. But a change was made when it was sent to the Head of the Department. I am not blaming the Government for it. The Prime Minister is Head of the Department. He said that the interest of S.Cs and S.Ts would be safeguarded. You have announced it in this very House on 22nd December. But the Government wrote a letter a week ago after passing the months of January and February. Why a prompt person like he does not remain alert in the matter. He should have done it at once. I cited an example of Punjab on that day. I said that there is provision of reservation in promotions at several stages. Some irregularity has been committed in the quota for high officers. You may examine it. You may get it examined by the law experts of the Ministry of Law as well as A.G. If an amendment to the Constitution is needed, then it should be made. A conspiracy is being hatched as to how to create a wedge between the backward classes and the Scheduled Castes, and between backward classes and the minorities. In order to ensure that they may not fall prey to such conspiracies, it has been our effort to maintain harmony between the two. While the reservation for Scheduled Castes and Scheduled Tribes is like the inner ring road, the reservation for backward classes is like outer ring road. So, it is a double lock. Both are complementary to each other, and not rival to each other. Therefore, the Government has to protect the reservation for Scheduled Castes and Scheduled Tribes as also to provide for

reservation for backward classes. If there is a need to provide reservation facility to minorities, the Government should provide it. We do plead the case. Coming back to Mandal Commission, I would like to reiterate that there is only single judge belonging to Scheduled Castes. He was not included in the panel of judges. The Government did not hold any discussion with any official of Scheduled Castes or any social organisation. Rather, it has tried to complicate the matter under 16 (4). In this matter, I would like to urge upon the Government to look into it. The matter concerning reservation for Scheduled Castes and Scheduled Tribes in promotions and reservation for them should not be hanged on. It is an important issue. Nothing is more important than this issue. It is a question of earning bread and sharing the power. You and we come here only for five years. But an officer is recruited for full life to govern the country. When political reservation was made nobody tried to perform Self-immolation. But when reservation for backward classes was made, a number of self-immolations were performed. It is a serious matter which should be taken up seriously on an equal footing. The Government should take up it as well as show courage to implement it.

Shri Rajesh Pilot is sitting here. Whenever he goes, people ask him about it. So, all the Ministers should also look into it. It is a serious matter. If your intention is clear and you political will, the verdict of the Supreme Court as well as the report of the Mandal Commission should be implemented in toto. As I have said reservation in IPS and IAS cadres should not be allowed to linger on.

With these words, I conclude and thank you for giving me time to speak.

[English]

MR. CHAIRMAN: May I get the sense of the House? Now, the hon. Home Minister is here. All of us, a few minutes ago, wanted to get some information. We will postpone this item new, let him give us the information

that he has with him.

SHRI RAM NAIK (Bombay North) : I would like to say something if possible earlier, or afterwards. It pertains to my city.

MR. CHAIRMAN: Afterwards.

19.59 hrs.

STATEMENT BY MINISTRY  
BOMB BLASTS IN BOMBAY -CONTD.

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS: (SHRI RAJESH PILOT) : Mr. Chairman, Sir, as I have informed the House a short while ago that today a tragic incident has occurred in Bombay. I had given all the information to the House that had reached the Government by that time. I went back and tried to a talk to the Chief Minister. But the entire administration was busy at that time in providing relief to the affected people. Some people were being taken to hospitals. I talked to the Chief Minister five minutes back. He explained to me that there was a bomb blast at Bombay Exchange, Dalal Street about half past one today. There were different kinds of bomb blasts at 13 places within the duration of two hours from half past one to quarter to three. According to the Government of Maharashtra, bombs were kept in vehicles and cars and they are parked in crowded area. Probably these were time bombs. The moment it was the fixed time, bombs blasted at 13 places within two hours. In these bomb blasts, our 84 people were killed.

18.00 hrs..

495 persons have been injured and about 150 of them are serious, and the condition of 22 persons of them is very critical. All injured persons have been admitted to hospitals. The situation is well under control of the State Government. It is making all possible efforts to help. The Chief

Minister of the State has assured me that the situation is well under control. We have assured him that the State will be given full cooperation from the Centre. It will be provided para military forces and specialists to find out the nature of the blasts and fix the responsibility. We have decided to send a high-level team to Bombay within an hour. The team will comprise experts from the RAW, I.B., N.S.G., R.B. and bomb disposal squads. They are scheduled to reach at night so that prompt action may be taken there. Then we will come to know as to where, how and in what manner the incident took place.

Mr. Chairman, Sir, I have assured the Chief Minister of the State that in order to have control over the situation the Central Government will provide every assistance whenever asked by the State. Moreover, red alert has been sounded in the country. All sensitive areas have been taken under control to avert spread of such incidents. I agree with Shri Advani that everybody was concerned with such incidents. He has rightly pointed out that the blast took place in a train. According to the information it was the local train wherein the blast took place. Keeping this in view the Government has made adequate arrangement to stave off the recurrence of such mishaps. So far as the Maharashtra Government is concerned, I have intimated the Chief Minister personally that adequate arrangements have been made and a team will be sent there today itself. I have talked with the hon. Minister of Home Affairs and he has said that he would personally visit Bombay and assess the situation. If there is any other information besides it, I will inform you.

[English]

SHRI RAM NAIK (Bombay North) : Mr. Chairman, Sir, I have the latest information about the bomb blasts in Bombay and these 13 places which have been indicated are the most sensitive places in Bombay. They are, Air Indian's building, Stock Exchange, Katha Bazar, Shiv Sena building, Century Bazar, worli, Passport Office, Centaur Hotel